

## Committee of the Whole

February 14, 2019 – Following Council

Council Chambers, Grey County Administration Building

1. Call to Order
2. Declaration of Pecuniary Interest
3. Determination of Items Requiring Separate Discussion
4. Consent Agenda

**That the following Consent Agenda items be received; and**

**That staff be authorized to take the actions necessary to give effect to the recommendations in the staff reports; and**

**That the correspondence be supported or received for information as recommended in the consent agenda.**

- a. Public Meeting Minutes dated January 21, 2019 - Meaford

**That the Public Meeting Minutes dated January 23, 2019 regarding Official Plan Amendment 145 be adopted as presented.**

- b. Blue Mountain Resorts Correspondence dated January 22, 2019

**That the Blue Mountain Resorts correspondence dated January 22, 2019 regarding funding for the Collingwood General & Marine Hospital be received for information.**

- c. Ministry of Health and Long-Term Care Correspondence dated January 23, 2019

**That the Ministry of Health and Long-Term Care correspondence dated January 23, 2019 regarding the long-term care capital projects in Grey County be received for information.**

- d. Ministry of Municipal Affairs and Housing Correspondence dated January 31, 2019

**That the Ministry of Municipal Affairs and Housing correspondence dated January 31, 2019 regarding a consultation on joint and several liability be received for information.**

- e. Grey County and Bruce County Federations of Agriculture Correspondence dated February 4, 2019

**That the Grey County and Bruce County Federations of Agriculture correspondence dated February 4, 2019 regarding the 11<sup>th</sup> Annual Politicians Meeting be received for information.**

**5. Items For Direction and Discussion**

- a. Grape Growers of Ontario Correspondence dated January 23, 2019

**WHEREAS Ontario's grape and wine industry is an important and unique part of Grey County's economy;**

**AND WHEREAS Grey County also has an emerging craft cider and beer sector that continues to grow and expand creating jobs and investments within the County;**

**AND WHEREAS the Government of Ontario has announced its plan to modernize alcohol sales by expanding the sale of wine, cider and beer to corner stores, grocery stores and big-box stores, based on market demand and has requested public input on its plan through an online survey until February 1, 2019;**

**AND WHEREAS this decision represents a significant opportunity to strengthen Grey's economy by growing Ontario's wine, craft cider and beer industries through increased consumer access;**

**THEREFORE, BE IT RESOLVED that Council of The Corporation of the County of Grey requests that the Provincial Government include in its retail channel regulations and specific policies that support and expand the growth of 100 percent Ontario grown and produced wines and Ontario made craft cider and beer in its retail channel regulations; and**

**THAT any proposed distribution model also allow for independent private retail stores and access to these stores for small wineries through direct distribution by the wineries or via independent distributors serving Ontario producers.**

- b. PDR-CW-15-19 Windfall Redline Revisions – Town of the Blue Mountains

**That Report PDR-CW-15-19 be received which provides an overview of proposed redline revisions to draft approved plan of subdivision 42T-2010-03 known as Windfall on lands described as Part of Lot 16, Concession 1, (geographic Township of Collingwood) in the Town of The Blue Mountains.**

- c. PDR-CW-16-19 Confirmation of Tree Canopy and Natural Vegetation Protection and Enhancement Policies

**That a by-law be enacted by Council which confirms that the policies set out in the current and adopted County Official Plan addresses the requirements of**

**the *Municipal Act* to establish policies to protect and enhance the tree canopy and natural vegetation within Grey County; and**

**That the County confirms that the County Forest Management By-law and the sustainable management of the County's Forests also help to protect and enhance the tree canopy and natural vegetation.**

d. TR-CW-01-19 Seasonal Load Restriction Assessment

**That Report TR-CW-01-19 regarding a Seasonal Load Restriction Assessment be received; and**

**That the seasonal load restrictions remain as previously established, with the exception of the removal of Grey Road 5 (8<sup>th</sup> Street East) between 9<sup>th</sup> Avenue East and Highway 26 in the City of Owen Sound; and**

**That Schedule "S" of By-Law 4788-13 be amended to reflect the current and proposed changes to Seasonal Load Restrictions.**

e. LSR-CW-01-19 Appointment of Prosecutors

**That the Director of Legal Services – County Solicitor be appointed as a municipal prosecutor on behalf of the County;**

**That the Director of Legal Services – County Solicitor be authorized to appoint municipal prosecutors on behalf of the County from time to time; and**

**That all such municipal prosecutors appointed hereby be authorized to exercise the lawful authority of a public prosecutor without restriction except by prosecutorial policy enacted by the Ministry of the Attorney General ("MAG") or by County policy properly enacted in accordance with the 2000/2001 Memorandum of Agreement and Local Side Agreement between the County, the County of Bruce, and MAG and the 2000/2001 Intermunicipal Service Agreement between the County and Bruce County made pursuant to those agreements; and**

**That a By-law be prepared for consideration by County Council.**

f. Grey County-Town of the Blue Mountains Task Force

**That the Committee of the Whole accepts Councillor Bartnicki's resignation from the Grey County-Town of the Blue Mountains Task Force; and**

**That Councillor \_\_\_\_\_ be appointed as a member of the Grey County-Town of the Blue Mountains Task Force for 2019.**

**6. Other Business**

**7. Notice of Motion**

**8. Adjournment**

## Joint Public Meeting – OPA 145

Monday, January 21, 2019 – 6:25 p.m.

A Grey County public meeting was held at the Municipality of Meaford Council Chambers, Meaford, Ontario with the following members in attendance:

Municipal Council Members Present: Mayor/Chair Barb Clumpus, Deputy Mayor Shirley Keaveney; Councillors Harley Greenfield, Tony Bell, Paul Vickers, Steve Bartley and Ross Kentner

Municipal Staff Present: Rob Armstrong and Matt Smith

County Staff Present: Stephanie Lacey-Avon, Intermediate Planner and Monica Scribner, Recording Secretary

Also present: Ron Davidson, Applicants Consultant and Mike Todd, Applicant

Proposed County Official Plan Amendment, Local Official Plan Amendment and Consent application on lands described as Part Lot 32, Concession 3; in the Municipality of Meaford (Geographic Township of Sydenham) County file number 42-10-510-OPA-145.

## Call to Order

Chair Clumpus called the public meeting to order then welcomed everyone on behalf of the County. Introductions then followed.

Stephanie Lacey-Avon read the regulations.

The proposed County Official Plan Amendment, Local Official Plan Amendment and Consent application affect those lands described as Concession 3, Part Lot 32, known locally as 599448, 599450 & 599460 2<sup>nd</sup> Concession North in the geographic Township of Sydenham now in the Municipality of Meaford.

This development requires three applications, a County of Grey Official Plan Amendment, a Local Official Plan Amendment and a Consent application. In order for the development to move forward, approvals are needed on all of the applications. The County makes the decision on the County Official Plan Amendment application and the

Municipality makes the decision on the Local Official Plan Amendment and Consent applications.

The lands are designated as 'Agricultural' and 'Hazard Lands' in the County Official Plan and as 'Agricultural' and 'Environmental Protection' in the Municipality of Meaford Official Plan. The proposed County Official Plan Amendment would consider exception to the agricultural consent policy 2.1.4, where 40 hectares is the minimum lot size requirement. The subject property is 42.26 hectares, and the proposed retained parcel would be 34.78 hectares and the severed parcel would be 10.5 hectares. Both the retained and the severed parcels would be smaller than 40 hectares.

The proposed Municipal Official Plan Amendment would create a site-specific exception to Sections B2.1.4 (Development Policies), B2.1.4.1 (The Creation of New Lots) of the Official Plan to permit two newly created agricultural lots that would be smaller than 40 hectares.

As required by Section 17 and 34 of the Planning Act RSO 1990, as amended, Council shall ensure that at least one public meeting is held, notice of which shall be given in the manner and to the persons and public bodies containing the prescribed information.

