

~~What~~ What would you like your community to look like in the next 5, 10, or 20 years?

What do you like about your community? What is missing?

I like that there is a park behind my house.  
I dislike the dog poop on the side walk.

Additional comments:

N/A Response by \_\_\_\_\_  
701 # Entered in Spreadsheet  
✓ Summarized (comment chart)

Name (optional)

Phone/email (optional)

~~No thanks~~

~~No thanks~~



What would you like your community to look like in the next 5, 10, or 20 years?

What do you like about your community? What is missing?

I like that there are lot's of trails to go hiking. But I think Owen Sound needs more sport stores or more parks. Also what I would like is a trampoline park.

Additional comments:

N/A Response by \_\_\_\_\_  
7/14 # Entered in Spreadsheet  
✓ Summarized (comment chart)

Name (optional)

Phone/email (optional)

What would you like your community to look like in the next 5, 10, or 20 years?

What do you like about your community? What is missing?

Our community needs more stores in the mall that people actually wanna go to, a Sephora, more gyms, more lounges and places to hang out. I like the nature around here. There should be more acceptance for people that

Additional comments: look and dress different.

Response by \_\_\_\_\_

685 # Entered in Spreadsheet

✓ Summarized (comment chart)

Name (optional)

Phone/email (optional)

What would you like your community to look like in the next 5, 10, or 20 years?

What do you like about your community? What is missing?

I like my community because it has  
parks and good places but it could be  
a little cleaner. people could be cleaner and  
pick up there garbage.

Additional comments:

N/A

693

✓

Response by \_\_\_\_\_

# Entered in Spreadsheet

Summarized (comment chart)

Name (optional)

Phone/email (optional)



## Lacey-Avon,Stephanie

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✓  
757  
✓ Response by Scott  
# Entered in Spreadsheet  
Summarized (comment chart)

**From:** Lindsay Ayers (BMR) <layers@bluemountain.ca>  
**Sent:** Tuesday, February 13, 2018 3:41 PM  
**To:** Scherzer, Randy; Taylor,Scott  
**Cc:** Andrew Siegwart  
**Subject:** FW: Some demographic stats from this past summer

Hi Randy/Scott,  
I followed up with Andrew Siegwart, President, Blue Mountain Village Association as per our conversation yesterday re: changing demographics info, etc.  
Andrew has provided the below. Hopefully this is along the lines of what you are looking for.  
Please do not hesitate to contact us should you have any questions or require further clarification...  
Thanks again for your time yesterday,  
Lindsay

**Lindsay Ayers**  
Director, Planning & Environment  
**Blue Mountain Resorts LP**  
190 Gord Canning Drive, Blue Mountains, Ontario, L9Y 3Z2  
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Find us:  

 Please consider the environment before printing this email.

**From:** Andrew Siegwart [<mailto:asiegwart@bluemountainvillage.ca>]  
**Sent:** Tuesday, February 13, 2018 3:12 PM  
**To:** Lindsay Ayers (BMR) <[layers@bluemountain.ca](mailto:layers@bluemountain.ca)>  
**Subject:** Some demographic stats from this past summer

**Blue Mountain Resorts LP**

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March 23, 2018

**BY EMAIL ONLY**

Scott Taylor  
Senior Planner  
County of Grey  
595 9<sup>th</sup> Avenue East  
Owen Sound, ON N4K 3E3

Dear Scott:

**RE:     Recolour Grey – Grey County DRAFT Official Plan  
          Blue Mountain Resorts LP - Comments**

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As a follow-up to our meeting on February 12, 2018, may this letter serve as the comments of Blue Mountain Resorts LP (BMR) in response to Grey County's 'Recolour Grey - Draft County Official Plan' dated November 23, 2017.

Overall, BMR generally supports the policies contained within the County's Draft Official Plan. However, we have comments in regards to the following that we trust will be considered going forward as Planning staff work to finalize the Official Plan:

**MAPPING**

BMR has reviewed the relevant Draft Schedules and Appendices and offers the following comments:

***Draft Schedules***

It appears there have been no changes to Schedule A 'Land Use Types' – Map 2 as it relates to BMR properties. Given all of BMR's properties continue to be designated as either Recreational Resort Area or Escarpment Recreation Area and the respective boundaries of these land use types remain unchanged, BMR is satisfied with Draft Schedule A.

BMR has reviewed Draft Schedule B 'High Potential Mineral Aggregate Resources' and has no concerns or comments.

In terms of Schedule C 'Natural Heritage System Core Areas and Linkages', BMR provided extensive comments throughout the Green in Grey Natural Heritage System Study process and the mapping appears consistent with that Study. As a result, BMR has no further concerns or comments.

***Draft Appendices***

It appears there has been no change to the Karst Area mapping on Appendix A 'Constraint Mapping' – Map 2 as it relates to BMR properties and no additional constraints have been identified on BMR properties. As a result, BMR has no concerns or comments.

In terms of Appendix B 'Constraint Mapping' – Map 2, BMR has significant concerns with the Significant Woodlands, Lakes, and Stream/River mapping associated with some of BMR's properties. Appendix B – Map 2 identifies Significant Woodlands along the top of the Niagara Escarpment brow on the western edge of BMR's property (essentially a strip running north-south across Lots 17 and 18, Concession 3, Town of the Blue Mountains). This Significant Woodlands mapping is inconsistent with Map 3 'Woodlands and Deer Wintering Areas' and Map 5 'Significant Natural Features' in the Green in Grey Final Report. On Map 3, this same strip is identified as a 'Wooded Area' not a 'Significant Woodland' and on Map 5, nothing has been identified on this particular strip of land. Given the restrictive policies associated with Significant Woodlands and the fact that Significant Woodlands have not been identified on this property previously – or most recently through the Green in Grey process – BMR respectfully submits that this particular constraint be removed from Appendix B – Map 2 of the Draft Grey County Official Plan.

Similarly, Significant Woodlands have been identified along the southeastern boundary of BMR's Orchard Ski Area (specifically Lot 15, Concession 2, Town of the Blue Mountains). This Significant Woodlands mapping is also inconsistent with Map 3 'Woodlands and Deer Wintering Areas' and Map 5 'Significant Natural Features' in the Green in Grey Final Report. On Map 3, this same section of BMR's property is identified as a 'Wooded Area' not a 'Significant Woodland' and on Map 5, nothing has been identified. Again, given the restrictive policies associated with Significant Woodlands and the fact that Significant Woodlands have not been identified on this property previously – or most recently through the Green in Grey process – BMR respectfully submits that this particular constraint be removed from Appendix B – Map 2 of the Draft Grey County Official Plan.

BMR also has concerns with some of the 'Lakes' and 'Stream/River' mapping contained in Appendix B – Map 2. Similar to our comments submitted throughout the Green in Grey process, the County continues to identify former sewage lagoons (Lot 18, Concession 2, Town of the Blue Mountains) as 'Lakes' in the Draft Official Plan. These sewage lagoons were decommissioned in the late 1980s. As a result, BMR respectfully submits that this particular mapping is misrepresentative of the current pond structure associated with the 18<sup>th</sup> Hole of Monterra Golf Course. Furthermore, BMR would like to stress that these particular ponds are human-made stormwater management ponds and should not be treated as naturally occurring lakes or water bodies.

Similarly, Appendix B – Map 2 illustrates the configuration of BMR's snowmaking pond formerly located on the Blue Mountain Village lands (Lot 17, Concession 2, Town of the Blue Mountains). This snowmaking pond was essentially decommissioned and redeveloped as the Village Mill Pond in order to accommodate development of the Blue Mountain Village. Furthermore, a 'Stream/River' has been identified along a portion of Gord Canning Drive, which then crosses Jozo Weider Boulevard into the Monterra Golf Course lands (Lot 17, Concession 2, Town of the Blue Mountains). BMR is not aware of any 'Stream/River' in this area. To our knowledge, there is only buried stormwater management infrastructure that directs drainage from the Village Ski Area around the Blue Mountain Village lands. As a result, BMR respectfully submits that these constraints be updated and/or removed to reflect existing conditions on these particular lands.

BMR has reviewed Draft Appendix C 'Traditional Territories of the Saugeen Ojibway Nations and Six Nations of the Grand River' and Draft Appendix D 'Functional Road Classification and Planned Corridors' and has no concerns or comments.

## **4 DEVELOP GREY**

### ***4.2.7 Tourism & Recreation***

BMR appreciates that increased consideration has been given to Tourism & Recreation in the 'Develop Grey' section of the Draft Official Plan. BMR suggests that it would be appropriate to include a statement about the

economic importance of the tourism and recreation industry to Grey County. Furthermore, tourism should be recognized for the role it plays in attracting visitors to Grey County who may ultimately decide to relocate here.

BMR respectfully suggests that the County should consider rephrasing the first bullet to state 'The County will work co-operatively with tourism and recreation groups and operators to make this area the number one destination in Ontario' – rather than limiting this to only 'Southwestern Ontario'.

In addition, this section predominantly discusses attracting new tourism and recreation developments to Grey County. However, BMR suggests that there also be policies included in this section to support the growth and expansion of *existing* tourism and recreation developments.

#### **4.3 Settlement Area Land Use Types**

BMR supports the policies of the Draft Official Plan as they relate to providing for a range of types of housing along with affordable housing. As per Section 4.3(14), 'development within the built-up areas may be of higher density to achieve the policy directives of this Plan but should be compatible with adjacent residential areas.' Given the concerns that have consistently been raised over density – particularly in the Town of the Blue Mountains – BMR respectfully suggests that the County consider including a definition of 'compatible' and/or examples of compatible types of developments in its Draft Official Plan to further clarify this policy directive. BMR appreciates that the 2014 Provincial Policy Statement does not include a definition of 'compatible'. However, the Town of the Blue Mountains included a definition in Section E11 'Glossary' of its 2016 Official Plan that the County may wish to review and consider.

#### **4.8 Recreational Resort Areas**

BMR appreciates that the policies in this section of the Draft Official Plan are consistent with the policies in the County's current Official Plan. However, in response to 4.8(3)(b), BMR continues to encourage policies at both the municipal and county level that are open-minded and allow for flexibility as it relates to possible future recreation and tourism facilities. BMR fully supports the County 'Encouraging new land uses that will promote existing or require the establishment of new recreation and tourism facilities which diversify opportunities for all possible forms of recreation...' However, we respectfully request that the examples provided '...such as skiing, snowmobiling, fishing, hunting, golfing, walking, hiking, biking, equestrian and nature trail uses, water access activities...' be removed as this list essentially scopes 'all possible forms of recreation'.

Furthermore, while BMR appreciates 4.8(3)(d) is a policy taken directly from the County's current Official Plan and we support the creation of public-private partnerships, where applicable, we respectfully question what this particular policy is trying to establish.

### **6 NATURAL GREY**

The second paragraph on Page 85 addresses Adjacent Lands setbacks and states 'Reductions to these distances do not require an amendment to this Plan or in a local official plan, but must be supported by a technical study prepared by a qualified professional knowledgeable on natural heritage'. BMR respectfully suggests that there are certain situations where reductions to these setbacks do not necessarily require a technical study and encourages the County to reconsider use of the word 'must'. In addition, BMR notes that the County has introduced the term 'technical study' in this section. BMR encourages the County to consider replacing this term with 'Environmental Impact Study' to maintain consistency of the terms used and defined in the Draft Official Plan. Furthermore, 'Habitat of Threatened or Endangered Species' are listed as having an Adjacent Land Width of 120 metres. However, there are certain threatened or endangered species (i.e. Butternuts) that

have specific policies legislating appropriate setbacks. Perhaps inclusion of language indicating 'or as directed by the Ministry of Natural Resources and Forestry' should be considered.

### **6.1 Core Areas**

As per Schedule C 'Natural Heritage System Core Areas and Linkages', a Core Area has been identified on the south side of Grey Road 119 (Scenic Caves Road) where it climbs the Niagara Escarpment. As the County is aware, BMR has ski trails and associated facilities, hiking trails, mountain biking trails and our new ice skating trail located just north of this section of Grey Road 119. BMR has concerns with the statement 'Development proposed within the 120m adjacent lands will be required to undertake an Environmental Impact Study' and respectfully submits that the scale/type of development be considered in this policy. From our perspective, minor adjustments or expansions to recreational trails, etc. should not necessarily require a formal Environmental Impact Study. BMR appreciates that Section 6.11.3 indicates that the County may allow for the waiving of the requirement for the preparation of an Environmental Impact Study if the development is 'minor' in nature. BMR respectfully submits that 'minor' should be further defined and/or clarified.

In addition, BMR owns property on the east side of Grey Road 119 at the bottom of the Escarpment (Lot 15, Concession 1, Town of the Blue Mountains) slated for parking lot development as per a registered Site Plan Agreement. Should any changes be proposed to the existing site plan, BMR is concerned that an Environmental Impact Study will now be required given its proximity to this recently established Core Area. BMR respectfully suggests the County consider including language in the Draft Official Plan that outlines how Core Areas policies will affect previously approved development that has not yet commenced.

## **7 LIVE GREY**

### **7.1 Housing Policy**

BMR generally supports the housing policies outlined in Section 7.1 of the County's Draft Official Plan and offers the following comments:

While BMR supports encouraging added housing above commercial uses in and near the downtown (Section 7.1(3)), there appears to be somewhat of a growing trend towards converting and/or developing these residential units for short-term accommodation purposes. As a result, BMR encourages the County and lower-tier municipalities to monitor the number and timing of these types of conversions to determine pace and potential impact.

BMR also supports the notion of Grey County requiring developers to consider the *Healthy Development Checklist* as part of their application process (Section 7.1(7)) and suggests the County also encourage lower-tier municipalities to incorporate this Checklist into their respective application processes.

#### **7.1.1 Affordable Housing**

BMR understands that the bulk of affordable housing opportunities are primarily being directed towards settlement areas with appropriate levels of servicing. Per Table 7 'Distribution of the County's Settlement Areas', Thornbury/Clarksburg is recognized as a Primary Settlement Area and Ravenna and Heathcote are recognized as a Secondary Settlement Areas in the Town of the Blue Mountains. Considering the employment demands within the Craighleith area of the Town of the Blue Mountains, BMR respectfully suggests that the County consider extending these policies, where applicable, to the Recreational Resort Area land use type or at least formally acknowledging the importance of connecting these settlement areas, where affordable housing is primarily being directed to, with employment areas via affordable transportation solutions.



## **8 MOVE GREY**

BMR appreciates the County formally recognizing that not everyone has access to a vehicle and the importance of providing a variety of transportation options that work together as a complete transportation system in the Draft Official Plan.

### ***8.2 General Transportation Policies***

Section 8.2(1) lists ‘providing connections between our rural areas and settlement areas so that people can access services and facilities located within settlement areas’ as an element of the County’s complete transportation system. BMR supports this policy but respectfully suggests that this policy also encourage providing connections between Recreational Resort Areas and settlement areas for the same reason.

BMR supports prioritizing pedestrians, transit, cyclists, and the movement of goods over those of single occupant vehicles when considering the transportation options and needs of residents, tourists, and businesses (Section 8.2(2)).

#### ***8.3.2 County Roads***

As per Section 8.3.2(2) of the Draft Official Plan, ‘The County will consider accommodating a variety of transportation modes along County Road corridors in order to play a key role in the overall complete transportation system. This could include accommodating pedestrians, cyclists, agricultural equipment, horses and buggies, transit (including transit stops), and motorized vehicles.’ BMR strongly appreciates the County incorporating the potential for transit stops on County Roads as this was previously discouraged, if not prohibited.

BMR also appreciates the County formalizing the consideration of paved shoulders on County roads in Section 8.3.2(4) in the Draft Official Plan.

#### ***8.4 Active Transportation***

BMR supports the Active Transportation policies contained in the Draft Official Plan. Our only suggestion is that the County consider revising Section 8.4(4), which currently states ‘Tourism and recreational developments that support active transportation will be encouraged. This includes expansions of new ski runs, outdoor skating venues, snowshoe trails, and other tourism uses that encourage active transportation’ to include examples of year-round tourism and recreational activities that extend beyond the winter season (i.e. hiking trails, biking trails, etc.).

#### ***8.5 Public Transit***

BMR appreciates the County’s Draft Official Plan acknowledging the need to consult with other levels of government and other transportation agencies in order to maintain and improve inter-community transit as well as transit links outside of Grey County to connect to neighbouring communities such as Collingwood, etc. as per Section 8.5(6).

#### ***8.9.5 Other Technology Considerations***

BMR supports policies encouraging electric vehicle (EV) charging stations throughout the County. Comments on EV charging stations, or the lack thereof, in our region are increasing as EVs become more popular. BMR is currently exploring opportunities to install EV charging stations for both overnight and day visitors and appreciates the County encouraging this type of development at other locations such as shopping centres, municipal buildings, etc.

### **8.11.2 Commercial Water Taking**

BMR strongly encourages the County to consider further scoping the policies contained in this section. Currently, 8.11.2(1) states that 'In order to establish a commercial water taking operation proposing to take water in excess of 50,000 litres per day for commercial sale, a County Official Plan Amendment...will be required.' BMR questions what constitutes 'commercial sale' and if someone could potentially interpret selling ski tickets or golf rounds as a form of selling water that was commercially taken to support these activities.

BMR raised similar concerns with the Town of the Blue Mountains during its recent Official Plan review process and the response received from the municipality was to refer to the Grey County Official Plan. As a result, BMR would appreciate some greater assurance in the County's Draft Official Plan that these policies are directed towards commercial water taking used for human consumption and not commercial water taking used for recreational activities where the water taken predominantly remains in the watershed.

Furthermore, BMR understands that Section 8.11.2(5) states that 'If permits for the commercial taking of water currently exist at the date of adoption of this Plan and remains in place, Subsections (1) thru (4) above do not apply.' However, commercial water taking permits expire and new permits must be applied for and issued by the Ministry of the Environment and Climate Change. BMR suggests the County consider how these policies will affect and apply to those who have historically had commercial water taking permits and if an Official Plan amendment, etc. will be required when permit renewals are sought due to expiry.

### **GENERAL**

In addition to the specific comments provided above, BMR also suggests the County consider revising the Draft Official Plan to be more concise. The current County Official Plan is 149 pages and the Draft Official Plan is 211 pages. Given Section 9.18 is devoted to definitions, BMR recommends italicizing the terms defined in this section throughout the document to avoid redundant content. In many instances, terms and/or concepts are defined within the body of the Draft Official Plan as well as in the Definitions section. Furthermore, BMR appreciates why the County may have renamed 'land use designation' in the current Official Plan as 'land use type' in the Draft Official Plan. However, BMR feels 'land use designation' is the more appropriate term for this particular policy document.

Overall, BMR is very appreciative of the ongoing dialogue with the County throughout the Recolour Grey process. We would appreciate acknowledgment of this submission and look forward to receiving correspondence in response to the above comments from the County when time permits. Please do not hesitate to contact me should you have any questions or concerns.

Regards,



Lindsay Ayers  
Director, Planning & Environment

Cc: Randy Scherzer, Director Planning & Development, Grey County  
Dan Skelton, President & COO, Blue Mountain Resorts LP  
Colin Travis, President, Travis & Associates Inc.  
Andrew Siegwart, President, Blue Mountain Village Association

q11/18/2017

Telephone Call

Entry # 727



He would like to see free public transportation throughout Grey County. Feels there are too many police staff in Owen Sound, and would like to see chlorine and fluoride eliminated from drinking water.

What would you like your community to look like in the next 5, 10, or 20 years?

What do you like about your community? What is missing?

I like my community the way it is  
but I think it could have a few more  
nature places for people to enjoy their  
time and read, work etc...

Additional comments:

N/A Response by \_\_\_\_\_  
092 # Entered in Spreadsheet  
✓ Summarized (comment chart)

Name (optional)

Phone/email (optional)

What would you like your community to look like in the next 5, 10, or 20 years?

What do you like about your community? What is missing?

(Parks and schools are close to my house  
→ Skiing / snowboarding (Blue Mtn)

What is missing? gym + indoor pool.  
movie theatre?  
bowling alley

Additional comments:

N/A

Response by \_\_\_\_\_

691

# Entered in Spreadsheet

✓

Summarized (comment chart)

Name (optional)

Phone/email (optional)







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<b>Date</b>	Monday, March 12, 2018
<b>From</b>	Robert Armstrong, Director of Development & Environmental Services
<b>Subject</b>	<b>County of Grey's New Official Plan</b>
<b>Report No.</b> DES2018-05	<b>Roll No.</b> n/a

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## Recommendation

That Committee of the Whole receive Report DES2018-05 County of Grey's New Official Plan for information purposes.

## Background

In late November 2017, after approximately 18 months of consultation and policy work by the County of Grey Planning Staff, Report PDR-CW-47-17 (Appendix 1) was presented to Grey County Council along with a draft of the new Official Plan. This report highlighted some of the new policies, by theme, which have been incorporated into the new document based on staff, agency and public input. Detailed information regarding the plan/schedules as well as various maps, notices and a number of related discussion papers are available for review at <https://www.grey.ca/programs-initiatives/recolour-grey>.

During the 'Recolour Grey' Official Plan update process, the County has made it a priority to involve local municipal staff, providing opportunities for staff to review and comment on the various discussion papers, and to discuss draft policy directions prior to completion of the Draft Official Plan.

Since release of the Draft Official Plan in November 2017, local staff have completed a detailed review of the more directive policies of document (being Sections 1-6) and a more cursory review of the latter sections of the Plan. In early February of 2018, staff were invited to a one-on-one consultation with County Planning staff to discuss comments and concerns around the draft policies presented. Key items arising from this review will be discussed below.

## Analysis & Implications

On balance, the Plan as proposed is supported by local staff. The Plan captures and incorporates a number of studies and policy changes that have occurred since their last update such as the recommendations of the 'Green in Grey' Natural Heritage Study and directions/best practices outlined within the Province's updated Minimum Distance Formulae & Guidelines and Guidelines on Permitted Uses in Ontario's Prime Agricultural Areas.

There are however, a number of items that local staff have raised with the County regarding the draft policy – including areas for further consideration, policy change and refinement and similar recommendations. These items appeared to be well received by County Staff at the February one-on-one meeting and staff anticipate that the comments provided will largely be addressed within the final draft of the Plan to be presented for approval. For Council's information and understanding, the items raised have been detailed in the following table. Rows including key considerations or more major policy comments have been shaded. A separate table has been provided directly to County staff relating to minor grammatical, typographical and similar items identified through the review and is not affixed to this report.

Staff have provided a copy of this report to the County Planning & Development Department to form part of the official public record, in advance of a decision on the new Official Plan. Staff note that the County has scheduled a statutory Public Meeting for Tuesday March 27<sup>th</sup>, 2018 at 6:30pm. Several informal Open Houses, at varying locations across the County, are also scheduled in March, with the nearest workshop being held in Owen Sound on March 15<sup>th</sup>, from 9-2 at the County Administration Offices.

Section of County Draft OP	Comment	Discussion
2.1 Growth Projections	The draft plan presently shared does not include results of the updated Growth Management Strategy.	The Updated Growth Management forecasts have been provided to Staff for review & comment. Staff have provided a response based on their review, attached as <b>Appendix B</b> .
3.2.1 Agricultural Permitted Uses	Staff noted (regarding this and other sections of the Plan) that per the updated Minimum Distance Separation Guidelines, MDS is required to apply, even to lots of record, unless the lot was created prior to March 1 <sup>st</sup> , 2017. This requirement does not appear to be captured.	In our February one-on-one meeting, County Staff made note of this comment for discussion with OMAFRA.
	Subsection (5) of this draft section would limit the total number of residential units on a farm property to a maximum of 2. Staff request that this wording be changed to specify that a maximum of 2 <i>permanent</i> dwellings be permitted, leaving flexibility for temporary farm help dwellings, as needed by the operation (in accordance with the Zoning By-law)	On a farm, Meaford's Zoning By-law allows for a main dwelling and accessory apartment unit, as well as temporary farm help accommodation (e.g. mobile home) up to a maximum total floor area of 280m <sup>2</sup> .
3.2.2 Agricultural	Subsection (2) proposes allowing for smaller farm lots in Prime Agricultural Areas, subject to	By providing clarification within the policy, a farmer wishing to have such a report

Section of County Draft OP	Comment	Discussion
Development Policies	completion of a report by a “qualified professional” addressing various matters such as economic viability and flexibility of the proposed operation. Staff recommend that the ‘qualified professional’ be specified, for example: is there a specific educational background/skill set required? Is it intended that a specific title be held?	completed will know what type of professional to engage. This will also allow for consistent application across the County.
	Subsection (3) makes reference to minimizing lot sizes for ‘non-farm permitted uses’. Staff found this reference to be confusing and have suggested the clause be clarified.	Clarification Requested.
	Subsection (4e) states that Minimum Distance Separation (MDS1) will be required for on-farm diversified uses (e.g. home industry, agri-tourism uses, value-added uses, farm retail etc...). Staff are of the opinion that such broad mandatory application to all on-farm diversified uses, is unnecessary; will be cumbersome to implement; and, may restrict uses that would not reasonably represent a conflict with adjacent livestock operations. Additionally, Staff have concern that this may limit co-location of agricultural and related value-added/retail components, as well as the adaptive re-use of	Staff recommend that local discretion be maintained to apply MDS1 to certain types of on-farm diversified uses, based upon their potential conflict with nearby farm operations.  Perhaps the County level policy would encourage application to uses that may be anticipated to present a conflict - for example, outdoor eating/tasting areas associated with a farm winery. Or alternately, perhaps the policy would identify the characteristics of uses that may be exempted, such as uses that occur

Section of County Draft OP	Comment	Discussion
	existing (and often historic) outbuildings on farm properties.	predominantly indoors, or which by their nature include active agriculture such as petting zoos, horseback riding etc...
	Subsections (5 & 7) restrict “non-farm development on existing lots of record, or new non-farm lot creation” within 300m of Mineral Resource Extraction or within 500m of a Primary Settlement Area. Given that the definition of ‘development’ includes ‘construction of buildings or structures’, Staff recommend that the policy be clarified to reference “non-farm development via Zoning Amendment or new lot creation” thereby exempting construction of buildings and structures that would be otherwise permitted as-of-right by the Zoning By-law on existing lots of record.	<p>If no clarification or exemptions are noted, Staff would anticipate that a Holding Symbol would need to be applied to all lands within 300m of Mineral Resource Extraction and 500m of Primary Settlement Areas to implement the policy, as written.</p> <p>The suggested clarification would exempt construction of buildings and structures that would be otherwise permitted as-of-right by the Zoning By-law on existing lots of record and would also facilitate minor variances, where necessary, for development on existing lots within these areas.</p>
	Subsection (8) allows for severance of a lot which straddles the Agricultural Designation and Settlement Area, such that each area can be used for its respective intended purposes. Staff recommend it be clarified if this permission would also applied to similar lots partially within the Rural and Special Agricultural designations.	Clarification to policy Requested.



Section of County Draft OP	Comment	Discussion
	Subsection (16) – Staff Recommend that the Plan include a link to the various Provincial D6 Guidelines for ease of reference.	Recommendation re: Ease of Use
	<p>Subsection (18) requires that for lot creations, “Evidence of the site’s suitability must be provided in the form of an evaluation conducted in accordance with MOECC Guidelines or the Ontario Building Code, where applicable”.</p> <p>The MOECC Guidelines that would apply for an individual well (or five or fewer users) is D-5-5. This guideline, requires three test wells for proposals up to 15ha, with at least one well being newly installed on-site. Logistically this is tricky as lot lines/layout often changes through the consent process in response to public and agency comment. Additionally, this is a considerable expense in advance of any planning approval, particularly in the case of creation of a rural residential parcel where water usage resulting would be relatively low.</p> <p>For context, a basic residential septic system is designed for approximately 2400L/day. A water-taking permit isn’t required until a use exceeds 50,000L/d. So a farmer could build a large barn and install a well to service it without</p>	<p>Staff recommend that the existing wording “or municipal process having a similar objective” be maintained to allow municipalities to develop their own due diligence around this issue, rather than requiring a full D-5-5 assessment prior to low density lot creation.</p> <p>Alternately (or as part of the due diligence identified above), perhaps demonstration of a suitable well becomes a recommended condition of consent approval (i.e. prior to finalization/deed stamping) whereby an applicant would install a well and have a hydrological report completed confirming that the minimum requirements for yield, and quality are met, or can be mitigated on-site. The installation of a new well may not, however, be desirable unless construction is intended in a relatively short timeline.</p>

Section of County Draft OP	Comment	Discussion
	study but could not sever off a residential lot without test wells.	
3.2.3 Consent Policies (Agricultural)	Sub Section (3), Paragraph 4 beginning “for the purposes of...” restricts lot additions that would result in the creation of a new non-farm lot in the Agricultural designation. Staff suggest that this section be cross-referenced with the consent policies for surplus farm dwellings, to clarify that the creation of a new non-farm lot <i>is</i> permitted where the consent meets the criteria applicable to a surplus farm dwelling severance under Section 3.2.3.1 (b).	Staff recommend this cross-reference be included for the purpose of clarity, specifically around those circumstances where a farmer is trying to amalgamate farm lands via addition from abutting parcels.
3.3.2 Development Policies, Special Agricultural	Subsection (1) allows for lot creation with less than 10ha of area where for an agricultural-related use specific to fruit “production or processing”. In absence of definitions around ‘production or processing’, Staff question if this would also include lot creation for uses relating to ‘storage and distribution’. If this is the intent, the policy should specific these uses.	Clarification to policy is requested.

Section of County Draft OP	Comment	Discussion
3.4.1 Uses Permitted (Rural)	<p>Subsection (2f) – Staff note that reference here (and elsewhere in the document) is made to a uses being “Small in scale”.</p> <p>While “Small Scale” is a defined term of the Plan in the context of on-farm diversified uses, Staff believe that “Small in Scale” is intended to speak more broadly to evaluation of impact and scale in the context of compatibility with adjacent uses and appropriateness for rural service levels. Staff recommend that these references be re-worked to eliminate the use of ‘Small in Scale’ which may be confusing given the similar defined term.</p>	Clarification to policy is requested.
3.4.2 Development Policies (Rural)	<p>Subsection (6) makes reference to creation of small farms on rural lands as lifestyle or incubator operations. Generally, the policies do support creation of farm parcels of a range of sizes. While reference to incubator operations may be useful given a unique range of uses that may be involved, Staff are of the opinion that references to ‘lifestyle’ operations are unnecessary and should be removed given that such farms would not be expected to be operationally distinct from other small farms.</p>	Recommend removal of reference to ‘lifestyle’ operations.

Section of County Draft OP	Comment	Discussion
	<p>Subsection (9) listing the criteria for residential uses accompanying Resource Based Recreational Uses doesn't appear to capture the need for justification of the scale of the residential component relative to the recreational use. While this wouldn't take the form of any specified ratio, for example, Staff are of the opinion that it is beneficial to require discussion around the relationship between the uses.</p>	<p>Staff recommend the policy be amended to specifically require justification of the scale of the residential component proposed.</p> <p>From the Meaford OP, Section B2.3.4.6 may provide a basis for this policy, and reads:</p> <p>"Justification is provided demonstrating that the scale of the residential use is appropriate and desirable in relation to the resource-based recreational use and surrounding rural area."</p>
3.6.3 Mineral Resource Extraction Permitted Uses	<p>Subsection (4) speaks to submission of a "planning report". Staff would recommend that it be specified that a planning report be completed by a 'Registered Professional Planner'.</p>	<p>Section B2.7.4.3 iii 'supporting documentation' in Meaford OP elaborates on content of planning report and may be helpful.</p>
6.1 Natural Grey – Core Areas	<p>The proposed policy would limit range of uses within Core Areas, and require study (EIS) on adjacent lands, as well as within core for certain uses (e.g., development on existing lot).</p> <p>Note: 'Agricultural Uses' doesn't specify that buildings are exempted. Staff are not clear if an</p>	<p>Generally – for Core &amp; Linkage Areas, Staff would appreciate additional clarity around what buildings will trigger an EIS and what will not. This will allow for local municipalities to appropriately implement the policy via the Zoning By-law, which must be precise.</p>

Section of County Draft OP	Comment	Discussion
	EIS requirement is intended to be triggered for construction of an 'Agricultural Building'?	The lists for Cores vs. Linkages are worded/arranged differently and that creates some ambiguity. Staff recommend that presenting this information in table format would be useful. For example, Column A (Use), Column B (Core), Column C (Linkage) with a checkmark in the row beside uses that trigger an EIS.
6.2 Linkages	The exempted development list doesn't specify 'new dwellings and accessory structures on existing lots of record'. Staff are not clear if these are to be exempted or if an EIS is required.	
6.6 Karst Area	<p>Karst is a broader landform feature than simply the bedrock observed within a test-hole, which in some cases may be indicated by features other than just shallow overburden. If detected on a site visit, Staff are of the opinion that these features should be adequate to trigger a more fulsome evaluation.</p> <p>Staff have attempted some draft wording for this section, to capture this more holistic approach, though recommend the policy be reviewed by a Qualified Individual (potentially a Professional Geoscientist or Geotechnical Engineer). In conjunction with an amendment to this policy, Staff suggest that additional education would be beneficial for local planners and other agency officials around karst identification on the landscape to aid in quality screening of this constraint.</p> <p>Potential wording: 'The Karst Area is a development constraint area that is shown on Appendix A. The constraint is intended to trigger a more detailed study where fractured bedrock is overlain by shallow soil/overburden, generally less than 1m in depth, which may indicate that karst topography is present.</p> <p>In areas mapped as 'Karst Area' on Appendix A, it will be necessary for the proponent of any planning application to provide an assessment of the proposed area of development. Often, this can be accomplished by on-site test holes, however in some circumstances broader landscape</p>	



Section of County Draft OP	Comment	Discussion
	<p>features may indicate Karst and may indicate the need for further assessment/confirmation. Depending on the site, an Environmental Impact, Hydrogeological or Karst Study, completed by a Qualified Individual may be required.</p> <p>1) In determining if the constraint feature is present, the proponent must dig two test holes in the location of the proposed main building (e.g. in the northwest &amp; southeast corners), one test hole in the location of the proposed sewage system and one test hole in the proposed location of each accessory structure. The test holes must be inspected by a qualified municipal or conservation authority official, or a qualified third party consultant, capable of determining karst features. A brief report of the findings must then be prepared and submitted to the County of Grey and local municipality</p> <p>2) If the test holes reveal shallow overburden, less than 1m in depth, above fractured bedrock – or if broader landform features indicative of karst are observed on the landscape – a study by a qualified individual must be prepared to assess impacts and mitigation measures relating to the proposed development. Considerations addressed by this study should include surface water drainage; groundwater quality; bedrock erosion; and, any anticipated hazard associated with unstable bedrock conditions potentially arising as a result of karst features. The study must be to the satisfaction of the County of Grey, the local municipality and the appropriate authority designated under the Ontario Building Code for sewage systems.</p> <p>3) In areas where full municipal water and sewer services are already installed, the Karst Area test hole/study requirements will not apply for new fully serviced development. '</p>	
6.7.1 Significant Valleylands	Staff would appreciate additional clarification around how/if associated mapping of Significant Valleyland features are to be implemented within local Zoning By-laws.	Clarification Requested.

