

SENT ELECTRONICALLY ONLY (lspencer@westgrey.com)

January 16, 2023

Municipality of West Grey
402813 Grey Road 4, RR#2
Durham, ON N0G 1R0

ATTENTION: Lorelie Spencer, Manager of Planning and Development

Dear Lorelie Spencer:

RE: Application for Zoning By-Law Amendment ZA21.2022
173480 Mulock Road
PT Lot 50, Con 2 NDR
Roll No. 420528000404380
Geographic Township of Bentinck
Municipality of West Grey (774838 Ontario Limited)

Saugeen Valley Conservation Authority (SVCA) staff has reviewed the above-noted application as per our delegated responsibility from the Province to represent provincial interests regarding natural hazards identified in Section 3 of the Provincial Policy Statement (PPS, 2020) and as a regulatory authority under Ontario Regulation 169/06 (SVCA's Development, Interference with Wetlands, and Alterations to Shorelines and Watercourses Regulation). SVCA staff has also provided comments as per our Memorandum of Agreement (MOA) with the County of Grey representing natural hazards. The application has also been screened to determine the applicability of the Saugeen, Grey Sauble, Northern Bruce Peninsula Source Protection Plan, prepared under the Clean Water Act, 2006.

To change the zone symbol on the subject lands from A2 (rural) to M3 (rural industrial). The effect of which will permit the use of the lands for a dry industry with outside storage for the purposes of the fabrication of natural stone countertops.

Staff have received and reviewed the following documents submitted with this application:

- 1) Application for Zoning-By-Law Amendment dated November 24, 2022.

Recommendation

SVCA Staff find the application acceptable.

Delegated Responsibility and Advisory Comments

Natural Hazards

This property is not subject to natural hazards. Further, the parcel does not have SVCA Regulated Area, nor is it within an area governed by the Drinking Water Source Protection Plan. As such, SVCA has no concerns, and further review from this office is not necessary. The application is in accordance with the natural hazard policies of the PPS (2020) and the Grey County OP.

Summary

SVCA staff has reviewed this application in accordance with our MOA with the County of Grey, and as per our mandated responsibilities for natural hazard management, including our regulatory role under the Conservation Authorities Act.

SVCA staff find the application acceptable.

Given the above comments, it is the opinion of the SVCA staff that:

- 1) Consistency with Section 3.1, Natural Hazard policies of the PPS [has/has not] been demonstrated.
- 2) Consistency with local planning policies for natural hazards [has/has not] been demonstrated.

Please inform this office of any decision made by County/Municipality with regard to this application. We respectfully request to receive a copy of the decision and notice of any appeals filed.

Should you have any questions, please contact the undersigned at m.cook@svca.on.ca.

Sincerely,



Michael J. Cook

Environmental Planning Technician, Environment Planning and Regulations Department
Saugeen Valley Conservation Authority
MC/

Municipality of West Grey

Application for Zoning By-Law Amendment: Z21.2022 (774838 Ontario Limited)

January 16, 2023

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cc: Kevin Eccles, Authority Member representing West Grey, SVCA (via email)
Tom Hutchinson, Authority Member representing West Grey, SVCA (via email)
Karl Shipprack, CBO, Municipality of West Grey (via email)
Lisa Mulligan, Administrative Assistant, Municipality of West Grey (via email)



Planning and Development

595 9th Avenue East, Owen Sound Ontario N4K 3E3
519-372-0219 / 1-800-567-GREY / Fax: 519-376-7970

January 30, 2022

Lorelie Spencer,
Manager of Planning and Development
Municipality of West Grey
402813 Grey Road 4, RR 2
Durham, Ontario
N0G1R0
*Sent via E-mail

**RE: Zoning Application: ZA21.2022 774838 Ont. Ltd / Old Barn Polished Stone
173480 Mulock Road
CON 2 NDR PT LOT 50
Roll: 420528000404380
Owners: Reay Hunter**

Dear Ms. Spencer:

This correspondence is in response to the above noted application. We have undertaken a review of the application in relation to the Provincial Policy Statement (PPS) and the County of Grey Official Plan (OP).

The above zoning application proposes to change the zone symbol on the subject lands from A2 (rural) to M3 (rural industrial), to permit the use of the lands for a dry industry, (including outside storage) for the purposes of the fabrication of natural stone countertops. The submitted application form indicates that a 557 m² structure is proposed through the subject application, in addition to an existing 315 m² existing accessory structure that currently contains the use.

Staff understand that the current use has existed on the property for several years, without planning approvals in place. Through the subject application, the owner seeks to expand and formally legalize the dry manufacturing use on the subject property.