In accordance with the Planning Act and the implementing Regulations the County of Grey gave notice of this Public Meeting, by individual prepaid first class mail to persons within 120 metres based on the most recent assessment information provided by MPAC (Municipal Property Assessment Corporation), and to an extensive list of agencies as set out in the regulations. A sign was also posted on the property. The public meeting notice is located on the County web site at [www.grey.ca](http://www.grey.ca).

It is imperative to note that:

If a person or public body would otherwise have an ability to appeal the decision of County of Grey in reference to the official plan amendment, to the Local Planning Appeal Tribunal but the person or public body does not make oral submissions at a public meeting or make written submissions to Grey County before the plan amendment is decided upon, the person or public body is not entitled to appeal the decision.

If a person or public body does not make oral submissions at a public meeting, or make written submissions to County of Grey in reference to the official plan amendment, before the plan amendment is decided upon, the person or public body may not be added as a party to the hearing of an appeal before the Local Planning Appeal Tribunal unless, in the opinion of the Tribunal, there are reasonable grounds to do so.

If you wish to be notified of the decision of the proposed Official Plan Amendment you must make a written request to the County of Grey at 595 9th Ave. East, Owen Sound, Ontario N4K 3E3. This can be mailed to the County or deposited with the Administrative

Assistant, Monica Scribner this evening. We have business cards here today if you need the contact information.

If you wish to be notified on the decision of the Local Official Plan Amendment or Consent application, please make a written request to the Municipality of Meaford at 21 Trowbridge Street West, Meaford, Ontario N4L 1A1. This can be mailed to the Municipality of Meaford or can be deposited with the Clerk, this evening.

If there are any comments, questions or concerns for those in attendance this evening please address the Chair and give your name and Lot and Concession, or civic address, for the record.

### **Comments were received from the following:**

#### Bluewater District School Board (BWDSB), dated November 6, 2018

“Bluewater District School Board has no concerns or comments on the severances at this time.”

#### Historic Saugeen Metis (HSM), dated November 12, 2018

“The Historic Saugeen Metis have no objection or opposition to the proposed development, land designation, rezoning, land severance, Official Plan and/or Zoning By-law Amendments.”

#### Enbridge Gas Distribution, dated November 15, 2018

“Enbridge Gas Distribution does not object to the proposed applications(s).”

#### Christine and Peter Silvester, dated January 21, 2019

Mr. and Mrs. Silvester are neighbours of the Coffin Ridge Winery. A letter was received later today (January 21, 2019) from the Silvester’s. Mr. Armstrong and Ms. Lacey-Avon will consult with the applicant regarding concerns raised by the Silvester’s and will be in correspondence with the Silvester’s to answer their inquiries.

### **COMMENTS FROM THE APPLICANTS CONSULTANT**

Ron Davidson of Ron Davidson Planning Consultants Inc. presented the following information on the proposed application.

Most of you have been to the beautiful Coffin Ridge Winery. Cider making and selling has become a big part of their operation. Currently they have to import special apples to create cider.

The approval would grant the opportunity for the applicant to grow their own apples on a 10 hectare parcel where the applicant's home lies. The applicant's parents would retain their home on the remaining 34 hectares where the winery is located.

Converting the land back to agricultural use should be easy. It has been previously farmed and a two acre parcel is currently being worked by a farmer. The properties would have no new structures or buildings built at this time and should create no physical or visual impact changes.

The new County Official Plan will permit this use, but County planning staff are currently awaiting approval from the province. The applicant would like to move forward now with the proposal and start planting the apples trees as soon as possible.

A consent application to sever the 10 hectare parcel will be submitted following approval of both the Municipality of Meaford Official Plan and County Official Plan Amendments.

## **COMMENTS FROM THE PUBLIC**

There were no comments in favour of, or in opposition of the applications.

## **COMMENTS FROM THE MUNICIPAL STAFF/COUNCIL**

Chair Clumpus asked for comments from council and staff.

Councillor Bartley questioned how a second home appeared on the same 44 hectare parcel. Mr. Armstrong explained that current County and Meaford planning policy permit a second dwelling on Agricultural lands for full-time on-farm help.

Mr. Armstrong stated that County and Municipal staff will work together to reply to the neighbour who sent in the letter and address any concerns. The County will first make the decision on the County Official Plan Amendment, and then Meaford Council will make decisions on the Local Official Plan Amendment and Consent applications.

Mayor Clumpus thanked everyone for coming and adjourned the public meeting at 6:40 p.m.

Planning Chair Barb Clumpus

**Blue Mountain Resorts LP**

190 Gord Canning Drive, Blue Mountains, Ontario L9Y 1C2  
Phone: (705) 445-0231 | Toll Free: (877) 445-0231 | Fax: (705) 444-1751  
Web: [www.bluemountain.ca](http://www.bluemountain.ca) | Email: [mail@bluemountain.ca](mailto:mail@bluemountain.ca)



January 22, 2019

Corporation of the County of Grey  
Warden Stewart Halliday  
595 9<sup>th</sup> Avenue East  
Owen Sound, ON N4K 3E3

Dear Warden Halliday,

Please consider this to be a letter of support of the Collingwood General & Marine Hospital's (CGMH) request for support of their hospital redevelopment project which came before the previous Council in September.

As the largest employer in Grey County and a major player in the recreation industry, Blue Mountain Resort relies heavily on the services of CGMH. As I'm sure you're aware from their original presentation, Grey County residents, weekenders and visitors to Grey's many exceptional recreational facilities account for about 19% of all emergency patients, 15% of all surgeries and surprisingly, 20% of all babies born at CGMH.

Blue Mountain Resort works closely with CGMH to ensure that our guests and staff are treated promptly and appropriately. As the major trauma centre for South Georgian Bay, CGMH must be prepared to handle any emergency that comes through their doors. They have demonstrated their ability to provide exceptional care over and over again but most dramatically, last February when they successfully responded to a mass trauma situation. With less than 10 minutes warning and with an already full emergency department, CGMH physicians and staff diagnosed, stabilized and arranged safe medivac for two adults and six children, bringing accolades from the Hospital for Sick Children in Toronto.

All of this care is currently delivered in an aging and cramped facility. The CGMH Emergency Department, which sees over 37,000 patients annually, was only built to handle less than 20,000. Their 73 inpatient beds run at constant over capacity. They serve as a regional orthopaedic centre of excellence which is important not just to the recreation industry in Grey, but to the higher than average seniors population served by CGMH.

We, like the other ski and recreation facilities across the Escarpment, hope to continue to grow our business and our employment base, but we must have a hospital facility that is capable of handling this continual growth.

As a major supporter of CGMH for more than 30 years, we at Blue Mountain Resorts ask you to consider carefully the CGMH request to fund \$3 million over the next 10 years. We believe that you will find this to be an excellent investment for both the residents of Grey as well as the many recreational businesses across the County.

Thank you for considering this important proposal.

Sincerely,

Dan Skelton  
President & CEO

c. Kim Wingrove, CAO, Corporation of the County of Grey

**Ministry of Health  
and Long-Term Care**

Office of the Deputy Premier  
and Minister of Health and  
Long-Term Care

10th Floor, Hepburn Block  
80 Grosvenor Street  
Toronto ON M7A 2C4  
Telephone: 416-327-4300  
www.ontario.ca/health

**Ministère de la Santé  
et des Soins de longue durée**

Bureau du vice-premier ministre et  
ministre de la Santé et des  
Soins de longue durée

Édifice Hepburn, 10<sup>e</sup> étage  
80, rue Grosvenor  
Toronto ON M7A 2C4  
Téléphone : 416 327-4300  
www.ontario.ca/sante



JAN 23 2019

361-2018-1933

Mr. Stewart Halliday  
Warden, Grey County  
595 9th Avenue East  
Owen Sound ON N4K 3E3

Dear Warden Halliday:

Thank you for your letter regarding the long-term care capital projects in Grey County.