Section of County Draft OP	Comment	Discussion
6.8 Wildland Fire	Staff acknowledge that guidance documents have just recently been issued around assessment and policy relating to Wildland Fire risk. It is our assumption that additional clarity will arise as these policies begin to be implemented at the time of development applications.	Clarification requested, as it becomes available.
6.13 Climate Change	<p>Staff found this section to be somewhat generic and have made an attempt to rework the text:</p> <p>"Climate change is considered by many to be the world's biggest challenge in the coming century. Grey County's weather is already changing and will continue to change. We can expect that there will be more frequent snow squalls, more extreme rain and flooding events, and warmer summer temperatures. We must take action to adapt to and mitigate the effects of a changing climate. This will include making greater efforts to protect and to enhance the resiliency of our natural, built and social environments. This Plan has been written with this objective in mind.</p> <p>Additionally, the County of Grey will work towards creating a climate change Action Plan that will coordinate County's efforts to embrace and facilitate resilient, sustainable development to mitigate the effects of climate change within our communities.</p> <p>The following principles and policies may further assist the County and local municipalities in mitigating and adapting to climate change:</p> <ul style="list-style-type: none"> <li>• Parks and open spaces provide opportunities to increase tree canopy and woodland cover across the County.</li> <li>• The proper construction, maintenance and upgrade of infrastructure is essential in maintaining its capacity to function now and under the effects of climate change.</li> </ul>	

Section of County Draft OP	Comment	Discussion
	<ul style="list-style-type: none"> <li>• Green technologies and construction measures should be used whenever possible and feasible for new construction and the replacement of civic infrastructure.</li> <li>• Monitoring of the impacts of climate change on our systems, for example, the Natural Heritage System, will allow us to adjust management activities to best maintain their integrity and resiliency.</li> <li>• Under climate change, the risks associated with natural hazards may change – this should be considered as we plan for the future.</li> <li>• Active transportation provides an opportunity for communities to reduce their carbon footprint.</li> <li>• Mixed use and housing intensification allows for more efficient use of existing and planned infrastructure and should be encouraged.</li> </ul>	
8.3.4	Subsection (3) speaks to limiting development on existing private roads. Staff would appreciate confirmation that this is intended to limit lot creation/unit intensification on such roads and not to limit construction on an existing lot of record.	<p>Clarification requested.</p> <p>The Municipal Official Plan outlines a process, under Section D2.5.2 addressing conditions for construction (including completion of a registered agreement addressing service levels) on existing lots which front onto private roads.</p>
8.10.1	Subsection (2) identifies categories of landfill sites, intended to correspond with Appendix A. The names of these categories within the text are slightly different than shown on the mapping legend, which may cause confusion.	E.g. Blue dots on the Schedule are called 'Previously Identified Site', which appears to correspond to 'Cleared Sites' in the text. These references should be the same so as to prevent confusion.

In addition to the comments by Section in the table above, staff would also like to provide a general comment/query to the County relating to potential implications arising from changes to the planning appeals process under the *Building Better Communities and Conserving Watersheds Act, 2017*.

Staff are aware that under the *Act*, the tests applied to applications/appeals for Zoning & Official Plan amendments will change. While limited information is available around how these changes will roll out in practice, the 'New Test' outlined by the legislation generally speaks to an applicant or appellant's obligation to demonstrate consistency with the Provincial Policy Statement and conformity with any Provincial or *upper-tier* Plans.

*Local* Official Plans are not noted and as such, staff feel there is some ambiguity around where the local Official Plan policies fit into evaluation of an application or appeal in a two-tier system. For example, we anticipate that it is quite clear that in our Primary Settlement Area, the policies of our local Plan would be explicitly applicable and considered by the 'New Test' because the County Official Plan (as drafted) specifically states in Section 4.5 (2) that "Land Use policies and development standards in areas designated Primary Settlement Area will be in accordance with local Official Plans and/or Secondary Plans."

It is not as clear, however, what would happen in a circumstance outside of the Primary Settlement Area where a local policy is more restrictive than an upper tier plan. For example, presently the Municipality of Meaford's Official Plan would require an Official Plan Amendment for a new (small-scale commercial) motor vehicle repair use in the rural area, despite the County Official Plan's broader permissions for Small Scale Commercial uses. If an applicant were to be turned down by the Municipality for an OPA for such a use, how would conformity to the local Official Plan factor in, given that the New Test considers the PPS and County Official Plan?

Further, a related question is raised around the creation of more detailed development criteria/standards at the local level: Can the Municipality develop meaningful and durable development criteria (OP) and Site Standards (ZBL) for Agricultural, Agriculturally-Related and On-Farm Diversified uses if an appeal to a decision of Council on a Zoning Amendment to vary the standards is to be evaluated against the County Official Plan policies? Would the wording in Section 9.2 (8)(d) effectively defer to the more detailed or restrictive policies of the local plan in the context of the New Test?

Staff acknowledge that additional detail around these questions is likely to be forthcoming as the new legislation is put into effect and tested out in practice. In the interim, and leading up to the County's new Official Plan

however, staff would ask that the County please engage with the Ministry of Municipal Affairs and Housing around these questions to determine, in particular, if there needs to be clearer or stronger wording within the County Plan which would specifically enable or defer to more stringent policies of the local Official Plans, where they may exist.

## Financial Impact

In accordance with the *Planning Act*, lower-tier municipalities must bring their Official Plans into conformity with a new/amended upper-tier Official Plan within 1 year. It is expected that an update to the Municipal Official should be initiated in early 2019, following the anticipated adoption and final approval of the County Official Plan in mid-late 2018. Associated costs will be addressed via the annual budget process.

## Strategic Priorities

This report generally supports the mission, vision and values of the Municipality of Meaford, as well as the goals and objectives set out in Council's Strategic Priorities 2015-2018.

## Consultation and Communications

Municipal staff have had ongoing correspondence and consultation with the Planning staff at the County of Grey throughout the 'Recolour Grey' process. The attached comments have been discussed with County staff and a separate table of more minor typographical/grammatical comments have been circulated directly at a staff level.

## Conclusion

On balance, the Plan as proposed is supported by local staff. There are however, a number of items that staff have raised with the County regarding the draft policy – including areas for further consideration, policy changes, or other recommendations. These items are detailed and discussed within this report. A copy of this report has been forwarded to the County of Grey to form part of the official public record, in advance of a decision on the new Official Plan.

## Supporting Documentation

Appendix 1 – County of Grey Report PDR-CW-47-17

Appendix 2 – Staff Comment to County re: Growth Management Update

Respectfully Submitted:

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Robert Armstrong, RPP  
Acting CAO / Director of Development and Environmental Services

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Prepared by:  
Liz Buckton, RPP, Senior Planner



# Committee Report

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## Report PDR-CW-47-17

**To:** Warden Barfoot and Members of Grey County Council  
**From:** County Planning Staff  
**Meeting Date:** November 23, 2017  
**Subject:** **Recolour Grey – Draft of New Official Plan**  
**Status:**

### Recommendation

1. That a draft of the new County Official Plan be received; and
2. That staff be directed to circulate a draft of the new County Official Plan to the Province, local municipalities and other agencies as prescribed under the Planning Act; and
3. That a draft of the new County Official Plan be posted on the County website and distributed to the contact list collected as part of the first and second round of consultations for Recolour Grey; and
4. That following the 90 day period of sending a draft of the Official Plan to the Province as per Section 17(17.1) of the Planning Act, that a Notice of Public Meeting be issued in early 2018 in order to receive further comments and feedback from the community.

### Background

Recolour Grey, the update to the County Official Plan was initiated in May 2016. Throughout the summer and fall of 2016, staff hosted workshops, attended a number of events throughout the County, and attended community group meetings to talk about what should be considered in the new official plan. On-line consultation and information sharing was also key to the County's on-going engagement on this project. Over the winter and early spring of this year, staff collected all the comments received and began to analyze the results.

On May 11, 2017, the County released our Recolour Grey – 'What We've Heard' summary report. The 'What We've Heard' report summarized the feedback received and divided the comments into five main themes;

1. Cultivate Grey,
2. Develop Grey,
3. Natural Grey,
4. Live Grey, and
5. Move Grey

Following the What We've Heard Report, a survey was posted on the County website asking the community if we had heard their comments correctly, or if we missed anything. Some additional responses were received from this survey.

Building off the feedback received, and the background studies completed to date, staff prepared discussion papers for each of the five themes. The five discussion papers were presented to Council in the summer of 2017 and were posted on the County website and shared back out to the community for further comments and feedback. The discussion papers further explored each of the sub-themes based on the 'What We've Heard' report, and based on Grey County's planning and economic context. Policy options were presented which not only reflected feedback from the public, but also drew on the technical recommendations of the studies and background reports completed by the County over the past few years. Changes in Provincial legislation, policy, and guidelines were also key to a number of the policy options presented in the discussion papers. A number of these policy options have formed the basis for drafting the new County Official Plan.

In August and September of this year, Planning Staff held a total of nine workshops with one being held in each local municipality as part of the 2<sup>nd</sup> round of consultation for Recolour Grey. The purpose of the workshops was to determine from the community whether;

1. we captured the comments correctly from the 1<sup>st</sup> round of consultation as identified in the 'What We've Heard Summary Report', and
2. were we on the right track based on the policy considerations that have been highlighted in the five Discussion Papers.

A workshop handout was provided to those attending the workshops which outlined a summary of all the policy considerations identified in each of the Discussion Papers. A presentation was provided at the beginning of the workshop to give an overview of; what an official plan is, how an official plan may impact or benefit someone, explaining what Recolour Grey is, the process taken to date, as well as providing a summary of the five Discussion Papers. Depending upon the size of the crowd or the layout of the meeting room, we either had a large group discussion about the policy considerations under each theme, or we did break-out sessions for each theme.

We had approximately 200 people attend the workshops and the amount of comments we received from those in attendance was excellent. The following is a link to a summary of the comments received under each of the five themes which we have categorized into the various subthemes - [Recolour Grey Workshop Comment Summary](#)

Following the workshops, staff began to prepare a draft of the new Official Plan as well as updating the mapping layers contained in the schedules and appendices. The new Official Plan has been drafted based on the comments we heard in the first and second rounds of community consultation, and based on the background studies and technical reports prepared to date. There were comments on certain matters where we have heard a diversity of opinions. For example, we heard comments indicating that we should have more policies to protect the natural environment and we also heard that we need less policies/restrictions for the natural environment. For topics where we have heard a diverse range of opinions, it has been very difficult if not impossible to address everyone's comments and concerns. Staff have tried to develop policies using a balanced approach and based on all the feedback received. Staff have also taken direction from the Provincial Policy Statement and associated guidelines.



A meeting was held on November 2<sup>nd</sup>, 2017 with local planners including planners from each of the local municipalities, planners from the conservation authorities as well as the Niagara Escarpment Commission. Health Unit staff were also in attendance for the meeting. The local planners provided some initial feedback on the proposed draft policies and we have incorporated that feedback into the draft policies.

We will be circulating a copy of the draft Official Plan to the Province, local municipalities and other agencies and hope to have some further discussions and feedback on the draft policies and mapping. Staff will also post a copy of the draft Official Plan on the County website and notify all the contacts that we have gathered during the consultation process. We will also work with County GIS staff to create an online mapping site so that people can see the current Official Plan designation and mapping on their property and the proposed designation/mapping for their property.

Following the 90 day period of sending a draft of the Official Plan, a Notice of Public Meeting can then be issued. We anticipate holding the public meeting in mid-March which provides almost four months for everyone to review the draft and offer comments and suggestions on how we can improve the Plan.

To help further notify the public, we have included an article in the Made in Grey – Year in Review document letting people know about the new draft Official Plan and asking people to send us any comments. This Year in Review will be delivered to most mailboxes throughout the County in early December and therefore we are hoping that this will create more awareness of the new Official Plan and create further engagement with community members.

The following is a summary of some of the new policies being proposed in the new Official Plan based on what we've heard from the community. The new Official Plan has kept the five main themes as part of the framework for the new Official Plan and therefore below are some highlights of the new policies being proposed within each of the themes:

### ***Cultivate Grey – Policy Highlights***

Cultivate Grey considers the rural, agricultural and resource areas outside of our towns, cities, and villages. These areas make up the bulk of the land in Grey County and are important to Grey's residents, businesses, and visitors. The following are some of the highlights of the proposed policies under Cultivate Grey:

### **Agricultural, Special Agricultural, and Rural Policies**

- Based on changes to the Provincial Minimum Distance Separation (MDS) formulae the following updates are proposed;
  - MDS I does not apply to lot additions,
  - MDS I does not apply to agricultural-related uses,
  - MDS does apply to on-farm diversified uses,
  - Mennonite institutional uses are a Type A MDS factor, rather than the Type B for other institutional uses,
  - MDS I only applies to surplus farm dwelling severances where the lot is being severed from an existing barn,

- Buildings can be replaced in the event of a catastrophe, and
- Guidance is given on when it may be appropriate to vary MDS.
- Where an existing property straddles a settlement area boundary i.e. half in the settlement area and half in Agricultural, the property can be split along the designation line, provided both the severed and retained are buildable. Rural lot density, settlement area buffers, and minimum farm lot sizes shall not apply in these situations.
- Rural lot additions will not need to comply with the rural lot density provisions.
- Agricultural lot additions can be considered provided certain criteria can be met, and a new non-farm lot is not created.
- Where an existing non-farm lot is looking to add land to a farm, it can be permitted provided the remnant lot is as small as possible.

The following table outlines the proposed permitted uses in the Agricultural, Special Agricultural and Rural land use types:

Agricultural Use	Agricultural-related Use	Small Scale On-farm Diversified Use
<b>No maximum size limitation beyond MDS and nutrient management</b>	<b>No maximum size limitation beyond any servicing needs</b>	<b>Must be small scale</b>
<ul style="list-style-type: none"> <li>• Growing of all types of crops</li> <li>• Raising of all types of livestock</li> <li>• Barns / manure storage</li> <li>• Pastureland</li> <li>• Feedlot</li> <li>• Fish farm or aquaculture</li> <li>• Mushroom farm</li> <li>• Christmas trees/nurseries</li> <li>• Greenhouses</li> <li>• Grain dryers and feed storage for own farm's use</li> <li>• Feed storage i.e. bunkers / silos</li> <li>• Washing, sorting, grading (of farm's own commodities only)</li> <li>• Machine shed (for own</li> </ul>	<ul style="list-style-type: none"> <li>• Apple storage and distribution centre (for multiple farms use)</li> <li>• Farm gate sales or farmers market primarily selling locally grown produce/goods</li> <li>• Agricultural research centre</li> <li>• Winery, cidery, meadery using mostly local fruit or honey</li> <li>• Flour mill for local grain</li> <li>• Grain dryer / storage for multiple local farmers</li> <li>• Farm equipment repair shop</li> <li>• Livestock assembly yard, or stockyard for local farmers</li> <li>• Auction for local produce</li> </ul>	<ul style="list-style-type: none"> <li>• Home occupations (e.g. professional office, bookkeeper, land surveyor, art studio, hairdresser, massage therapist, daycare, veterinary clinic, kennel, classes or workshops)</li> <li>• Home industries (e.g. sawmill, welding or woodworking shop, manufacturing / fabrication, seasonal storage of boats or trailers, biomass pelletizer)</li> <li>• Café/small restaurant, cooking classes, food store (e.g. cheese, ice cream)</li> <li>• Agri-tourism and recreational uses (e.g. farm vacation suite, bed and breakfasts not exceeding 3 rooms per let, hay rides, petting zoo, farm-themed playground, horse trail rides, corn maze, seasonal events, horse/pony events, wine tasting)</li> </ul>

farm's use) <ul style="list-style-type: none"> <li>• Cold storage (for own farm's use)</li> <li>• Indoor/outdoor riding arenas/tracks</li> <li>• Minimum amount of processing to make a produce saleable (e.g. evaporating maple sap, or extracting honey)</li> <li>• Marihuana production in accordance with any Federal/Provincial laws</li> </ul>	or local livestock <ul style="list-style-type: none"> <li>• Farm input supplier e.g. seeds, feed, fertilizer, etc.</li> <li>• Abattoir selling and processing local meat</li> <li>• Food processing plant for local produce (e.g. cider-making, pitting, canning, quick-freezing, packing)</li> </ul>	<ul style="list-style-type: none"> <li>• Distillery or brewery partially using some local farm inputs</li> <li>• Value-added uses (e.g. processor, packager, cheese factory, bakery)</li> <li>• Retail uses (e.g. farm market, antique business, tack shop)</li> <li>• Food banks, second harvest, or gleanings operations</li> </ul>
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- Rural permitted uses would include the uses listed in the above table, but would also contain some additional permitted uses as well.
- Recreational uses and alternative dwelling types may be considered in Rural which are not otherwise considered in the Agricultural or Special Agricultural designations, including;
  - residential farm cooperatives,
  - agri-miniums,
  - small scale inns or motels, and
  - recreational or tourist-based rural clusters (e.g. cottages, yurts, or a similar form of development under common ownership).

The above would all be subject to servicing analysis, MDS, and other development criteria.

- Trades businesses or workshops could also be considered in Rural.
- As per the PPS, severances will now be permitted for agricultural-related uses, provided the lots are of a minimum size to accommodate the business.
- Severances will not be permitted for on-farm diversified uses.
- Farm sizes in Agricultural will remain 40 hectares, however smaller lots can be considered where the following criteria is met;
  - Agriculture shall be the proposed use of both the severed / retained lots,
  - A farm business plan is required for the severed and retained, including demonstration that the severed / retained lots will be economically viable and flexible to respond to economic change,

- Demonstration that existing lots are not available for the intended agricultural use,
- The suitability of both the severed / retained lots should be assessed based on;
  - the type and size of agricultural operations common in the area or to the type of agricultural operation proposed, or
  - a demonstration that a new viable form of agriculture is suitable for the area and lot sizes proposed,
- Both the severed / retained lots shall comply with Provincial Minimum Distance Separation Formulae.
- Elimination of the ribbon development policy in Rural.
- Based on being a largely Agricultural/Rural Plan, the bulk of the County's existing Official Plan exceptions are within the Cultivate Grey sections. Staff propose to deal with the exceptions as follows;
  - Any exception which facilitated lot creation or a lot addition will be deleted, where the consent application has already been finalized.
  - Any exception permitting an enlarged 'small scale' use, which is now within the size permitted by the Plan will be deleted, unless there are site specific circumstances/considerations that need to be kept.
  - Any exception for a unique business that no longer exists will be deleted (e.g. running of the bulls in Southgate).
  - All other exceptions will be maintained, provided they still maintain the intent and direction of County, Municipal, and Provincial planning documents.

## **Forestry Policies**

- The County is not looking at adding a 'Forestry' designation, but is looking at some overall guiding policies on forestry. Some policies being considered are;
  - Recognition that forestry and agriculture are mutually compatible and treed windbreaks are encouraged.
  - Reference to the County's Forest Management By-law (or future successors thereto).
  - Encouraging replanting with native species.
  - Promote forest management for public and private landowners in accordance with good forest management practices, to maintain the overall health of woodlots across the County.
  - Exemptions are provided for orchards, nurseries, nut farms, or Christmas tree farms.

## **Aggregate Resource Area and Mineral Resource Extraction Policies**

- Clarifying the Aggregate Resource Area (ARA) policies;
  - No new non-farm lot creation in the ARA
  - 300 metre buffer applies to pits/quarries but not the ARA itself
  - Non-farm development on existing lots can be considered
- Encouraging comprehensive rehabilitation where multiple pits or quarries are in close proximity.
- Encouraging maximum disturbed areas provisions for progressive rehabilitation.
- Looking at cumulative effects and comprehensive analysis of new pits or quarries being proposed in close proximity to one another.
- Providing general guidance on haul routes avoiding settlement areas where practical and feasible.
- The County is looking at two new policies dealing with pits and quarries that may abut one another, or may each abut a road.
  - In the case of adjacent pit or quarry operations, owned by different property owners, the County will, wherever practical, encourage the removal of all economically viable material between the pits or quarries. This may include eliminating the property line setbacks between the operations. Such operations are encouraged to utilize continuous and harmonious rehabilitation.
  - Where pit or quarry operations are separated by a County or Municipal road, the feasibility of allowing the producers to temporarily re-route and then replace the road at a lower elevation may be considered to enable operators to remove viable material between the operations. An agreement may be needed to address timing, re-construction, and compensation for the materials under the road.

### ***Develop Grey – Policy Highlights***

Develop Grey focuses on our settlement areas, where the majority of population growth, essential services, and businesses are located. To remain competitive in a global marketplace, we need to show excellence when promoting Grey as a place for supportive business development. The following are highlights of the proposed policies under Develop Grey:

- Combined Tertiary Settlement Areas with Secondary Settlement Areas, now only have Primary and Secondary Settlement Areas;
- Generally the Settlement Area policies have remained the same, however there is more wording in regards to healthy communities and active transportation;
- Intensification targets;
  - 15% for Hanover and Owen Sound

- 10% for other Primary Settlement Areas
- 5% for Secondary Settlement Areas
- Policies within the Inland Lakes and Shoreline Areas and Recreation Resort Areas have remained unchanged;
- Sunset Strip has become its own designation;
- Permitted uses in the Sunset Strip will be similar to what has been contemplated within recent Official Plan Amendments, i.e. retail warehouses, vehicle repair shops, commercial operations beyond a certain size, etc.;
- The business park north of Mount Forest has its own designation, Industrial Business Park (West Grey);
- The one-off Space Extensive Commercial and Industrial Areas will remain the same, however both the Space Extensive Commercial and Industrial designations will be combined into a single designation,
- The Space Extensive Commercial and Industrial designation will continue to apply to those areas previously designated and approved for such development. Permitted uses to consider would be: transport terminals, dry manufacturing plants, body shop etc.;
- Growing our Economy, we have created a larger economic section than in our previous plan, which encourages economic development in order for our member municipalities to prosper;
- Most of the employment will still be directed towards Settlement Areas, however there are policies based around countryside employment opportunities and home business opportunities;
- Countryside employment: The main employment generator in the rural areas will be resource based industries such as agriculture, aggregate operations, forestry and on-farm diversified uses;
- Home business: Grey County promotes the trend towards more home based businesses and will facilitate new home business through planning policy.

### ***Natural Grey – Policy Highlights***

Natural Grey focuses on Grey County's scenic and naturally beautiful environment. We are lucky to live in such an environmentally rich area. With this, we need to maintain a delicate balance of promoting and protecting these spaces. The following are some highlights of the proposed policies under Natural Grey:

- Natural heritage setbacks (adjacent lands) are changing based on the updates to the Province's Natural Heritage Reference Manual,
- Change of names of some areas: Karst (from Special Policy Area), Other Wetlands (from Other Identified Wetlands)

- Updated Significant Woodlands mapping, and added mapping for cores, linkages and significant valleylands
- Scoped Environmental Impact Study (EIS) requirements are provided for minor developments
- General recreation and tourism policies
- General parks policies
- Parkland dedication policy updates (Planning Act updates)
- General climate change policies

### **Core Areas and Linkages**

- Inclusion of policies that relate to the Core Areas and linkages as introduced in Green in Grey, which include permitted uses, stewardship policies, and exemptions within these features.
- Compatible recreation is defined and permitted within certain natural features.
- Include cores and linkages mapping as a new schedule.

### **Significant Valleylands**

- Introduction of mapping of Significant Valleylands as identified through Green in Grey. The County and Provincial Policy Statement already had Significant Valleylands policies, but we had not previously mapped the features.
- The criteria for significance and protection included the need for 200 metre wide corridors.
- Removed significant valleylands within settlement areas.

### **Wildland Fire**

- Development shall generally be directed to areas outside of lands that are unsafe for development due to the presence of hazardous forest types for wildland fire.
- Development may however be permitted in lands with hazardous forest types for wildland fire where the risk is mitigated in accordance with the wildland fire assessment and mitigation standards.

### **Fish Habitat**

- Healthy aquatic communities are generally a good indicator of environmental health. It is the County's intention to encourage improvement of productive capacity of this habitat. The extent and significance of fish habitat shall be determined in consultation with the Ministry of Natural Resources and Forestry, the conservation authority having jurisdiction over the area, and Fisheries and Oceans Canada.
- Development and site alteration shall not be permitted in fish habitat except in accordance with relevant provincial and federal requirements.

- No development shall be permitted within 30 metres of the banks of a stream, river, or lake unless an Environmental Impact Study concludes setbacks may be reduced and/or where it has been determined by the appropriate Conservation Authority these setbacks may be reduced. Landowners are encouraged to forest the areas within 30 metres of any stream to maintain and improve fish habitat, ecological function of the stream and to increase natural connections.

## **Parks and Open Space and Climate Change**

- Parks and open spaces shall be utilized to increase tree canopy and woodland cover in the County and assist in mitigating and adapting to climate change.
- Ensure infrastructure is constructed, maintained and upgraded as necessary to be sustainable and capable of mitigating impacts of climate change.
- Green technologies and construction methods will be used whenever possible and feasible to develop new, and replace old, civic infrastructure. Civic infrastructure will be developed to be environmentally sustainable, assist with climate change adaptation, and lessen environmental impact.
- The County will prepare a *climate change adaptation strategy* to plan for resiliency, adaptation, and mitigation actions.
- Monitor the potential impacts of climate change to maintain the integrity and resiliency of the Natural Heritage System and adjust management activities accordingly.
- Consider the potential impacts of climate change that may result in an increase of the risk associated with natural hazards.

## ***Live Grey – Proposed Policy Highlights***

Live Grey captures some of the key areas that influence living standards and quality of life in Grey County. There are many factors that can lead to someone feeling included, healthy, culturally interested and supported by their community. The following are some highlights of the new policies being proposed under Live Grey:

- Sharing the *Healthy Development Checklist* created in partnership with the Grey Bruce Health Unit and developers to address healthy community design, including public health and safety needs;
- Providing housing opportunities to moderate and lower income households. The County would like to achieve a minimum target of 30% of new housing, or units created by conversion, to be affordable in each member municipality. Local municipalities will be encouraged to set a minimum target similar to the County for affordable units;
- The County will encourage local official plans to require a minimum of 30% of all new total residential development within Primary Settlement Areas to be medium and high density;
- Direct new social housing units towards designated Primary Settlement Areas to ensure residents live close to essential services and supports, promoting the flexibility and ease in carrying out a healthy lifestyle;



- The County is generally permissive of second units provided development meets zoning provisions outlined by the local municipalities. In settlement areas without full municipal services, a review of well water records or septic system details, by the designated authorities, may be necessary prior to granting a building permit;
- County planning staff will consider low-density housing options for aging populations in rural areas, provided servicing requirements can be met as outlined in Section 8.9.1 and safe roadway access can be maintained year-round
- Housing ownership affordability can be defined as housing where the purchase price is at least 10 percent below the average purchase price of a resale unit in Grey County or annual housing expenses do not exceed 30% of gross household income.
- Encourage local municipalities to create a *Parks and Recreation Master Plan* to introduce ways that the County can connect members of the community to recreational activities and sports. This can help promote healthier communities.
- Ensure cultural events and recreational activities are held in accessible venues or environments.
- Continue work towards creating a climate change action plan that will coordinate County efforts to encourage resilient, sustainable development and mitigate climate change effects within our communities. Encourage local municipalities to consider participation in Partners for Climate Protection.
- The County encourages local municipalities to implement public engagement strategies for planning matters where they are the approval authority.

### ***Move Grey – Policy Highlights***

Move Grey considers how we move people, goods, information, and services into, out of and through the County. It is critical we have transportation, services, and technology in place to support the needs of those in Grey County. What follows are the policy highlights under Move Grey:

### **General Transportation Policies**

- Complete Transportation System (CTS) and elements of the CTS
- Prioritization should be given to pedestrians, transit, cyclists and the movement of goods over those of single occupant vehicles
- Emergency Detour Routes
- Required number of accesses for new developments
- Complete Streets policies
- New development will be designed to integrate with the complete transportation system

### **Road Policies**

- Provincial Highway policies are similar to current Official Plan
- County Roads

- Functional classification of County Roads – County Arterial, County Collector and County Local Road
- Accommodating a variety of transportation modes on County Roads
- Right of way widths/road widening policies
- Paved shoulders on most/all County Roads
- Improving pedestrian safety for County Roads in settlement areas/built-up areas
- Potential planned County Road corridors
- Setbacks from County Roads
- Connecting Links

## **Transit Policies**

- Develop a County-wide transit system
- New development must include age-friendly and transit supportive design elements
- Encourage growth and development, land use patterns, densities and mix of land uses within settlement areas along existing or future transit corridors
- Maintain and improve inter-community transit and transit links outside of Grey

## **Airports**

- Controlling development in the vicinity of airports to reduce the potential for land use conflicts
- Recognizing that Wiarton-Keppel Airport is federally regulated
- Encourage opportunities to better utilize airports

## **Ports/Harbours/Marinas**

- Encouraging the retention and promotion of the Owen Sound Port and other harbours and marinas
- Encouraging further efforts to attract more ships to utilize the Owen Sound Port
- Encourage continued operation of the other harbours and marinas
- Planning for land uses in the vicinity of ports, harbours and marinas

## **Rail Corridors**

- Preserving the County CP Rail Trail
- Utilizing County CP Rail Trail as a utility corridor
- Encouraging the conversion of abandoned railway corridors for trails

## **Services**

- Primarily the same as the current Official Plan policies, including servicing hierarchy

- Remove the five lot limit and instead require servicing options study
- Encouraging local municipality to work together to provide municipal sewer and water services
- Considering new innovative systems and servicing technology
- New direction on stormwater management as it pertains to design and climate change
- Most utility policies are similar to what exists in the current Official Plan
- Support the provision of high quality telecommunications services throughout the County – broadband/fibre and cellular service
- Fibre or conduit for future fibre installations should be included in all new developments
- When reconstructing County roads or the CP Rail Trail, the County will consider installing fibre or conduit for future fibre in order to connect with the overall fibre network. A fibre/conduit specification will be developed in consultation with SWIFT along with an ownership model.
- Discouraging lot creation for telecommunication towers
- Encouraging municipalities to develop local telecommunication tower siting protocols

## **Other Technological Considerations**

- Charging stations
- Future transportation options – drones, driverless vehicles, car-pooling and car-sharing, shared economy, bike sharing

## **Managing our Waste**

- Encourage local municipalities to promote mandatory waste diversion programs
- Encourage strategies that reduce potential waste
- Encourage the consideration of new waste management technologies
- Handling of food waste
- Abandoned Landfill Sites have been classified into three categories based on the Historic Landfill Study
  - Cleared Sites
  - D-4 Recommended to Clear Site
  - Previously Evaluated Sites
- Encouraging local municipalities to complete a D-4 study for those sites still requiring a D-4 to clear

## **Protecting Our Drinking Water**

- Commercial water taking policies – similar to what exists in the current Official Plan

- New policies to incorporate Sourcewater Protection Plan Policies

## Mapping Changes

The following are mapping changes that have made to the schedules and appendices of the new draft Official Plan:

- Significant Woodlands being updated using 2015 Air Photos and other data sources
- Combining Tertiary Settlement Areas into Secondary Settlement Areas
- Cores and Linkages – Natural Heritage Systems Study Mapping
- Updated Wellhead Protection Areas and Intake Protection Zones
- Updated Hazard Lands data (using most current layers from CA's)
- Updated NEP data based on 2017 NEP
- Adding Significant Valleylands
- Functional Classification of Roads
- Potential Planned County Road Corridors
- Combined Space Extensive Commercial and Industrial
- Updated Landfills Mapping – Historic Landfill Study
- Most current provincial data – ANSI's, PSW's, Licensed Pits and Quarries, Other Wetlands, etc.

## Recolour Grey Timeline



## Financial/Staffing/Legal/Information Technology Considerations

A significant amount of staff resources has gone into Recolour Grey. The work has been a true team effort with all planning staff being involved in the community engagement process as well as developing the draft of the new Official Plan. The work has been truly rewarding and we have learned a lot from the many conversations we have had with community members. We look forward to further conversations with the community following the release of the draft of the Official Plan.

## Link to Strategic Goals/Priorities

One of the Strategic Initiatives identified in the Corporate Strategic Plan is to update the County Official Plan and implement policies to meet needs over the next 20 years. The draft of the new Official Plan has been designed to address this strategic initiative.

## Attachments and Background Information

[Draft New Official Plan](#)

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

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

[Draft Secondary Schedules](#)

### *Additional Background Information*

[Recolour Grey Workshop Comment Summary Report](#)

[Recolour Grey Workshop Comment Summary](#)

['What We've Heard Summary Report'](#)

[Cultivate Grey Discussion Paper](#)

[Develop Grey Discussion Paper](#)

[Natural Grey Discussion Paper](#)

[Live Grey Discussion Paper](#)

[Move Grey Discussion Paper](#)

Respectfully submitted by,

County Planning Staff

Director Sign Off: *Randy Scherzer*



## Municipality of Meaford

21 Trowbridge Street West  
Meaford ON, N4L 1A1  
519-538-1060

DES2018-05  
Appendix 2

March 2<sup>nd</sup>, 2018

County of Grey  
Planning & Development Department  
595 9th Ave East  
Owen Sound Ontario N4K 3E3

### **RE: Grey County Growth Management Strategy – Forecast & Land Supply Review & Update**

Please accept the following Staff comments regarding the draft Forecast & Land Supply Review & Update provided for review.

