



Minutes
Public Meeting
Municipality of West Grey

Monday, August 8, 2022, 9 a.m.
Virtual meeting

Council members present: Mayor C. Robinson, Deputy Mayor T. Hutchinson, Councillor B. Hamilton, Councillor R. Hergert, Councillor D. Hutchinson, Councillor G. Shea, Councillor S. Townsend

Staff members present: Chief Administrative Officer L. Johnston, Manager of Planning and Development L. Spencer, Communications Coordinator S. Ferguson, Administrative Assistant L. Mulligan

1. Call to order

Mayor Robinson called the meeting to order at 9:02 a.m.

Staff reviewed instructions for members of the public to participate via Zoom, telephone, and how to contact staff for assistance if disconnected. It was noted that this meeting will be livestreamed to the West Grey YouTube channel.

2. Purpose of meeting

Administrative Assistant Lisa Mulligan advised that the purpose of the public meeting is to review applications for proposed amendments to West Grey Zoning Bylaw No. 37-2006, and to allow interested members of the public the opportunity to ask questions or offer comments with regard to the applications. Council will not make a decision on the applications at this meeting, based on the recommendations and information received at this public meeting amending bylaws may be presented for approval at a regular council meeting.

A public registry is available by email at sferguson@westgrey.com and if any members of the public would like to be notified in writing of the decision on an application they are to provide their name and mailing address for the registry. This will also allow for notice of an Ontario Land Tribunal if the decision of an application is appealed.

3. Declaration of pecuniary interest and general nature thereof

Councillor D. Hutchinson declared a conflict on this item. (Application ZA14.2022 property backs onto Councillor Hutchinson's property.)

4. ZA13.2022 - 155 Boyd Lake Road

4.1 Application for zoning amendment - Dauphin, Jeremy and Dauphin, Lauren

4.2 Planner L. Spencer - report ZA13.2022

Planner Spencer recommended approval of the application. She noted that the purpose of the application is to change the zone symbol on the subject lands from ER (estate residential) and NE2 (natural environment 2) to ER-463 (estate residential with exception) and NE2 (natural environment 2). The effect of the application will permit a second dwelling unit on the subject lands within a separate detached accessory structure.

Planner Spencer advises revised comments from the County of Grey were received, as well as Conservation Authority and many written comments from the public post agenda being published.

There is concern for permission of a second dwelling unit, and the use of private services, the fact this is not a defined settlement area, and consideration for the privacy of adjacent land owners, further consideration of the restrictive covenants that are on title as a result of the subdivision application previously approved in the past, and environmental issues, All comments will be circulated to council prior to the consideration of the bylaw at a future council meeting.

Councillor Doug Hutchinson inquired if allowing a second dwelling would be violating the restrictive covenants that are in the agreement. Also inquired if a granny flat in the basement of the original house would be a possibility. Advises will not be supporting the bylaw. Planner Spencer advises the site specific applications for second dwellings has been supported in the past, with respect to the restricted covenants suggest that further information and clarification should be provided from the municipal solicitor prior to the passage or consideration of the bylaw. Covenants are registered on title and related to the original 52 single family homes; zoning is a separate matter but clarification can be provided to give assurance to council.

Councillor Townsend inquired if the solicitor would be able to comment on the possible conflict or direction that we would take because the PPS and other

legislation clash. Planner Spencer advises that would be the intent of the advice from the solicitor to determine if there are any other concerns related to the restrictive covenants.

Deputy Mayor Hutchinson indicates a housekeeping matter under 4.1 where the report notes lot 57 when it is actually lot 53. Under executive summary in report it does say geographical Township of Normanby, do not believe Forest Creek is in Normanby. Planner Spencer advises it is a typo in reference to the former geographic township.

Resolution: P24-2022

Moved: Councillor S. Townsend

Seconded: Councillor G. Shea

That council receives the report ZA13.2022 - 155 Boyd Lake Road

That council receives Planner Spencer's report and considers an amending by-law at a future meeting.

Disposition: Carried

Resolution: P25-2022

Call to vote to receive the report to consider amending the zoning bylaw.

In favour:

Councillor Shea, Councillor Townsend, Councillor Hamilton

Opposed:

Councillor Hutchinson, Deputy Mayor Hutchinson, Mayor Robinson

Disposition: Defeated

Resolution: P26-2022

Moved: Councillor R. Hergert

Seconded: Councillor S. Townsend

Motion to defer until solicitor opinion, and then be brought back to council.

Disposition: Carried

4.3 Written comments received

Written comments received after the agenda was published:

Chris Barfoot - in favour of application

Lisa and Chris Buckle - in favour of application

Marc and Melissa Kaufman - opposed to application

Dave and Danielle Kirk - opposed to application

Lawrence Meyers - opposed to application

Patrick Laurence - opposed to application

Marlene Peters - opposed to application

Brigitte Srock - opposed to application

4.3.1 Grey County

Provided positive comments are received from the local Conservation Authority and it is determined and EIS is not required, County planning staff have no concerns.