Our ministry supports long-term care projects across the province, including self-funded projects.

We are committed to creating 15,000 long-term care beds and spaces within five years, and 30,000 in 10 years. We have taken early action on our long-term care commitment, by announcing that we are moving forward with the first 6,075 beds – an exciting announcement within the first 100 days into our mandate.

We are currently reviewing all applications and will be communicating with the homes about the status of these requests in the near future.

Thank you again for writing.

Sincerely,

A handwritten signature in cursive script that reads "Christine Elliott".

Christine Elliott  
Deputy Premier and Minister of Health and Long-Term Care

**Ministry of  
Municipal Affairs  
and Housing**

Office of the Minister

777 Bay Street, 17<sup>th</sup> Floor  
Toronto ON M5G 2E5  
Tel.: 416 585-6500

**Ministère des  
Affaires municipales  
et du Logement**

Bureau du ministre

777, rue Bay, 17<sup>e</sup> étage  
Toronto ON M5G 2E5  
Tél. : 416 585-6500



January 31, 2019

Dear Head of Council:

On Monday at the ROMA conference, Premier Doug Ford announced the Ministry of Municipal Affairs and Housing and the Ministry of the Attorney General intend to launch a consultation on the long-standing issues surrounding joint and several liability.

We have listened to our municipal partners across the province and have heard the concerns about insurance costs and a “liability chill” affecting the delivery of everyday public services.

We want to gather the facts, so we are going to consult with you. We’ll need to look at the evidence and develop solutions that make sense for the people and ensure that vulnerable, injured Ontarians are compensated fairly. This will be an honest conversation, and our decisions must be based on hard facts and evidence.

Minister Mulroney and I look forward to these important discussions. Details related to the consultation process and timing will be shared in the near future.

Sincerely,

A handwritten signature in blue ink that reads "Steve Clark".

Steve Clark  
Minister

**Ministry of  
Municipal Affairs  
and Housing**

Office of the Minister

777 Bay Street, 17<sup>th</sup> Floor  
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Tel.: 416 585-6500

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777, rue Bay, 17<sup>e</sup> étage  
Toronto ON M5G 2E5  
Tél. : 416 585-6500



Ontario

Le 31 janvier 2019

Chères présidentes et chers présidents de conseil municipal,

Lundi, au congrès de ROMA, le premier ministre Doug Ford a annoncé que le ministère des Affaires municipales et du Logement et le ministère du Procureur général prévoient lancer une consultation sur les questions de longue date entourant la responsabilité conjointe et individuelle.

Nous avons écouté nos partenaires municipaux de toute la province et avons entendu leurs préoccupations concernant les coûts d'assurance et « l'effet de refroidissement » associé à la responsabilité qui nuisent à la prestation des services publics courants.

Nous voulons recueillir les faits : c'est pourquoi nous allons vous consulter. Nous devons examiner les données probantes et élaborer des solutions logiques pour la population, tout en veillant à ce que les Ontariennes et les Ontariens vulnérables et blessés soient indemnisés équitablement. Il s'agira d'une conversation franche, et nous devons fonder nos décisions sur des faits et des preuves indéniables.

La ministre Mulroney et moi avons hâte de tenir ces importantes discussions. Les détails du processus et du calendrier de consultation seront communiqués bientôt.

Le ministre,

A handwritten signature in blue ink that reads "Steve Clark".

Steve Clark



February 4, 2019

The Bruce County and Grey County Federations of Agriculture feel it is important to take time to provide our elected Municipal, Provincial and Federal government representatives with constructive input from grassroots organizations. We would like to enhance communication between the agricultural industry and all levels of government so we might create a better understanding of issues creating barriers to successful rural communities and profitable farming families.

**We would like to cordially invite you to our  
11<sup>th</sup> Annual Politicians Meeting on Saturday March 9th from 10am to 3pm  
at the Elmwood Community Centre.**

**Lunch will be provided.**

***We hope you will consider this a priority in your busy schedule.***

Several commodity groups will be invited to participate by providing a brief and then speaking to a portion of their brief during the day. All briefs will be compiled into a portfolio and we will endeavor to provide a copy to you at least one week in advance of the meeting for your review.

The comments over the past few years have truly been encouraging as the meeting is educational for everyone with open, non-confrontational dialogue. We would be very pleased if you could attend and request a **response by February 22nd.**

Sincerely,

*Hugh Simpson, President*  
Grey County Federation of Agriculture

*John Rodgers, President*  
Bruce County Federation of Agriculture

446 – 10<sup>TH</sup> Street Hanover, ON N4N 1P9  
Phone: 519-364-3050 Ext. 1 Fax: 519-506-3058 e-mail: [bruce@ofa.on.ca](mailto:bruce@ofa.on.ca) or [grey@ofa.on.ca](mailto:grey@ofa.on.ca)  
Office Administrator: Jackie Pennings



# Grape Growers of ONTARIO

January 23, 2019

Ms. Heather Morrison  
County Clerk, Grey County  
595 9th Avenue East  
Owen Sound, Ontario N4K3E3

Dear Ms. Morrison,

The Grape Growers of Ontario (GGO) is the official organization operating under the Farm Products Marketing Act that represents all of Ontario's 500 processing grape growers of 17,000 acres of vineyards, including 180 wineries. The Ontario Grape and Wine Industry delivers a significant \$4.4 billion economic impact to the province including \$2.97 billion business revenue, \$870 million in wages, 18,000 jobs, \$522 million in tax revenue, and attracts 2.4 million tourists generating \$847 million of tourism-related economic impact. Grey County is an emerging grape growing region.

You may be aware that the Government of Ontario has announced its plan to modernize alcohol sales by expanding the sale of beer and wine to corner stores, grocery stores and big-box stores, based on market demand. The GGO believes that this decision represents a significant opportunity for our municipalities and Ontario wine regions to grow a more robust grape and wine industry. However, we need to ensure that the retail model supports the local 100% Ontario-grown industry so that we can continue to provide economic benefit to our local communities.

We ask Grey County to pass a resolution and to send a letter to the Provincial Government and area MPPs in response to the public consultation on the [Modernization of Alcohol Sales](#) in support of 100% Ontario-grown grapes and wine. The consultation concludes February 1, 2019.

Yours truly,

Matthias Oppenlaender, Chair  
Grape Growers of Ontario

- c Selwyn Hicks, Warden, Huron County  
Hon. Bill Walker, MPP, Bruce-Grey-Owen Sound  
Scott Wilkins, Director, Grape Growers of Ontario  
Debbie Zimmerman, CEO, Grape Growers of Ontario  
[d.zimmerman@grapegrowersofontario.com](mailto:d.zimmerman@grapegrowersofontario.com)



<b>To:</b>	Warden Halliday and Members of Grey County Council
<b>Committee Date:</b>	February 14, 2019
<b>Subject / Report No:</b>	PDR-CW-15-19
<b>Title:</b>	Windfall – Redline Revisions – 42T-2010-03
<b>Prepared by:</b>	Randy Scherzer
<b>Reviewed by:</b>	Kim Wingrove
<b>Lower Tier(s) Affected:</b>	Town of The Blue Mountains
<b>Status:</b>	

## Recommendation

1. That Report **PDR-CW-15-19** be received which provides an overview of proposed redline revisions to draft approved plan of subdivision **42T-2010-03** known as **Windfall** on lands described as **Part of Lot 16, Concession 1, (geographic Township of Collingwood)** in the **Town of The Blue Mountains**.