Staff have examined the revised forecast for Household, Population and Employment growth against the 2016 census results provided, as well as the forecasts provided within the initial Growth Management Strategy (2008).

Staff acknowledge that based upon a variety of factors including an unmet 2016 population forecast; additional data regarding Meaford's historical actual growth share within the County, and increased development interest/applications in other areas of the County, the proposed share of County growth allocated to the Municipality of Meaford over the planning horizon is forecast to be approximately 11% vs. the 13% identified within the 2008 Strategy.

Accordingly, this results in decreased forecasts in Household, Population & Employment for the Municipality of Meaford. Comparing 2031 figures from each Strategy, Staff understand the decrease in these forecasts to be approximately 5.5%, 8.9% & 5.3%, respectively, which, after extrapolation to the interim, non-census 2038 year result in forecasts as follows:

	2018	2038	Net Change
Households	4850	5430	580
Population	11240	12470	1230
Employment	3440	<b>3830</b>	390

Staff would note that the Employment forecast within the tables on Page 13 of the Draft Update Document, which is reflected in the table above, is curious to Staff in



## Municipality of Meaford

21 Trowbridge Street West  
Meaford ON, N4L 1A1  
519-538-1060



that it appears to exceed even the adjusted 2041 forecast (3580 positions) that was listed on Page 11 of the document. **Staff question if this represents an error, or if there are additional factors affecting the forecast. Comments are requested from Hemson, in this regard.**

With respect to the decreased share of County growth forecasted for the Municipality, Staff would acknowledge that the 11% share allocated is consistent with the historical actual share that the Municipality has achieved. Staff are cognizant that based upon designated/serviced land availability and the range of development projects presently in consultation/early application stages, there is the potential to exceed the household growth forecasts quite substantially over the 20 year planning horizon, though of course this will be largely market-dependent. A number of projects on some of these same sites were also nearing application in 2007/8, and were pulled back in response to broader economic factors. While the supply-side shortage and substantial upswing in both sales and average sales prices over the last 12-24 months is promising in relation to spurring new development, Staff recognize that it may be beneficial to take a bit of a wait-and-see approach to determine if the recent conditions will persist. **Staff agree with Hemson's recommendation that the County & local municipalities should continue to closely monitor growth and development and undertake another forecast review following the 2021 Census. Staff would add that it would be helpful to complete an updated local-level land *demand* assessment (in addition to supply) at that time as well.**

Thank you for the opportunity to comment on this update, I look forward to obtaining confirmation regarding the Employment forecast numbers, as requested above.

Sincerely,

**Liz Buckton, MCIP, RPP**

Senior Planner

Municipality of Meaford

21 Trowbridge Street West, Meaford

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<b>Date</b>	Wednesday, February 21, 2018
<b>From</b>	Jenn Burnett, Planner
<b>Subject</b>	<b>Recolour Grey – Grey County Draft Official Plan</b>
<b>Report</b>	PL.2018.08

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### **Recommendation**

That report PL.2018.08 from the Planner be received and that Council endorse the staff comments provided in the review of the proposed Draft County Official Plan, ReColour Grey.

### **Summary**

The County of Grey is in the process of creating a new County Official Plan. It is an impressive document that reflects a significant amount of consultation and consideration of the Region's growth and development opportunities. The County should be commended for their continued efforts to make this a public process and provide multiple opportunities for the residents of the region to participate in the formulation of the document. At this stage in the drafting process, they are seeking feedback from the member municipalities. Township staff have reviewed the document and provided comments on the various proposed policies as they impact Georgian Bluffs.

### **Specific Areas of interest**

There are a number of proposed policies that impact growth and development in the Township. Staff reviewed the draft policies and provided itemized comments based on each section. That comment sheet is appended to this report for Council's information. Given the large file size of the draft OP, it has not been included with this report. Council is encouraged to access the document from the following link for further reading,

<https://www.grey.ca/programs-initiatives/recolour-grey>



Section 4.9 Sunset Strip Area and Section 8.3.1 Provincial Highways may be of special interest to Council. Through ReColour Grey, the County is recognizing the Sunset Strip Area as a settlement area and provide detailed development policies in Section 4.9. Staff propose changes to the wording of the section to condense it and to highlight the importance of the Sunset Strip to the economic well-being of the Township. Section 8.3.1 contains policies that address the role and function of the Ministry of Transportation (MTO) highways in the County. Comments to the County identify the development issues that the Township has experienced within the settlement areas in relation to controlled access policies.

Section 8.6 provides new policies on the Wiarton-Keppel Airport. Airport staff have reviewed the proposed policies and are supportive of the proposed wording.

This is an opportunity for the Township to provide comment on the draft plan to help make it a document that creates policies that benefit the Township and the region. Should Council have additional comments they would like to add to the comment sheet, they can be appended prior to the comments being sent to the County.

### Conclusion & Recommendation

That report PL.2018.08 from the Planner be received and that Council endorse the staff comments provided in the review of the proposed Draft County Official Plan, ReColour Grey.

Respectfully Submitted:



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Jenn Burnett, MSc., MCIP, RPP

**Township of Georgian Bluffs Comments to Grey County Draft Official Plan  
Re-Colour Grey  
February 2018**

Please note that these comments are offered for staff's consideration in the refinement of the draft plan. The Township is available for clarification of the comments provided below.

Section		Comment
	General comment	Consider changing the word 'must' to 'shall' throughout the document.
3.2.1(2)	Uses Permitted Policies (Agricultural)	<p>This provision permits houses on existing lots of record and requires an MDS calculation.</p> <p>The implementation guidelines in Section 4 of the MDS Document provide for the following:  <i>"...however, Sections 3, 4 and 5 comprise the <i>Minimum Distance Separation Formulae</i> as referenced in the PPS, as such shall form the basis for MDS provisions enshrined in local land use planning documents. To exercise the various options available to municipalities under Implementation Guidelines #7, #9, #35 and #38, appropriate references must be included in the appropriate implementing land use planning document...otherwise, the default approaches outlined in Implementation Guidelines #7, #9, #35 and #38 shall apply as written in this MDS Document."</i> (Guideline #1, pg. 15) Is it the County's intention to defer to the guidelines as written in the MDS Document or should local zoning by-laws reflect the MDS provisions and exemptions as identified in Implementation Guideline #7, for example. The County's provision appears to permit houses on existing lots even if MDS cannot be met, whereas, the MDS Guideline #7 requires a planning application and parameters for reducing the setback. Township staff would suggest that OMAFRA provide comments on the 'best effort' approach.</p>
3.2.1(3)	Uses Permitted Policies (Agricultural)	<p>This provision permits a permanent second house on a farm property for farm labour purposes, <u>where adequate reasoning is provided</u> and where it cannot be achieved thorough <u>seasonal temporary</u> means. What constitutes 'adequate reasoning'? Should 'seasonal temporary' be addressed in the local zoning by-laws?</p>
3.2.2(4)	Agricultural Development Policies	<p>The wording in this provision may cause confusion in the application of MDS I. As per MDS Guideline #7, a calculation is required as is a planning application, should the minimum distance not be achievable.</p> <p>Overall comment: In this policy section, it may be less confusing to the reader if the OP defers to the MDS Implementation Guidelines for any development in this designation. I.e. 4i) seems more permissive than MDS Guideline #43.</p> <p>Further, should the guidelines be amended at any point, then the County Plan will not require updating.</p>
3.2.2(7)	Agricultural Development Policies	<p>Suggested wording change, <u>"New non-farm development in a rural designation and within 500 metres of a Primary Settlement Area..."</u>. Georgian Bluffs has Secondary Settlement areas within 500 metres of Primary Settlement areas where development could be impeded by the original wording.</p>
3.2.2(18)	Agricultural Development Policies	<p>This policy references municipal water and sewer services in the redevelopment of existing lots...perhaps this provision belongs in a separate section.</p>
3.4.2(3)	Rural Development Policies	<p>This policy provides clarification for development of parcels of land straddling both settlement and rural areas. Thank you.</p>
3.4.2(6)	Rural Development Policies	<p>Suggested addition – to include mention of requirements for nutrient management plans and MDS setbacks. GB has seen an increase in interest in hobby farms from people desiring a lifestyle change, however, they don't have the farming knowledge to understand the amount of land and size of buildings they need to house the number and type of livestock that they would like to</p>

		raise.
3.4.2(7)	Rural Development Policies	Suggested addition, “g) Site Plan Control.” For similar developments in settlement areas, site plan control is required. It is suggested for this type of development to ensure appropriate review of servicing, access and egress, emergency response, density, and potential land use conflicts.”
3.7.3(2)	Space Extensive Commercial and Industrial Development Criteria	Suggested Change, delete the word ‘No’ at the beginning of the sentence.
4.2.2	Supply of Lands	<p>The Township reviewed the January 31, 2018 memorandum from Hemson Consulting Ltd. regarding the Forecast and Land Supply Review and Update. We note that the residential vacant land supply numbers have been updated as per our comments. We also note that the commercial and industrial vacant land supply, 11 ha and 19 ha respectively, may not be sufficient given the recent business inquiries we have received. Development on a number of lots designated for commercial and industrial development may be impeded by environmental hazards and MTO policies. The Township would welcome further discussion on this issue.</p> <p>The Council of the Township of Georgian Bluffs recognizes the importance of development potential to the continued growth of the Township and the region and, it is their stated intention to remain as open as possible to all development and lot creation.</p>
4.4(11)	General Policies Affecting Settlement Area Land Use Types	<p>Suggested wording change to last sentence Non-farm lot creation within 500 metres of a Primary Settlement Area boundary <u>and within a Rural Designation</u> shall not be considered.</p> <p>Georgian Bluffs has Secondary Settlement areas adjacent to Primary Settlement areas (Cobble Beach and the City of Owen Sound) and the wording in this policy could preclude development.</p>
4.4(12)	General Policies Affecting Settlement Area Land Use Types	The reference to MDS not being applicable (must not apply) within settlement areas and then permitting municipalities to determine whether or not it is applied within settlement areas is confusing. Technically within a settlement area the lands are not zoned for livestock facilities, the lots are not large enough to accommodate livestock facilities and the permitted densities would not allow for livestock facilities. If the Province is directing growth and development to settlement areas and restricting lot creation in rural and agricultural areas to protect farm lands, the County and member municipalities should not limit development within the settlement area boundaries by implementing MDS.
4.4(15)	General Policies Affecting Settlement Area Land Use Types	“Settlement form and building design must consider...and the preservation of public access to shorelines.” The Township would welcome further discussion on the direction to preserve public access to shorelines.
4.4(20)	General Policies Affecting Settlement Area Land Use Types	This policy is not clear. It references development on septic systems but applies only to fully serviced areas.
4.9	Sunset Strip Area	<p>Suggested wording</p> <p>4.9.1 The Sunset Strip is a major commercial and economic hub for the Township of Georgian Bluffs. Located on Highway 21 between Springmount and the City of Owen Sound, the area provides a wide range of services to the region from vehicle sales and service to grocery stores, movie theatres and highway commercial and retail sales. The central location of the Sunset Strip, the high visibility of the properties and the access to a major highway make it a desirable location for highway commercial and service commercial uses.</p> <p>Earlier growth of the Sunset Strip occurred through development permits issued under the Niagara Escarpment Plan (NEP). The area today is considered an Urban Area under the NEP and therefore,</p>

		<p>existing NEP policies aim to minimize the impact and further encroachment of urban growth on the Escarpment environment. Any development or new or expanding lots must not extend into the NEP area.</p> <p>4.9.2 Objectives – no suggested changes</p> <p>4.9.3 Permitted uses Suggested sentence change, “Permitted uses on the Sunset Strip Area include:”</p> <p>Suggestion to delete entire paragraph, “Site plan control...pedestrian traffic.” Site plan agreements cannot be used to limit accesses on Highway 21. This is done by the MTO permitting process. Correction- change site designation standards to site <u>design</u> standards.</p> <p>4.9.4 (5) suggested deletion and modification, “All new entrances...entrances could not be used.” Modified to, “Any development application which propose to utilize direct access onto the Highway must be approved by the MTO.” Justification -The lots along the Strip are existing. MTO policies do not support the creation of new lots along the highway. Any application would be subject to the entrance policies of the MTO, who will specify whether the entrance is shared or services only one property. With the existing lot configurations, service roads are not technically possible. The residential lots adjacent to the bowling alley, do not have sufficient developable lot area to make a service road in that location, viable. The amalgamation of the lots cannot be forced and the existing land prices do not encourage the amalgamation of the lots.</p> <p>Suggested deletion – “the creation of new...these land use types.” This refers to space extensive uses in the Ag or Special Ag designations, and is not applicable to the Sunset Strip.</p>
6.12.2	Alternative Requirement (cash-in-lieu)	Suggestion to Move 6.12.2 to combine it with 6.12 (2). The rest of section 6.12.2 is about cash-in-lieu it - seems to fit better in 6.12.
7.1.4	Second Units	Suggested edit, last sentence “In Countryside land use types...” - change to, “In Agricultural and Rural designations, secondary suites shall be within the farm cluster.”
7.2(1)	Our Community – Healthy Environments	7 <sup>th</sup> bullet “the County will require the provision of shade...” this is a cool idea but how is it implemented?
7.3	Public Engagement and Notice	For clarification “Any land use planning decision made by the county...” I believe that this should be a reference to the requirement to state in the notice of decision how the written and oral comments influenced Council’s decision on the application.
8.2(11)	General Transportation Policies	The County may consider including support for the local municipalities to create policies that encourage clearing snow from sidewalks to maintain pedestrian links in the winter and promote healthy active winter communities.
8.2(12)	General Transportation Policies	Word choice – effect – change to ‘affect’
8.3.1	Provincial Highways	Provincial Highways 6, 10, & 21 are major routes which pass through the Settlement areas of Rockford, Shallow Lake, Cruickshank, the Sunset Strip and Springmount, as well as the Space Extensive Commercial and Industrial area South of Wiarton. These areas are within the MTO permit control area and development otherwise supported by the County and local official plans, may not be permitted because of access densities or other policies. For example, within the Settlement area of Shallow Lake, the County

		Plan policies support secondary suites where they can be adequately serviced however the County Plan also defers to the MTO access policies. For many properties in Georgian Bluffs, development may be precluded because of the MTO access policies. Further discussion on how the MTO policies affect development of settlement area lands is warranted.
8.6	Airports	Township staff support the airport policies.
9.9	Temporary Use By-laws	Suggestion to remove the reference to Garden Suites in this section as they are addressed in a different section.
Mapping		
General Comments: The Township notes no additional changes to the boundaries of the settlement areas at this time than already reported by residents. The Township supports the combination of Tertiary Settlement areas into Secondary Settlement Areas.		
Map 1 a	Oxenden	One property owner (Johnstone) expressed concern with the mapped hazard designations and settlement area boundary on his property. He has notified the County directly.
Map 1 b	Big Bay	Through the ReColour Grey process, the Township received correspondence from residents of the Big Bay area noting their continued concern that the boundaries of the settlement area were reduced through OPA #80.
Map 1 c	Kemble	No concerns noted
Map 1 d	East Linton	No concerns noted
Map 1 e	Balmy Beach	No concerns noted
Map 1 f	Shallow Lake	No concerns noted
Map 1 g	Cruickshank	No concerns noted
Map 1 h	Brooke – Creamery Hill	No concerns noted
Map 1 i	Springmount	No concerns noted
Map 1 j	Kilsyth	No concerns noted
Map 1 k	Keady	No concerns noted
Map 1 l	Rockford	No concerns noted
Appendix A Map 1	Constraint Mapping	The Georgian Bluffs landfill was closed in 2017. The mapping identifies it as existing.

*Design capacity* means, in the definition of *sewage system*, the total daily design *sanitary sewage* flow determined in accordance with Article 8.2.1.3. of Division B.

*Designer* means the person responsible for the design.

*Design load* means the load applied to a *foundation unit*, which load is not greater than the *allowable load*.

*Detention occupancy* (Group B, Division 1) means an *occupancy* in which persons are under restraint or are incapable of self preservation because of security measures not under their control.

*Developed length* means, when applied to a pipe and fittings, the length along the centre line of the pipe and fittings.

*Directly connected* means physically connected in such a way that neither water nor gas can escape from the connection.

*Distilled beverage alcohol* means a beverage that is produced by fermentation and contains more than 20% by volume of water-miscible alcohol.

*Distillery* means a *process plant* where *distilled beverage alcohols* are produced, concentrated or otherwise processed, and includes facilities on the same site where the concentrated products may be blended, mixed, stored or packaged.

*Distributing pipe* means a pipe or piping in a *water distribution system*.

**R6.1** *Distribution box* means a device for ensuring that *effluent* from a *treatment unit* is distributed in equal amounts to each line of *distribution pipe* or *leaching chamber* in a *leaching bed*.

*Distribution pipe* means a line or lines of perforated or open jointed pipe or tile installed in a *leaching bed* for the purpose of distributing *effluent* from a *treatment unit* to the *soil*, as defined in Part 8 of Division B, or *leaching bed fill* in the *leaching bed*.

*Diving board* means a flexible board.

*Diving platform* means a rigid platform that is not a *starting platform*.

*Drainage system* means an assembly of pipes, fittings, *fixtures* and appurtenances on a property that is used to convey *sewage* and *clear water waste* to a main sewer or a *private sewage disposal system*, and includes a *private sewer*, but does not include *subsoil drainage piping*.

*Drinking water system* has the same meaning as in subsection 2(1) of the *Safe Drinking Water Act, 2002*.

*Drum trap* means a *trap* whose inlet and outlet are in the sides of the cylindrical body of the *trap*.

*Dual vent* means a *vent pipe* that serves two *fixtures* and connects at the junction of the *trap arms*.

*Dwelling unit* means a *suite* operated as a housekeeping unit, used or intended to be used by one or more persons and usually containing cooking, eating, living, sleeping and sanitary facilities.

*Earth pit privy* means a latrine consisting of an excavation in the ground surmounted by a superstructure.

*Effluent* means *sanitary sewage* that has passed through a *treatment unit*.

*Electric space heating* means an electric energy source that provides more than 10 per cent of the heating capacity provided for a *building* and includes,

- (a) electric resistance unitary baseboard heating,
- (b) electric resistance unitary cabinet heating,
- (c) electric resistance ceiling cable or floor cable heating,
- (d) electric resistance central furnace heating,
- (e) electric hot water space heating, and
- (f) air source heat pumps in combination with electric resistance backup heating.

**R6.1** *Electric vehicle supply equipment* means electric vehicle supply equipment as defined in Rule 86-100 of the Electrical Safety Code adopted under Ontario Regulation 164/99 (Electrical Safety Code) made under the *Electricity Act, 1998*.

*Excavation* means the space created by the removal of *soil*, *rock* or *fill* for the purposes of construction.

*Exhaust duct* means a duct through which air is conveyed from a room or space to the outdoors.

*Exit* means that part of a *means of egress*, including doorways, that leads from the *floor area* it serves to a separate *building*, an open public thoroughfare or an exterior open space protected from fire exposure from the *building* and having access to an open public thoroughfare. (See Appendix A.)



*Horizontal branch* means that part of a *waste pipe* that is horizontal and installed to convey the discharge from more than one *fixture*.

*Horizontal exit* means an *exit* from one *building* to another by means of a doorway, vestibule, *walkway*, bridge or balcony.

*Horizontal service space* means a space such as an attic, duct, ceiling, roof or crawl space,

- (a) that is oriented essentially in a horizontal plane,
- (b) that is concealed and generally inaccessible, and
- (c) through which *building* service facilities such as pipes, ducts and wiring may pass.

*Hotel* means *floor areas*, a *floor area* or part of a *floor area* that contains four or more *suites* and that provides sleeping accommodation for the travelling public or for recreational purposes.

**r<sub>6</sub>** *House* means a detached house, semi-detached house or row house containing not more than two *dwelling units*.

*Hub drain* means a drain opening for indirect liquid wastes,

- (a) that does not serve as a floor drain,
- (b) that has the same pipe *size*, material and venting requirements as a floor drain,
- (c) that has a *flood level rim* above the floor in which it is installed, and
- (d) that receives wastes that are discharged directly into the drain opening.

*Impeded egress zone* means a supervised area in which occupants have free movement but require the release, by security personnel, of security doors at the boundary before being able to leave the area, but does not include a *contained use area*.

*Indirectly connected* means not *directly connected*.

*Indirect service water heater* means a *service water heater* that derives its heat from a heating medium such as warm air, steam or hot water.

*Individual vent* means a *vent pipe* that serves one *fixture*.

*Indoor pool* means a *public pool* where the pool and *pool deck* are totally or partially covered by a roof.

*Industrial occupancy* means the *occupancy* or use of a *building* or part of a *building* for the assembling, fabricating, manufacturing, processing, repairing or storing of goods or materials.

*Interceptor* means a receptacle that is designed and installed to prevent oil, grease, sand or other materials from passing into a *drainage system*.

*Interconnected floor space* means superimposed *floor areas* or parts of *floor areas* in which floor assemblies that are required to be *fire separations* are penetrated by openings that are not provided with *closures*.

*Lake Simcoe shoreline* has the same meaning as in the Lake Simcoe Protection Plan established under the *Lake Simcoe Protection Act, 2008* and dated July, 2009.

**e<sub>5</sub>** *Lake Simcoe watershed* has the same meaning as in section 2 of the *Lake Simcoe Protection Act, 2008*.

*Leaching* means dispersal of liquid by downward or lateral drainage or both into permeable *soil*, as defined in Part 8 of Division B, or *leaching bed fill*.

*Leaching bed* means an absorption system constructed as *absorption trenches* or as a filter bed, located wholly in ground or raised or partly raised above ground, as required by local conditions, to which *effluent* from a *treatment unit* is applied for treatment and disposal and that is composed of,

- (a) the *soil*, as defined in Part 8 of Division B, *leaching bed fill* or other filter media that is contained between the surface on which the *sanitary sewage* is applied and the bottom of the bed,
- r<sub>6.1</sub>** (b) the *leaching chamber* or the *distribution pipe* and the stone or gravel layer in which the *distribution pipe* is located, and
- r<sub>6.1</sub>** (c) the backfill above the *distribution pipe* or the *leaching chamber*, including the topsoil and sodding or other anti-erosion measure, and the side slopes of any portion elevated above the natural ground elevation.

**r<sub>6.1</sub>** *Leaching bed fill* means unconsolidated material suitable for the *construction* of a *leaching bed*, placed in the area of the *leaching bed* in order to obtain the required unsaturated zone below the *distribution pipes* or *leaching chambers* and the required lateral extent such that the *effluent* is absorbed.

**r<sub>6.1</sub>** *Leaching chamber* means a formed structure with an open bottom and permeable sidewalls installed in a *leaching bed* for the purpose of distributing *effluent* from a *treatment unit* to the *soil*, as defined in Part 8 of Division B, or *leaching bed fill* in the *leaching bed*.

✓  
Response by SLA  
733 # Entered in Spreadsheet  
✓ Summarized (comment chart)

**Lacey-Avon,Stephanie**

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**From:** Randy Bye [REDACTED]  
**Sent:** Wednesday, January 24, 2018 2:30 PM  
**To:** Lacey-Avon,Stephanie  
**Subject:** Normanby Industrial Park

Hello Stephanie. What would the chances be of adding BUSINESS OR PROFFESIONAL BUILDING. This would let the Dance Academy and the Renew Life Therapy be operating in conjunction with 100% correct zoning. Plus I have 2000 sq ft of office space rented to Molok North America that would fit under that.

Sent from my iPhone



What would you like your community to look like in the next 5, 10, or 20 years?

What do you like about your community? What is missing?

A candy store ~~with~~ with hot dog stand and tables.  
with a parking lot.

Additional comments:

N/A

Response by \_\_\_\_\_

695

# Entered in Spreadsheet

✓

Summarized (comment chart)

Name (optional)

Phone/email (optional)



KITCHENER  
WOODBIDGE  
LONDON  
KINGSTON  
BARRIE  
BURLINGTON

March 2, 2018

Randy Scherzer, MCIP RPP  
Director of Planning - Grey County  
595 9th Avenue East  
Owen Sound, ON  
N4K 3E3

Dear Mr. Scherzer:

**RE:    Recolour Grey – Draft County Official Plan**

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On behalf of Flato Developments Inc. (Flato), please accept this as comments on the Draft County Official Plan (draft OP) dated November 23, 2017. As the County is aware, Flato owns several parcels of land in and around the community of Dundalk. The Flato properties are in various stages of planning and development.

My colleague, Jamie Robinson, will be corresponding separately respecting the County's proposed Growth Management, settlement expansion, and conversion policies.

For the purpose of this letter, we have numbered our comments in hopes that it will provide ease of reference.

1. Dundalk is identified as a "Primary Settlement Area" within the draft OP and we agree with this classification.
2. It is requested that the County provide a policy or definition for "net hectare". This term is referred to within different policies including 4.5.5 "...a minimum development density of 20 units per **net hectare** will be achieved...". It is suggested that the County consider removing major environmental features from this calculation but include roads, parks etc.
3. Policy 6.3.11 – redefining of the Hazard Land boundary. This policy, in effect, identifies that a County OPA is NOT required to permit "minor" redefining of a Hazard Lands boundary. It is requested that "minor" be removed so that the policy reads as follows:

"Precise delineation of Hazards Lands must be as shown on the mapping of the relevant local zoning by-laws. An amendment to the Official Pan will not be required to permit ~~minor~~ redefining of a boundary of the land use type. ~~Minor~~ Redefining of the Hazard Lands may occur through a zoning by-law amendment after consultation with the applicable agencies and the approval authorities."

It is understood that the main purpose of the Hazard Land designation is to avoid natural hazards to avoid or mitigate risk to people or property; it is assumed that the County has not undertaken an exhaustive review or study of the limits of the natural hazards contained within the County. This exercise typically occurs at the time of a specific development review. It is suggested then that the Hazard Land mapping within the OP may not be precisely delineated. There is concern therefore that if the policy basis only permits "minor" redefining of the boundary through a local municipal zoning amendment, if a "less than minor" boundary change is appropriate through applicable study and consultation with the appropriate authorities, that a County OPA (and then perhaps also a local OPA) would be required. It is suggested that this is not the intent of the policy basis; the intent is to protect people and property from hazards such as flooding and steep slopes and not to require land owners to go through an OPA process to precisely delineate the location and extent of the hazard.

It is therefore requested that "minor" be removed from the policy.

4. Policy 6.5 – Significant Woodlands – Based on the planned function of settlement areas, and the significant amount of rural and woodland area within the County, it is requested that the definition and policies associated with "Significant Woodlands" only be applied to those woodlands **outside** of Settlement Areas. Policy 6.5, Paragraph 3 identifies woodlands as "significant" if they are 4 hectares in size within a settlement area.
5. Policy 6.5, Paragraph 3, bullet 2 – overlap – it is suggested that this policy be clarified that the overlap criteria is related to the features stated. Suggested wording is as follows:

~~"\*overlap with other natural heritage features i.e. if a woodland overlapped the~~  
boundaries of a Provincially Significant Wetland, Core, Significant Valleyland, or an Area  
of Natural and Scientific Interest, or..."

It is suggested that if the intention is that a woodlot is elevated to "significant" due to the overlap of these features that including "other natural heritage feature" may be confusing.

6. Policy 8.2.11 – complete streets design – We would request minor re-wording of the first sentence in order to ensure that multiple active transportation networks on a road are not required. Suggested wording is as follows:

"New development will be designed to integrate with the complete transportation system by ensuring that roads, sidewalks and trails are designed to accommodate pedestrian links (sidewalks ~~or~~ trails), cyclists (paved shoulders ~~or~~ trails), and transit links (where applicable). ..."

7. Policy 8.4.2 & 9.13.1 (b) – complete streets – this is a similar comment as above, it is requested that the suite of possible ways to achieve active transportation be identified as examples and not be written that trails, sidewalks **and** paved shoulders are required in all circumstances.
8. Policy 8.8.1 and 8.8.3 – re-introduction of rail use – These policies contemplate the potential re-introduction of rail use on the County CP Rail Trail. It is submitted that review of a development application adjacent to the rail trail is appropriate and prudent; however, reviewing of applications adjacent to the trail ROW in relation to a potential future rail line is cumbersome and



unnecessary. It is suggested that undertaking this review would prohibit many urban forms of development as various forms of development, primarily residential, are prohibited, mitigated or buffered from active rail corridors. This often occurs in the form of large building setbacks, berms, noise and crash walls (which take up considerable land area), reduced building heights, and higher construction requirements to mitigate noise etc. The type and use of the rail line also dictates the type and form of site development (if any) beside an active rail corridor. It is requested that since the rail corridor does not host an active rail line (or rail infrastructure e.g. the rails) that any development application be reviewed on the merits of the compatibility of the adjacent use only which is a passive trail system.

9. Policy 9.12 h – Lot Creation & MDS – the MDS policies no longer apply to settlement areas and thus it is requested that criteria (h) be clarified that it does not apply within settlement areas.
10. Policy 9.13.1 m – Lot Creation & healthy environment – it is requested that the relevant policies (Healthy Development Checklist?) be outlined within policy 9.13.1 and not refer back to policy 7.2, as policy 7.2 (Our Community) has numerous policies that do not appear to relate to the checklist. Also, it does not appear that the checklist is outlined in 7.2 (only referenced) and the policies of 9.13 require that a proponent justify “healthy environment development provisions outlined by the Health Development Checklist...” where no checklist is contained within the policies. It is submitted that it is difficult to assess the appropriateness of the policy without the checklist forming a component part of the policy.
11. Policy 9.13.6 – Lot Creation & complete applications – it is submitted that this policy could be interpreted that a proponent for an application for lot creation is required to justify the application with ALL of the studies/reports required under section 9.17 (complete application). It is suggested that the policy be amended to:

“6) The information requirements ~~listed under Section 9.17 Complete Applications.~~ as identified through pre-consultation with the County or local municipality as applicable.”

12. Definitions – Significant (woodlands) – reference in the definition should be made to the policy context of 6.5 (patch size, etc.)
13. We note that Appendix D – Functional Road Classification and Planned Corridors identifies the planned future extension of Eco Parkway from Ida Street through to Highway 10 and are supportive of this proposed extension.

We would be pleased to discuss these comments further and on behalf of Flato, we thank you for your consideration.

Yours truly,

**MHBC**

  
Kris Menzies, BES, BEd, MCIP RPP  
Partner

cc. Flato Developments Inc.  
cc. Southgate Planning Department, Clinton Stredwick BES, MCIP RPP

What would you like your community to look like in the next 5, 10, or 20 years?  
What do you like about your community? What is missing?

Clarify that linkages aren't  
public trails.

Rail trail should be shown on  
the transportation schedule

Additional comments:

Name (optional)

Phone/email (optional)

✓ Response by planners  
768 # Entered in Spreadsheet  
✓ Summarized (comment chart)

What would you like your community to look like in the next 5, 10, or 20 years?

What do you like about your community? What is missing?

Maps have mislabelled seasonal  
roads as permanent roads  
in many areas  
↳ should be dashed

Additional comments:

✓ Response by planners  
766 # Entered in Spreadsheet  
✓ Summarized (comment chart)

Name (optional)

Phone/email (optional)

What would you like your community to look like in  
What do you like about your community? What is r

Response by 772  
# Entered in Spreadsheet  
Summarized (comment chart)

Re: Official Plan  
Public Transit. Old folks (and their  
investments) would like to remain  
in the county, but there is no bus  
service, no light rail to T.O. Kitchen new  
or Tobackmorky.

Additional comments:

ATV's are not safe on public roads. They  
are also air polluters, both for noise and CO.

RECEIVED  
MAR 21 2010

Name (optional)

Phone/email (optional)

What would you like your community to look like in the next 5, 10, or 20 years?

What do you like about your community? What is missing?



MORE WATER TREATMENT PLANTS.

FARM LAND.

POOLS,

FARMS AND CROPS

~~LESS TRAFFIC~~ FASTER S+OR LIGHT'S.

PARKS. AND ALSO

Additional comments:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

N/A

098

✓

Response by \_\_\_\_\_

# Entered in Spreadsheet

Summarized (comment chart)

Name (optional) /

Phone/email (optional)



**What do you like about your community? What is missing?**

A friendly community! ~~More~~ get  
together, the nature, one more  
high school!

NIA  
690

Response by \_\_\_\_\_  
# Entered in Spreadsheet  
Summarized (comment chart)

you should put in dog  
bags in the community, so people  
can grab some bags for poop.

Phone/email (optional)

X X X X X X X X

What would you like your community to look like in the next 5, 10, or 20 years?

What do you like about your community? What is missing?

000

We are missing Laser tag,  
Zoo, another church,

Additional comments:

N/A Response by \_\_\_\_\_  
700 # Entered in Spreadsheet  
✓ Summarized (comment chart)

Name (optional)

Phone/email (optional)

What would you like your community to look like in the next 5, 10, or 20 years?

What do you like about your community? What is missing?

I like the trails

I ~~like~~ wish there could be more  
~~trail~~ trails because I like climbing  
rocks

Additional comments:

N/A Response by \_\_\_\_\_  
707 # Entered in Spreadsheet  
✓ Summarized (comment chart)

Name (optional)

Phone/email (optional)

What would you like your community to look like in the next 5, 10, or 20 years?

What do you like about your community? What is missing?

I would like to see more amusement park  
Because we don't have a lot; and parks.

Additional comments:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

N/A Response by \_\_\_\_\_  
100 # Entered in Spreadsheet  
✓ Summarized (comment chart)

Name (optional)

Phone/email (optional)

\_\_\_\_\_  
\_\_\_\_\_

What would you like your community to look like in the next 5, 10, or 20 years?

What do you like about your community? What is missing?

I I would like are community to look like in next  
5-10 5, 10 or 20 years ~~there~~ trapping Park and more  
nature parkland trails.

Additional comments:

N/A Response by \_\_\_\_\_  
7/10 # Entered in Spreadsheet  
✓ Summarized (comment chart)

Name (optional)

Phone/email (optional)

What would you like your community to look like in the next 5, 10, or 20 years?