The subject lands are approximately 2.2. hectares in size and designated 'Rural,' per Schedule A of the County's Official Plan. Section 5.4.1 outlines permitted uses within the Rural designation. Of relevance to this application, permitted uses include all uses within the Agricultural land-use type (which includes 'on-farm diversified uses' (OFDUs)); and 'Buildings and yards associated with trades, including contractors yards, plumbing, electrical, heating/cooling shops, etc.'

Staff would note that dry-industrial manufacturing uses are not generally considered to be an appropriate land use on smaller rural parcels, unless they are very limited in size, with no significant impacts on neighbouring properties and/or natural heritage features. While there may be merit to consider dry manufacturing uses as an OFDU on larger farm properties, any OFDU shall meet all relevant criteria of

Section 5.2, which includes proof that the *“The scale of the operation is secondary to the active agricultural use on the farm property, and appropriate to the site and the surrounding area,”* and shall meet the size provisions established through Table 8.

The subject lands do not contain any active agricultural uses, and therefore the proposed use would not be secondary to the *“active agricultural use”* on the property. Moreover, Table 8 states that for any Rural property less than 20 hectares in size, any OFDU shall be:

- *The lessor of:*
 - *2% of the total size of the property, or*
 - *A maximum combined area of the use of 2000 square metres*

If the above sizing parameters were to be applied to the subject property, any OFDU on the existing 2.2 ha property would be limited to a total size of 440 m² (including all parking, buildings, outdoor storage, servicing, etc.) while the maximum permitted gross floor area of any buildings containing the use would be limited to 20% of this total – 88 m². The total size of the proposed use has not been indicated, but County staff would estimate the total area to be approximately 5000 m², of which the gross floor areas for buildings associated with the use would be 872 m². Given this information, staff would suggest that the proposed dry-manufacturing significantly exceeds the sizing criteria for considering an on-farm diversified use.

The second option is to consider the use under the category of *“Buildings and yards associated with trades, including contractors yards, plumbing, electrical, heating/cooling shops, etc.”* This is not a defined term in the County’s Official Plan, and the OP does not contemplate any defined size considerations for this use. While the proposed countertop manufacturing use would seem to constitute a ‘trade,’ County staff have typically applied this land-use category more for passive storage of trade equipment (where the trade itself is undertaken off-site), or where the trade is of such a small-scale that it is considered more of a ‘home occupation’ use. Given the scale of the proposed and existing buildings to accommodate the manufacturing use, in addition to the outdoor storage, and potential on-site retail components, staff would suggest that the proposal would be above-and-beyond the intention of this land-use category.

Given the above information, staff would suggest that the current proposal does not adequately align with the intention and general direction of the County’s Official Plan.

That said, further direction is available in the Provincial Policy Statement, to direct Municipalities when making decisions on the use of Rural lands. Section 1.1.3.1 notes that:

Healthy, integrated and viable rural areas should be supported by:

f) promoting diversification of the economic base and employment opportunities through goods and services, including value-added products and the sustainable management or use of resources;

In addition, Section 1.1.5.2 lists the types of uses permitted on rural lands as follows:

- a) the management or use of resources;*
- b) resource-based recreational uses (including recreational dwellings);*
- c) residential development, including lot creation, that is locally appropriate;*

- d) *agricultural uses, agriculture-related uses, on-farm diversified uses and normal farm practices, in accordance with provincial standards;*
- e) *home occupations and home industries;*
- f) *cemeteries; and*
- g) *other rural land uses.*

There may be justification for the proposed use to be considered as an '*Other rural land use*' per (g) in the above list. In that regard, County staff would be open to further discussion with the proponent to discuss the potential of an amendment to the County's Official Plan, to consider any merit for permitting the proposed use on the subject property. Staff would note that there may be additional studies required to support the proposal, which would be determined at the time of a formal pre-submission meeting with the proponent.

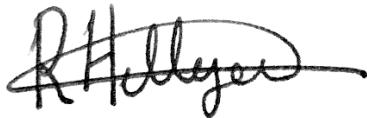
Staff would note that there does not appear to be any significant concerns from a natural heritage or natural hazards perspective within the immediate vicinity of the subject lands.

In summary, County staff would recommend that the subject application be refused, as the scale of the proposed use is well above-and-beyond what would be considered permissible on a 2.2. hectare Rural property. Should the applicant decide to reduce the footprint of the proposed dry-manufacturing use or would like to inquire further about the potential of pursuing a County Official Plan Amendment, staff are very open to further discussion in either case.

We kindly request notice of any decision rendered with respect to this file.

If you wish to discuss this matter further, please do not hesitate to contact me.

Yours truly,

A handwritten signature in black ink, appearing to read 'R. Hillyer', with a stylized flourish at the end.

Becky Hillyer
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