## Executive Summary

Plan of Subdivision File 42T-2010-03 known as Windfall was originally draft approved on November 15, 2011 with the latest redline revision approved on October 13, 2016. The current draft approved plan consists of a total of 609 residential units (351 single detached dwellings and 258 semi-detached dwellings) as well as the creation of a number of blocks for various purposes. Phases 1 to 3 have received final approval and Phases 4 to 6 remain under draft approval. The County has received proposed redline revisions which proposes to increase the total unit yield from 609 units to 680 units and to insert a new public walkway connecting Street 'G' to the Community Park at Block 'A'. The Town will be holding a public meeting on February 25, 2019 for the proposed revisions and the associated zoning by-law amendment. Following the public process, and agency comments, a thorough analysis and staff recommendation will be provided.

## Background and Discussion

Plan of Subdivision File 42T-2010-03 known as Windfall was originally draft approved on November 15, 2011 with the latest redline revision approved on October 13, 2016. The current draft approved plan consists of a total of 609 residential units (Lots 1 to 480 351 single detached dwellings and 258 semi-detached dwellings) as well as the creation of a number of blocks for various purposes. The draft approved subdivision is located on lands legally described as Part

of Lot 16, Concession 1, Town of The Blue Mountains. The subject lands are located on the north side of Grey Road 19 between the roundabout on Grey Road 19 and the intersection of Grey Road 19 and Grey Road 21.

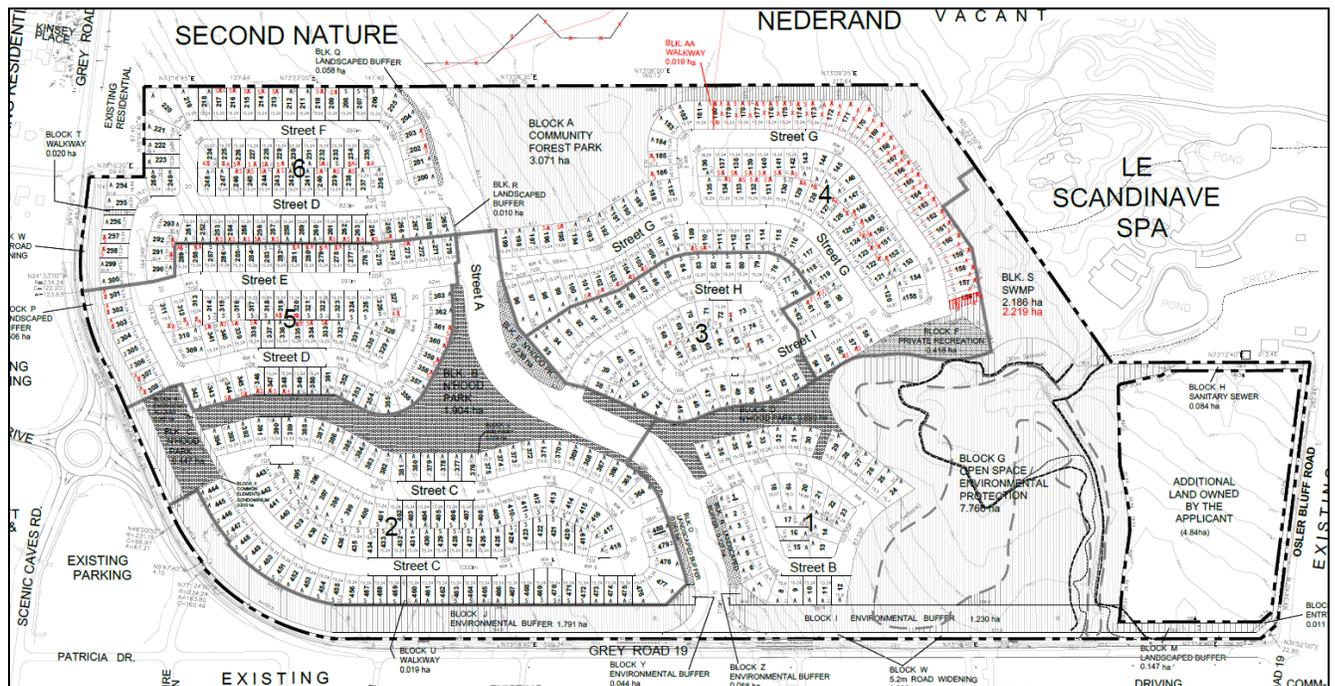
Phases 1 to 3 have received final approval which consists of a total of 273 residential units. The units within Phases 1 to 3 have either been constructed or will be constructed in the near future. Phases 4 to 6 remain under draft approval. The County has received proposed redline revisions which proposes to increase the overall total unit yield from 609 units to 680 units and to insert a new public walkway identified as Block 'AA' which would provide a connection from Street 'G' to the Community Park at Block 'A'. The new walkway also results in revisions to the lot fabric along Block 'A' and Block 'S'. The proposed redline revisions specifically apply to Phases 4 to 6 (see Figure 1 – Subject Lands). This would increase the total units within Phases 4 to 6 from 336 units to 407 units consisting of a total of 145 single detached units and 262 semi-detached units (See Figure 2 – Proposed Revisions).

Figure 1: Subject Lands – Phases 4 to 6 Windfall



The Town of The Blue Mountains has received a zoning amendment application related to the proposed revisions. The purpose and effect of the proposed zoning by-law amendment application is to increase the maximum permitted number of residential units from 609 to 680 to implement the proposed redline changes described above. The Town will be holding a public meeting on February 25, 2019 for the proposed revisions and the associated zoning by-law amendment.

Figure 2: Proposed Revisions – Phases 4 to 6 Windfall



Pre-submission consultation between the proponent, the Town and the County identified the submission requirements for the proposed plan of subdivision. The following reports have been submitted with the subdivision application;

1. Planning Justification Report,
2. Revised Stormwater Management Reports,
3. Revised Functional Servicing Report,
4. Traffic Impact Study, and
5. Revised Draft Plan.

Copies of all background reports and plans can be found at [this link](#).

### *Analysis of Planning Issues*

When rendering a land use planning decision, planning authorities must have regard to matters of Provincial Interest under the *Planning Act*, be consistent with the Provincial Policy Statement (PPS) 2014, and conform to any Provincial Plans or official plans that govern the subject lands. In this case, the Niagara Escarpment Plan, the County of Grey Official Plan and the Town of The Blue Mountains Official Plan all have jurisdiction over the subject property.

### *Provincial Policy and Legislation*

Both the *Planning Act* and the PPS speak to the efficient use of land within settlement areas, where services are readily available. The proposed plan of subdivision is within a recreational settlement area that is serviced by municipal water and sewer services.

The subject lands are identified as Escarpment Recreation Area in the Niagara Escarpment Plan which contemplates development of this nature. The subject lands are outside of the Niagara Escarpment Development Control Area and therefore a development permit is not required from the Niagara Escarpment Commission (NEC). The proposed redline revisions have been circulated to the NEC for review and comment.

The supply of an adequate range of residential housing types is required in both Provincial documents. The provision of a suitable transportation network, both pedestrian and vehicular, is also noted in the Provincial legislation and policy.

## *County Official Plan*

The proposed plan of subdivision is designated as 'Recreational Resort Area' within the County Official Plan. Significant Woodlands are also identified on parts of the subject lands. Within the Recreational Resort Area designation, the County Plan generally defers to the detailed land use policies and development standards of the municipal official plan or secondary plans.

Section 2.8 of the County Plan provides policies on Significant Woodlands that have been identified on parts of the subject lands. The proposed redline revisions are within the existing development footprint of the draft approved plan and therefore an updated environmental impact study was not required to be submitted with the redline revision application.

Section 5.3 of the County Plan provides a similar servicing hierarchy to that found in the PPS, which has been noted above. Elsewhere in section 5 of the Plan are policies which govern roads and transportation.

## **Town of The Blue Mountains Official Plan**

The Town Official Plan designates the subject lands as 'Residential Recreational Area'. The purpose of the Residential Recreation Area designation is to 'recognize areas within the Town where there is a mix of seasonal and permanent residential and recreational uses and recognize areas where some residential uses are located to support and provide access to resort and recreational amenities'.