What do you like about your community? What is missing?

I think we need a trampoline park so the kids don't have to travel far. The kids can jump in foam pits. I like that Owen Sound has some nature parts but I think there should be more nature parts.

- Additional comments:

N/A  
7/11  
✓

Response by \_\_\_\_\_  
# Entered in Spreadsheet  
Summarized (comment chart)

Name (optional)

Phone/email (optional)

What would you like your community to look like in the next 5, 10, or 20 years?

What do you like about your community? What is missing?

What I Like about our community  
is the parks. ~~What I like~~  
What I want is a trampoline park  
in the community

Additional comments:

N/A Response by \_\_\_\_\_  
7/2 # Entered in Spreadsheet  
✓ Summarized (comment chart)

Name (optional)

Phone/email (optional)

What would you like your community to look like in the next 5, 10, or 20 years? coles.  
What do you like about your community? What is missing? W

a race track because we have to  
go all the way to sauble to  
see a race

Additional comments:

N/A Response by \_\_\_\_\_  
713 # Entered in Spreadsheet  
✓ Summarized (comment chart)

Name (optional)

Phone/email (optional)



What would you like your community to look like in the next 5, 10, or 20 years?

What do you like about your community? What is missing?

What I like: Lot's of parks, Soccer feilds  
and green space

What is missing: indoor Soccer feild  
with turf (sports dome)  
And a pro hockey life

Additional comments:

More bridges,

N/A  
TA  
✓

Response by \_\_\_\_\_  
# Entered in Spreadsheet  
Summarized (comment chart)

Name (optional)

Phone/email (optional)

What would you like your community to look like in the next 5, 10, or 20 years?

What do you like about your community? What is missing?

I like that we have a lot of Beaches  
more skating Rinks

I like that we have a lot of trails  
more amusement parks

I like that we have a lot of Rivers and Lakes  
More Pools

Additional comments:

N/A Response by \_\_\_\_\_  
123 # Entered in Spreadsheet  
✓ Summarized (comment chart)

Name (optional)

Phone/email (optional)

What do you like about your community? What is missing?

I like all the ~~place~~<sup>park</sup>s and the community and I like that there is a mall. ~~I think that that should~~

Additional comments:

I think that there should be Starbucks.

N/A Response by \_\_\_\_\_  
64 # Entered in Spreadsheet  
✓ Summarized (comment chart)

Name (optional)

Phone/email (optional)

Summarized (comment chart)

What would you like your community to look like in the next 5, 10, or 20 years?  
What do you like about your community? What is missing?

In the coming years I would like the community to see social and ~~the~~ physical changes towards more modern and inclusive ways of life. The population in our community deserve equal opportunities to live in large cities and townships.

Additional comments:

Response by \_\_\_\_\_

677 # Entered in Spreadsheet

Summarized (comment chart)

Name (optional)

Phone/email (optional)

What would you like your community to look like in the next 5, 10, or 20 years?  
What do you like about your community? What is missing?

dog park, more trails, youth attrac-  
tions is what Owen Sound is missing

Additional comments:

Response by \_\_\_\_\_  
# Entered in Spreadsheet  
678 ✓ Summarized (comment chart)

Name (optional)

Phone/email (optional)

What would you like your community to look like in the next 5, 10, or 20 years?

What do you like about your community? What is missing?

beach volleyball courts in Owen Sound.  
A new school in place of OSS

Additional comments:

Response by \_\_\_\_\_

630  
✓

# Entered in Spreadsheet  
Summarized (comment chart)

Name (optional)

Phone/email (optional)

What do you like about your community? What is missing?

"We need a sushi place or more healthy food places. We also should get a rec center in Winton. Maybe more transit options to get to places with rec centers."

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Response by \_\_\_\_\_  
 681 # Entered in Spreadsheet  
 ✓ Summarized (comment chart)

Phone/email (optional)



What would you like your community to look like in the next 5, 10, or 20 years?

What do you like about your community? What is missing?

a Skate park

Additional comments:

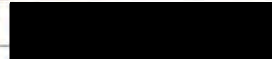
Response by \_\_\_\_\_

682 # Entered in Spreadsheet

✓ Summarized (comment chart)

Name (optional)

Phone/email (optional)





What would you like your community to look like in the next 5, 10, or 20 years?

What do you like about your community? What is missing?

Sawble Beach has an abandoned amusement park that has been for sale for over five years, and I believe that the area was re-zoned or turned into something would be a positive improvement to our community.

Additional comments:

Response by \_\_\_\_\_

684 # Entered in Spreadsheet

✓ Summarized (comment chart)

Name (optional)

Phone/email (optional)

What would you like your community to look like in the next 5, 10, or 20 years?

What do you like about your community? What is missing?

Nature & outdoor activities play a large role in my community. I would like to see more youth-oriented activities (eg Kayaking, Skiing, Swimming, etc) that are recreational. Many teens I know are scared to speak out and ~~join~~ commit to a team and would rather have a safe, fun place they can leisurely do outdoor activities.

Additional comments:

Response by \_\_\_\_\_

687

# Entered in Spreadsheet

✓

Summarized (comment chart)

Name (optional)

Phone/email (optional)

Randy Scherzer & Scott Taylor  
Planning and Development  
The County of Grey  
595 9<sup>th</sup> Ave East  
Owen Sound ON N4K 3E3

March 6th, 2018.

Dear Randy & Scott,

Thank you for meeting with Cuesta staff last month to discuss some of the proposed new Grey County Official Plan policies associated with the Recolour Grey initiative.

This submission is a follow up to that meeting as well as to our letter of October 26, 2017.

Based on the November 2017 Grey County Official Plan Draft, Consultants Inc. offers the following comments at this time.

## **Comments**

### **Agricultural Area**

#### **3.2.1(c) Small-scale on-farm diversified uses**

We appreciate Grey County's efforts in restricting on-farm diversified uses in Agricultural Areas by requiring review based on infrastructure and servicing availability and maintaining the "small scale" requirement. However, we suggest employing the methods outlined in the provincial Permitted Use Guidelines in this regard may be more appropriate and allow for a more flexible approach.

#### **3.2.2(4)(c) Application of MDS I to Surplus Farm Dwelling Severances**

We suggest the wording of this policy may need some clarification, as this policy may be understood that the County endorses applying MDSI to a livestock facility on a severed surplus non-farm lot.

We understand that the wording reflects that from the March 2017 Ontario Ministry of Agriculture, Food, and Rural Affairs (OMAFRA) Minimum Distance Separation Guidelines, however for clarity to the reader, we suggest the following wording adjustment:

*MDS I is applied to a surplus farm dwelling severance when the dwelling is presently located on the same lot as a livestock facility that is not to be included in the severed lands.*

Alternatively, and as discussed at our meeting, a diagram insert may be helpful.

### **3.2.2(4)(f) Application of MDS I to Existing Vacant Non-Farm Properties**

It is not appropriate to consider “as of right” development on existing vacant non-farm lots that do not comply with MDSI.

As per our October 2017 comments, MDS I should be applied in the instance where a new sensitive receptor is considered on a vacant lot. This is strongly encouraged by OMAFRA within the March 2017 Guidelines.

While we discourage any exemption of MDSI for non-farm uses, the County Official Plan appropriately directs such exemptions through a minor variance application process in Section 3.2.2 (4) (i). This would comply with the OMAFRA MDS Guidelines.

### **3.2.2(16) Application of Guideline D-6 to new industrial uses in Agricultural, Special Agricultural, Rural Areas**

We encourage the County to exercise caution in applying Ontario Ministry of Environment and Climate Change (MOECC) Guideline D-6 to new industrial uses in agricultural and rural areas.

Guideline D-6 encourages a setback be applied between a residential zone boundary and an industrial zone boundary. This may cause issues when applied to large rural residential lots, where the sensitive land use may be at a considerable distance from the subject industrial activity and a large setback is needlessly applied.

We encourage the County to apply the applicable Guideline D-6 setback to the subject residential structure in addition to the applicable yard requirement. This will ensure a fair application of Guideline D-6 without needlessly restricting industrial activities. Further, we encourage the County to apply Guideline D-6 normally within settlement areas or adjacent to settlement area boundaries.

### **3.2.3(3) Lot Additions**

This policy requires some clarification in the following aspects as we discussed at our meeting.

This section is not clear as one interpretation is that a lot addition to a farm lot from another farm lot resulting in a surplus dwelling sized remnant lot is not permitted however, the policy goes on to indicate a non-farm lot can add land to a farm lot.

As well, we understand that lot additions are restricted to 0.4 ha in area for non-farm lot uses only. This was confirmed at our meeting but may need to be clarified in the policy wording itself.

In addition to the foregoing, we believe that lot additions to enlarge non-farm residential uses should be considered carefully and avoid fragmentation of farmland, woodland, and wetlands in contravention of provincial policy.

## **Rural Area**

### **3.4.2(3) Lot creation on a settlement area boundary**

We note that the County Official Plan now permits “as of right” severances on settlement area boundaries provided they do not create a landlocked lot, and such severances will not count towards rural lot severance density. We appreciate the inclusion of this proposed policy.

### **3.4.3(1) Number of Severances Per Crown Lot**

We reiterate our October 2017 comments and comments at our meeting in this respect

A maximum of two (2) non-farm severances, plus the retained parcel, per 40 hectare crown lot on rural lands is too high. Planning for rural residential severances is difficult. Rural residential lots are generally not compatible with rural economic activities, such as gravel pits or intensive farming activities, and it would not be economically viable to extend municipal services, or even paved roads, to many of these lots for the foreseeable future. This provision would also contribute to the vacant lot surplus discussed above.

We recommend that the maximum number of allowable non-farm severances on rural lands be reduced to one (1) severance, plus the retained parcel, per 40 hectare crown lot. The number should eventually be reduced to zero or reflect a similar consent policy as applied on prime agricultural lands. In addition, we recommend that the County Official Plan include policy which requires that the quality of the rural severed lot is considered. Such indicators may include the availability of utilities, such as gas lines and electrical connections, the state of the road accessing the lot, the uses on the surrounding lands, and development siting if there are agricultural resources, natural heritage features or aggregates present. Reduced rural non-farm severance potential could be balanced with expanded tertiary settlement area boundaries where development is to be directed according to the provincial policy statement.

## **Aggregate Resource Areas and Mineral Extraction Land Use Types**

### **3.6.2(6) Non-Farm Development in the Aggregate Resource Area**

We reiterate our October 2017 comments in this respect.

Surplus farm dwelling severances should be permitted in Aggregate Resource Areas. Farming is a legitimate rural land use and farmers should be able to sever dwellings surplus to their needs. An existing dwelling, regardless of parcel size, represents the same level of incompatibility in regard to noise, dust, etc. and would be treated identically under the Aggregate Resources Act regarding technical reports and setbacks. As surplus farm dwelling severances prohibit residential development on the retained parcel, no further incompatible land uses can be created. A restrictive covenant on title could make any future land owner aware of the aggregate resource or other limiting factors.

At our meeting there was a comment from planning staff in this regard indicating that noise study is not required by an applicant if the residence is on the same property. Please note that current Aggregate Resources Act (ARA) standards do require any on-site residence to be vacant or used for alternative purposes (i.e operation's office building) during the lifespan of the pit and the residence must be included within the licensed boundary area. If the residence is outside of the licensed area but still on the same property, the residence is included in any noise study. While the update to the ARA contemplates providing relief for on-site residences which are part of the operation (within licensed area), in order to comply with the latest Ministry of Environment and Climate Change standards, the ARA has not been amended to date.

In regard to noise study requirements and off-site residences, any residence is treated in the same manner, as noted above, whether on a farm lot or a rural residential lot.

### **3.6.2(4) and 3.6.4 (1) (2) Amendment requirement outside of Mineral Aggregate Resource Area and Mineral Extraction Land Use Area**

We reiterate our October 2017 comments in this respect.

We agree that a County Official Plan for an Aggregate Resources Act (ARA) application should not be required in a Primary Resource Area. However, it may be appropriate to consider requiring a preliminary review of the application if the proposed resource is located outside of a Primary Resource Area. If the quality of the resource can be demonstrated through onsite testing, then the requirement for a County Official Plan Amendment should be waived. The Primary Resource Area mapping should allow for mapping refinement without the need for a County Official Plan Amendment.

### **3.6.4 (4)**

The changes to the ARA propose an Agricultural Impact Study requirement for aggregate development on Prime Agricultural lands. The County may want to include this as a requirement. Alternatively, this section could be simplified to only include studies above and beyond those already required under the ARA.

### **3.6.5(1) Development Agreements**

We encourage the County of Grey to require that development agreements are to include the establishment of an operation-specific fund, and that the fund is utilized specifically for the subject haul route maintenance and improvement. It may be appropriate for local governments to apply money from one development agreement fund to haul route improvements elsewhere. It is otherwise opaque and irresponsible for local governments to collect fees associated with haul routes and spend these funds on anything other than haul route maintenance.

We continue to question the need for development agreements in light of the doubling of the TOARC fee levy, effective January 2018.

### **3.6.5 (2)**

While discussed briefly at our meeting, upon review of this policy, I would strongly caution the inclusion of this policy into the County Official Plan updates in its current form. Aggregate resource development, a legitimate rural land use, can only take place where the deposit exists and it is unreasonable for the operator to avoid residential (urban) land uses along a haul route. The County shows a preference for operators to use improved roads which, in most instances, will necessitate passing development and settlement areas along the haul route.

## **Roads**

### **8.3.3 Local Roads**

Policy direction from the County is required with respect to development on existing lots of record with direct seasonal or substandard public roads. It is not acceptable to leave the policy framework up to local municipalities, which will result in an uneven and indiscriminate application of seasonal road development throughout the County.

We recommend that the County encourage local municipalities to enter into “limited services agreements” or “non-service agreements” to address any liability concerns associated with such development, as well as possible minor road improvements. Such agreements should not require a county official plan amendment, but a zoning by-law amendment with a holding symbol would be appropriate.

### **8.3.4 Private Roads**

We believe that further direction from the County is required with respect to development on an existing lot of record with an existing private road access. The approach recommended above with respect to seasonal and substandard public roads is appropriate.

Stating that the County takes no responsibility or liability pertaining to public service access on a private road is not appropriate in an official plan document, and belongs in a limited services agreement.

## **Schedule A**

### **Settlement Area Mapping**

We reiterate our October 2017 comments in this respect.

Utilizing property boundaries as settlement area boundaries is too restrictive and not appropriate in an official plan document. It would be more appropriate in the zoning by-law document. Settlement areas should be “soft”, and include natural features such as escarpments, shorelines, creeks, or man-made features such as roads and railways. This would allow for some more flexibility in regard to property owners seeking development opportunities.

## **Settlement Area Sizes**

We note that the Tertiary Settlement Area designation has been eliminated, and that all former such settlement areas are now included as Secondary Settlement Areas. We note that secondary settlement area boundaries appear to remain unchanged from OPA80. We otherwise reiterate our October 2017 comments in this respect.

OPA80 reduced in size or eliminated several settlement areas throughout Grey County when it came into full effect in 2012. The justification at that time was the 2005 Provincial Policy Statement specified servicing provisions for settlement areas, and Grey County already had a large surplus of vacant lots within serviced settlement areas and throughout the County. We recommend the County consider reinstating its pre-2012 settlement area boundaries for all former tertiary settlement areas on the basis that according to the PPS, “settlement areas are to be the focus of growth” regardless of present servicing levels. Secondary settlement areas offer an opportunity to plan for rural residential development clusters, in addition to supporting economic activities within declining hamlets throughout the County.

## **Additional Comments**

We support any effort the County proposes with regard to the unfortunate duplication of land use policy in non-urban areas and in the Niagara Escarpment Plan area. Only one policy is needed for ‘Rural’ Areas, be it the County policy or the Niagara Escarpment Plan policy.

## **Conclusion**

The foregoing comments are intended to be helpful with regard to the County of Grey Official Plan Update.

Regards,



Don Scott  
Cuesta Planning Consultants Inc.



Genevieve Scott  
Cuesta Planning Consultants Inc.



Heather Morrison  
Deputy Clerk  
The County of Grey  
595 9<sup>th</sup> Ave East  
Owen Sound ON N4K 3E3

October 26, 2017

Dear Ms. Morrison,

It is understood that the County of Grey is in the process of updating its County Official Plan and has reached out to the public for input prior to drafting the policy. Based on the 2013 Grey County Official Plan and the Recolour Grey Discussion Papers, Cuesta Planning Consultants Inc. offers the following comments at this time.

## **Comments**

### **OMAFRA Permitted Use Guidelines**

The implementation of the OMAFRA Permitted Use Guidelines should be conducted carefully. The permitted uses contemplated in the Permitted Use Guidelines, especially "On-Farm Diversified Uses", should be scoped down to those industrial and commercial uses directly related to or supportive of the primary farmland use.

We believe that severances for "On-Farm Diversified Uses" on Agricultural Lands should be restricted in order to address other provincial interests. Creating new lots for industrial and commercial business on Prime Agricultural Lands would constitute fragmentation of farmland and may interfere with other rural economic activities. Some of these businesses generate higher traffic levels on low capacity roadways and aggregate haul routes. Most often, such uses can be more appropriately located in a settlement area.

### **Application of MDS I to Surplus Farm Dwelling Severances**

MDS I should not be applied to Surplus Farm Dwelling Severances under any circumstance. MDS I is intended to protect farmers from possible odour conflicts with new non-farm land use encroachments. As Surplus Farm Dwelling Severances involve existing residences, the potential odour conflict already exists according to the March 2017 MDS Guidelines. There is no reasonable planning rationale for applying MDS I to Surplus Farm Dwelling Severances.

### **Application of MDS I to Vacant Non-Farm Properties**

MDS I should be applied in the instance where a new principal non-farm structure is considered on a vacant lot. This is strongly encouraged by OMAFRA within the March 2017 Guidelines. Any lot created

after March 2017 must have MDSI applied, unless otherwise exempted in the MDS Guidelines. This application of MDS I would protect farmers from new possible odour conflicts associated with a new non-farm use. Such a provision would also appropriately mirror the application of MDS II for new barn construction.

### **The “Small Scale” Definition**

The present size provisions for small scale and associated outdoor storage uses are excessive and will lead to a variety of commercial uses in the rural areas that are more appropriately located in urban areas. The “one size fits all” approach is not appropriate.

We would recommend that “small scale” use be defined to include the following:

*“A ‘small scale’ use is a use that is smaller than the principal use on the subject property and shall not exceed 750 m<sup>2</sup> including outside storage. Whether a use is deemed to be ‘small scale’ will be determined by the approval authority on an individual basis through a zoning by-law amendment.”*

The above definition allows for greater flexibility and control in regulating rural businesses and other small scale uses.

### **Settlement Area Mapping**

Utilizing property boundaries as settlement area boundaries is too restrictive in an official plan document. It would be more appropriate in the zoning by-law document. Settlement areas should be “soft”, and include natural features such as escarpments, shorelines, creeks, or man-made features such as roads and railways. This would allow for some more flexibility in regard to property owners seeking development opportunities.

### **Tertiary Settlement Area Sizes**

OPA80 reduced in size or eliminated several tertiary settlement areas throughout Grey County when it came into full effect in 2012. The justification at that time was the 2005 Provincial Policy Statement specified servicing provisions for settlement areas, and Grey County already had a large surplus of vacant lots within serviced settlement areas and throughout the County. We recommend the County consider reinstating its pre-2012 tertiary settlement area boundaries on the basis that according to the PPS, “settlement areas are to be the focus of growth” regardless of present servicing levels. Tertiary settlement areas offer an opportunity to plan for rural residential development clusters, in addition to supporting economic activities within declining hamlets throughout the County.

### **Number of Severances Per Crown Lot**

A maximum of two (2) non-farm severances, plus the retained parcel, per 40 hectare crown lot on rural lands is too high. Rural residential severances are difficult to plan for, particularly when lots other than “rounding out” or “infilling” lots as described in the Provincial Policy Statement are considered. Rural residential lots are generally not compatible with rural economic activities, such as gravel pits or

intensive farming activities, and it would not be economically viable to extend municipal services, or even paved roads, to many of these lots for the foreseeable future. This provision would also contribute to the vacant lot surplus discussed above.

We recommend that the maximum number of allowable non-farm severances on rural lands be reduced to one (1) severance, plus the retained parcel, per 40 hectare crown lot. In addition, we recommend that the County Official Plan include policy which requires that the quality of the rural severed lot is considered. Such indicators may include the availability of utilities, such as gas lines and electrical connections, the state of the road accessing the lot, the uses on the surrounding lands, and development siting if there are agricultural resources or natural heritage features or aggregates present. Reduced rural non-farm severance potential could be balanced with expanded tertiary settlement area boundaries.

In addition to the foregoing, we do not agree with the county planning department's interpretation of this policy with regard to rural crown lots with partial settlement area designations. For example, if a crown lot includes five (5) lots under one (1) hectare in area with a settlement area designation, and the balance of the crown lot is 37 hectares with the rural designation, then those five (5) lots should be discounted from the limit on maximum allowable number of severance. Town lots are not rural severances, and the intent of the policy is to regulate the number of rural severances. A policy to this effect should be included for clarification.

*"Parcels within defined settlement areas shall not be considered in determining the number of potential severances. The area of these parcels shall be deducted from the crown lot area."*

### **Severances in Aggregate Resource Areas**

Non-farm severances in Aggregate Resource Areas should be permitted in certain circumstances. We agree with the general intent of the policy that aggregate resources in rural areas should not be fragmented and new incompatible land uses should be avoided. However, this policy does not protect against fragmentation when 20 ha severances are permitted. We encourage the County to consider not approving residential severances in aggregate areas except as outlined below.

Surplus farm dwelling severances should be permitted in Aggregate Resource Areas. Farming is a legitimate rural land use and farmers should be able to sever dwellings surplus to their needs. An existing dwelling, regardless of parcel size, represents the same level of incompatibility in regard to noise, dust, etc. and would be treated identically under the Aggregate Resources Act regarding technical reports and setbacks. As surplus farm dwelling severances prohibit residential development on the retained parcel, no further incompatible land uses can be created.

### **County Official Plan Amendment Requirements for Aggregate Resources Act Applications**

We agree that a County Official Plan for an Aggregate Resources Act (ARA) application should not be required in a Primary Resource Area. However, it may be appropriate to consider requiring a preliminary review of the application if the proposed resource is located outside of a Primary Resource



Area. If the quality of the resource can be demonstrated through onsite testing, then the requirement for a County Official Plan Amendment should be waived. The Primary Resource Area mapping should allow for mapping refinement without the need for a County Official Plan Amendment.

#### **Aggregate Haul Routes**

Notwithstanding the questionable legal basis for haul route agreements, all requirements regarding haul route cost sharing agreements in the County Official Plan should be based on cost sharing arrangement with the municipality. In light of the doubling of the municipal TOARC levy taking effect January 2018, there is a question as to whether or not these agreements are necessary.

#### **Additional Comments**

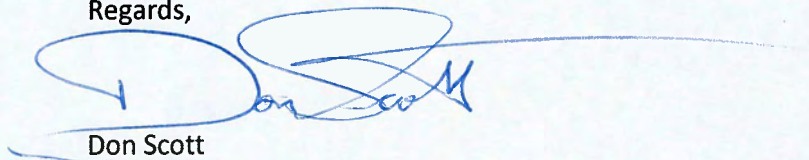
When considering lot densities, the plan should take into account merged lots or the merging of lots.

We support any effort the County proposes with regard to the unfortunate duplication of land use policy in non-urban areas and in the Niagara Escarpment Plan area. Only one policy is needed for 'Rural' Areas, be it the County policy or the Niagara Escarpment Plan policy.

#### **Conclusion**

The foregoing comments are intended to be helpful with regard to the County of Grey Official Plan Update. I would be pleased to meet with County Staff and review the comments expressed above as County policy is drafted during the next phase of Recolour Grey.

Regards,



Don Scott

cc. R. Scherzer (by email)  
E. Galloway (by email)

What would you like your community to look like in the next 5, 10, or 20 years?

What do you like about your community? What is missing?

I wish in Gorgan blyf's there was  
more trails and parks. I like that the  
bay shore is super big but I kind  
of want a park.

Additional comments:

	N/A	Response by _____
	7/7	# Entered in Spreadsheet
	✓	Summarized (comment chart)

Name (optional)

Phone/email (optional)



What would you like your community to look like in the next 5, 10, or 20 years?

What do you like about your community? What is missing?

happy @s like emojis  
close store bakeries stop  
like that.

Additional comments:

— N/A Response by \_\_\_\_\_  
— 694 # Entered in Spreadsheet  
— ✓ Summarized (comment chart)

Name (optional)

Phone/email (optional)



What would you like your community to look like in the next 5, 10, or 20 years?

What do you like about your community? What is missing?

I would like my community to have more youth, be more youthful, and have more opportunities. Currently, Lions Head has no night life or places for youth to hang out.

Additional comments:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Response by \_\_\_\_\_

683 # Entered in Spreadsheet

✓ Summarized (comment chart)

Name (optional)

Phone/email (optional)





P. 35 3.4 Add "OR Residential  
Uses"

---

P. 43

....." MUST BE A MAXIMUM OF  
1:3 (ETC). ~~SHOULD~~ MAXIMUM BE  
MINIMUM? (SEE TOP OF PAGE)



Nov. 7, 2017

ATTACHED ARE MY  
COMMENTS REGARDING "REDAUCE  
GRAY - Policy Consideration  
WORKSHOP" HANDOUT.

SHOULD YOU HAVE ANY  
QUESTIONS I CAN BE REACHED  
BY CALLING [REDACTED]  
MY ADDRESS IS [REDACTED]  
[REDACTED]  
[REDACTED]

P.S. I OWN A [REDACTED]  
[REDACTED]

✓ Response by 144/ms  
WES # Entered in Spreadsheet  
✓ Summarized (comment chart)

RECEIVED  
NOV 14 2017

# 1. ECONOMIC DEVELOPMENT P.15

a) RECORDED : "ENSURE PLANNING  
POLICIES ARE SUPPORTIVE OF  
ECONOMIC DEVELOPMENT,  
WHEN APPROPRIATE"

#### 4. Resource Development P.13

ENVIRONMENTAL POLICIES SHOULD ALSO BE IMPLEMENTED BEFORE EXTRACTIVE OPERATIONS GET STARTED

COMMENT : I THINK THAT THE O.P. SHOULD ADDRESS THE FACT THAT "COVENANTS" HAVE BEEN REGISTERED ON PROPERTY TITLES BY PROPERTY OWNERS THAT WOULD PROHIBIT THE POSSIBLE FUTURE USE OF SUCH LANDS FOR EXTENSIVE MINING PURPOSES. A PRIVATE AGENCY ~~THAT~~ INTENDS TO ENFORCE THE COVENANTS THROUGH THE COURTS.

THE COUNTRY SHOULD BE NOTIFIED WHENEVER THESE COVENANTS ARE REGISTERED.

- 1) ADD: PROVIDE FOR LIMITED SUPPLY OF INDUSTRIAL / COMMERCIAL LANDS, IN MUNICIPAL OR PRIVATE OWNERSHIP, THAT WOULD ALLOW FOR "Dry" INDUSTRIAL OR COMMERCIAL USES IN ~~SUBURBAN~~ <sup>RURAL AREAS</sup> HAVING BEEN TO MINIMUM LOT SIZES, GROUND AND PILED WATER SUPPLY, SOIL CONDITIONS, WATER TABLE DEPTH, ACCESS TO ARTERIAL ROADS AND THE PROXIMITY OF RESIDENTIAL AREAS TO AVOID LAND USE CONFLICTS.

## 2. EMPLOYMENT P. 16

f) : ALTHOUGH NOT RELEVANT  
TO CLAIMS f, I SHOULD  
LIKE TO POINT OUT THAT  
ONE, OR MORE, VACANT LOTS  
IN THE "SUNSET-STRIP" ARE  
COVERED WITH WASTE AND  
OTHER GARBAGE. ONE <sup>SUCH</sup> LOT  
IS LOCATED NEXT TO THE  
TIN HORTEN'S SHOP. IT  
DISTRACTS FROM THE GENERALLY  
PLEASANT STREET SCENE..  
EARLY SPRING IS THE WORST TIME

## 2. EMPLOYMENT

P.16

h) SOME NON-RESIDENTIAL USES IN THE RURAL AREAS ARE DETRACT FROM THE RURAL AMBIENCE BECAUSE OF OUTDOOR STORAGE OF MATERIALS AND USED PRODUCTS, SUCH AS FRIDGES AND STOVES, THAT AWAIT BEING TAKEN TO THE DUMP. THERE SHOULD BE A MINIMUM SET-BACK FROM ROADS AND POSSIBLE SCREENING.

MORE AGGRESSIVE ENFORCEMENT OF BYLAWS WOULD HELP.

I HAVE THE IMPRESSION THAT IN THE ABSENCE OF COMPLAINTS FROM NEARBY PROPERTY OWNERS ENFORCEMENT OF BYLAWS DOES NOT TAKE PLACE. IT SHOULD BE KEPT IN MIND THAT PROPERTY OWNERS IN RURAL AREAS DO NOT LIKE TO COMPLAIN ABOUT NEIGHBOURS FOR OBVIOUS REASONS.

### 3. DOWNTOWNS

p. 17

6) This proposal is unrealistic unless the Municipality is prepared to purchase such sites at the low land price of adjacent lands. to designate such lands as a woodlot and then either not purchase the land, or purchase it for a price reflecting its value as ~~as~~ a "woodlot" is a moral. Property owners deserve to be treated ~~properly~~ fairly.

## 2. Community inclusion P. 21

- h) IT HAS BEEN MY EXPERIENCE THAT PUBLIC MEETINGS TO CONSIDER PROPOSED O.P. AND BYLAW AMENDMENTS THAT SUCH MEETINGS LEAVE MUCH TO BE DESIRED IN ORDER TO ADEQUATELY INFORM THE PUBLIC. PLANNERS SHOULD EXPLAIN THE PROCESS, DISPLAY A LANDUSE MAP(S), CURRENT & PROPOSED O.P. AND ZONING BYLAW CHANGES ON MAPS, THE APPLICANT'S PROPOSAL, POSSIBLE SITE PLANS, AND SECONDARY PLANS, IF AVAILABLE ETC. BOTH THE APPLICANT AND THE PLANNER SHOULD EXPLAIN WHAT IS BEING PROPOSED. THERE SHOULD BE NO TIME LIMITS ON HOW LONG SOMEONE CAN SPEAK, UNLESS WHAT IS BEING ~~SAID~~ SAID IS NOT RELEVANT.



HAVING ATTENDED A FEW PUBLIC MEETINGS IT LEFT THE IMPRESSION ON ME THAT SOME POLITICIANS CONSIDER PUBLIC MEETINGS TO BE OF LITTLE INTEREST AND THAT SOME ALREADY HAVE THEIR MINDS MADE UP. THESE PEOPLE SHOULD RECOGNIZE THAT NEIGHBORING RESIDENT WILL HAVE TO LIVE WITH THE RESULTS, SUCH AS PROPERTY DEVALUATIONS.

AGAIN IT IS MY IMPRESSION THAT POLITICIANS PUT TOO MUCH EMPHASIS ON ~~THE~~ APPROVING INDUSTRIAL AND COMMERCIAL USES FOR THE SAKE OF TAXATION CONSIDERATIONS. THE END RESULT CAN BE THAT RURAL AREAS BECOME GRADUALLY URBANIZED, KNOWN AS URBAN SPRAWL.

WHY NOT DESIGNATE LANDS IN APPROPRIATE LOCATIONS FOR SUCH USES?

IT IS MY OPINION THAT  
RESIDENTIAL USES IN RURAL  
AREAS ARE GIVEN LITTLE PROTECTION  
FROM INCOMPATIBLE USES. ONLY  
HOUSES BUILT ON LARGE LOTS  
(E.G. 5 ACRES+) CAN HAVE  
A DEGREE OF PROTECTION IF  
SUCH HOUSES ARE CONSTRUCTED  
WELL AWAY FROM ALL LOT LINES,  
UNLESS A LOT LINE ADJUTS LANDS  
THAT ARE NOT DEVELOPABLE."

IN CITIES RESIDENTIAL AREAS  
ARE MUCH BETTER PROTECTED FROM  
INCOMPATIBLE NEW DEVELOPMENT.

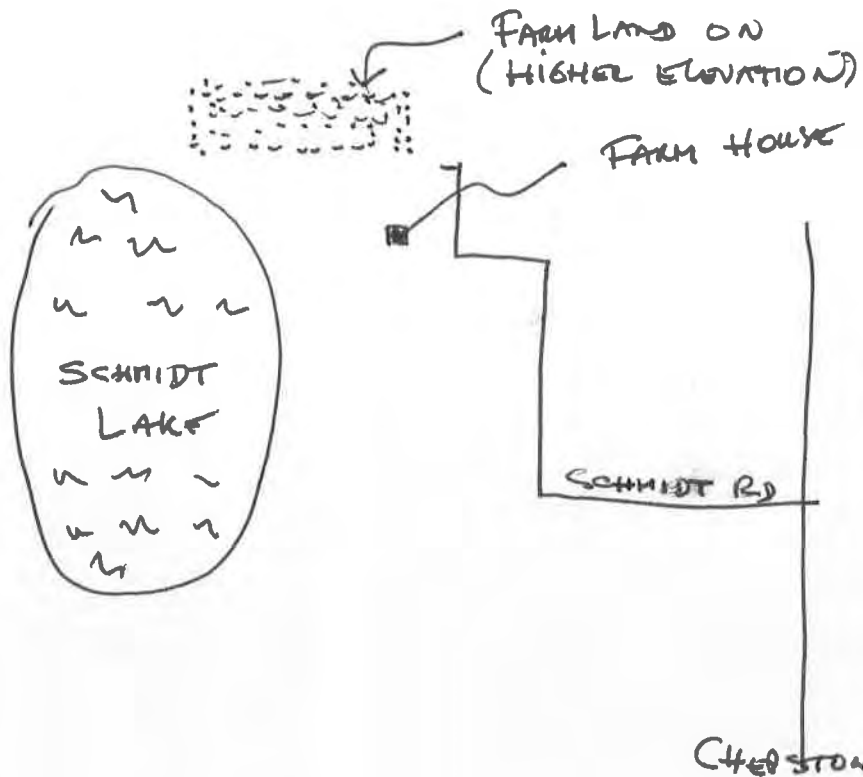
### 3. Housing P. 22

Comments: THERE ARE  
DEMOGRAPHIC AND OTHER REASONS,  
SUCH AS HOUSE PRICES IN LARGE  
URBAN AREAS, THAT WE CAN  
EXPECT A SIGNIFICANT INFUX  
OF RETIRED PEOPLE WHO WILL  
MOVE INTO THE COUNTRY. THIS  
IS A POSITIVE PROCESS THAT  
CAN BE PROMOTED BY MANY  
POLICY MEASURES, SUCH AS  
"GATED" COMMUNITIES THAT JOINTLY  
OWN A LAKE, OR GOLF COURSE ETC  
AND MORE RECREATIONAL FACILITIES ETC.