4.3.2 Saugeen Valley Conservation Authority

The proposed application is considered acceptable by SVCA staff.

4.4 Verbal comments

4.4.1 Council members

None.

4.4.2 Public members

Corporate Communications Officer Ferguson explains features of how to participate in this portion of the agenda.

Nancy Janssen - Jako Development partner and co-owner of Forest Creek. Advises developer was not notified of application. Explained vision of Forest Creek Estates, restricted covenants and subdivision agreement. Jako Developments agreed to ER zoning, and changes should be presented to them first to agree to exception and there is a breach of agreement. Not supportive of second dwelling.

Don Tremble - Property and business owner. Advises subdivision agreement is not assumed by the municipality. Has had customers

inquire about second dwellings and was under the impression that only a single house with the option of a basement apartment was permitted. Built house adjacent to property with application and purposely positioned house so they could enjoy the privacy and they won't be able to with this second dwelling. Not supportive.

Brigitte Srock - Resident. Echoes previous speakers. Disappointed not all residence of Forest Creek were notified of application. Mentions basement suite as an option, that a secondary building could potentially lead to issues of Air B n B, additional septic systems, increase traffic, transient community that does not have an invested interest. Request more communication or turn down application.

Patrick Laurence - Resident. Submitted written comments also. Main concerns are septic and possibility of multiple septs on one property; Escarpment Biosphere Conservancy abutting the lot; privacy; conservation comments; covenants; changing of plans for subdivision; turn into Air B n B location. Against application.

Jeremy Dauphin - Subject property owner. No intention of causing issues. Took over a build from someone else, not aware of restricted covenants, thought taking the right steps going through the municipality. Had a detached in-law suite in a previous home in Ottawa and was not aware this was not permitted here. Will address concerns and next steps accordingly. Lot in question had an approved building location already for a shop or garage by Jako Developments, that would be the location of the proposed second dwelling. Not sure if that is still intended, but is already approved, and there is the potential there may be a building there anyways.

Kevin Eccles - Resident of Forest Creek. Not in favour, do not believe it is a compatible use. Investigated into PPS and notes a second dwelling is to be placed in the rear yard of the existing building. This proposal does not meet the requirements.

4.5 Next steps

Planner Spencer advises next steps will be to obtain advice from municipal solicitor to address the restrictive covenants, further comments can be made through the planning and clerks department and will be included and summarized for councils consideration prior to the bylaw being brought forward for consideration at that time. Anticipate that this item will be deferred

as a result of looking for further clarification prior to councils consideration to provide the benefit of clarity for that purpose.

Councillor Hergert would like staff to comment on the notice requirement to the public. Mayor Robinson requests Planner Spencer to identify the notification process. Planner Spencer advises that the Planning Act requires for applications to be circulated to all registered owners within 120 meters of the subject lands. If it is the desire of council that can be amended. All commenting agencies, authorities having jurisdiction are circulated at the same time for request for comments. Further comment from Councillor Hergert to recommend to expand the 120 meters to the entire subdivision. Advises a motion should be placed. Councillor Hergert moves that council direct staff to expand the notification area to all owners in Forest Creek Estates as it relates to this application. Mayor Robinson verifies language with CAO Johnston and Planner Spencer. Planner Spencer advises language is correct, and would like to further note whether council has the will that would like to move forward and have a second notification prior to consideration of the bylaw. Councillor Hutchinson questions that council agreed to bring a motion forward to pass a bylaw, but if the bylaw is not being brought forward based on the vote. Planner Spencer clarifies that the bylaw was to be considered by council at the next meeting but with the motion it will be deferred to a future date if the clarity we are to receive from the municipal solicitor will be provided in a separate report and council can determine at that point in time if they want the bylaw brought forward for consideration.

Resolution: P27-2022

Moved: Councillor R. Hergert

Seconded: Councillor G. Shea

Moves that council direct staff to expand the notification area to all owners in Forest Creek Estates as it relates to this application, and that there be a second notification prior to consideration of the bylaw.

Disposition: Carried

5. ZA14.2022 - Survey Edges, PT BLK C, Town of Durham

5.1 Application for zoning amendment - Anderson, Doug

5.2 Planner L. Spencer - report ZA14.2022

Planner Spencer recommends approval of the application. She noted the subject lands currently do not have frontage on an open and maintained road. Arthur Street does not extend to the subject lands. The purpose of the application is to change the zone symbol on the subject lands from R1B (residential) to R1B-464 (residential with exception). Exception 464 will permit development on a lot without open and maintained frontage. The effect of which will permit development on a portion of the lands and require the registration of a non-service agreement on title acknowledging that snow clearance, and access to the property is the sole responsibility of the property owner, including for the purposes of fire and emergency access. Planner Spencer also noted a previous request was provided to council on June 7, 2022 to contemplate the sale of the unopened road allowance, however, due to the presence of existing infrastructure, staff recommended permission to install an entrance and permit use through the registration of a non-service agreement (NSA).