A detailed analysis of Provincial, County, and Town policy has not been offered at this stage; however, following the public and agency review processes, a comprehensive planning analysis and final recommendations will be provided.

## **Legal and Legislated Requirements**

The application will be processed in accordance with the Planning Act.

## **Financial and Resource Implications**

There are no anticipated financial, staffing or legal considerations associated with the proposed redline revisions, beyond those normally encountered in processing the application. The County has collected the requisite fee for this application.

## **Relevant Consultation**

Internal: Planning Staff, Transportation Services

External: Town of The Blue Mountains, required agencies under the Planning Act, and the public.

## Appendices and Attachments

*None*

<b>To:</b>	Warden Hicks and Members of Grey County Council
<b>Committee Date:</b>	February 14, 2019
<b>Subject / Report No:</b>	PDR-CW-16-19
<b>Title:</b>	Confirmation of Tree Canopy and Natural Vegetation Protection and Enhancement Policies
<b>Prepared by:</b>	Randy Scherzer
<b>Reviewed by:</b>	Kim Wingrove
<b>Lower Tier(s) Affected:</b>	All Municipalities
<b>Status:</b>	

## Recommendation

1. That a by-law be enacted by Council which confirms that the policies set out in the current and adopted County Official Plan addresses the requirements of the *Municipal Act* to establish policies to protect and enhance the tree canopy and natural vegetation within Grey County; and
2. That the County confirms that the County Forest Management By-law and the sustainable management of the County's Forests also help to protect and enhance the tree canopy and natural vegetation.

## Executive Summary

The *Municipal Act* requires that every municipality establish policies for the protection and enhancement of the tree canopy and natural vegetation within the municipality. The current County Official Plan and the new adopted County Official Plan contains policies that address this requirement through the protection of Significant Woodlands, as well as Core Areas and Linkages. The County also has a Forest Management By-law which also assists with protecting and enhancing tree canopy and natural vegetation. The County also sustainably manages over 8,500 acres of County Forests. Based on existing policies and current initiatives, it is recommended that a by-law be adopted by Council which confirms that the requirements under the *Municipal Act* have been addressed.

## Background and Discussion

Bill 68, Modernizing Ontario's Municipal Legislation Act made a number of changes to the *Municipal Act*. These changes have been phased in with certain changes being proclaimed in 2018 and some changes being proclaimed this March. One change being proclaimed this March is the requirement for

municipalities to establish policies for the protection and enhancement of the tree canopy and natural vegetation within the municipality (Section 270(1)7 of the *Municipal Act*).

The County's current Official Plan as well as the newly adopted Official Plan (pending Provincial approval) both contain policies that protect and enhance the tree canopy and natural vegetation within the County. These policies are primarily found in the Significant Woodlands section of the Official Plan's as well as the Core Areas and Linkages policies and mapping that were developed as part of the Natural Heritage Systems Study (Green in Grey). It is County staff's opinion that the policies contained in the current Official Plan and the adopted Official Plan address the requirements as per Section 270(1)7 of the *Municipal Act*. Attached is a draft by-law and schedule that contains excerpts of the Official Plan policies that help to protect and enhance the tree canopy and natural vegetation.

In addition to the policies in the County Official Plan, the County also has a Forest Management By-law (By-law 4341-06 as amended) that helps to protect the tree canopy and natural vegetation throughout the County. Later this year, staff will be bringing forward recommended changes to the Forest Management By-law in order to better align with the new policies in the County Official Plan and to clarify some of the provisions within the By-law.

The County also has over 8,500 acres of County Forests that are sustainably managed. By maintaining these Forests, the County is helping to preserve the tree canopy and natural vegetation within the County. An update to the Forest Management Plan that sets out how these forests are managed will be brought forward to Council later this year.

Based on the policies contained in the current County Official Plan and the adopted Official Plan, as well as the County's Forest Management By-law and the management of the County Forests, it is recommended that a by-law be adopted by Council confirming that these policies and initiatives address the requirements under the *Municipal Act*. County staff discussed the *Municipal Act* requirements with local municipal planners as well as with planners from other Counties and other municipalities are doing a similar approach as recommended in this Report (i.e. recognizing and confirming existing policies and initiatives that address the *Municipal Act* requirements). Attached is a draft by-law that staff recommends be endorsed by Council.

## Legal and Legislated Requirements

*Municipal Act* (Section 270(1)7)

## Financial and Resource Implications

There are no financial or resource implications regarding this proposed by-law as these policies and initiatives already exist.

## Relevant Consultation

- Internal (Planning)
- External (Local Municipal Planners)

## Appendices and Attachments

- [Current County Official Plan](#)
- [Adopted County Official Plan](#) (pending Provincial approval)
- [Forest Management By-law](#)
- [Forest Management Plan](#)
- *Draft Tree Canopy Protection and Enhancement By-law (Attached)*
- *Draft Schedule A - Tree Canopy Protection and Enhancement Policies (Excerpts from Current County Official Plan and Adopted New County Official Plan) – (Attached)*

# Corporation of the County of Grey

## By-Law XXXX-19

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A By-law to adopt a policy with respect to the manner in which the Corporation of the County of Grey will protect and enhance the tree canopy and natural vegetation in the municipality.

WHEREAS the Municipal Act, 2001, S.O. 2001, c.25 provides that every municipality shall establish policies with respect to the manner in which it will protect and enhance the tree canopy and natural vegetation in the municipality;

AND WHEREAS the tree canopy and vegetation in the County of Grey are protected by the policies in the current County Official Plan and will be further protected and enhanced by the adopted policies in the County's new Official Plan once approved by the Province;

NOW THEREFORE BE IT RESOLVED THAT THE COUNCIL OF  
THE CORPORATION OF THE COUNTY OF GREY HEREBY ENACTS AS FOLLOWS:

1. That the Council of the County of Grey hereby confirms that the policies set out in Section 2.8.4 of the current County Official Plan and the policies set out in Section 7.1 and 7.4 of the adopted County Official Plan shall constitute the policy as required by Section 270(1)7 of the Municipal Act, 2001;
2. That the Council of the County of Grey also confirms that the provisions and the continued enforcement of the County's Forest Management By-law 4341-06 also helps to protect the tree canopy and natural vegetation in the County;
3. That the Council of the County of Grey also confirms that the continued sustainable management of the County's Forests also helps to protect and enhance the tree canopy and natural vegetation in the County;
4. That the Policy attached hereto as Schedule 'A' constitutes an integral part thereof;
5. That this By-law shall come into effect on XX day of XX, 2019.

ENACTED AND PASSED this XX day of XX, 2019.

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WARDEN: Selwyn Hicks

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CLERK: Heather Morrison

## Schedule A to By-law XXXX-19

### Tree Canopy and Natural Vegetation Protection and Enhancement Policies Contained in the Current County Official Plan and the Adopted New County Official Plan

#### *County Official Plan (Updated 2012)*

#### **Section 2.8 – Natural Heritage Policies**

##### **Section 2.8.4 – Significant Woodlands**

Significant Woodlands are a development constraint shown on Appendix B attached hereto and forming part of the Plan. The criteria for the identification of Significant Woodlands were developed by the County of Grey with assistance from the Ministry of Natural Resources. The identification was primarily a desk-top based Geographic Information Systems (GIS) exercise and the County acknowledges that inaccuracies or omissions in the mapping may be present. As a result site visits by qualified individuals may be required at the application stage to scope any potential studies.

In order to be considered significant a woodland must be either greater than or equal to forty (40) hectares in size outside of settlement areas, or greater than or equal to four (4) hectares in size within settlement area boundaries. If a woodland fails to meet those criteria, a woodland can also be significant if it meets any two of the following three criteria:

- (a) Proximity to other woodlands i.e. if a woodland was within 30 metres of another significant woodland, or
  - (b) Overlap with other natural heritage features i.e. if a woodland overlapped the boundaries of a Provincially Significant Wetland or an Area of Natural and Scientific Interest, or
  - (c) Interior habitat of greater than or equal to eight (8) hectares, with a 100 metre interior buffer on all sides.
- (1) No development or site alteration may occur within Significant Woodlands or their adjacent lands unless it has been demonstrated through an Environmental Impact Study, as per section 2.8.7 of this Plan, that there will be no negative impacts on the natural features or their ecological functions. The adjacent lands are defined in section 6.19 of this Plan.