4. Culture a)

1, 2, 3

SOME YEARS AGO I FOUND ~~AND~~ A  
STONE "ADZE" ~~ON THE~~ FARM FIELD. (SEE <sup>Below</sup>  
THIS MAY INDICATE A POSSIBLE  
ARCHAEOLOGICAL SITE.



P. <sup>23</sup>~~123~~

4

Culture

By locating ANCHAGE to GCA  
sites on the O.P. MAP will  
ATTRACT people who look  
FOR ARTIFACTS FOR THEIR  
Collections or <sup>to</sup> see them.

4. Parks (b) P. 28

---

ARE you planning to lower  
the ratio of ParkLand ~~and~~ Base  
Number of units?

# CLIMATE CHANGE P. 7

- WITH THE PROSPECT OF MORE SEVERE WEATHER CONDITIONS, SUCH AS ICE STORMS, THE CO. SHOULD ENCOURAGE, AND PROMOTE, UNDERGROUND ELECTRICAL POWER IN RESIDENTIAL AREAS AND ELSEWHERE.
- CONSERVATION AUTHORITIES SHOULD UPDATE POTENTIAL FLOOD LEVEL LINES ON THEIR MAPS.

IT IS IMPORTANT THAT  
THE PLANNING DEPARTMENT PREPARE  
SECONDARY PLANS FOR URBAN  
DEVELOPMENT, SHOWING ROAD PATTERN  
, DIFFERENT LAND USES ETC.

THESE PLANS WOULD BE ADOPTED  
BY COUNCIL, BUT ARE <sup>TO BE</sup> NOT RIGID.  
CIRCUMSTANCES MAY DICTATE CHANGES.  
<sup>SUCH AS</sup>  
~~PREPARED~~ OF CHANGES IN DEMAND FOR  
HOUSING ETC.

THESE PLANS SHOULD BE  
REVIEWED BY THE ENGINEERING, POLICE  
PARKS AND FIRE DEPARTMENTS.



## ERRORS - RE COLOUR GRAY:

• p. 5

Compliment should read  
Compliment

• p. 23 Culture (e) :

"i.e." should read "e.g."

NOTE: ("i.e." means "THAT IS" ~~OR~~ OR "HOW SPECIFICALLY"  
"e.g." means "FOR EXAMPLE" ~~OR~~.)

a  
Township of Georgian Bluffs  
177964 Grey Road 18  
RR 3 Owen Sound ON N4K 5N5  
September 27, 2017

Re: Big Bay Settlement Area Reduction in OPA 80  
For Consideration at Committee of the Whole Meeting October 11, 2017

Attention: Mayor Barfoot and Councillors:

Background:

- The Big Bay Settlement Area appeared under a column heading Recommended Tertiary Settlement Area in Grey County's Policy Paper # 5 presented to the County's Planning and Community Planning Committee during the Official Plan 5-Year Review Process.
- In the amended Official Plan approved on March 3, 2009, Big Bay appeared again as a Tertiary Settlement Area with no indication that the boundary had been altered, reducing the Area by 50% including water front properties.
- In a search of documents and minutes, the name Big Bay only appeared in this Tertiary chart and did not enter into any discussions relating to Georgian Bluffs or otherwise.
- Recolour Grey represents the review of the County's Official Plan in which the public can ask for a review of zoning changes that had previously impacted their property. The County has responded by emailing documents to the property owner supporting the OPA 80 change. (Not attached due to the large file size totaling 395 pages.)
- A map provided by the County is attached. Responding to the question as to when this map was available to the public, the County could not be 100% sure but that a "recollection that the map didn't come until a little later, but at this point cannot recall an exact date."

The notification and transparency process described above has completely ignored the ensured rights of the property owners who are only now becoming aware of the impact of zoning changes in OPA 80. We ask Council for support by directing the Planning Department to examine the process, report back to the Committee and communicate the findings to the property owners. The community at large is concerned that, by limiting the hamlet, the entire area will be impacted.

Respectfully,

Property Owners:

[REDACTED]

*Grey County Planning & Development Department –Feb. 5, 2018*  
*Conference Call: Property Owners* [REDACTED]

*Grey County: Randy Scherzer, Scott Taylor, Stephanie Lacey-Avon*

“Recolour Grey” has promoted public input and then given timely feedback through a platform of digital technology. The information is overwhelming, constantly evolving and yet a must dig through to try to grasp policy planning from the property owner’s/layman’s perspective.

Up to now, as property owners, we have questioned both the ineffective notification process and the lack of transparency in the decision process of parts of OPA80. Going forward, we will be guided by “Recolour” over the next 20 years and thus we seek inspiration from it.

Initially, we chose the route of retaining Cuesta Planners who in turn set up meetings with Grey County (Scott Taylor) Mayor Barfoot and planners from Georgian Bluffs. Faced with unanticipated planning applications, we elected to by-pass the approval process by electing severance through a conservation donation of 47 acres to the Escarpment Biosphere Conservancy. This ensures that the NEP portion will be open space and the landscape and animals will be protected from hunting and recreational vehicles.

This overlapped the timetable when Grey County entered a “Recolour” planning review, a process to allow the layman to object without planning terminology. It then became apparent that the OPA80 settlement reduction altered more than our property but 12 properties. With our knowledge from conversations with planners we were able to take on the role of spokesperson for the community.

The “squaring off” of the Big Bay Settlement Area boundary whereby a combined total of 40 acres were rezoned from urban to rural was significant. PPS (2005) deemed growth to take place in urban settlement designated areas. Seemingly, half of Big Bay was mothballed. The 2003 mapping appears to be compact and square.

The 2012 map shows Big Bay strung out and curved around the water front lots, which may easily be taken out, and rezoned Inland Lakes and Shoreline leaving little to justify Big Bay as a Secondary Designation.

The “no net change” concept could be described as quirky and we felt Georgian Bluffs Council may not have been totally aware as to the end results. A written request was prepared for Council under the guidance of the Township’s Planner. Other property owners also endorsed the letter. (Att. **COW-Letter Georgian Bluffs Oct 11 2017** and **COW-PL.2017**).

The Report concluded: “Correspondence consisting of staff reports, policy papers and council minutes clearly support that changes made to the mapped boundary of the Big Bay Settlement area were done with much consideration and transparency.” The property owners received no communication and no evidence of what received “much consideration”, as per above.

We ask the question, did Georgian Bluffs knowingly sign off potential long-term economic prosperity for Big Bay in turn, exposing our community to zoning which would sanction recreational vehicles? In 2014, a community petition gathered 400 signatures to keep the historic W-Hill open to vehicular traffic. Following the 2014 election, Council voted to close the W-Hill. It is now a destination trail for ATV clubs outside of Grey County.

In 2003, we were approached to purchase 87 acres of Part Lot 38. (Att. **BB Schedule Map 16**). This map dated July 2003 shows Part Lot 38 to be included in Big Bay Settlement with PD zoning. In hindsight we should have addressed the parcel upon ownership, as a developer would have done. In 2004, vandalism took place at the Big Bay Cemetery. The community rallied to restore the Cemetery. The fundraising culminated in 2008 with Big Bay Remembers, the 150<sup>th</sup> Anniversary of Big Bay. <http://bigbayon.freehostia.com/history.htm>

Later, members of the community worked to erect a Memory Wall and in turn we donated the parcel to the Big Bay Cemetery. What is in the back of the minds of the community today is the thought that while we paid homage to our ancestors in 2007-2008, half of the Big Bay Settlement Area was being mothballed. Did no one in the know think to ask if we the owners were aware this was taking place?

The Township Georgian Bluffs is currently reviewing zoning to comply with OPA80. The PD zoning becomes RRU as per Grey County's A2 zoning. One permitted use for RRU is Recreational Trails. The unopened road allowance, Milton Street would take on this permitted use as well.

We have read numerous policy reports with "Recolour" Grey. BGGM Consultants recognized a core value in Grey County: "Residents and Councilors have been consistent in their desire that farm operations be and continue to be dominant land use and should, therefore, be afforded the greatest protection". BGGM recommend creating a land bank owned by municipalities, a defense from "wealthy baby boomers".

The On-Farm Business Policy Review again refers to the often-repeated planning justification of the sins of our fathers who, "severed thousands of rural non-farm lots back in 70's and 80's". To expand our farmland, we purchased formerly severed lots from our farm which then were not available as building sites. Big Bay appeared to Grey County planners in the OPA80 review as having excess undeveloped lots.

In what we have been able to source, the Recreational Trails Master Plan does not appear to have research and discussion papers on recreational trails and ATVs, their impact on rural lifestyle or the potential competition for land necessary for local food production.

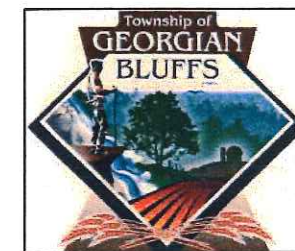
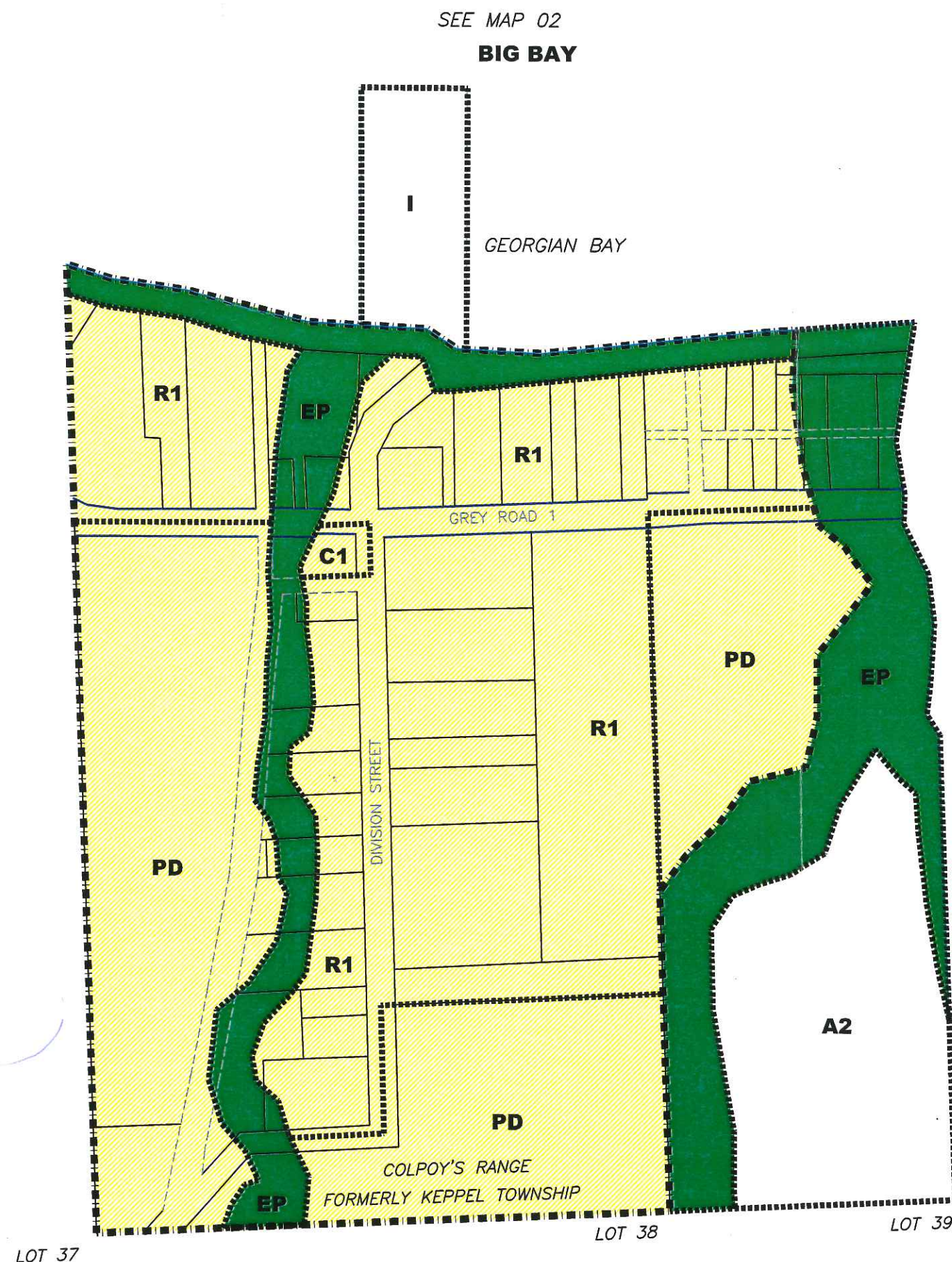
What is a definition of Recreational Trails? It is not in the Georgian Bluffs Zoning By-Law definitions or the draft of Grey County's Official Plan. In fact it appears that there is no Trails Act in Ontario to legally define trails.

The global ATV market in 2016 was worth \$6 billion and expected to be \$8 billion in 2024. In California there are dozens of ATV parks of sizes up to 80,000 acres and 130,000 in attendance. ATVs are not a passing fancy.

With Grey County Council's approval of ORV's and ATV's, could we now construe that Grey County and Georgian Bluffs have put the cattle out on the public roadways because they do not own property to pasture them? When the time comes to corral these ORA's and ATVs and lead them to pasture will the land be taken from rural farmland, managed forests or perhaps urban parkland?

The concept to reduce Big Bay Settlement might have been packaged as housekeeping for PPS (2005) when in fact it rolled what was left of Big Bay back to its starting point in 1879. Is it then expected that Big Bay will need to retrace 160 years and then plan for viability in the next 20 years?





## SCHEDULE A MAP 16

By-Law No. 6-2003 as amended  
by By-law No. 44-2003

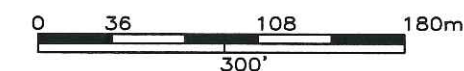
Date Passed July 9, 2003

Mayor Larry J Miller

Deputy-Clerk Bruce Hoffman

### ZONES

- A1** General Rural
- A2** Restricted Rural
- R1** General Residential
- R2** Inland Lake and Shoreline Residential
- R3** Low Density Residential
- R4** Medium Density Residential
- R5** Medium-High Density Residential
- R6** Mobile Home Park
- C1** General Commercial
- C2** Rural Commercial
- C3** Tent and Trailer Campground
- C4** Space Extensive Commercial
- M1** General Industrial
- M2** Extractive Industrial
- I** Institutional
- OS** Open Space
- EP** Environmental Protection
- PD** Planned Development
- Niagara Escarpment Development Control
- Wetland
- Hamlet
- 1** Zone Exception
- h** Holding Provision
- Municipal Road
- County Road or Provincial Highway
- Other Right of Way or Road Allowance
- Waterway



JANUARY 22 2003 - CUESTA PLANNING  
AS AMENDED TO JANUARY 2007





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<b>Date</b>	Wednesday, December 13, 2017
<b>From</b>	Jenn Burnett, Planner
<b>Subject</b>	<b>OPA #80 Big Bay Settlement Area Boundary Reduction</b>
<b>Report</b>	PL.2017.42

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#### Recommendation

That the Committee of the Whole receive the report on the OPA #80 Big Bay Settlement Area Reduction, from Jenn Burnett, Planner, for information.

#### Report Summary

At the October 11, 2017 Committee of the Whole Meeting, Council directed the planner to bring forward a scoped report to address the reduction in the settlement area boundary for Big Bay through County Official Plan Amendment #80. This report provides information on the provincial policy direction and the change in mapping practices that necessitated the reduction.

#### History of the Boundary Reduction

Official Plan Amendment #80 was a major update to the County Official Plan. The file indicates significant and regular correspondence with the Township of Georgian Bluffs on the proposed changes to the Plan as they impacted the Township beginning in 2005 until the plan was approved by County Council in 2009. During this time there were also a number of open houses, public meetings and policy papers produced by the County Planning Department to explain the process, the proposed changes and the rationale behind the changes. Township Staff provided formal comments to the County on the various drafts throughout the process.

In March of 2006, the County produced *Policy Paper #5: Settlement Area Policies Discussion Paper*. This paper clearly provided the rationale for redefining settlement areas in Grey County. Originating with the requirement to make the OP consistent with the 2005 Provincial Policy Statement (PPS), settlement areas were redefined from urban and hamlet to Primary, Secondary and Tertiary Settlement areas. With the change in terms came a change in the criteria used to classify the areas i.e. level of



servicing, concentration of development and the mix of land uses. County staff conducted site visits to the former hamlet areas in the County and developed further criteria to determine if the hamlet should be classified as a secondary or tertiary settlement area.

Policy Paper #5 clearly identifies that in "Tertiary Settlement Areas the boundaries will be reduced to generally reflect the built-up area within the Hamlet designation." (Pg. 6). Staff were clear in identifying that with the reduction in lands in some settlement areas and the intensification in others, there would be "no net change" in development potential in settlement areas" (Pg. 6) throughout the County. The report concludes that the intent of the policies proposed were to be consistent with the 2005 PPS and to "guide development where it can be properly planned for and accommodated." (Pg. 7).

A change in mapping practices was the result of updated and more accurate mapping programs. Pre-OPA #80, the hamlet boundaries were represented as a 'blob' rather than the defined areas that are currently identified within the OP. Figure 1 depicts the boundaries of the Hamlet of Big Bay pre-OPA #80. Figure 2 shows the settlement area boundary approved under OPA #80.

Figure 1

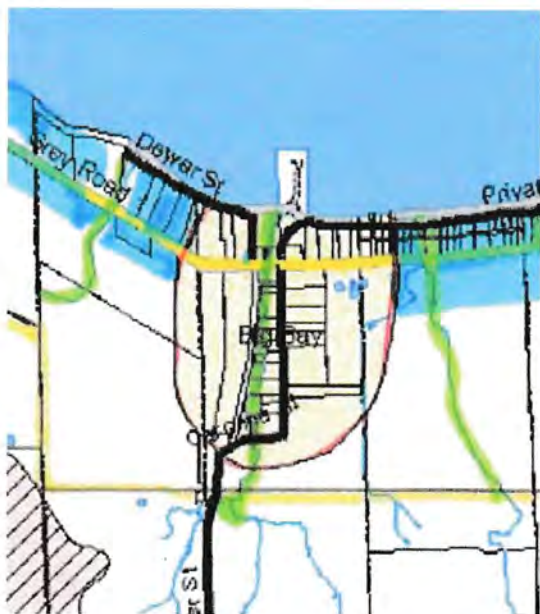


Figure 2



## Conclusion & Recommendation

The Big Bay Settlement Area Boundary was reduced through OPA #80 in response to Provincial Policy requirements and changes in mapping practices. Correspondence

consisting of staff reports, policy papers and council minutes clearly support that changes made to the mapped boundary of the Big Bay Settlement area were done with much consideration and transparency. It is concluded that no further investigation into this matter is warranted.

It is recommended that the Committee of the Whole accept the report on the OPA #80 Big Bay Settlement Area Reduction, from Jenn Burnett, Planner, for information.

Respectfully Submitted:

---

Jenn Burnett, MSc., MCIP, RPP

## Big Bay 2018 -Lots Outside SA History by E. Galloway January 2018

Map - Grey County Maps Portal-New Recolour Grey Interactive Map.

<https://grey.maps.arcgis.com/apps/MapSeries/index.html?appid=b1bb0d4ad5c74becbf072b18684d4cdf>

**1. RRU Lot 14, Plan 133 registered in the County of Grey in 1879. Why was this historical house, home to the first mayor of Owen Sound and MPP removed from the Big Bay Settlement Area and zoned RRU?**

2a). **RRU-2D** This lot was formed when surrounded by Plan 133. It was the location of the first cemetery at Big Bay. The lot abuts Milton Street (unopened road). It is the residence of Alice and Bill Thompson. Alice's father, grandfather and great grandfather lived in the Big Bay area

2b). **RRU** This 5.4 acres was severed from the 11 acre parcel when the property was within the Settlement of Big Bay. It is the summer campground for the Randy Smith family. The Smith family vacationed in Big Bay since the 1950's.

3a). **R1** This lot was originally owned in 1858 by the Horns, the first settlers in Big Bay on Lot 38. The first severance took place to divide Lot 38. Mr. Lymburner built a sawmill, timbered the land and surveyed Plan 133 the Village of Big Bay. On the east side, lots were severed along Division Street leaving 6.7 acres as open space. It is the summer residence of the Mouras.

3b). **R1** This 3.3 acres was severed from the 6.7 acres while it was within the Big Bay Settlement Area and is vacant as owned by Maria Moura

4. **R1** This 1.2 acre lot was severed in 1971 from the 88 acres by Gord and Marie Mooney prior to them selling to the Chamberlains. Mr. Mooney moved his beehives to this lot and continued to produce honey for another 30 years. This property is owned by Alice (Mooney) Thompson as a family retreat.

5. **RRU** This parcel represents the remnant of the original Lot 38 purchased in 2003 from the Chamberlains by Edith Galloway and Jim Halliday who reside on a farm property across the road. Georgian Bluffs Zoning By-law dated July 2003 showed the north 13 acres to be within the Big Bay Settlement boundary prior to the change in OPA80. The south 47 acres, which has a Rural NEP Designation, has been approved for a Consent Application 06/17 Escarpment Biosphere Conservancy.

Note:

The history above applies to the 7 lots around the redefined Big Bay Settlement. The lots west of the dock, some part of Plan 133 were designated as Inland Lakes and Shoreline in OPA80.

## January 11, 2018 Comments by E. Galloway & J. Halliday, Georgian Bluffs

The County is currently asking the public to comment on two planning processes. Georgian Bluffs is also asking for comments on its Zoning By-law. Mr. Don Scott, Cuesta Planners, has submitted comments to Recolour Grey and to Georgian Bluffs, which include support for reinstating the Big Bay Settlement Area (BBSA) to pre OPA80 status. We are most appreciative that our concerns have been acknowledged and are recognized as having merit by Mr. Scott.

Grey County's mission statement recognizes the significance of its "rural lifestyle". In a growth study in 2008, Malone Givens Parsons pointed out that in spite of all the rationale for people to be directed to urban areas, growth is "driven by a market that desires a rural lifestyle".

In 2005, County staff performed site visits to hamlets and observed, "certain hamlets differed from other hamlets". Engaging in dialogue with the people living in the hamlets, may have produced reasoning why hamlets evolve differently. Initially Big Bay had hopes of rivaling Owen Sound in growth and the registered Plan 133 had a multitude of lots. Infilling never occurred. Is it likely to today.

In OPA80-Policy Paper #5, there were two concepts utilized to seek an end result. The "no net change" concept, by which the removal and reduction of some Hamlet designations produced room for other jurisdictions to expand and the elimination of the "blob" planning concept which then squared off boundaries and benefited expansion again in other jurisdictions. Mr. Scott understands the need for the "blob" in rural planning. It is akin to vegetable plots being referred to in rural areas as a pumpkin patch, just a little less structured. In combination, Big Bay lost 40 acres from its urban Settlement Area designation.

The new Official Plan proposes to further refine urban areas by eliminating the Tertiary Designation. Big Bay appears to be under Secondary Settlement Area designation but this is not reassuring. OPA80 documentation also showed Big Bay as Tertiary when indeed properties had been removed in the village and shoreline west of the dock. How were property owners not aware of this land zoning expropriation?

*"Mixed use settlement is critical" to the vitality and "is critical to the long-term economic prosperity of our communities,"* as stated in the new Official Plan. Big Bay has 40 acres less to achieve a mixed-use settlement going forward.

Georgian Bluffs must comply with OPA80. So RRU zoning now allows for a milk cow, a couple horses (c1879) and a few yurts. Is this really a good way to ensure the effective use of infrastructure, our coveted high speed Internet?

Att: (BBSA-outsideSAzoning.pdf), Map- (BB.c1879L14.pdf)  
(BB-2018 LotsOutsideSA history.docx)

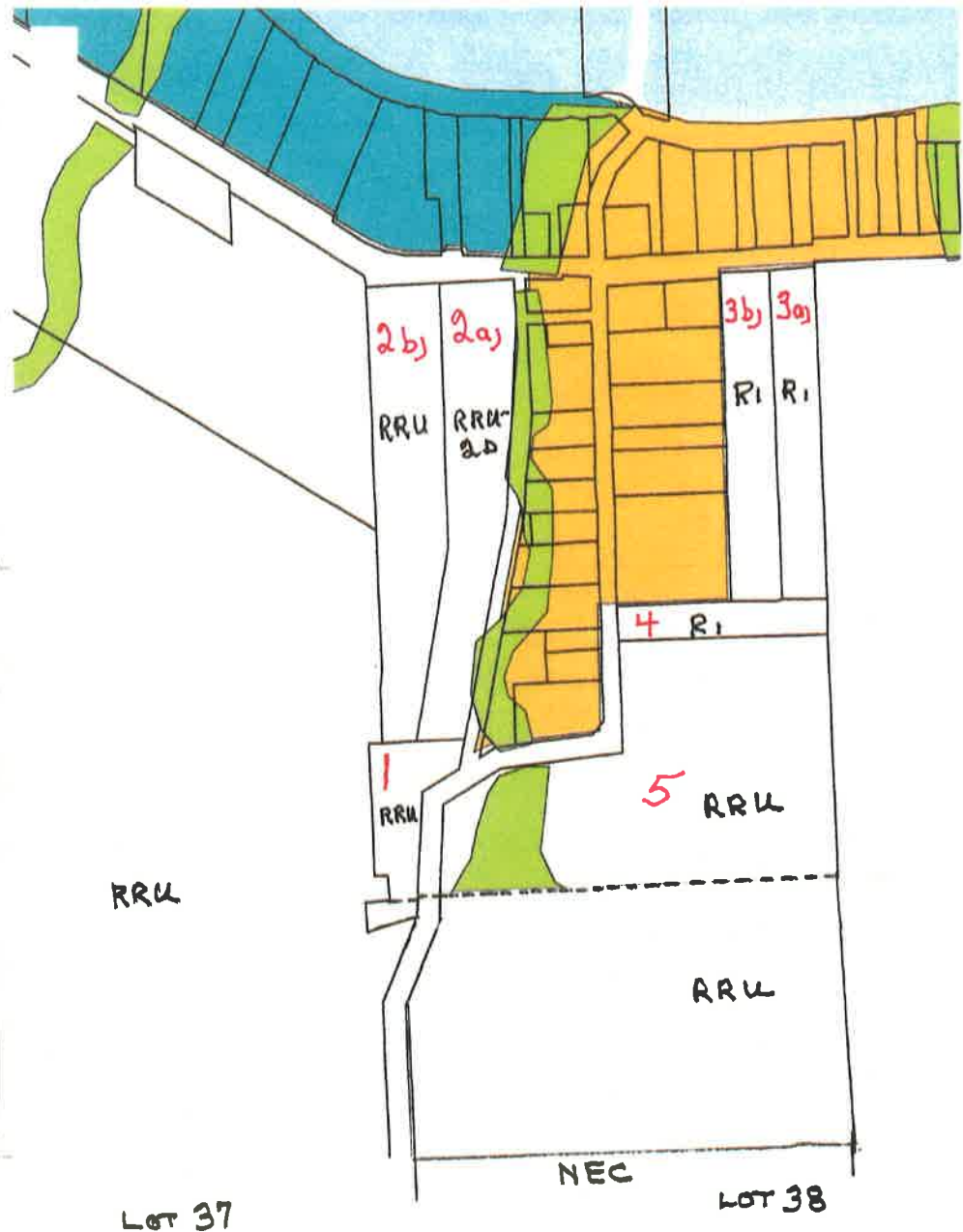


<https://grey.maps.arcgis.com>

► Welcome!

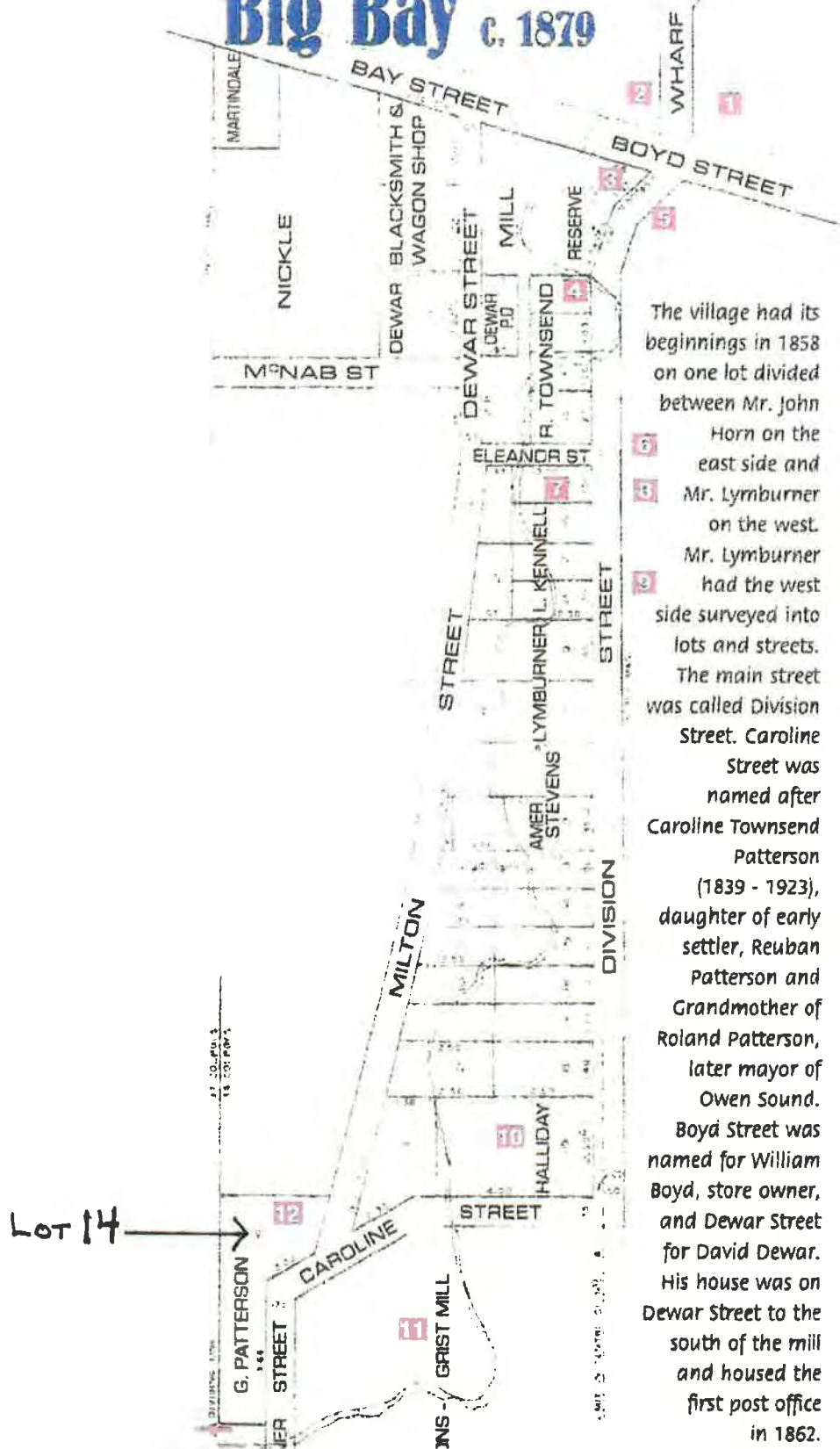
## ► Schedule A Land Use Types

Schedule A contains land use types such as designated settlement areas (Primary, Secondary, Inland Lakes and Shoreline, Recreational Resort Areas, Sunset Strip, and Industrial Business Park), rural and agricultural land use types (Agricultural, Rural, Special Agricultural), and other land use types such as Provincially Significant Wetlands,





# Big Bay c. 1879



The village had its beginnings in 1858 on one lot divided between Mr. John Horn on the east side and Mr. Lymburner on the west. Mr. Lymburner had the west side surveyed into lots and streets. The main street was called Division Street. Caroline Street was named after Caroline Townsend Patterson (1839 - 1923), daughter of early settler, Reuban Patterson and Grandmother of Roland Patterson, later mayor of Owen Sound. Boyd Street was named for William Boyd, store owner, and DeWar Street for David Dewar. His house was on DeWar Street to the south of the mill and housed the first post office in 1862.

**Henderson, Kelly**

---

**From:** [REDACTED]  
**Sent:** November-20-17 9:12 AM  
**To:** Recolour Grey  
**Cc:** Barfoot, Alan; Scherzer, Randy; IVDAARA; [REDACTED] MPP Bill Walker  
**Subject:** Grey County Approves ATVs:News October 30, 2017  
**Attachments:** County Approves ATVs on Roads After One.docx

Please see attached as comments to Recolour Grey

✓ Response by RS  
689 # Entered in Spreadsheet  
✓ Summarized (comment chart)

Recolour Grey Comments:  
County Approves ATVs on Roads After One-Year Pilot  
Posted October 30, 2017

The fanfare in this news release is not well received by all residents of Grey County. Georgian Bluffs has received a delegation on August 22, 2016 from our neighbour and us concerning our observations of the safety of ATV travel on Big Bay Sideroad.