Comments were provided from the County of Grey, a second set of comments were provided from the county changing the typo from Albert Street to Arthur Street. In addition, further clarification was provided from the Public Works department in the sense that this will only be partially serviced with municipal services in this particular location based on topography.

In addition, comments were circulated to Saugeen Valley Conservation Authority acknowledging that the application will require a development permit from them at that time should development proceed in future.

Additionally, comments were received from neighbours who have concerns related to the application particularly where storm storage may occur, particularly any items related to drainage that may be effected by the property development, in addition to wondering about cul de sacs that they feel were to be installed in the future. Public Works staff have contacted some of those people directly.

Deputy Mayor Hutchinson clarification, if approved, applicant is strongly encouraged to consult with Saugeen Valley Conservation Authority. Planner Spencer advises prior to a building permit being issued a development permit is required from the conservation authority, which is considered to be applicable law. Consultation with conservation is encouraged; comments have not been received at this time. Will circle back to provide updated comments from the conservation authority prior to the consideration of the bylaw for first, second and third reading.

Deputy Mayor Hutchinson inquires about full sewer and water services at that location. Planner Spencer notes that clarification was provided by the Public Works department, that the property will only be partially serviced by municipal services. There will be consideration the Conservation Authority will need to be involved in depending on location of services.

Deputy Mayor clarification in report regarding open and maintained frontage on Baseline Road and existing detached dwelling, county comments refer to consultation with conservation, and regarding snow removal and what plan is in place. Planner Spencer defers to Director of Infrastructure with respect to snow removal plans; can circle back with comments prior to the consideration of the bylaw. Error in report regarding existing dwelling and frontage on Baseline.

Councillor Hamilton inquires about fire hydrant and hydro pole in the road allowance. Planner Spencer advises the reason the non-service agreement is being brought forward is a result of those services and the extensive amount of work required to move those services under the direction of the Director of Infrastructure. This will look like the property has a laneway, similar to a residential development, the intention is not for it to be a full width road leading to the property. Councillor Hamilton asks how a property that far from services be connected to water services? Planner Spencer states the road allowance will still remain the property of the municipality and there may be the requirement for the services to be connected within that road allowance portion of land. Direct question to director of public works, not on meeting at this time.

Councillor Hamilton mentions if there should be a motion to receive Planner Spencer's amended report due to amended comments. Planner Spencer advises the amended comments are from the county regarding typos and points of clarification, however Planner Spencer's report has not been amended.

Councillor Hamilton inquires to Planner Spencer about county comments that the road be upgraded in partnership with the property owner. Planner Spencer advises the county did say there would appear to be future infill development; the use of this non-service agreement at this time does not negate the ability for council to go back in the future if they chose to open the road. Planner Spencer also noted that any tree removal on the property will have to go through the county's tree cutting bylaw, that would require a permit.

Resolution: P28-2022

Moved: Councillor B. Hamilton

Seconded: Councillor G. Shea

That council receives Planner Spencer's report and considers an amending by-law at a future meeting; and

That a non-service agreement be registered on title at the landowner's expense.

Disposition: Carried

Resolution: P29-2022

Call to vote to receive the report to consider amending the zoning bylaw.

Opposed - Mayor Robinson, Deputy Mayor Hutchinson, Councillor Hergert, Councillor Townsend, Councillor Hamilton, Councillor Shea

Councillor Hutchinson did not vote due to pecuniary interest.

Disposition: Defeated

5.3 Written comments received

Surrounding neighbours had written comments as previously noted in Planner Spencer's report

5.3.1 Grey County

County would recommend further comments from conservation be received to determine further Terms of Reference for a scoped EIS on the subject land.

5.4 Verbal Comments

5.4.1 Council members

None.

5.4.2 Public members

Corporate Communications Officer Ferguson explains features of how to participate in this portion of the agenda.

Doug Anderson - Subject property owner. Did not consult with SVCA, except verbally, they indicated studies would need to be completed which requires access to the property. Can't move forward without

getting equipment onto the property, so need the access to the property. A laneway would not be as invasive as a road so should not effect the neighbours like a road would. Did speak with public works last year regarding sewer hook ups and installing a pumping station at the end of the street.

5.5 Next steps

Planner Spencer advises points of clarification will be provided at which point in time a bylaw can move forward for council consideration with those points of clarity provided at a future council meeting. Following the passage and consideration of the bylaw and by council, regardless of the decision, there will be a 20 day appeal period.

6. Close public meeting

Resolution: P30-2022

Moved: Deputy Mayor T. Hutchinson

Seconded: Councillor R. Hergert

That council hereby closes the public meeting at 10:13 a.m.

Disposition: Carried

Mayor Christine Robinson

CAO/Deputy Clerk Laura Johnston