Notwithstanding the above, projects undertaken by a Municipality or Conservation Authority may be exempt from the Environmental Impact Study requirements, provided said project is a public work or conservation project.

- (2) Notwithstanding paragraph (1), where it can be proven that a woodland identified as significant has ceased to exist, or ceased to exhibit characteristics of significance, prior to November 1, 2006, an Environmental Impact Study will not be required. Site photographs or a site visit by a qualified individual may be necessary to determine that a woodland no longer exists.
- (3) Notwithstanding paragraph (1), tree cutting and forestry will be permitted in accordance with the County Forest Management By-law.
- (4) Notwithstanding paragraph (1) and (3), fragmentation of significant woodlands is generally discouraged.

## *County Official Plan (adopted October 25, 2018 – pending Provincial Approval)*

### **Section 7 – Natural Grey**

#### **Section 7.1 - Core Areas and Linkages**

Core Areas and Linkages were identified in the County's Natural Heritage System Study – Green in Grey (January 2017), and are shown on Schedule C to this Plan. The intent of the Core Areas is to protect the very large natural areas in the County, while recognizing continued private ownership and encouraging landowners to continue to protect and manage these lands in an environmentally sustainable manner, including for farming and recreational purposes.

Linkages are designed to provide movement corridors for both plants and animals between Core Areas, and provide and protect biodiversity and the long-term viability of ecological systems.

- 1) Core areas are the County's largest pockets of significant natural features, and represent the best areas for interior species habitat and natural function in the County. Grey County is home to some of the largest Core Areas remaining in Southwestern Ontario. Cores Areas are crucial to the environmental health of the County, and represent an opportunity for conservation.. Within Core Areas, the County places a priority on environmental protection.

Core Areas largely overlap portions of other significant natural features including Provincially Significant Wetlands, Areas of Natural and Scientific Interest, Other Wetlands, Significant Woodlands, Significant Valleylands, Habitat of Endangered and Threatened species, Hazard lands, and Fish Habitat.

- 2) Linkages are identified to provide connectivity between Core Areas and establish a connected natural environmental system. They support natural processes that are necessary to maintain biological and geological diversity, natural functions, viable populations of indigenous species, and ecosystems. Linkages are identified based on several factors including using the areas of greatest natural cover (terrestrial and/or aquatic, as well as areas of deep interior habitat), while focusing on the shortest distance between Core Areas.

A corridor width of 200 metres was used to identify Linkages. This width was identified in Grey County based on the fact that interior habitat is generally identified as habitat 100 metres from the edge.

Linkages are not necessarily located in pristine natural environment, but partially occur through agricultural fields. This Plan does not prohibit agricultural uses and operations in these areas; the fields may provide appropriate habitat for species and/or offer opportunities for stewardship.

The boundaries of Linkages can be refined in the local official plan, but must meet the definition and criteria. Conversely, the precise location of the Linkage may be moved depending on further study.

- 3) Development proposed within Core Areas, their 120 metre adjacent lands, or Linkages will be required to undertake an environmental impact study (EIS), unless otherwise exempted by 7.11.3 of this Plan\*. This EIS will assess the natural features, their adjacent lands and their connections to other natural features. Table 10 below provides for the permitted uses in Core Areas and Linkages.

Permitted Use	Permitted in Core Areas	Permitted in Core Areas Adjacent lands	Permitted in Linkages	EIS Required*
Agricultural uses including new buildings and structures	Yes	Yes	Yes	No
Agricultural-related uses requiring new buildings or structures	No	Yes	Yes	Maybe
Home rural occupations within existing buildings	Yes	Yes	Yes	No
On-farm diversified uses requiring new buildings or structures	No	Yes	Yes	Maybe
Conservation and flood control projects	Yes	Yes	Yes	No
Forest, fish, and wildlife management	Yes	Yes	Yes	No
Transportation, utility, and service corridors as per Section 8	Yes	Yes	Yes	Maybe
Compatible recreation	Yes	Yes	Yes	Maybe
Good forestry management as defined in the County's Forest Management By-law	Yes	Yes	Yes	No
Existing uses, buildings and structures, or minor expansions thereto	Yes	Yes	Yes	No
Reuse of existing building and structures, provided the reuse will not have any additional environmental impacts	Yes	Yes	Yes	No
Existing mineral aggregate extraction operations	Yes	Yes	Yes	No
Expanded mineral aggregate extraction operations	Yes	Yes	Yes	Yes
New mineral aggregate extraction operations	No	Yes	Yes	Yes
New residential dwellings or accessory uses on existing lots of record	Yes	Yes	Yes	No

**Table 10: Permitted Uses in Core areas and Linkages**

- 4) New or significantly expanded uses, beyond those listed in Table 10, in Core Areas or Linkages will require the completion of an EIS, unless otherwise exempted by 7.11.3 of this Plan. Where a Core Area abuts a settlement area, discretion will be applied to determining whether an EIS is required.
- 5) Notwithstanding the permitted uses listed in Table 10, there may be sites where Core Areas or Linkages overlap other features such as Hazard Lands, Provincially Significant Wetlands, or Habitat of Endangered and Threatened species, and the uses listed above may otherwise be prohibited by sections 7.2, 7.3 or 7.10 of this Plan.
- 6) Notwithstanding the permitted uses listed in Table 10, where a new mineral aggregate extraction operation is proposed in a Core Area a County Official Plan amendment will be required.

- 7) Notwithstanding the EIS requirements listed in Table 10, an EIS may be required based on site specific features, or the recommendation of County, municipal, or Conservation authority staff. In some cases, the identification of a building envelope on-site by staff may negate the need for an EIS.
- 8) New non-farm sized lot creation is not permitted in Core Areas or Linkages, except for the creation of conservation lots. Lots created for infrastructure purposes may also be considered, where it can be demonstrated that there is no alternative outside of Core Areas or Linkages. The severance of a surplus farmhouse may be permitted within Core Areas or Linkages, provided no new residential dwellings are permitted on the remnant parcel.
- 9) Where possible, transportation, utility, and service corridors should avoid the Natural heritage system, especially Core Areas where possible. Transportation, utility, and service corridors include sewage, water and stormwater management systems, electricity transmission and distribution systems (e.g. hydro corridors), communications / telecommunications, transportation corridors, trails, oil and gas pipelines and associated facilities. Such corridors may be subject to the Municipal Class Environmental Assessment process. Where not avoidable, crossing of Core Areas and Linkages should be minimized, consider the shortest route across the Core Area or Linkage, and include context sensitive design, such as a narrow footprint, eco-passages, and other best management practices.
- 10) Compatible recreation means recreational uses that will not negatively impact the natural features or function of the Core Areas or Linkages and would not be in contradiction of the prohibitions listed above.

### **Section 7.4 - Significant Woodlands**

*Significant Woodlands* mapping as shown on Appendix B was developed by the *County* of Grey with assistance from the Ministry of Natural Resources and Forestry (MNRF). The identification was primarily a desktop based Geographic Information Systems (GIS) exercise and the *County* acknowledges that inaccuracies or omissions in the mapping may be present. As a result, site visits by *qualified individuals* may be required at the application stage to scope any potential studies.

The *Significant Woodlands* layer was refined in 2017 by using data collected as part of the *Natural Heritage Systems Study – Green in Grey*, data from the MNRF and through airphoto analysis. Once the refinement occurred, it was then assessed through the original criteria used when creating the original *woodlands* layer and adjusted accordingly. This has improved the accuracy of the data; however errors and omissions could still exist.