Last Sunday, November 12, 2017; five hours after reading this news release at our winter property in California we experienced a most unsettling experience. While returning from our drive to the high mountains, we were passed by a SUV from out of state –Arizona, travelling recklessly at excess speed. Within minutes, rounding a curve we faced another vehicle with no motion in the middle of highway and to the left, the SUV crashed against the mountain. There was no pull over except ahead across from a fire station carved into the mountainside. Another Arizona vehicle startled us by pulling along side to our leftside. The scene erupted in screams. What we all faced was an off highway vehicle (OHV) – a quad in the middle of the highway, bodies draped over the sides.

It seemed disrespectful to drive so close to pass through but room was needed for responders. The SUV had 7 occupants, the OHV 3 teenage girls critical injured. Responding to the accident were 4 ambulances, 4 fire engines, 3 helicopters and numerous highway patrol. OHVs are not permitted on California highways. How had this occurred?

We expect our elected officials and public employees to place safety of residents foremost above “convenience” for recreation enjoyment. Jim and I wish in our hearts that no one faces our experience. We strongly object to the inclusion of ATVs on Grey County Roads as part of the Recreational Trails Master plan project in 2018.

Sincerely,

[REDACTED]



What would you like your community to look like in the next 5, 10, or 20 years?

What do you like about your community? What is missing?

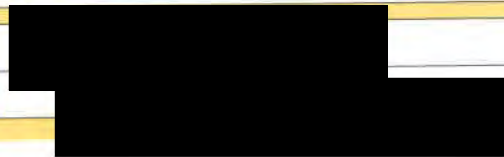
Like the rural/agricultural character interspersed w villages & hamlets. I think the distinction between rural & settlement should be ~~maintained~~ maintained w limited or reduced closian/linkage into the rural area

Additional comments:

✓ Response by planners  
764 # Entered in Spreadsheet  
✓ Summarized (comment chart)

Name (optional)

Phone/email (optional)



What would you like your community to look like in the next 5, 10, or 20 years?  
What do you like about your community? What is missing?

Could the county consider  
doing a study on the impact  
of wind turbines + pig/turkey  
barns on the same property  
and their impact on neighbouring  
properties

Additional comments:

✓ Response by planners.  
767 # Entered in Spreadsheet  
✓ Summarized (comment chart)

Name (optional)

Phone/email (optional)



March 2018



Response by \_\_\_\_\_  
777 # Entered in Spreadsheet  
✓ Summarized (comment chart)  
Alfred

**Corporation of the County of Grey 595 9th Ave East Owen Sound,  
Ontario N4K 3E3**

**Township of Georgian Bluffs 177964 Grey Rd. 18, R.R. #3 , Owen  
Sound, Ontario N4K 5 N5**

Attention: Municipal Clerk and Planning Departments To  
Whom It May Concern:

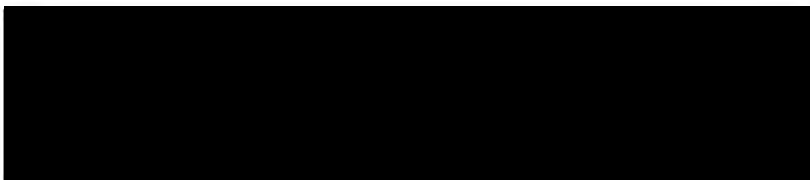
**Re: Recolour Grey - Property Specific Submission**

This submission is to object to any  
policy/plan/zoning/designations etc that restrict private  
property usage above the restrictions included in the Crown  
Letters Patent or legally expropriated or conveyed since the  
granting of these patents.

We recognize the need to formally object to the inclusion of  
our specific properties in the County of Grey Official Plan.

These properties are as follows:

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[REDACTED]

[REDACTED]  
FROM: 1200200000102

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[REDACTED]

-----

During the Club's 45 years of private property ownership, we have not entered into any written agreement acknowledging our consent to include our private island in any designation, zoning, or official plan proposed by any government or regulatory entity.

## **Denial and Revocation of Consent**

This is to advise you that we do not give consent to have our private properties included within any current or future Official Plan for the County of Grey and/or the Township of

Griffith Island Club  
250863 Big Bay Sideroad, Georgian Bluffs, Ontario N0H 2T0  
(519) 534-5999 Fax (519) 534-5993  
griffithisland@hurontel.on.ca

Georgian Bluffs without the express and written agreement with ourselves that may be legally registered on the property deed.

Please take notice that we hereby denounce any actions that may have been taken and mistakenly relied upon, by the corporations of the County of Grey, the Township of Georgian Bluffs and Keppel Township, to impose planning, zoning , or designation restrictions on our private properties, under the assumption or guise of "implied consent". We are hereby petitioning those authorities to "act in good faith" by removing all previous designations, zoning, and official planning that have been mistakenly claimed or directed at our properties which are "situate" but in no way "vested "in the aforementioned corporations.

We are requesting the courtesy of a reply within 30 days.  
Thank you in advance for your attention and cooperation.  
Respectfully,

A handwritten signature in black ink, appearing to read 'Ken Elmes', is positioned to the right of the typed name.

**Ken Elmes, General Manager, Griffith Island Club**

Griffith Island Club  
250863 Big Bay Sideroad, Georgian Bluffs, Ontario N0H 2T0  
(519) 534-5999 Fax (519) 534-5993  
[griffithisland@hurontel.on.ca](mailto:griffithisland@hurontel.on.ca)

What would you like your community to look like in the next 5, 10, or 20 years?

What do you like about your community? What is missing?

I like Owen Sound because of all the parks  
Owen Sound is missing a (pro hockey life!)

Additional comments:

More baseball diamonds and 1 more  
floor in the Ymca

N/A Response by \_\_\_\_\_  
703 # Entered in Spreadsheet  
✓ Summarized (comment chart)

Name (optional)

Phone/email (optional)

What would you like your community to look like in the next 5, 10, or 20 years?

What do you like about your community? What is missing?

would a killer clown  
store, a thunderdome

N/A Response by \_\_\_\_\_  
70A # Entered in Spreadsheet  
✓ Summarized (comment chart)

Additional comments:

call [REDACTED]  
for additional planning

Name (optional)

Phone/email (optional)

[REDACTED]

ISSUE DATE:

**February 6, 2004**

DECISION/ORDER NO:

**0245**



Ontario Municipal Board

Commission des affaires municipales de l'Ontario

✓ Response by Landy  
754 # Entered in Spreadsheet  
Affres Summarized (comment chart)

PL001195

Canadian Development Management Corporation has appealed to the Ontario Municipal Board under subsection 22(7) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended, from Council's failure or neglect to enact a proposed amendment to the Official Plan for the Town of The Blue Mountains to redesignate lands known as Part Lot 26 and 27, Concession 7 to permit the construction of an 18-hole golf course

O.M.B. File No. O000245

Canadian Development Management Corporation has appealed to the Ontario Municipal Board under subsection 34(11) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended, from Council's failure or neglect to enact a proposed amendment to Zoning By-law 83-40 of the Town of The Blue Mountains to rezone lands known as Part Lot 26 and 27, Concession 7 from the current multi-zone designation to permit the construction of an 18-hole golf course

O.M.B. File No. Z000185

Canadian Development Management Corporation has referred to the Ontario Municipal Board under subsection 41(12) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended, determination and settlement of details of a site plan for lands composed of Part Lot 26 and 27, Concession 7, in the Town of the Blue Mountains

O.M.B. File No. M010026

Canadian Development Management Corporation and the Town of the Blue Mountains have requested the Ontario Municipal Board to exercise its discretion under subsection 43 of the *Ontario Municipal Board Act*, R.S.O. 1990, c. O.28, to review and vary Decision/Order 1639, issued October 9, 2001, to correct a mapping error in Schedule A-1 to the zoning by-law.

## **APPEARANCES:**

### **Parties**

Canadian Development Management Corporation

Town of The Blue Mountains

### **Counsel**

S. Makuch

R. Beaman and I. P. Shaw

## **DECISION DELIVERED BY SUSAN FISH AND ORDER OF THE BOARD**

In a hearing held April 24 and 25, 2002, the parties appeared before the Board to finalize certain matters dealing with the site plan and to request an amendment to the zoning by-law schedule. As a result of discussions between the parties during the course of the hearing, all matters ultimately came to the Board on consent. While the



Board was satisfied on the merits of the matters brought before it, the Board's written decision and order was withheld pending the filing, by the parties, of certain documents with the Board. In particular, the site plan agreement, filed as Exhibit 23 in this proceeding, contained handwritten amendments and was not an executed copy. The Board directed that a cleanly typed, executed copy of the site plan agreement be filed with the Board prior to release of the Board's decision and order. While counsel advised the Board that they anticipated all documents being filed with the Board within about 10 days' time of the hearing, substantial delays occurred in the actual filing of an executed copy of the site plan agreement.

On December 22, 2003, in an effort to conclude this matter, the Board convened a teleconference with the parties to determine the cause for delay and whether the parties had resiled from their earlier agreement. The parties advised the Board that they had been engaged in certain other discussions and, while neither party had resiled from the original site plan agreement, the parties had agreed to an amendment to that agreement. The amendment dealt with certain matters relating to the scale and timing of the payment of securities. In that teleconference, both parties asked the Board to make note of this amendment to the site plan agreement in the Board's decision. Although this amendment was agreed to by the parties in August, 2003, it was not executed for several months. An executed copy of the amendment to the site plan agreement was not filed with the Board until January 5, 2004.

All of the documents that the Board directed be filed at the appearance of April 24 and 25, 2002, and the teleconference of December 22, 2003, having now been filed, this is the Decision of the Board.

### **Amendment to Zoning By-law Schedule**

At a hearing held October 1, 2001, the Board had before it the appeal regarding the proposed zoning by-law amendment in this matter. At that hearing, the Board heard evidence regarding the proposed zoning by-law amendment, which came to the Board on consent. In Decision/Order 1639, dated October 9, 2001, the Board found as follows:

. . . On the unchallenged evidence of Mr. Broll, the Board finds that the proposed zoning by-law is reasonable, appropriate, represents the principles of good community planning and is in the public interest.

The appeal by CDMC is allowed. The zoning by-law amendment, filed in this proceeding as Exhibit 4 and found at Attachment 2 to this decision, is approved, and the Board so orders. . . .

In approving the zoning by-law at that time, the Board approved Key Map Schedule A-1 to the by-law. The parties have since realized that the schedule presented to the Board at the October, 2001, hearing and referenced in Decision/Order 1639, contained an error. Specifically, the Schedule showed a setback that placed a building within the boundaries of hazard lands, which was not the intent of the by-law. The parties have submitted to the Board a corrected Schedule A-1, which adjusts the placement of the building slightly to ensure that it does not encroach upon hazard lands. The parties now ask the Board to vary its earlier Decision to delete the incorrect Schedule A-1 and approve instead the corrected Schedule A-1 filed in this proceeding as Exhibit 22.

The Board heard from Messrs. Glen Broll and Peter Tollefson, both qualified land use planners, that the change to the Schedule is reasonable, appropriate, minor, and consistent with the planning evidence advanced at the October, 2001, hearing in support of the zoning by-law amendment.

Section 43 of the *Ontario Municipal Board Act*, [R.S.O. 1990, c.O.28] states:

The Board may rehear any application before deciding it or may review, rescind, change, alter or vary any decision, approval or order made by it.

On the unchallenged evidence of Messrs. Broll and Tollefson, the Board is satisfied that the proposed change to Schedule A-1 is reasonable, appropriate, minor, consistent with the earlier planning evidence in support of the zoning by-law amendment, and accurately and properly reflects the parties' mutual intention to protect hazard lands from development. On this basis, the Board waives Notice of this matter and, on its own Motion and in accordance with Section 43 of the *Ontario Municipal Board Act*, the Board now varies Decision/Order 1639 by approving the corrected Schedule A-1, filed as Exhibit 22 in this proceeding and found as Attachment 1 to this Decision, and the Board So Orders.

**Site Plan and Site Plan Agreement**

In addition to Messrs. Broll and Tollefson, the Board also heard from Messrs. Ian Norfolk and Christopher Crozier, both qualified engineers. The parties have reached agreement on the site plan and form of site plan agreement. The Board had before it engineering plans, site plans, walkway and landscaping plans, elevation and floor plans for the maintenance building, and elevation and floor plans for the clubhouse. The Board also had before it the site plan agreement and, filed subsequently, the amendment of August, 2002, to that agreement. On the unchallenged evidence of Messrs. Broll, Tollefson, Norfolk and Crozier, the Board finds that the site plan agreement and associated plans are reasonable, appropriate, and consistent with Section 41 of the *Planning Act* [R.S.O. 1990, c.P.13].

On reviewing the amendment to the agreement, the Board is satisfied that it deals with certain payments and finds that it is consistent with the original site plan agreement filed as Exhibit 23 in this proceeding.

Having regard to Section 41(12) of the *Planning Act*, the Board approves:

1. the engineering plans, filed in this proceeding as Exhibit 24A and found as Attachment 2 to this Decision;
2. the site plans, filed in this proceeding as Exhibit 24B and found as Attachment 3 to this Decision;
3. the walkway and landscaping plans, filed in this proceeding as Exhibit 24C and found as Attachment 4 to this Decision;
4. the elevation and floor plans for the maintenance building, filed in this proceeding as Exhibit 25 and found as Attachment 5 to this Decision;
5. the elevation and floor plans for the clubhouse building, filed in this proceeding as Exhibit 26 and found as Attachment 6 to this Decision;
6. the site plan agreement, filed in this proceeding as Exhibit 23 and found as Attachment 7 to this Decision, and the August, 2003, amendment to that agreement, found as Attachment 8 to this Decision.

Although in the end all of these matters have come to the Board on consent, the agreements between the parties have been the result of protracted discussion and negotiation. The parties have, therefore, asked that the Board note in its Decision that the parties have agreed that no construction shall commence until all securities have been paid to the Town, and the Board so notes.

So Orders the Board.

"Susan Fish"

SUSAN FISH  
EXECUTIVE VICE-CHAIR

ISSUE DATE:

**May 28, 2003**

DECISION/ORDER NO:

**0696**



Ontario Municipal Board

Commission des affaires municipales de l'Ontario

PL020205

PL020894

PL021118

Canadian Development Management Corporation (CDMC) has appealed to the Ontario Municipal Board under subsection 34(11) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended, from Council's refusal or neglect to enact a proposed amendment to By-law 83-40 of the Town of The Blue Mountains to rezone lands respecting Part Lots 26 and 27, Concession 7 from H-152 and SR-151 to an appropriate Golf Course Residential Zone to permit the development of 41 detached residential units and 50 townhouses  
O.M.B. File No. Z020023

Canadian Development Management Corporation (CDMC) has appealed to the Ontario Municipal Board under subsection 51(34) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended, from the failure of the County of Grey to make a decision respecting a proposed plan of subdivision on lands composed of Part Lots 26 and 27, Concession 7 in the Town of The Blue Mountains  
County of Grey File No. 42T-2001-06  
O.M.B. File No. S020017

Canadian Development Management Corporation (CDMC) has appealed to the Ontario Municipal Board under subsection 22(7) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended, from Council's refusal or neglect to enact a proposed amendment to the Official Plan for the Town of The Blue Mountains to redesignate land fronting on Grey Road 40, South Side of Highway 26 and west of Camperdown Road from Hazard Lands to a Primary Residential Designation to permit the development of 41 detached residential lots and 50 townhouses  
O.M.B. File No. O020089

Delphi Point Holdings Inc. has appealed to the Ontario Municipal Board under subsection 34(11) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended, from Council's refusal or neglect to enact a proposed amendment to By-law 83-40 of the Town of the Blue Mountains to rezone lands respecting Part of Lot 26, Concessions 5 and 6 from the Deferred Development (DD) Zone to a Residential Zone to permit the development of a 66 unit residential plan of subdivision containing a combination of single detached and triplex residential units and recreational commercial uses  
O.M.B. File No. Z020132

Delphi Point Holdings Inc. has appealed to the Ontario Municipal Board under subsection 51(15) of the *Planning Act*, S.O. 1983, c. P.1, as amended, from the failure of the County of Grey to make a decision respecting a proposed 66 unit plan of subdivision on lands composed of Part of Lot 26, Concessions 5 and 6 in the Town of the Blue Mountains  
County of Grey File No. 42T-88003  
O.M.B. File No. S020065

Delphi Point Holdings Inc. has appealed to the Ontario Municipal Board under subsection 22(7) of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended, from Council's refusal or neglect to enact a proposed amendment to the Official Plan for the Town of the Blue Mountains to re-designate lands fronting on the north side of Highway No. 26 (Delphi Point) from Special Development Category to Primary Residential, Area of Natural and Scientific Interest (ANSI) and Shoreline Reserve, to permit the development of a 66 unit residential plan of subdivision  
O.M.B. File No. O020162

Peaks Bay Holdings Inc. (East) has appealed to the Ontario Municipal Board under subsection 34(11) of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended, from Council's refusal or neglect to enact a proposed amendment to By-law 83-40 of the Town of the Blue Mountains to rezone lands respecting Part of Lot 26, Concession 5 from the Development (D) Zone to a Residential Zone to permit the development of a 35 unit residential plan of subdivision  
O.M.B. File No. Z020131

Peaks Bay Holdings Inc. (East) has appealed to the Ontario Municipal Board under subsection 51(15) of the *Planning Act*, S.O. 1983, c. P.1, as amended, from the failure of the County of Grey to make a decision respecting a proposed 35 unit plan of subdivision on lands composed of Part of Lot 26, Concession 5 in the Town of the Blue Mountains  
County of Grey File No. 42T-87016  
O.M.B. File No. S020069

Peaks Bay Holdings Inc. (East) has appealed to the Ontario Municipal Board under subsection 22(7) of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended, from Council's refusal or neglect to enact a proposed amendment to the Official Plan for the Town of the Blue Mountains to re-designate lands fronting on Highway No. 26 from Secondary Residential and Beach to the Primary Residential, Area of Natural and Scientific Interest (ANSI) and Shoreline Reserve designation, to permit the development of a 35 unit residential plan of subdivision  
O.M.B. File No. O020163

Peaks Bay Holdings Inc. (West) has appealed to the Ontario Municipal Board under subsection 34(11) of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended, from Council's refusal or neglect to enact a proposed amendment to By-law 83-40 of the Town of the Blue Mountains to rezone lands respecting Part of Lot 26, Concession 5 from the Development (D) Zone to a Residential Zone to permit the development of a 68 unit residential plan of subdivision  
O.M.B. File No. Z020130

Peaks Bay Holdings Inc. (West) has appealed to the Ontario Municipal Board under subsection 51(15) of the *Planning Act*, S.O. 1983, c. P.1, as amended, from the failure of the County of Grey to make a decision respecting a proposed 68 unit plan of subdivision on lands composed of Part of Lot 26, Concession 5 in the Town of the Blue Mountains  
County of Grey File No. 42T-95006  
O.M.B. File No. S020070

Peaks Bay Holdings Inc. (West) has appealed to the Ontario Municipal Board under subsection 22(7) of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended, from Council's refusal or neglect to enact a proposed amendment to the Official Plan for the Town of the Blue Mountains to re-designate lands fronting on the north side of Highway No. 26 from Special Development Category to Primary Residential and Area of Natural and Scientific Interest (ANSI) to permit the development of a 68 unit residential plan of subdivision  
O.M.B. File No. O020162

Barvan Holdings Limited (Phoebus) has appealed to the Ontario Municipal Board under subsection 34(11) of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended, from Council's refusal or neglect to enact a proposed amendment to By-law 83-40 of the Town of the Blue Mountains to rezone lands respecting Part of Lot 26, Concession 5 from the Deferred Development (DD) Zone to a Residential Zone to permit the development of a 65 unit residential plan of subdivision  
O.M.B. File No. Z020128

Barvan Holdings Limited (Phoebus) has appealed to the Ontario Municipal Board under subsection 51(15) of the *Planning Act*, S.O. 1983, c. P.1, as amended, from the failure of the County of Grey to make a decision respecting a proposed 65 unit plan of subdivision on lands composed of Part of Lot 26, Concession 5 in the Town of the Blue Mountains  
County of Grey File No. 42T-95007  
O.M.B. File No. S020068

Barvan Holdings Limited (Phoebus) has appealed to the Ontario Municipal Board under subsection 22(7) of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended, from Council's refusal or neglect to enact a proposed amendment to the Official Plan for the Town of the Blue Mountains to re-designate lands fronting on the north side of Highway No. 26 from Special Development Category to Primary Residential, Area of Natural and Scientific Interest (ANSI) and Shoreline Reserve, to permit the development of a 65 unit residential plan of subdivision  
O.M.B. File No. O020161

Barton Developments Inc. has appealed to the Ontario Municipal Board under subsection 34(11) of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended, from Council's refusal or neglect to enact a proposed amendment to By-law 83-40 of the Town of the Blue Mountains to rezone lands respecting Part of Lot 25 and 26, Concession 6 from the Development (D) Zone and the Hazard (H) Zone to a Residential Zone to permit the development of a 118 unit residential plan of subdivision  
O.M.B. File No. Z020129

Barton Developments Inc. has appealed to the Ontario Municipal Board under subsection 51(15) of the *Planning Act*, S.O. 1983, c. P.1, as amended, from the failure of the County of Grey to make a decision respecting a proposed 118 unit residential plan of subdivision located on the south side of Highway No. 26 and the east side of Camperdown Road composed of Part of Lots 25 and 26, Concession 6 in the Town of the Blue Mountains  
County of Grey File No. 42T-87017  
O.M.B. File No. S020067



William Allan Holdings Limited has appealed to the Ontario Municipal Board under subsection 34(11) of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended, from Council's refusal or neglect to enact a proposed amendment to By-law 83-40 of the Town of the Blue Mountains to rezone lands respecting Part of Lot 25, Concession 7 from the General Rural (A1) Zone and the Hazard (H) Zone to a Residential Zone to permit the development of a 112 unit residential plan of subdivision

O.M.B. File No. Z020133

William Allan Holdings Limited has appealed to the Ontario Municipal Board under subsection 51(15) of the *Planning Act*, S.O. 1983, c. P.1, as amended, from the failure of the County of Grey to make a decision respecting a proposed 112 unit residential plan of subdivision on lands composed of Part of Lot 25, Concession 7 in the Town of the Blue Mountains

County of Grey File No. 42T-89021

O.M.B. File No. S020066

William Allan Holdings Limited has appealed to the Ontario Municipal Board under subsection 22(7) of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended, from Council's refusal or neglect to enact a proposed amendment to the Official Plan for the Town of the Blue Mountains to re-designate lands fronting on the west side of Camperdown Road located south of County Road No. 40 and the proposed Georgian Peaks Golf Course from Special Development Category to Primary Residential and Hazard to permit the development of a 112 unit residential plan of subdivision

O.M.B. File No. O020160

Sorichetti Development Group Inc. has appealed to the Ontario Municipal Board under subsection 34(11) of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended, from Council's refusal or neglect to enact a proposed amendment to By-law 83-40 of the Town of the Blue Mountains to rezone lands respecting Part of Lot 28, Concession 7 from Development (D) Zone to a Residential Zone to permit the development of a 55 unit residential plan of subdivision

O.M.B. File No. Z020148

Sorichetti Development Group Inc. has appealed to the Ontario Municipal Board under subsection 51(15) of the *Planning Act*, S.O. 1983, c. P.1, as amended, from the failure of the County of Grey to make a decision respecting a proposed 55 unit residential plan of subdivision on lands located on the south side of Highway No. 26 north of County Road No. 40 composed of Part of Lot 28, Concession 7 in the Town of the Blue Mountains

County of Grey File No. 42T-2002-006

O.M.B. File No. S020075

## **APPEARANCES:**

### **Parties**

C. D. M. C.

Town of the Blue Mountains

The Barton Group et al

### **Counsel**

S. Makuch

R. T. Beaman

B. Onyschuk & J. Ayres

County of Grey	E. Treslan
Lora Bay Corporation	R. Houser
Tyrolean Village Resorts Limited	A. Brown
George H. Fleming & Associates Limited	
Tabera Limited	

**PARTICIPANTS:**

M. Sacks

F. Barnes (Georgian View Estates Residents' Association)

M. Orr (Niagara Escarpment Commission)

A. Sorensen (Grey Sauble Conservation Authority)

P. Jarred

B. and A. Jones (Upper Camperdown Homeowners Group)

D. Guay (Trailwoods)

S. Stanczuk (Bayshore Resorts Owners Association Inc.)

J. Matera (counsel) for K., J. and G. Gillespie and K. Hartly

B. Smith

V. Bollinger (Ratepayers on Highway 26 – north side)

A. Gobbo (S.A.P.O.A.)

**MEMORANDUM OF ORAL DECISION DELIVERED BY J. R. MILLS  
ON MAY 2, 2003 AND PARTIAL ORDER OF THE BOARD**

The actual hearing for the CDMC and Camplog appeals finally began on April 29, 2003. Mrs. P. Jarred filed two letters with the Board. One was Exhibit 10A from the Teskey Drive Ratepayers' Association which was fully in support of the CDMC appeals. The other, Exhibit 11A, was from the Upper Camperdown Homeowners' Group which appeared to be in opposition to the Allan and Barton subdivisions (part of the Camplog appeals). Closer review of the letter, together with a telephone conference with Mr.

Jones (the author), proved otherwise. The homeowners were actually quite pleased with the mediation process and the way in which they had been treated by the Town and the developers. However, they still were not pleased with the density of both subdivisions but were not pursuing the matter any further.

It was apparent that the parties were not ready to proceed any further and that more mediation was necessary. The hearing was therefore adjourned to Friday, May 2, 2003 at 11:00 a.m. at the Town's Council Chambers.

When the Board reconvened on May 2, 2003, the parties and the two remaining participants (Niagara Escarpment Commission and the Grey Sauble Conservation Authority) were ready to proceed.

Minutes of Settlement were filed by Mr. Beaman on behalf of the parties (Exhibit 12A), excluding the Delphi Point Holdings zoning and subdivision. This Exhibit will be appended as Attachment 1 to this decision.

The Board heard the uncontradicted evidence of five professional planners, as a panel, as to how OPA's 132 and 133 conformed to the County's Official Plan; that phasing development was appropriate; that the zoning appeals, as amended; and the draft plans (Exhibit 13A, 14A, 15A and 16A) and their draft conditions were supportable and represented good planning.

The Board also heard from the planner for the Niagara Escarpment Commission that OPA's 132 and 133 conform to the Niagara Escarpment Plan and from the environmental planner for the Grey Sauble Conservation Authority that its concerns had been dealt with and the plans generally conformed to its policies. Finally, the Board was presented with Council resolutions from the County (Exhibit 17A) and the Town (Exhibit 18A) supporting the Minutes of Settlement (Exhibit 12A).

Based on the uncontradicted planning evidence before it, the Board will allow the various appeals under Board files O020089, O020160 – O020163 previously dealt with in part by Board Order No. 0531 dated April 28, 2003. The Board also finds that both OPA 132 and 133 to the Official Plan of the Beaver Valley Planning Area conform to the County's Official Plan, implement the policies of OPA 131, represent good planning and are therefore approved.

The Board so Orders.

The following decisions were also made by the Board:

**CDMC LANDS**

1. The subdivision appeal by CDMC under file S020017 [42T-2001-06] is allowed and the Board, subject to the satisfaction of the financial condition below, will give draft approval to the subdivision filed as Ex. 13A with conditions of approval as set out in Schedule E-1.
2. The zoning appeal by CDMC under file Z020023 is allowed and the Board, subject to the satisfaction of the financial condition below, will amend By-law No. 83-40 of the former Township of Collingwood as set out in Schedule F-1.
3. The Board finds that the subdivision and its conditions of draft approval and the zoning by-law, conform to the Official Plan, as amended, address the requirements of s. 52 of the *Planning Act* and represent good planning.
4. The Board's Order with respect to the subdivision and zoning is withheld and will not be issued unless and until the Board receives confirmation within 120 days from May 2, 2003 by the Town that paragraph 8 of the Minutes of Settlement has been complied with by satisfaction of the provisions of subsections 1.a, 1.b, 1.c, 1.d, 1.g, and 1.k of Schedule "C" of the Minutes of Settlement.
5. The Board also finds that the approval of 12 lots on parcel 006-41700 and 3 lots on parcel 006-41650 would be in conformity with the Official Plan of the beaver Valley Planning Area as amended by OPA 131 and OPA 133. This member is seized with the subdivision and zoning appeals related to these parcels when they are perfected at the Board.

**CAMPLOG A and CAMPLOG B lands.**

1. The subdivision appeals by Allan under file S020066 [42T-89021] and Barton under file S020067 [42T-87017] are allowed in part and the Board, subject to satisfaction of the financial condition below, will give draft approval to Phases 1 and 2 of the subdivisions filed as Ex. 14A and Ex. 15A, respectively, with conditions of approval as set out in Schedules E-2 and E-3, respectively.

2. The subdivision appeal by Sorichetti under file S020075 [42T-2002-006] is allowed in part and the Board, subject to satisfaction of the financial condition below, and subject to satisfaction of clause 1.a.iv of Schedule B to the Minutes of Settlement, will give draft approval to Phases 1 and 2 of the Subdivision filed as Ex. 16A with conditions of approval as set out in Schedule E-4.
3. The zoning appeals by Allan under file Z020133 and Barton under file Z020129 and Sorichetti under file Z020148 are allowed and the Board, subject to the satisfaction of the financial condition below, will amend By-law No. 83-40 of the former Township of Collingwood as set out in Schedule F-2, F-3 and F-4.
4. The Board finds that these subdivisions and their conditions of draft approval and the zoning by-laws conform to the Official Plan as amended, address the requirements of s. 52 of the *Planning Act*, and represent good planning.
5. The Board's Order as it applies to Phase 1 of the draft plans of subdivision referenced in paragraphs 7 and 8 and the rezonings referenced in paragraph 3 above, is withheld and will not be issued unless and until the Board receives confirmation within 120 days from May 2, 2003 by the Town that paragraph 8 of the Minutes of Settlement has been complied with by satisfaction of the provisions of subsections 1.a, 1.b, 1.c, 1.d, 1.f, 1.g and 1.k of Schedule "C" and satisfaction of subsection 1.a of Schedule B of the Minutes of Settlement.
6. The Board's Order as it applies to Phase 2 of the draft plans of subdivision referenced in paragraphs 7 and 8 and the rezonings referenced in paragraph 3 above, is withheld and will not be issued unless and until the Board receives confirmation within 120 days from May 2, 2003 by the Town that paragraph 8 of the Minutes of Settlement has been complied with by satisfaction of the provisions of subsections 1.a, 1.b, 1.c, 1.d, 1.f, 1.g and 1.k of Schedule "C" and satisfaction of subject 1.c of Schedule B in the Minutes of Settlement.
7. The Board's Decision and Order as it applies to Phase 3 of the draft plans of subdivision referred to in paragraph 7 and 8 and the rezonings referenced in paragraph 3 above, is withheld for a period not to exceed ten years from May 2, 2003 and shall not be issued unless and until the Board receives confirmation from the Town that the Comprehensive Environmental Study Phase 4 Report

(ESR) has been approved and that the provisions of subsection 1.e of Schedule B of the Minutes of Settlement has been complied with.

8. The Board finds that there will be sufficient water and waste water capacity for the draft approval of 206 lots in Phase 1 and 150 lots in Phase 2 for draft plans of subdivision 42T-88003 [Delphi], 42T-87016 [Peaks], 42 T-95006 [Peaks], 42T-95007 [Barvan], 42T-87017 [Barton], 42T-89021 [Allan] and 42T-2002-006 [Sorichetti], provided the requirements of Schedule B, sections 1.a and 1.c are met, and provided the approvals are phased in accordance with Schedule D of the Minutes of Settlement and the Board further finds that such approvals would be in conformity with the Official Plan of the Beaver Valley Planning Area as amended by OPA's 131, 132 and 133.
10. Authority to give final approval of the plans of subdivision is given to the County of Grey pursuant to section 51 (56.1) of the *Planning Act*.
11. The Clerk is authorized to affix by-law numbers to the zoning by-laws dealt with in this decision.
12. The Board may be spoken to concerning matters of implementation, and remains seized with the Barvan appeals under files S020068 and Z020128, the Peaks Bay appeals under files S020069-70 and Z020130-31, the Delphi Point appeals under files S020065 and Z020132 and the Sorichetti appeals under files S020075 and Z020148 with respect to matters arising out of s. 1.a.iv of Schedule B of the Minutes of Settlement.

"J. R. Mills"

J. R. MILLS  
MEMBER

**Attachment with Original**



ISSUE DATE:

**Mar. 01, 2002**

DECISION/ORDER NO:

**0381**

Ontario Municipal Board

Commission des affaires municipales de l'Ontario

PL001195

Canadian Development Management Corporation has appealed to the Ontario Municipal Board under subsection 22(7) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended, from Council's failure or neglect to enact a proposed amendment to the Official Plan for the Town of The Blue Mountains to redesignate lands known as Part Lot 26 and 27, Concession 7 to permit the construction of an 18-hole golf course  
O.M.B. File No. O000245

Canadian Development Management Corporation has appealed to the Ontario Municipal Board under subsection 34(11) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended, from Council's failure or neglect to enact a proposed amendment to Zoning By-law 83-40 of the Town of The Blue Mountains to rezone lands known as Part Lot 26 and 27, Concession 7 from the current multi-zone designation to permit the construction of an 18-hole golf course  
O.M.B. File No. Z000185

Canadian Development Management Corporation has referred to the Ontario Municipal Board under subsection 41(12) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended, determination and settlement of details of a site plan for lands composed of Part Lot 26 and 27, Concession 7, in the Town of The Blue Mountains  
O.M.B. File No. M010026

AND in the matter of a Motion for Costs brought by Canadian Development Management Corporation against the Town of The Blue Mountains

#### **A P P E A R A N C E S :**

##### **Parties**

##### **Counsel**

Canadian Development Management Corporation

S. Makuch

Town of The Blue Mountains

R. Beaman and I. P. Shaw

**DECISION ON A MOTION FOR COSTS DELIVERED BY SUSAN FISH AND  
ORDER OF THE BOARD**

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### **Appropriate Scale of Costs**

In Decision/Order 0100, issued January 18, 2002, the Board made an award of costs against the Town of the Blue Mountains. The section setting out the reasons in support of the award of costs has been excerpted as Attachment 1 to this decision.