In order to be considered *significant*, a woodland shall be either greater than or equal to forty (40) hectares in size outside of *settlement areas*, or greater than or equal to four (4) hectares in size within *settlement area* boundaries. If a woodland fails to meet the size criteria outside a *settlement area*, a woodland can also be *significant* if it meets any two of the following three criteria:

- Proximity to other *woodlands* i.e. if a woodland was within 30 metres of another *significant* woodland, or
  - Overlap with the boundaries of a Provincially *Significant Wetland* and *Significant Coastal Wetlands, Core Area, Significant Valleylands, or a Significant Areas of Natural and Scientific Interest* , or
  - Interior habitat of greater than or equal to eight (8) hectares, with a 100 metre interior buffer on all sides.
- 1) No *development* or *site alteration* may occur within *Significant Woodlands* or their *adjacent lands* unless it has been demonstrated through an *environmental impact study*, as per Section 7.11 of this Plan, that there will be no *negative impacts* on the natural features or their *ecological functions*. *Adjacent lands* are defined in Section 7 and 9.18 of this Plan.

Projects undertaken by a municipality or *conservation authority* may be exempt from the *environmental impact study* requirements, provided said project is a public work or conservation project.

- 2) Where it can be proven that a woodland identified as *significant* has ceased to exist, or ceased to exhibit characteristics of significance, an *environmental impact study* may not be required. Site photographs or a site visit by a *qualified individual* may be necessary to determine that a woodland no longer exists.
- 3) Tree cutting and forestry will be permitted in accordance with the County Forest Management By-law (or successor thereto), and guided by the policies of Section 5.5 of this Plan.
- 4) Fragmentation of *significant woodlands* is generally discouraged.
- 5) *Significant Woodlands* are not meant to include orchards, nurseries, or holiday tree plantations. Where it can be demonstrated that the mapping inadvertently mapped an orchard, nursery, or holiday tree plantation, an EIS will not be required for new *development* or *site alteration*.
- 6) Not all mapped *Significant Woodlands* are naturally occurring. In some cases, plantations have begun to transform into more naturalized woodlots, or fallow fields have over-grown to include early woodland features. Where these circumstances have occurred, an EIS may not be required for new *development* or *site alteration*, subject to the advice of a qualified professional, MNRF, *conservation authority* staff, or municipal/*County* staff. Where a *significant* amount of time has passed, and such plantation *woodlands* may now hold further natural value, an EIS may still be required.

<b>To:</b>	Warden Hicks and Members of Grey County Council
<b>Committee Date:</b>	February 14, 2019
<b>Subject / Report No:</b>	TR-CW-01-19
<b>Title:</b>	Seasonal Load Restriction Assessment
<b>Prepared by:</b>	Matt Marck, Engineering Manager
<b>Reviewed by:</b>	Pat Hoy, Director of Transportation Services
<b>Lower Tier(s) Affected:</b>	Member Municipalities
<b>Status:</b>	

## Recommendation

1. That Report TR-CW-01-19 regarding a Seasonal Load Restriction Assessment be received; and
2. That the seasonal load restrictions remain as previously established, with the exception of the removal of Grey Road 5 (8<sup>th</sup> Street East) between 9<sup>th</sup> Avenue East and Highway 26 in the City of Owen Sound; and
3. That Schedule “S” of By-Law 4788-13 be amended to reflect the current and proposed changes to Seasonal Load Restrictions.

## Executive Summary

The Transportation Services Department receives multiple requests every year to remove the (spring) Seasonal Load Restrictions (SLR) on many roads. To establish rationale, Transportation Services procured the services of a Consultant to examine strength characteristics of selected Grey Roads that are subject to Seasonal Load Restrictions. This additional data was intended to help Transportation Services make informed, fact based decisions with regards to Seasonal Load Restrictions.

Based on examination of the data, Transportation Services recommends that seasonal load restrictions remain in place on the existing seasonal load restricted roads, with the exception of a section of Grey Road 5 (8<sup>th</sup> Street East, Owen Sound).

## Background and Discussion

Seasonal Load Restrictions are a standard practice for many jurisdictions to prevent roadways from being subject to damage from fully loaded trucks, when they are at their weakest, due to spring thaw conditions. In the spring, as roads begin to thaw, the road base becomes saturated

and it loses some of its structural integrity, reducing the strength and bearing capacity of the road. Traditionally, this is annually from early March to May. Exceptions to the Seasonal Load Restrictions are legislated under the Highway Traffic Act and include snow plows, emergency vehicles, public utility vehicles and milk trucks.

Seasonal Load Restrictions set the maximum weight a commercial truck can carry during such periods at 5000 kilograms (5 tonnes) per axle. Roads which are designated as such must be signed and a by-law put in place.

Data generated from various testing completed on traditional load restricted roads was extracted from a Consulting Engineer Report and examined to support the recommendations contained in this report.

The Consultant was instructed to perform non-destructive testing, which included Ground Penetrating Radar (GPR) and Falling Weight Deflectometer (FWD). The intent was to determine the pavement thickness and various structural characteristics of the road. This information was used to make informed decisions with regards to spring load restrictions.

The data was examined and the majority of spring load restrictions are recommended to remain in place due to various factors, including asphalt structure and weak or poorly draining subgrade.

Roads in Ontario lose 35 percent or more of their strength during spring thaw. A heavy asphalt structure can act as a “bridge” on roads to reduce impacts on the subsurface structure. Provincial highways are typically built on that principle; however, a pavement structure of 150 to 200 millimeters (6 to 8 inches) is not economically viable at the County or municipality level.

The only section of road that was determined to be removed from the spring load restriction was Grey Road 5 (8<sup>th</sup> Street East, Owen Sound) between 9<sup>th</sup> Avenue East and Highway 26. This is predominately due to a thick pavement structure of 150 millimeters (6 inches) on average and strong subgrade.

Some other sections of Grey Roads that have the spring load restriction demonstrated fairly healthy asphalt and base structure, but not enough to outweigh the risk of damage due to full loading in the spring. The benefit to trucks does not outweigh the possible damage and lower life expectancy of an expensive road asset.

## Legal and Legislated Requirements

As per Section 122 of the Highway Traffic Act, *the municipality or other authority having jurisdiction over a highway may by by-law designate the date on which a reduced load period shall start or end and the highway or portion thereof under its jurisdiction to which the designation applies.*

An updated version of Schedule “S” of By-Law 4788-13 is included in this report to reflect current seasonal load restricted roads and the revision to remove the section of Grey Road 5 (8<sup>th</sup> Street East, Owen Sound) between 9<sup>th</sup> Avenue East and Highway 26.

## Financial and Resource Implications

None.

## Relevant Consultation

- Internal
- External  
City of Owen Sound

## Appendices and Attachments

[Grey County Road Assessment Study](#)

[County of Grey By-Law 4788-13 Regulate Traffic and Parking](#)

Proposed Schedule S

Proposed Reduced Load Restriction Map

# Schedule "S"

By-Law 4788-13  
Section 5.4 (c)

## Limited Loads on Grey Roads

Column 1	Column 2	Column 3	Column 4
Grey Road Number	From	To	Period
2	Grey County/Dufferin County Boundary	Grey Road 4	March and April
3	Grey County/Wellington County Boundary	Grey Road 9, Ayton	March and April
5	Grey Road 18	7 <sup>th</sup> Street SW	March and April
5 (2 <sup>nd</sup> Avenue East)	7 <sup>th</sup> Street SW	6 <sup>th</sup> Street East	March and April
5 (6 <sup>th</sup> Street East, Owen Sound)	2 <sup>nd</sup> Avenue East	9 <sup>th</sup> Avenue East (Kings Highway No. 6 and 10)	March and April
5 (8 <sup>th</sup> Street East, Owen Sound)	9 <sup>th</sup> Avenue East (King's Highway No. 6 and 10)	28 <sup>th</sup> Avenue East	March and April
5 (28 <sup>th</sup> Avenue East, Owen Sound)	8 <sup>th</sup> Street East	16 <sup>th</sup> Street East (Kings Highway No. 26)	March and April
8	Hwy. 89	Grey Road 9	March and April
9	Grey County/Dufferin County Boundary	Grey Road 124	March and April
15 (3 <sup>rd</sup> Avenue East, Owen Sound)	6 <sup>th</sup> Street East	20 <sup>th</sup> Street East	March and April
15 (East Bay Shore Road)	3 <sup>rd</sup> Avenue East	36 <sup>th</sup> Street East	March and April
15	36 <sup>th</sup> Street East	Kings Highway No. 26	March and April
16	Grey-Bruce Line	Kings Highway No. 6&10	March and April
17	Kings Highway 6, Springmount	Kings Highway 6, Wiarton	March and April
17A	Grey Road 17	Grey Road 1	March and April
17B	Grey Road 17	10 <sup>th</sup> Street West (Kings Highway No. 6 and 21)	March and April
Grey Road 18	Grey Road 11	Grey Road 29	March and April
Grey Road 23	Grey Road 9	Grey Road 4	March and April

Column 1	Column 2	Column 3	Column 4
<b>Grey Road Number</b>	<b>From</b>	<b>To</b>	<b>Period</b>
Grey Road 25	Grey Road 3	Kings Highway No. 6	March and April
Grey Road 30	Grey Road 12	Grey Road 13	March and April
Grey Road 31	Grey Road 2	140 m North of Simcoe Road 19	March and April
Grey Road 32	Kings Highway 10	Grey Road 30	March and April
119	Grey Road 13	Grey Road 19	March and April
170	Kings Highway No. 6	Grey Road 17	March and April

<b>To:</b>	Warden Hicks and Members of Grey County Council
<b>Committee Date:</b>	February 14, 2019
<b>Subject / Report No:</b>	LSR-CW-01-19
<b>Title:</b>	Appointment of Prosecutors
<b>Prepared by:</b>	Michael Letourneau, Director of Legal Services – County Solicitor
<b>Reviewed by:</b>	Kim Wingrove, Chief Administrative Officer
<b>Lower Tier(s) Affected:</b>	
<b>Status:</b>	

## Recommendation

1. That the Director of Legal Services – County Solicitor be appointed as a municipal prosecutor on behalf of the County;
2. That the Director of Legal Services – County Solicitor be authorized to appoint municipal prosecutors on behalf of the County from time to time; and
3. That all such municipal prosecutors appointed hereby be authorized to exercise the lawful authority of a public prosecutor without restriction except by prosecutorial policy enacted by the Ministry of the Attorney General (“MAG”) or by County policy properly enacted in accordance with the 2000/2001 Memorandum of Agreement and Local Side Agreement between the County, the County of Bruce, and MAG and the 2000/2001 Intermunicipal Service Agreement between the County and Bruce County made pursuant to those agreements; and
4. That a By-law be prepared for consideration by County Council.

## Executive Summary

Since 2001, Grey County has been responsible for handling court prosecutions of many matters arising under the *Provincial Offences Act* and the federal *Contraventions Act* under a Memorandum of Agreement (the “Memorandum”) with the Ministry of the Attorney General. Under the Memorandum and its companion agreements with the County of Bruce, Grey County prosecutes offences arising within its own boundaries, as well as within the boundaries of Bruce County.

Responsibility for these prosecutions will be transferred from outside counsel to Legal Services. Appropriate authority needs to be granted to the Director to appoint staff to carry out prosecutions, as well as to appoint outside legal counsel to prosecute where appropriate. The

Director himself also should be appointed as a prosecutor in order to assist the County's principal prosecutor when required.

Because they function as public prosecutors, the prosecutors appointed by the County require the authority to act independently in carrying out prosecutions. This is to ensure that offences are prosecuted fairly and in the interests of justice. Their authority is constrained by prosecutorial policies enacted by the Ministry of the Attorney General and any complementary policies that the County may later enact.

## Background and Discussion

Under the terms of a Memorandum of Agreement (and other related agreements) regarding municipal prosecutions entered into by Grey County, Bruce County, and the Ministry of the Attorney General in 2000/2001, Grey County has been responsible for handling the prosecution of numerous charges laid by police forces within the boundaries of the two counties under Ontario's *Provincial Offences Act* and its federal counterpart, the *Contraventions Act*.

These two statutes create a structure to prosecute "regulatory offences", which include most motor-vehicle-related offences, environmental offences, municipal by-law offences, liquor offences, and many others. Punishment for regulatory offences is typically by way of fine, and imprisonment is quite rare. They are different from "true criminal offences", such as assault and theft, which are more commonly considered to be "crimes" and where imprisonment is a more common punishment.

The offences that the County has been prosecuting under the Memorandum consist largely of matters related to motor vehicle offences (under the *Highway Traffic Act* and the *Compulsory Automobile Insurance Act*), as well as offences under the *Liquor License Act*; offences under the provincial *Cannabis Control Act* and *Cannabis License Act* are expected to be prosecuted in the future. The charges for these offences are laid by police forces, and are generally known as "Part I" offences. These types of charges, prior to the Memorandum, were prosecuted through the provincial Crown Attorneys' offices; the Memorandum transferred that public prosecution responsibility to the County. The County also expects to receive a further transfer of prosecutorial responsibility later this year in respect of more complex and serious charges that are being laid by police; these are generally known as "Part III" offences.

Beyond the terms of the Memorandum, the County also prosecutes offences under its own By-Laws – especially under the County's Forest Management By-Law. The County does not, however, prosecute by-law offences arising under the by-laws of its lower-tier municipalities. These are prosecuted by the municipality, either directly or by its own legal counsel or representatives.

A core function of the County's Legal Services department is the primary handling of the County's prosecution responsibilities, both for its public prosecution duties under the Memorandum, as well as prosecution of charges under County By-Laws laid directly by our own enforcement officers. To date, County prosecutions have been handled by an outside law firm (Middlebro' & Stevens LLP of Owen Sound and Wiarton), but their retainer with the County for handling them in general will soon end.

The Legal Services department will soon be employing a full-time Provincial Offences Prosecutor to take over primary responsibility for the County's prosecutions, with the services of

outside counsel when required due to conflicts of interest and workload and scheduling issues, and with the assistance of the Director on occasion.

In order for the Prosecutor, the Director, and outside counsel to properly function as municipal prosecutors for Grey County and Bruce County, they must be formally appointed to that role. To that extent, the Director requires authorization to appoint prosecutors from both staff and outside counsel. The Director himself also needs to be appointed as a prosecutor.

These prosecutors must, by law, have authorization to carry out their prosecution functions independently and at their own discretion. This independence is a requirement both under the Memorandum with the Ministry of the Attorney General and under common law. It is the same independence granted to Crown Attorneys and prosecutors employed by the Ministry who prosecute offences in the criminal courts.

This independence permits them to carry out the common law functions of a public prosecutor. A public prosecutor is legally required to ensure that evidence of offences is presented fairly and impartially to the court, and that the accused is treated justly. The role is somewhat different from a lawyer pursuing a private client's interest; a prosecutor must act impartially, whereas a lawyer for a private client is permitted to be a "zealous advocate" for their client.

A public prosecutor's independence is not, however, absolute. They must obey the law and respect the limits of their roles. They are also governed by prosecutorial policies enacted by the Ministry of the Attorney General, as well as by policies that the County may enact that do not conflict with the law or the Ministry's policies. The Director intends to work with the selected Provincial Offences Prosecutor to develop appropriate prosecution policies for Council's consideration in the future.

## Legal and Legislated Requirements

As described above.

## Financial and Resource Implications

None.

## Relevant Consultation

- Internal (list) – CAO, POA Court Manager
- External (list)

## Appendices and Attachments

None.