At the request of the parties, the Board deferred the question of quantum to a further appearance and submissions by the parties. The Board has now heard and considered the parties' submissions on quantum and scale, and this is the Board's decision in this matter.

The Town occupied a position of public trust as part of the planning process recognized by the *Planning Act*. As such, there is an additional standard of care that must be met by the municipality in exercising its considerable authority under this *Act*. Having regard to the Town's behaviour that has attracted an award of costs in this matter – set out in Decision/Order 0100 – the Board finds that the appropriate scale of costs is full indemnification of costs of and incidental to the proceeding at this Board and which have been reasonably incurred.

### **Referral to an Assessment Officer**

Canadian Development Management Corporation [CDMC] seeks a total of \$634,000 in costs, rounded down. This total is made up of a claim for \$511,500 for the matters related to the merits of its appeal to this Board, and \$122,500 for the motion for costs itself. CDMC asks the Board to fix the costs at the sum claimed; the Town asks the Board to fix the costs at a nominal sum or refer the costs to an assessment officer.

CDMC has not filed supporting materials for the amount it claims in costs for the motion on costs itself. If the parties are unable to agree on the quantum for the motion on costs, the matter is referred to an assessment officer to be assessed on a full indemnification basis.



### Tests to Fix Costs

There are three key tests that should guide a decision on whether to fix costs rather than send the parties to an assessment officer to assess the costs. If costs are fixed by the Board,

1. will procedural and substantive justice be achieved?
2. will the Board be able to determine whether the costs are of, or incidental to, the Board's proceeding?
3. will the Board be able to determine whether the costs have been reasonably incurred?

### The Need for Procedural and Substantive Justice

In considering whether procedural and substantive justice will be achieved, the Board looked to *Murano v. Bank of Montreal*, 41 O.R. (3d) 222. This is a Court of Appeal decision, issued July 14, 1998. Section 97 of the *Ontario Municipal Board Act* sets out the Board's authority to award costs. This authority parallels that of the courts and uses much of the same language. Although *Murano* was dealing with the court's authority to award costs, the analysis and tests the court uses are important essential components of any award of costs the Board might make. Morden A.C.J.O. writes, beginning at page 245:

Having regard to the unqualified wording of s.131(1) and rule 57.01(3) it would not be sensible to impose, in advance of considering any particular case, hard and fast limits on when or how the power to fix costs should be exercised. The following considerations, however, should be helpful:

...The power [to fix costs] should only be resorted to when the judge, having received the parties' submissions, is satisfied that he or she is in a position to do **procedural and substantive justice** in fixing the costs instead of directing that they be assessed by an assessment officer. [emphasis added by the Board]

...Having decided to fix costs, the judge should, of course, conduct an appropriate hearing on the question of the amount to be fixed...

...It is reasonable to think that a judge or court after hearing a motion, an application, or an appeal would generally, because of familiarity with all of the relevant facts, documents, and issues, be in a reasonable position to fix the costs of the motion, application, or appeal...

This panel of the Board conducted all the prehearings in this matter and the hearing of the merits. In the course of this motion, the Board has had placed before it about 1000 pages of extensive documentation in the form of affidavits, supplementary affidavits, document books, and transcripts of the cross-examination of affiants. The Town has had a full opportunity to call any of the consultants referenced in the claim by CDMC; CDMC has produced all of the documentation sought by the Town. The Board scheduled two days to hear the motion for costs and set aside a further day and a half to hear submissions on quantum. In each appearance, the parties completed their submissions in somewhat less time than the Board had set aside. The Board finds that the parties had a full opportunity to make their submissions.

The Board finds that procedural and substantive justice is best achieved by the Board fixing the costs.

The Town's request that the Board refer these costs to an assessment officer is denied.

### **Costs of, and Incidental to, the Proceeding**

In fixing costs, the Board must make a determination in accordance with s.97(1) of the *Ontario Municipal Board Act* that the costs are “...**of and incidental to** any proceeding before the Board...” [emphasis added by the Board]. One element in this consideration is the time period to be covered. In Decision/Order 0100, the Board addressed this matter in a very preliminary way as follows:

The parties have asked the Board to provide some guidance on the question of the period of time that might be covered by any award of costs. In this regard, the Board adopts the following analysis of W. E. King in *Kesten v. City of Vaughan*, 36 O.M.B.R. 413, issued March 11, 1998. At page 415, the Board, in analyzing s.97(1) of the *Ontario Municipal Board Act* on the Board's power to award costs, states:

I fail to see how costs “incidental to any proceeding before the board” can be stretched to include costs incurred prior to commencing the proceeding. . . It is the Board’s proceeding, and not other parts of the planning process, that costs awarded by this Board must be incidental to, and there is no Board proceeding until an appeal is filed.

In adopting the analysis of Ms King, the Board did not adopt the absurdity that appeals arrive at the Board out of thin air. They must be prepared and filed, and that preparation and filing involves costs that are clearly incidental to the proceeding. Moreover, the Board has, on numerous occasions particularly in dealing with motions to dismiss an appeal and dispense with a hearing, made clear that appellants are expected to exercise their right of appeal responsibly. That, in turn, means careful consideration and preparation, which usually means incurring costs. In finding that such costs are incidental to a proceeding, the Board maintains the focus on the Board’s process and continues to exclude costs attributable to other parts of the planning process.

The Board finds that costs associated with the case review, and preparation and filing of the appeal to this Board meet the test of being ‘of or incidental to’ the Board’s proceeding.

### **Costs Reasonably Incurred**

Finally, *Murano* sets out the requirement that the costs must have been reasonably incurred.

...Claims for solicitor-and-client costs in any matter of complexity are invariably broken down into items describing the services performed and the amounts charged for them. These must be reviewed by the judge, as must their total. In this regard, I think that the approach of Haines J. in *Worsley v. Lichong*, [1994] O.J. No. 614 (Gen. Div.) is the correct one. In para. 5 he said:

...I believe the fixing of costs still requires a critical examination of the work undertaken in order to determine that the costs claimed have been **reasonably incurred** and reflect what the court considers to be proper and appropriate in the circumstances given the complexity and significance of the proceedings held up against the backdrop of full indemnification. [emphasis added by the Board]

In *Coughlin [v. Mutual of Omaha Insurance Co.]* (1992), 10 O.R. (3d) 787, 96 D.L.R. (4<sup>th</sup>) 551 (Den. Div.)] ...E. Macdonald J. said, to the same effect, at p. 792:

I do not believe the decision in *Apotex* ...should be interpreted as authority ...that costs are to be fixed...without careful consideration by the judge as to whether or not the costs were **reasonably incurred**. [emphasis added by the Board]

The Board now turns to a closer examination of the costs to determine if they have been reasonably incurred.

### **Appropriate Date to Stop Costs**

The Town has asked the Board to consider stopping any costs at three different points, all dealing with times the Town asked CDMC to participate in mediation and/or attend settlement meetings. The Town takes the position that the Board should never sanction any party's refusal to mediate.

Mediation at the Board is voluntary, not mandatory. The Board has maintained this position because any successful outcome of a mediation must be agreed to by the parties. If a party does not wish to mediate for whatever reason, especially if that party does not feel there is any real likelihood of a settlement, the mediation is simply a waste of time and a costly addition to the Board's process. The Board acknowledges this in the commentary to rules 66-72 on mediation:

...The Board may...refuse requests for mediation. Mediation may resolve some disputes more quickly, but for others, it may only add an extra step to the process that a speedy hearing may better resolve...

Mediation as part of the Board's process must be mediation of the issues in dispute **in the proceeding before the Board**. Since this case comes to the Board under the *Planning Act*, the issues to be mediated must be planning issues capable of resolution under that *Act*. In order for the Board to find that costs should be stopped at a date when mediation and/or settlement was sought and refused, the party seeking mediation and/or settlement must be able to demonstrate to the Board that, at a minimum, that party had articulated and made known a list of relevant planning issues that it intended to bring to the table for mediation and/or settlement.

The first date the Town sought settlement was February 21, 2001. At this point, the Town had still failed to produce its promised planning report on the stand alone golf course with its concomitant identification of the specific issues and reasons for the Town's opposition to the appeal to the Ontario Municipal Board. When the Board asked the Town what planning issues, germane to the matter before the Board, the Town would have brought to the mediation table, the Town was unable to answer.

The Town's request to stop costs at February 21, 2001, is denied.

The second date sought by the Town is April 10, 2001. This is the date of the Town's letter to the Board advising the Board that its motion to dispense with a hearing and dismiss the CDMC appeal, filed at the first prehearing conference on April 4, 2001, was being abandoned. The Town suggested that the Board utilize May 9 and 10, previously set down to hear the motion to dispense, for a mediation session between the parties.

By April 10, the Town had still failed to articulate the planning issues it intended to pursue as part of its case in opposition to the stand alone golf course. To the extent that it is possible to infer the Town's position to this point, the Town appeared to be arguing that the proposal was premature because it included residential development and the Town could not analyze such a development until it completed the Camperdown Secondary Plan. The Town continued to take this position up to April 10, notwithstanding the fact that the appeal to this Board was for a stand alone golf course with no request for residential permissions.

In its letter of April 10, the Town failed to specify its positions in substance, but advised the Board that it was now abandoning both the motion to dispense and its work on the Camperdown Secondary Plan. At the appearance on May 9, the Town argued for the first time that it now opposed the stand alone golf course because it did **not** contain a proposal for residential development. The Town then went on to say that it would not oppose the stand alone golf course if CDMC paid the Town the equivalent of the monies it would have paid in development charges had the development included residential. The Board dealt at length with the substance of this position by the Town in the Decision/Order 0823 issued May 28, 2001. The Town then went on to announce that the layout of the golf course was inappropriate if there was no residential, and that it intended to call experts in golf course design to support this position.

With regard to this matter of costs, the Board now simply observes that the Town had reversed its position on residential, introduced the extraneous and questionable notion of payment to the Town unrelated to the golf course development, and introduced another new issue (on the design of the golf course as a golf course) late in the process and with no notice.

The Board finds that such behaviour is not only not conducive to successful mediation and/or settlement, but instead actively contributes to undue delay in the proceeding.

The Town's request to stop costs at either April 10, being the date of the letter, or May 9, being the appearance, is denied.

The Town's third requested date to stop costs is July 4, 2001, the date of the first mediation and/or settlement meeting that finally resulted, on July 23, in signed Minutes of Settlement. Even though Minutes of Settlement had been signed, an appearance to deal, albeit briefly, with the merits was still necessary. And it was necessary to prepare for that appearance, at which the Board would have to be satisfied on the planning merits of the development.

The Town submits that any costs allowed after the settlement date would have the effect of penalizing the Town for settling. The Board rejects this argument. The costs that are sought, and being allowed, after the settlement date are costs of and incidental to the proceeding, necessary to complete matters at the Board.

The Town's request to stop costs at July 4 is denied.

### **Number of Consultants and the Work Performed**

The Town submits that CDMC has retained more consultants than are necessary, and that the costs of certain consultants should more properly be considered costs that would have to be incurred to support the project, regardless of whether or not there was a proceeding before this Board. For example, the Town argues that CDMC should not be permitted to claim for the services of three qualified land use planners. CDMC argues that the work of the three planners was appropriate and reasonable, given the size of the project. Additionally, CDMC points out that the Town has had two qualified land use planners not only working on the file but sitting in full attendance at each appearance in this matter.

The Board has previously set out the frequent changes the Town made in the reasons it gave for its various positions in opposition to the proposed stand alone golf course. None of these changes was ever supported by the planning report promised repeatedly by the Town.

CDMC's appeal to this Board was clear, succinct and straightforward.

... The Town submits that its entire position on this matter was based on an oral planning report presented to Council *in camera*.

... If there was a separate planning report on the stand-alone golf course, then CDMC – and this Board – had every reason to expect that the Town would come to this first prehearing with its list of issues. The Town did not. It had no issue list to present to the Board and was clearly unprepared to discuss the possible issues that CDMC had inferred might form the Town's position.

... The much promised separate planning report to Council on the stand-alone golf course was never written

... To suggest that an oral, *in camera* presentation constituted the professional planning analysis that the Town contends underpins the Town's position(s) on this proceeding defies credibility...[Decision/Order 0100, issued January 18,2002]

By continually changing its position and failing to support any of these positions with proper, public planning reports, the Town left CDMC in the position of not knowing the case it would have to meet. In response, CDMC cast a broad net to ensure that all possible aspects were fully covered in the event of a contested hearing. If this led to additional costs, then the cause rests at the Town's feet.

Having reviewed the list of consultants retained by CDMC, the Board finds that the number and type of consultants are reasonable and appropriate, given the nature and scale of the project and the uncertainty of the case CDMC would have to meet.

### **Directly Related to the Proceeding**

CDMC acknowledges that material produced by CDMC at the request of the Town, and submitted to the Board, include costs that are not related to the Board's proceedings. The Board is satisfied that this is because the Town asked for all invoices,

not merely those related to the costs being sought. CDMC has been clear that it is not making a claim for all costs; it is only claiming for costs directly related to the Board's proceeding. In most cases, then, the consultants' costs that are claimed by CDMC in this proceeding are lower than the actual cost of the consultants to do the work that is necessary to support the project as a whole. On a close examination of the material submitted to the Board, the Board finds that the consultant costs actually being claimed by CDMC are reasonable, appropriate and directly related to the Board proceeding.

### **The Status of Internal Management Fees**

CDMC has made a claim for \$120,000 dollars for the cost of two of the company's principals in dealing with this matter. The supporting correspondence presented to the Board, signed by Mr. Charles Moon, states:

...There is no management agreement or contract between Mr. Dunn and me and Canadian Development Management Corporation as we are principals of the Company.

The amount of \$120,000 is a very conservative calculation of the cost for time spent, disbursements and other costs directly related to the Ontario Municipal Board hearing...

As principals of the company, they made the decisions regarding the time they spent on this matter and the value of their time. The materials submitted by CDMC do not include any dockets or invoices and there does not appear to be any contract or retainer agreement that sets out the parameters for the work of Messrs. Moon and Dunn. Under these circumstances, the Board cannot make a finding that the \$120,000 claimed for Messrs. Moon and Dunn were directly related to this proceeding or were reasonably incurred. The Board will not allow costs of \$120,000 for Messrs. Moon and Dunn.

### **Reducing the Award Against a Municipality**

The Town submits that any amount that is fixed by the Board should be nominal, in part because the municipality has a duty to protect the public interest and a large award against a municipality would have a chilling effect on a municipality's willingness to pursue the public interest aggressively. A large award that was **unwarranted** against



a municipality would most certainly have a chilling effect. Simply asserting that one is a public body charged with protection of the public interest, however, is not the same as actually protecting the public interest, nor can it simply be assumed that the public body has discharged its responsibility properly. The Board has dealt above, and in Decision/Order 0100, with the Town's actions and behaviour in this matter.

On review of the Town's actions and behaviour, the Board finds that the Town acted in a manner that was frivolous, vexatious, clearly unreasonable, in bad faith and not in the public interest.

There will be no reduction in this award simply because the party against whom the award is made happens to be a municipality.

In summary, Canadian Development Management Corporation seeks a total of \$634,000 in costs, made up of two distinct claims.

One claim is for \$122,500, which is being sought for the motion for costs itself. CDMC has not filed supporting materials for this amount. If the parties are unable to agree on the quantum for the motion on costs, this claim is referred to an assessment officer to be assessed on a full indemnification basis.

The second claim is for \$511,500, sought by CDMC for the matters related to the merits of its appeal. Of this amount, the Board will not award the \$120,000 sought for internal management fees. The Board therefore reduces this claim by \$120,000 and fixes costs on this claim at \$391,000 and awards these costs to Canadian Development Management Corporation, payable forthwith by the Town of The Blue Mountains.

So Orders the Board.

SUSAN FISH  
EXECUTIVE VICE-CHAIR

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**[Excerpt from Decision/Order 0100, Motion for Costs, Issued January 18, 2001]**

**Background**

In the hearing of the merits, CDMC's proposal to develop a golf course came to the Board on consent of the remaining parties, as set out in Minutes of Settlement signed between CDMC and the Town. On the unchallenged evidence of a qualified land use planner, the Board was satisfied as to the merits of the proposal. Decision/Order 1639, issued October 9, 2001, sets this out.

In that Decision, the Board also stated:

In earlier appearances, the Town and CDMC had each indicated their intention to bring motions for costs in this matter. The Town and CDMC, separately, are to advise the Board in writing within 30 days of the date of this decision, with a copy to the party opposite, whether or not they intend to bring a motion for costs. On receipt of such written advice, the Board will issue such directions, if any, to the parties as it considers appropriate.

CDMC advised the Board of its intention to bring a motion for costs. The Town argued that no such motion should even be heard by the Board since the matters, at the end, came before the Board both settled and on consent. Further, the Town argued that the Board had no jurisdiction to hear such a motion. The Board set a teleconference to hear submissions from the parties on this matter.

In Decision/Order 1798, issued November 5, 2001, the Board stated:

Having heard the submissions of the parties, the Board finds that the question of whether costs were dealt with as part of the settlement between the parties is a matter to be argued as part of the question of whether or not costs should be awarded, and does not go to the question of the Board's jurisdiction. The Board is satisfied that the Board has the jurisdiction to hear motions for costs, and has proceeded to set certain dates in this regard.

**Do the Minutes of Settlement, or the settlement discussions, preclude CDMC from seeking this motion for costs?**

CDMC argues that the Board should go no further than what the Minutes of Settlement clearly state on their face. The Minutes of Settlement do deal with a matter

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of costs, but do not deal with any matter of costs related to this Board's proceedings. The only reference to costs in the Minutes of Settlement is found at clause 13, which states:

The parties agree that the Superior Court action between the Appellant [CDMC] and the Town, Court File No. 00-CV-201403, is to be dismissed without costs.

The Town asks the Board to consider two other matters: clause 16 of the Minutes of Settlement and the settlement discussions themselves.

Clause 16 states:

The parties agree that the Board will remain seized of this matter after approval of the Official Plan and Zoning By-law Amendments and site plan in order to deal with any outstanding issues regarding the site plan agreement, if necessary.

The Town argues that if either party intended to bring a motion for costs in the Board proceeding then it should have been referenced in this clause, and was not.

In support of this interpretation of the Minutes of Settlement, the Town asks the Board to consider the content and process of the settlement discussions themselves. The Board is normally reluctant to go behind Minutes of Settlement, but will do so in this case.

Affidavits in the Town's response record indicate that Town officials believed that the settlement discussions were to settle all outstanding matters between the parties. Further, the Town takes the position that if CDMC intended to pursue a motion for costs, it was incumbent on CDMC to make this known at the settlement discussions.

The Board cautioned the parties that it would not hear submissions on the question of whether the Minutes of Settlement constitute a contract and whether CDMC was thereby estopped from bringing this motion. Such questions are beyond the jurisdiction of this Board. In a motion for costs, however, the Board is hearing submissions regarding the appropriateness of conduct of the parties. The Board agreed to allow the Town to reference *Black's Law Dictionary* [sixth edition, 1990] and *Canadian Encyclopedic Digest* [third edition, estoppel] as long as the Town's

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submissions were used to illustrate the conduct of CDMC and not directed to the question of contract law or legal estoppel.

The Board finds the Town's position -- that CDMC had the responsibility to raise the question of costs in this proceeding at the settlement discussions and failure to do so constitutes inappropriate conduct -- to be clearly unreasonable.

Town officials knew, or ought reasonably to have known, that CDMC had already given notice at the May 9, 2001, appearance in this proceeding of its intention to seek costs in this matter. That notice is recorded in the Board's Decision/Order 0823, issued on May 28, 2001. At the May 31, 2001, appearance the Board delivered an oral decision that any motions for costs would be dealt with at the close of the hearing of the merits. In Decision/Order 1290, that issued on August 10 as the written memorandum of the Board's oral decision on May 31, the Board stated:

At this point in the proceeding, the Board finds that any motions for costs will be more efficiently dealt with following the hearing of the merits and the Board's decision thereon. The Board defers the hearing of any motions for costs until after the hearing of the merits.

The Board's decision on when any costs motions would be heard is consistent with the Board's usual practice, eloquently explored in *Mod-Aire Homes Ltd. v. Picavet Holdings Ltd.*, 22 O.M.B.R. 213, issued August 19, 1988. In this decision, T.F. Baines Q.C. stated, at p. 218:

. . .the board wishes to make it abundantly clear that the proper time to argue costs is at the conclusion of a hearing . . .

The settlement discussions occurred in July, 2001, well after CDMC's notice and the Board's oral decision that any motions for costs would be heard after the hearing of the merits. The hearing of the merits did not occur until October 1, 2001. The Board had made a clear ruling on the timing of hearing any motions for costs, and that ruling substantially predated the Minutes of Settlement. The Board was clearly seized at that point of any motions for costs that might be brought forward; there was no need whatsoever to reference costs in clause 16 of the Minutes of Settlement in order for the Board to retain its clear jurisdiction and authority in this regard.

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As indicated above, clause 13 of the Minutes of Settlement deal with costs in a court action. The court action was initiated by CDMC against the Town, and it was the Town, at the settlement discussions, that asked that the court proceeding be dismissed without costs.

If any party may be said to be responsible for raising the issue of costs in this proceeding at the settlement discussions, for possible inclusion in the Minutes of Settlement, the Board finds that such responsibility rests clearly on the shoulders of the Town. The Town's failure to raise this issue in the settlement discussions in no way precludes CDMC from exercising its right to bring a motion for costs, in keeping with the Board's procedural rulings in this regard.

**Did CDMC's failure to reiterate, at the hearing of the merits, its intention to seek costs preclude it from bringing forward this motion?**

The Board finds that it did not.

Rule 99 of the Board's Rules states:

Where a party believes that another party has acted clearly unreasonably, frivolously, vexatiously or in bad faith considering all of the circumstances, it may ask for an award of costs. This must be requested before the end of the hearing event.

CDMC had already given notice that it may seek costs and the Board had already made a procedural ruling, in May, that any motions for costs would be heard after the hearing of the merits. In Decision/Order 1639, as noted above and which recorded the Board's decision on the hearing of the merits, the Board set out further procedural directions for any party wishing to seek costs in this matter. The Board's directions were consistent with its May ruling; there was no requirement for either party to indicate at the hearing of the merits whether or not they intended to seek costs.

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### The Board's Jurisdiction to Award to Costs

The Board's jurisdiction to award costs is set out in section 97 of the *Ontario Municipal Board Act*, which states:

(1) The costs of and incidental to any proceeding before the Board, except as herein otherwise provided, shall be in the discretion of the Board, and may be fixed in any case at a sum certain or may be assessed.

(2) The Board may order by whom and to whom any costs are to be paid, and by whom the same are to be assessed and allowed.

(3) The Board may prescribe a scale under which such costs shall be assessed.

### Conduct on the Part of Any Party that may Attract Costs

Over the years the Board has issued Guidelines, Practice Directions and Rules that set out illustrations of the sort of conduct that may attract an award of costs. The Board has always stressed, however, that the list is illustrative and not exhaustive. The standards of conduct have remained fairly consistent over the years, and relate to conduct that is clearly unreasonable, frivolous, vexatious or in bad faith.

The Board adopts the analysis of these terms that is set out in *Re Town of Midland Zoning By-law 94-50*, 32 O.M.B.R. 4, issued January 4, 1995.

Rule 106 of the Board's Rules, sets out some current illustrations:

Clearly unreasonable, frivolous, vexatious or bad faith conduct can include,

- (a) failing to attend a hearing event or to send a representative when properly given notice, without contacting the Board;
- (b) failing to give notice or adequate explanation for lack of co-operation during prehearing proceedings, changing a position without notice, or introducing an issue or evidence not previously mentioned;

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- (c) failure to act in a timely manner or to comply with a procedural order or direction of the Board where the result was undue prejudice or delay;
- (d) asking for unnecessary adjournments or delays or failing to prepare adequately for hearing events;
- (e) failing to present evidence, continuing to deal with issues, ask questions or take steps that the Board has determined to be irrelevant;
- (f) failing to make reasonable efforts to combine submissions with parties of similar interest;
- (g) acting disrespectfully or maligning the character of another party; and
- (h) knowingly presenting false or misleading evidence.

### **The Additional Standard of Care to be Exercised by Public Bodies**

In providing illustrations of conduct that may attract costs, the Board has provided illustrations that apply to any party before the Board. In the case of public bodies, however, there is an additional standard of care in conduct that must be met. The Board explores this in *Re City of Etobicoke Official Plan Amendment No. C-65-86* [1992] O.M.B.D. No. 1410 [QL] in which the Board stated:

The test then which one would apply to a public corporation or body experienced in planning matters and hearings before the Board would not be of the same order as in the case of an unrepresented ratepayer or a ratepayer group.

In the case of a municipality and the Province, both are statutory planning authorities, which generates a greater onus to conduct themselves in a reasonable fashion. With regard to a planning authority, to fulfil the test of the guideline with regard to "clearly unreasonable", the Board would have to find that it acted, intentionally, without regard for public and private interests, without regard for an open and proper planning process or without giving proper consideration to bona fide planning issues.

This greater standard of care is clearly set out in the *Planning Act*, and is what the Board expects of public bodies charged with the responsibility and authority of planning under this *Act*. Section 1.1(d) of the *Planning Act* states:

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The purposes of this Act are . . .

(d) to provide for planning processes that are **fair** by making them **open, accessible, timely and efficient** . . . [emphasis added by the Board]

If the planning processes followed by a municipality are not fair, open, accessible, timely and efficient then those processes are contrary to the purposes of the *Planning Act* and are clearly unreasonable in the face of the *Act*.

### Is an award of costs against the Town appropriate in this case?

In *Trilea Centres Inc. v. Regional Municipality of Ottawa-Carleton*, 31 O.M.B.R. 10, issued July 14, 1994, the Board observed:

An award of costs against a municipal government is a serious step. Municipal governments function under severe stresses and carry heavy and sometimes seemingly conflicting responsibilities to different interest groups. In the final analysis, the ultimate responsibility is to the public interest. However, identification of the public interest or even how it may be best protected is often difficult. A council, faced with clearly diametrically opposed aspirations . . . must from time to time make decisions in the public interest which meet with less than perfect acceptance by those affected . . . However, municipal councils are clearly not exempt . . . [T]he board may award costs against a municipality whose conduct or course of conduct has been clearly unreasonable, frivolous or vexatious . . . and awards have been made where the board found a council clearly acted in an irresponsible manner.

In *Holy Cross Greek Orthodox Church v. City of Scarborough* (1991), 7 M.P.L.R. 142, the Board stated:

Council is obviously not obliged to rubber-stamp the planning staff recommendations, but they must act in a reasonable and responsible way, particularly when their actions take away property rights of an owner. They should be able to, and in fact, should justify their actions on any appeal to this board.

In other words, municipalities have a broad authority and discretion in planning, but they must act reasonably and exercise this authority and discretion prudently, responsibly and fairly in a timely, efficient, accessible and open decision process.



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The Board finds that the Town's course of conduct has been clearly unreasonable and that an award of costs against the Town is appropriate in this case.

The most current approved local official plan dates back to approximately 1974. In 1995 the Town adopted a new official plan, and then adopted a sweeping set of amendments to that plan in 1998. This plan would have allowed a golf course with more than 400 residential units on the subject site. In October, 1999, the Town rescinded the by-law adopting the 1995 plan, ostensibly to speed up the adoption of a new official plan. A March 28, 2001, planning report to Council states, on page 9, that "...the new Official Plan will be adopted in the near future..." By the date of this motion hearing in January, 2002, the Town had still not adopted its promised new official plan.

The subject site is within the Camperdown area of the Town. The Town has been engaged in a planning process to adopt an official plan to govern development in this area. That process has been underway for more than 10 years. More recently, with the delays in the adoption of a new official plan for the Town, the Town decided to proceed with a secondary plan for the Camperdown area alone, ostensibly in order to expedite the planning process for development proposals within this area.

The proposal before this Board was for a stand-alone golf course. The proponent had previously applied for a golf course with 91 residential units. The Town responded by saying that the proposal, with the residential component, would only be considered in the context of a secondary plan for the Camperdown area. Given the substantial delays that had already occurred in the development of an overall plan for the Town and for the Camperdown area in particular, and with a view to moving ahead with some portion of the proposed development, the proponent then advised the Town that it wished to proceed with the golf course at this time and sought the Town's agreement to process the stand-alone golf course separately from the larger consideration of the Camperdown secondary area plan and the proposed residential development of other portions of the site.

The Town agreed to process the stand-alone golf course separately from the residential proposal, but emphasized that any approval of the stand-alone golf course

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that may result from this process should not be construed as an approval of the residential component. Both the Town and CDMC understood that the processing of the residential proposal would be ongoing and concurrent, but take longer than the review and decision on the stand-alone golf course. On the affidavit evidence and transcripts of cross-examination, the Board finds that the Town and CDMC agreed to proceed on this basis.

A work program was established for the completion of the entire Camperdown secondary plan, adopted by the Town and agreed to by CDMC, that called for the plan to be dealt with by Council by the close of September, 2000. At the same time, the Town, having agreed to process the stand-alone golf course separately, held a public information session on the stand-alone golf course on July 5, 2000. The Board is satisfied that there was general ratepayer support for the stand-alone golf course, with very few reservations or concerns expressed by the public. This ratepayer support was reiterated at the April 4, 2001, prehearing where 21 interests asked to be added as participants to the proceeding, the overwhelming majority of whom were ratepayers, many of whom were representing ratepayer associations.

A planning report on the Camperdown secondary plan, presented to Council on September 12, 2000, clearly stated that the golf course could be processed separately from the work on the secondary plan and that a separate planning report on the golf course would be coming forward to Council.

The text of the revised planning report, presented to Council on October 12, 2000, repeats the notion of processing the golf course separately and reiterates that a separate planning report on the golf course would be presented to Council. The recommendations in that report, however, call for the golf course to be deferred and incorporated into the Camperdown secondary plan. The Board finds that the recommendations were not consistent with the text of the planning report, and further finds that the Town now appeared to be resiling from its commitment to process the stand-alone golf course independently of the Camperdown secondary plan. The Board could identify no reasonable explanation for the Town's reversal in this regard; the

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promised separate planning report on the golf course had still not been prepared and presented to Council.

The Town had now failed and neglected to provide CDMC with a decision – one way or the other -- on the proposed official plan and associated site specific zoning by-law to permit a golf course on the subject site.

The panel of the Board adopts the Board's finding in *Re Mulmur Township Official Plan Agricultural Amendment*, [2000] O.M.B.D. No 190 [QL], where the Board states, at paragraph 8:

The municipality never took a formal position on the application despite having the matter before ... [it] ... with the ability to make a decision on the merits. The Board finds this to be unreasonable and representative of a failure to act. The lack of position left the applicant wondering what approach the municipality would be taking, and in the opinion of the Board, frustrated settlement attempts and led to confusion and changing of positions at the time of the hearing. . .

In November, 2000, CDMC appealed its proposed official plan amendment and associated site specific zoning by-law to this Board on the grounds of Council's failure and neglect to deal with these applications.

A March 28, 2001, planning report repeats the commitment to bring forward a separate report on the proposed golf course and makes clear that this March 28 report is not that promised separate report. The Board notes that the first prehearing in this matter was scheduled for April 4, mere days later.

The March 28 report acknowledges that the Town had committed to process the golf course separately, but also repeats the October, 2000, position that the golf course should be considered and processed in the context of the still uncompleted Camperdown secondary plan. The report goes on to state, on page 13, that, fully six months after the Town's proposed work program envisioned the entire Camperdown secondary plan to have been dealt with by Council,

...the necessary review [by the Town of the proposed stand-alone golf course] has not been finalized. There are still a number of

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unresolved issues which must be addressed prior to any approvals of the proposed golf course...

The report did not detail these issues, but went on to allege considerable confusion regarding the scope of the CDMC appeal to this Board, citing the fact that CDMC had only appealed the golf course proposal and not its proposed residential development.

CDMC's appeal to this Board was clear, succinct and straightforward. The appeal was of site specific planning instruments to allow a golf course to be built. The official plan amendment was quite clear that only a golf course would be permitted. The zoning by-law amendment was drafted in accordance with the Town's standard drafting practices and added the golf course as a permitted use to the existing permitted uses, which included aggregate extraction and residential development. There was no suggestion whatsoever that CDMC intended to develop these lands for a gravel pit. There should also have been no question in the Town's mind, particularly given the specific agreement between the Town and CDMC to have the Town process the golf course separately from the residential, that the matter appealed to this Board was for a golf course only and did not include any proposal for residential development. The fact that there may have been a residual zoning by-law permission for residential development is as irrelevant as the fact that there may have been a residual permission for a gravel pit. The Board finds that the Town and CDMC knew, or ought reasonably to have known, that any residential development on the non-golf course portions of the site would be the subject of a separate application and processed in the usual course.

At the first prehearing on April 4, 2001, the Town gave notice that it wished to bring a motion to ask the Board to dispense with a hearing and dismiss the appeals of CDMC. The Town filed the motion and motion record with the Board and with CDMC on that day. Although the Board set a date to hear this motion, it was subsequently abandoned by the Town. The motion record, however, makes clear that a principal ground to be advanced by the Town was prematurity. The Town did not come to the prehearing with any issue list, but during a discussion of possible issues the Town reiterated its position that the proposal was premature, primarily because the residential

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proposal was **not** before the Board and because the golf course should be considered in the context of the overall Camperdown secondary plan, with particular reference to residential development.

In the affidavit of April 2, 2001, supporting the Town's motion to dispense, the affiant planner states, at paragraph 5,

...It is my opinion that separating the golf course component of these applications from the overall proposed residential component on the CDMC lands does not constitute good planning...

The Board notes that one alternative relief sought by the Town in its motion to dispense, however, was that the Board should proceed to hear the official plan amendment for the stand-alone golf course.

At this prehearing, CDMC reiterated its position that the proposal before the Board was for a stand-alone golf course and that it would revise the planning instruments to remove any residual residential permissions. CDMC also agreed to withdraw its application for residential development that was still before the Town, but reserved the right to reapply for the necessary planning permissions at any time – a right the *Planning Act* extends to all property owners.

The Town submits that its entire position on this matter was based on an oral planning report presented to Council *in camera*. The Board deals below with the form of this report and its *in camera* consideration.

If there was a separate planning report on the stand-alone golf course, then CDMC – and this Board – had every reason to expect that the Town would come to this first prehearing with its list of issues. The Town did not. It had no issue list to present to the Board and was clearly unprepared to discuss the possible issues that CDMC had inferred might form the Town's position.

Following the April 4 prehearing, and before the scheduled appearance to hear the Town's motion to dispense, the Town advised the Board that it no longer wished to

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proceed with its motion. The Town explained this change of position by citing the removal of the residual residential permissions from the zoning by-law.

At the May 9 prehearing the Town changed its position yet again and introduced an entirely new issue. Decision/Order 0823, issued May 28, 2001, stated:

After extensive discussion the Town made clear that it was opposed to the CDMC proposal for a golf course because it lacked a residential component. Specifically, the Town intended to argue that a stand-alone golf course would be acceptable to the Town only if CDMC agreed to contribute to the Town a sum equivalent to the sum it would have to pay under the Town's development charges by-law if CDMC were to have a residential component on the site. The Town went on to argue that it was necessary to have such a payment because without it the Town might not be able to provide services needed by the Town's current residents. The Town contended that it would be able to present to the Board appropriate planning and statutory justification for such a position. The Town's position is that the appropriate land use designation and zoning for the site is that of "resort residential" which would allow for a golf course to be a complementary, rather than primary, use.

The Town's earlier position that a stand-alone golf course did not represent good planning and was premature had been justified on the basis that the Town was actively engaged in developing a Camperdown secondary plan to deal with, among other things, residential development in the Camperdown area. But at this prehearing

. . . the Town advised the Board that it had indefinitely postponed the completion of this plan to enable the Town to pursue other planning priorities. Since the preparation of the secondary plan was no longer a priority, the Board questioned the appropriateness of prematurity remaining on the issue list. In addition, the Board advised the parties that it would hear no evidence or submissions from the Town on the question of payments that would otherwise have been made if the lands had a residential component unless the Town was prepared to bring forward for the Board's consideration site specific official plan and zoning by-law amendments to implement the Town's preferred position of "resort residential". The Town indicated that it was prepared to bring forward such amendments, and undertook to do so.

Subsequent to this prehearing on May 9, 2001, the Town advised the Board that it had once again changed its mind and no longer wished to bring forward these amendments or call evidence on the desirability of residential development. The Town

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did not, however, amend the other position it advanced on May 9, that the “. . . golf course, as currently laid out, is inappropriate for a stand-alone golf course. . .” At the May 31 prehearing, the Town confirmed that it would call expert evidence in support of this position that the golf course, as laid out, was inappropriate for a stand-alone golf course. The Board saw no evidence that the Town pursued this position or took any necessary steps to secure expert evidence on this point.

The Minutes of Settlement resulted in recommendations to this Board for a stand-alone golf course that had no significant differences from the original stand-alone golf course proposed by CDMC and so vigorously, and variously, opposed by the Town.

The Town's affiants state flatly that if they had known that costs in this proceeding remained at issue, they would not have recommended the Minutes of Settlement. One of the Town's affiants is a qualified land use planner who had, in an affidavit on April 2, stated his professional planning opinion that a stand-alone golf course did not represent good planning. This planner recommended the Minutes of Settlement to the Town.

The matters recommended to this Board in the hearing of the merits may have been part of the Minutes of Settlement but they came to the Board under the *Planning Act* and were planning instruments. The Town advised the Board at the hearing of the merits that it adopted the evidence of the qualified land use planner appearing from CDMC, specifically that the stand-alone golf course referenced in the Minutes of Settlement represented good planning and should be approved by this Board.

A possible award of costs is not a planning issue and has no bearing whatsoever on the question of whether a particular planning instrument represents good planning.

If the Town was not satisfied with the Minutes of Settlement then the applicable planning instruments presumably would not have come to the Board on consent. If they were not to come on consent, then the Town's position would have been that they did not represent good planning. Under these circumstances the Board would then expect the Town to call a full case in opposition to the CDMC proposal.

The Town cannot have it both ways on the question of whether the planning instruments presented to this Board at the hearing of the merits represent good planning.

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The Board has already discussed the standard of care it expects of municipalities. The Board finds that the Town did not meet this standard in its course of conduct in this matter.

The much promised separate planning report to Council on the stand-alone golf course was never written. The Town contends that the 'report' was oral and given only *in camera*. To suggest that an oral, *in camera* presentation constituted the professional planning analysis that the Town contends underpins the Town's position(s) on this proceeding defies credibility.

Having regard to all of the foregoing, the Board finds that the Town of The Blue Mountains:

1. changed positions without notice or adequate and supportable reasons;
2. introduced issues without notice;
3. engaged in extensive delay;
4. failed to ensure that its planning processes were efficient;
5. failed to provide clear, reasonable and consistent grounds for opposing the CDMC proposal;
6. failed to ensure that its planning processes were open and accessible by failing to file its much promised planning report on the proposed golf course and then telling this Board that it did provide such a report, but that the report was only oral, no record of the report existed, and it was provided *in camera* to the Council, with no notice or copy to CDMC; and
7. as a consequence of the foregoing, failed to ensure that its planning processes were fair.

The Board finds that the course of conduct of the Town of The Blue Mountains has been clearly unreasonable and meets the test for an award of costs in these proceedings.

In opposing this motion for costs, the Town's motion response advanced as its principal defence that it would not have supported the planning instruments



**ATTACHMENT 1**

recommended to this Board if it knew that a motion for costs might still be brought. The Board has dealt with this matter in substance above. The Board finds this position to constitute clearly unreasonable conduct on the part of the Town. The Board will, therefore, also make an award of costs against the Town for this motion hearing.

At the parties' request, the Board has not considered quantum, but has scheduled an appearance to hear submissions from the parties in this regard. The parties have asked the Board to provide some guidance on the question of the period of time that might be covered by any award of costs. In this regard, the Board adopts the following analysis of W. E. King in *Kesten v. City of Vaughan*, 36 O.M.B.R. 413, issued March 11, 1998. At page 415, the Board, in analyzing s.97(1) of the *Ontario Municipal Board Act* on the Board's power to award costs, states:

I fail to see how costs "incidental to any proceeding before the board" can be stretched to include costs incurred prior to commencing the proceeding. . . It is the Board's proceeding, and not other parts of the planning process, that costs awarded by this Board must be incidental to, and there is no Board proceeding until an appeal is filed.

ISSUE DATE:

**Nov. 12, 2004**

DECISION/ORDER NO:

**1773**



PL020205

**Ontario Municipal Board  
Commission des affaires municipales de l'Ontario**

Canadian Development Management Corporation (CDMC) has appealed to the Ontario Municipal Board under subsection 34(11) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended, from Council's refusal or neglect to enact a proposed amendment to By-law 83-40 of the Town of The Blue Mountains to rezone lands respecting Part Lots 26 and 27, Concession 7 from H-152 and SR-151 to an appropriate Golf Course Residential Zone to permit the development of 41 detached residential units and 50 townhouses  
O.M.B. File No. Z020023

Canadian Development Management Corporation (CDMC) has appealed to the Ontario Municipal Board under subsection 51(34) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended, from the failure of the County of Grey to make a decision respecting a proposed plan of subdivision on lands composed of Part Lots 26 and 27, Concession 7 in the Town of The Blue Mountains  
County of Grey File No. 42T-2001-06  
O.M.B. File No. S020017

Canadian Development Management Corporation (CDMC) has appealed to the Ontario Municipal Board under subsection 22(7) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended, from Council's refusal or neglect to enact a proposed amendment to the Official Plan for the Town of The Blue Mountains to redesignate land fronting on Grey Road 40, South Side of Highway 26 and west of Camperdown Road from Hazard Lands to a Primary Residential Designation to permit the development of 41 detached residential lots and 50 townhouses  
O.M.B. File No. O020089

**APPEARANCES:**

**Parties**

Town of The Blue Mountains

Canadian Development Management  
Corporation (CDMC)

**Counsel**

R. Beaman

S. Makuch

**MEMORANDUM OF ORAL DECISION DELIVERED BY J. R. MILLS  
ON NOVEMBER 4, 2004 AND PARTIAL ORDER OF THE BOARD**

The parties moved jointly to reopen the hearing of the appeals of Official Plan Amendment (OPA) 118, Zoning By-law 121-2003 and plan of subdivision for the Georgian Bay Club in the Town of The Blue Mountains, under Section 43 of the *Ontario*

*Municipal Board Act*, R.S.O. 1990 for technical changes that have no impact on other land owners in the vicinity. The Board allowed the motion and so Ordered.

The first two changes reflect an as built 1,300 square metre clubhouse versus 1,000 square metres previously approved. These changes are a result of enclosing the lower level but without altering the original footprint of the building and are shown on Exhibit 5, Attachments 1 and 2 to this decision. The remaining change, Attachment 3, is including the golf course in the draft plan of subdivision as Blocks 60 and 61.

The Board accepts the uncontradicted evidence of a panel of three planners representing the Town and the County of Grey that the requested changes represent good planning, are supported by Town Council (Exhibit 7), are technical in nature but still satisfy the relative requirements of the *Planning Act*, and have no impact on other land owners in the vicinity.

The Board therefore Orders that OPA 118 is modified by Attachment 1 to this decision; that Zoning By-law 121-2003 is amended by Attachment 2 to this decision; and, that the Draft Plan of Subdivision, as originally approved by the Board on May 2, 2003, is Red Line revised, as shown on Exhibit 8, Attachment 3 to this decision.

The parties also requested the Board to approve an addendum to the Minutes of Settlement dated May 2, 2003 (Exhibit 6, Attachment 4 to this decision), as the original decision stated "The Board may be spoken to." It was the panel of planners evidence that the changes to the minutes again are technical in nature, represent good planning practice and only affect the three parties to the agreement being the developer, the Town and the County.

The Board therefore approves the Addendum to the Minutes of Settlement dated November 1, 2004. Counsel are to supply the Board with a Draft Order as soon as possible.

J. R. MILLS  
MEMBER

**Attachments 1- 4 with original.**

ISSUE DATE:

**Nov. 05, 2001**

DECISION/ORDER NO:

**1798**



Ontario Municipal Board

Commission des affaires municipales de l'Ontario

PL001195

Canadian Development Management Corporation has appealed to the Ontario Municipal Board under subsection 22(7) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended, from Council's failure or neglect to enact a proposed amendment to the Official Plan for the Town of The Blue Mountains to redesignate lands known as Part Lot 26 and 27, Concession 7 to permit the construction of an 18-hole golf course  
O.M.B. File No. O000245

Canadian Development Management Corporation has appealed to the Ontario Municipal Board under subsection 34(11) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended, from Council's failure or neglect to enact a proposed amendment to Zoning By-law 83-40 of the Town of The Blue Mountains to rezone lands known as Part Lot 26 and 27, Concession 7 from the current multi-zone designation to permit the construction of an 18-hole golf course  
O.M.B. File No. Z000185

Canadian Development Management Corporation has referred to the Ontario Municipal Board under subsection 41(12) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended, determination and settlement of details of a site plan for lands composed of Part Lot 26 and 27, Concession 7, in the Town of The Blue Mountains  
O.M.B. File No. M010026

#### **A P P E A R A N C E S :**

##### **Parties**

##### **Counsel**

Canadian Development Management Corporation

S. Makuch

Town of The Blue Mountains

I. P. Shaw

#### **MEMORANDUM OF ORAL DECISION DELIVERED BY SUSAN FISH AT A TELECONFERENCE HELD OCTOBER 31, 2001, AND PROCEDURAL ORDER OF THE BOARD**

In Decision/Order 1639, issued October 9, 2001, the Board stated:

In earlier appearances, the Town and CDMC had each indicated their intention to bring motions for costs in this matter. The Town and CDMC, separately, are to advise the Board in writing within

30 days of the date of this decision, with a copy to the party opposite, whether or not they intend to bring a motion for costs. On receipt of such written advice, the Board will issue such directions, if any, to the parties as it considers appropriate.

CDMC has advised the Board that it intends to bring a motion for costs. The Town has written to the Board, arguing that no such motion should be heard since the matters, at the end, came before the Board both settled and on consent.

Having heard the submissions of the parties, the Board finds that the question of whether costs were dealt with as part of the settlement between the parties is a matter to be argued as part of the question of whether or not costs should be awarded, and does not go to the question of the Board's jurisdiction. The Board is satisfied that the Board has the jurisdiction to hear motions for costs, and has proceeded to set certain dates in this regard.

The Town gave notice that it may wish to seek costs in this matter. The Board directs the Town to the clear language of Decision/Order 1639 and the deadlines contained therein. If the Town intends to bring a motion for costs in this matter, the Town must comply with the deadlines and requirements established by the Board in Decision/Order 1639.

The hearing of the motion(s) for costs in this matter will commence on:

**Monday, January 7, 2002, at 10:00 AM, in the Municipal Offices of the Town of The Blue Mountains, Thornbury**

Motions and Motion Records are to be served on parties opposite, with a copy to the Board, not later than **Friday, November 30, 2001**. Any Response is to be served on parties opposite, with a copy to the Board, not later than **Friday, December 7, 2001**. Any examinations for discovery are to be completed not later than **Friday, December 21, 2001**.

In Decision/Order 1639, the Board also noted that:

The parties have not yet executed a site plan agreement. At the request of the parties, and as set out in the executed Minutes of Settlement filed as Exhibit 19 in this proceeding, this panel of the

Board will remain seized of any matters that may arise respecting the site plan agreement. Final approval of the plan will, therefore, continue to rest with the Ontario Municipal Board.

At the hearing commencing January 7, 2002, the Board will also hear any matters arising from the site plan agreement.

So Orders the Board.

SUSAN FISH  
EXECUTIVE VICE-CHAIR

ISSUE DATE:  
**March 2, 2005**  
DECISION/ORDER NO:  
**0461**



Ontario Municipal Board  
Commission des affaires municipales de l'Ontario

PL020700  
PL021118

The Lora Bay Corporation has appealed to the Ontario Municipal Board under subsection 22(7) of the *Planning Act*, R.S.O. 1990, c P.13, as amended, from Council's refusal or neglect to enact a proposed amendment to the Official Plan for the Beaver Valley Planning Area re-designating Parts of Lots 35-39 inclusive, Concessions 11 and 12 of the Town of The Blue Mountains, to a Recreational Residential designation to permit the development of up to 1,025 residential units and an 18 hole golf course.  
O.M.B. File No. O020123

The Lora Bay Corporation has appealed to the Ontario Municipal Board under subsection 51(34) of the *Planning Act*, R.S.O. 1990, c P.13, as amended, from the failure of the County of Grey to make a decision respecting a proposed plan of subdivision on lands comprised of Parts of Lots 35-39 inclusive, Concession 11 in the Town of The Blue Mountains  
OMB File No. S030003  
OMB Case No. PL020700

The Lora Bay Corporation has appealed to the Ontario Municipal Board under subsection 34(11) of the *Planning Act*, R.S.O. 1990, c P.13, as amended, from Council's refusal or neglect to enact a proposed amendment to By-law 83-40 of the Town of The Blue Mountains to rezone lands respecting Parts of Lots 35-39 inclusive, Concessions 11 and 12 to appropriate private and public Open Space and Residential Zones to permit the development of up to 317 detached residential units and townhouses, an 18 hole golf course, a waterfront park and trail system.  
OMB File No. Z020165  
OMB Case No. PL021118

#### **APPEARANCES:**

##### **Parties**

Town of the Blue Mountains

County of Grey

Lora Bay Corporation

##### **Counsel\*/Agents**

R. T. Beaman\*

J. McDonald

R. Houser\*

#### **MEMORANDUM OF ORAL DECISION DELIVERED BY J.R. MILLS ON FEBRUARY 21, 2005 AND PARTIAL ORDER OF THE BOARD**

Pursuant to Section 43 of the *Ontario Municipal Board Act*, R.S.O. 1990, the parties moved jointly to reopen the hearing of the appeals and Decisions/Orders 0938 and 0652 respecting the proposal by The Lora Bay Corporation to amend the Official

Plan for the Beaver Valley Planning Area, to amend By-law 83-40 of the former Township of Collingwood and for approval of a plan of subdivision. The request sought technical changes and minor adjustments to the proposal that have no impact on other landowners in the vicinity. The Board allowed the motion and so Ordered.

The changes, which are supported by Town Council (Exhibit 6), involve the re-lotting of the residential blocks, the reconfiguration of the clubhouse block, the relocation of the convenience commercial facility, the provision of related parking, and the combination of the residential draft plan approval Phases 2a and 2b into a single Phase 2. The Board accepts the uncontradicted evidence of a panel of three planners representing the Town of The Blue Mountains, the County of Grey, and The Lora Bay Corporation that the requested changes have no impact on other landowners in the vicinity, conform with applicable Official Plans, are minor adjustments or of a technical nature, satisfy the requirements of the *Planning Act* and the Provincial Policy Statement and represent good planning.

The parties also requested the Board to accept the "Addendum to the Minutes of Settlement" dated February 22, 2005 (the "Addendum") which is appended as Attachment 1 to this decision, as the Board's previous decision of July 10, 2003 indicated the "Board may be spoken to regarding matters of implementation". The Addendum provides for certain adjustments to the financial requirements set out in the original Minutes of Settlement dated June 9, 2003 (the "Minutes of Settlement").

The Board heard evidence that The Lora Bay Corporation has satisfied the financial pre-conditions of the Minutes of Settlement, as amended by the Addendum, for the issuance of an Order granting draft approval of the residential subdivision and zoning by-law amendment.

It is therefore the Board's decision that OPA 134 is modified by Attachment 2 to this decision, that Zoning By-law 83-40 of the former Township of Collingwood is amended as set out in Attachment 3 to this decision, and that draft approval is given to the Phase 1 golf course and Phase 2 residential lands within subdivision draft plan 42T-2001-03 as shown in Attachment 4 to this decision, subject to the conditions of draft approval respectively set out in Attachment 5 to this decision.



The Board's Order therefore will issue when it receives confirmation of the County's execution of the Addendum (Exhibit 7).

J. R. MILLS  
MEMBER

**Attachments with Original.**

ISSUE DATE:

**March 7, 2003**

DECISION/ORDER NO:

**0325**



Ontario

Ontario Municipal Board

Commission des affaires municipales de l'Ontario

PL020205

PL020894

PL020700

PL021118

Canadian Development Management Corporation (CDMC) has appealed to the Ontario Municipal Board under subsection 34(11) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended, from Council's refusal or neglect to enact a proposed amendment to By-law 83-40 of the Town of The Blue Mountains to rezone lands respecting Part Lots 26 and 27, Concession 7 from H-152 and SR-151 to an appropriate Golf Course Residential Zone to permit the development of 41 detached residential units and 50 townhouses  
O.M.B. File No. Z020023

Canadian Development Management Corporation (CDMC) has appealed to the Ontario Municipal Board under subsection 51(34) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended, from the failure of the County of Grey to make a decision respecting a proposed plan of subdivision on lands composed of Part Lots 26 and 27, Concession 7 in the Town of The Blue Mountains  
County of Grey File No. 42T-2001-06  
O.M.B. File No. S020017

Canadian Development Management Corporation (CDMC) has appealed to the Ontario Municipal Board under subsection 22(7) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended, from Council's refusal or neglect to enact a proposed amendment to the Official Plan for the Town of The Blue Mountains to redesignate land fronting on Grey Road 40, South Side of Highway 26 and west of Camperdown Road from Hazard Lands to a Primary Residential Designation to permit the development of 41 detached residential lots and 50 townhouses  
O.M.B. File No. O020089

Delphi Point Holdings Inc. has appealed to the Ontario Municipal Board under subsection 34(11) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended, from Council's refusal or neglect to enact a proposed amendment to By-law 83-40 of the Town of the Blue Mountains to rezone lands respecting Part of Lot 26, Concessions 5 and 6 from the Deferred Development (DD) Zone to a Residential Zone to permit the development of a 66 unit residential plan of subdivision containing a combination of single detached and triplex residential units and recreational commercial uses  
O.M.B. File No. Z020132

Delphi Point Holdings Inc. has appealed to the Ontario Municipal Board under subsection 51(15) of the *Planning Act*, S.O. 1983, c. P.1, as amended, from the failure of the County of Grey to make a decision respecting a proposed 66 unit plan of subdivision on lands composed of Part of Lot 26, Concessions 5 and 6 in the Town of the Blue Mountains  
County of Grey File No. 42T-88003  
O.M.B. File No. S020065

Delphi Point Holdings Inc. has appealed to the Ontario Municipal Board under subsection 22(7) of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended, from Council's refusal or neglect to enact a proposed amendment to the Official Plan for the Town of the Blue Mountains to re-designate lands fronting on the north side of Highway No. 26 (Delphi Point) from Special Development Category to Primary Residential, Area of Natural and Scientific Interest (ANSI) and Shoreline Reserve, to permit the development of a 66 unit residential plan of subdivision  
O.M.B. File No. O020162

Peaks Bay Holdings Inc. (East) has appealed to the Ontario Municipal Board under subsection 34(11) of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended, from Council's refusal or neglect to enact a proposed amendment to By-law 83-40 of the Town of the Blue Mountains to rezone lands respecting Part of Lot 26, Concession 5 from the Development (D) Zone to a Residential Zone to permit the development of a 35 unit residential plan of subdivision  
O.M.B. File No. Z020131

Peaks Bay Holdings Inc. (East) has appealed to the Ontario Municipal Board under subsection 51(15) of the *Planning Act*, S.O. 1983, c. P.1, as amended, from the failure of the County of Grey to make a decision respecting a proposed 35 unit plan of subdivision on lands composed of Part of Lot 26, Concession 5 in the Town of the Blue Mountains  
County of Grey File No. 42T-87016  
O.M.B. File No. S020069

Peaks Bay Holdings Inc. (East) has appealed to the Ontario Municipal Board under subsection 22(7) of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended, from Council's refusal or neglect to enact a proposed amendment to the Official Plan for the Town of the Blue Mountains to re-designate lands fronting on Highway No. 26 from Secondary Residential and Beach to the Primary Residential, Area of Natural and Scientific Interest (ANSI) and Shoreline Reserve designation, to permit the development of a 35 unit residential plan of subdivision  
O.M.B. File No. O020163

Peaks Bay Holdings Inc. (West) has appealed to the Ontario Municipal Board under subsection 34(11) of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended, from Council's refusal or neglect to enact a proposed amendment to By-law 83-40 of the Town of the Blue Mountains to rezone lands respecting Part of Lot 26, Concession 5 from the Development (D) Zone to a Residential Zone to permit the development of a 68 unit residential plan of subdivision  
O.M.B. File No. Z020130

Peaks Bay Holdings Inc. (West) has appealed to the Ontario Municipal Board under subsection 51(15) of the *Planning Act*, S.O. 1983, c. P.1, as amended, from the failure of the County of Grey to make a decision respecting a proposed 68 unit plan of subdivision on lands composed of Part of Lot 26, Concession 5 in the Town of the Blue Mountains  
County of Grey File No. 42T-95006  
O.M.B. File No. S020070

Peaks Bay Holdings Inc. (West) has appealed to the Ontario Municipal Board under subsection 22(7) of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended, from Council's refusal or neglect to enact a proposed amendment to the Official Plan for the Town of the Blue Mountains to re-designate lands fronting on the north side of Highway No. 26 from Special Development Category to Primary Residential and Area of Natural and Scientific Interest (ANSI) to permit the development of a 68 unit residential plan of subdivision  
O.M.B. File No. O020162

Barvan Holdings Limited (Phoebus) has appealed to the Ontario Municipal Board under subsection 34(11) of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended, from Council's refusal or neglect to enact a proposed amendment to By-law 83-40 of the Town of the Blue Mountains to rezone lands respecting Part of Lot 26, Concession 5 from the Deferred Development (DD) Zone to a Residential Zone to permit the development of a 65 unit residential plan of subdivision  
O.M.B. File No. Z020128

Barvan Holdings Limited (Phoebus) has appealed to the Ontario Municipal Board under subsection 51(15) of the *Planning Act*, S.O. 1983, c. P.1, as amended, from the failure of the County of Grey to make a decision respecting a proposed 65 unit plan of subdivision on lands composed of Part of Lot 26, Concession 5 in the Town of the Blue Mountains  
County of Grey File No. 42T-95007  
O.M.B. File No. S020068

Barvan Holdings Limited (Phoebus) has appealed to the Ontario Municipal Board under subsection 22(7) of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended, from Council's refusal or neglect to enact a proposed amendment to the Official Plan for the Town of the Blue Mountains to re-designate lands fronting on the north side of Highway No. 26 from Special Development Category to Primary Residential, Area of Natural and Scientific Interest (ANSI) and Shoreline Reserve, to permit the development of a 65 unit residential plan of subdivision  
O.M.B. File No. O020161

Barton Developments Inc. has appealed to the Ontario Municipal Board under subsection 34(11) of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended, from Council's refusal or neglect to enact a proposed amendment to By-law 83-40 of the Town of the Blue Mountains to rezone lands respecting Part of Lot 25 and 26, Concession 6 from the Development (D) Zone and the Hazard (H) Zone to a Residential Zone to permit the development of a 118 unit residential plan of subdivision  
O.M.B. File No. Z020129

Barton Developments Inc. has appealed to the Ontario Municipal Board under subsection 51(15) of the *Planning Act*, S.O. 1983, c. P.1, as amended, from the failure of the County of Grey to make a decision respecting a proposed 118 unit residential plan of subdivision located on the south side of Highway No. 26 and the east side of Camperdown Road composed of Part of Lots 25 and 26, Concession 6 in the Town of the Blue Mountains  
County of Grey File No. 42T-87017  
O.M.B. File No. S020067

William Allan Holdings Limited has appealed to the Ontario Municipal Board under subsection 34(11) of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended, from Council's refusal or neglect to enact a proposed amendment to By-law 83-40 of the Town of the Blue Mountains to rezone lands respecting Part of Lot 25, Concession 7 from the General Rural (A1) Zone and the Hazard (H) Zone to a Residential Zone to permit the development of a 112 unit residential plan of subdivision

O.M.B. File No. Z020133

William Allan Holdings Limited has appealed to the Ontario Municipal Board under subsection 51(15) of the *Planning Act*, S.O. 1983, c. P.1, as amended, from the failure of the County of Grey to make a decision respecting a proposed 112 unit residential plan of subdivision on lands composed of Part of Lot 25, Concession 7 in the Town of the Blue Mountains

County of Grey File No. 42T-89021

O.M.B. File No. S020066

William Allan Holdings Limited has appealed to the Ontario Municipal Board under subsection 22(7) of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended, from Council's refusal or neglect to enact a proposed amendment to the Official Plan for the Town of the Blue Mountains to re-designate lands fronting on the west side of Camperdown Road located south of County Road No. 40 and the proposed Georgian Peaks Golf Course from Special Development Category to Primary Residential and Hazard to permit the development of a 112 unit residential plan of subdivision

O.M.B. File No. O020160

Sorichetti Development Group Inc. has appealed to the Ontario Municipal Board under subsection 34(11) of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended, from Council's refusal or neglect to enact a proposed amendment to By-law 83-40 of the Town of the Blue Mountains to rezone lands respecting Part of Lot 28, Concession 7 from Development (D) Zone to a Residential Zone to permit the development of a 55 unit residential plan of subdivision

O.M.B. File No. Z020148

Sorichetti Development Group Inc. has appealed to the Ontario Municipal Board under subsection 51(15) of the *Planning Act*, S.O. 1983, c. P.1, as amended, from the failure of the County of Grey to make a decision respecting a proposed 55 unit residential plan of subdivision on lands located on the south side of Highway No. 26 north of County Road No. 40 composed of Part of Lot 28, Concession 7 in the Town of the Blue Mountains

County of Grey File No. 42T-2002-006

O.M.B. File No. S020075

The Lora Bay Corporation has appealed to the Ontario Municipal Board under subsection 22(7) of the *Planning Act*, R.S.O. 1990, c P.13, as amended, from Council's refusal or neglect to enact a proposed amendment to the Official Plan for the Beaver Valley Planning Area re-designating Parts of Lots 35-39 inclusive, Concessions 11 and 12 of the Town of The Blue Mountains, to a Recreational Residential designation to permit the development of up to 1,025 residential units and an 18 hole golf course.

The Lora Bay Corporation has appealed to the Ontario Municipal Board under subsection 34(11) of the *Planning Act*, R.S.O. 1990, c P.13, as amended, from Council's refusal or neglect to enact a proposed amendment to By-law 83-40 of the Town of The Blue Mountains to rezone lands respecting Parts of Lots 35-39 inclusive, Concessions 11 and 12 to appropriate private and public Open Space and Residential Zones to permit the development of up to 317 detached residential units and townhouses, an 18 hole golf course, a waterfront park and trail system.  
OMB File No. Z020165

The Lora Bay Corporation has appealed to the Ontario Municipal Board under subsection 51(34) of the *Planning Act*, R.S.O. 1990, c P.13, as amended, from the failure of the County of Grey to make a decision respecting a proposed plan of subdivision on lands comprised of Parts of Lots 35-39 inclusive, Concession 11 in the Town of The Blue Mountains  
OMB File No. S030003

## **APPEARANCES:**

### **Parties**

C. D. M. C.

Town of the Blue Mountains

The Barton Group et al

County of Grey

Lora Bay Corporation

Niagara Escarpment Commission

Tyrolean Village Resorts Limited  
George H. Fleming & Associates Limited  
Tabera Limited

Castle Glen Development Corporation

### **Counsel**

S. Makuch

R. T. Beaman

B. Onyschuk & J. Ayres

E. Treslan

R. Houser

M. Orr

A. Brown

J. Davies and S. Rosenthal

**PARTICIPANTS:**

M. Sacks

F. Barnes (Georgian View Estates Residents' Association)

A. Sorensen (Grey Sauble Conservation Authority)

P. Jarred

B. and A. Jones (Upper Camperdown Homeowners Group)

D. Guay (Trailwoods)

S. Stanczuk (Bayshore Resorts Owners Association Inc.)

J. Matera (counsel) for K., J. and G. Gillespie and K. Hartly

B. Smith

V. Bollinger (Ratepayers on Highway 26 – north side)

A. Gobbo (S.A.P.O.A.)

**MEMORANDUM OF ORAL DECISION DELIVERED BY J. R. MILLS  
ON FEBRUARY 24, 2003**

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The Board held a teleconference on February 24, 2003 with Messers Beaman and Makuch. As a result, and after further discussions between Mr. Beaman and Mr. Makuch, it now appears today that a settlement is possible between C.D.M.C. and the Town.

The Board adjourned the prehearing to allow these discussions to continue, as well as to mediate where needed.

This prehearing will be reconvened on Wednesday, March 5, 2003 at 10:00 a.m. at the Town.

The Board's timetable continues to be as depicted on page 3 of its January 24, 2003 decision except that March 10<sup>th</sup> and 11<sup>th</sup> are now available for mediation.

Finally, Mr. Beaman advised the Board that Mr. J. Davies and his client were no longer participating in the hearing.

J. R. MILLS  
MEMBER



ISSUE DATE:  
**March 2, 2005**

DECISION/ORDER NO:  
**0461**



Ontario Municipal Board  
Commission des affaires municipales de l'Ontario

PL020700  
PL021118

The Lora Bay Corporation has appealed to the Ontario Municipal Board under subsection 22(7) of the *Planning Act*, R.S.O. 1990, c P.13, as amended, from Council's refusal or neglect to enact a proposed amendment to the Official Plan for the Beaver Valley Planning Area re-designating Parts of Lots 35-39 inclusive, Concessions 11 and 12 of the Town of The Blue Mountains, to a Recreational Residential designation to permit the development of up to 1,025 residential units and an 18 hole golf course.

O.M.B. File No. O020123

The Lora Bay Corporation has appealed to the Ontario Municipal Board under subsection 51(34) of the *Planning Act*, R.S.O. 1990, c P.13, as amended, from the failure of the County of Grey to make a decision respecting a proposed plan of subdivision on lands comprised of Parts of Lots 35-39 inclusive, Concession 11 in the Town of The Blue Mountains

OMB File No. S030003

OMB Case No. PL020700

The Lora Bay Corporation has appealed to the Ontario Municipal Board under subsection 34(11) of the *Planning Act*, R.S.O. 1990, c P.13, as amended, from Council's refusal or neglect to enact a proposed amendment to By-law 83-40 of the Town of The Blue Mountains to rezone lands respecting Parts of Lots 35-39 inclusive, Concessions 11 and 12 to appropriate private and public Open Space and Residential Zones to permit the development of up to 317 detached residential units and townhouses, an 18 hole golf course, a waterfront park and trail system.

OMB File No. Z020165

OMB Case No. PL021118

## **APPEARANCES:**

### **Parties**

Town of the Blue Mountains

County of Grey

Lora Bay Corporation

### **Counsel\*/Agents**

R. T. Beaman\*

J. McDonald

R. Houser\*

### **MEMORANDUM OF ORAL DECISION DELIVERED BY J.R. MILLS ON FEBRUARY 21, 2005 AND PARTIAL ORDER OF THE BOARD**

Pursuant to Section 43 of the *Ontario Municipal Board Act*, R.S.O. 1990, the parties moved jointly to reopen the hearing of the appeals and Decisions/Orders 0938 and 0652 respecting the proposal by The Lora Bay Corporation to amend the Official

Plan for the Beaver Valley Planning Area, to amend By-law 83-40 of the former Township of Collingwood and for approval of a plan of subdivision. The request sought technical changes and minor adjustments to the proposal that have no impact on other landowners in the vicinity. The Board allowed the motion and so Ordered.

The changes, which are supported by Town Council (Exhibit 6), involve the re-lotting of the residential blocks, the reconfiguration of the clubhouse block, the relocation of the convenience commercial facility, the provision of related parking, and the combination of the residential draft plan approval Phases 2a and 2b into a single Phase 2. The Board accepts the uncontradicted evidence of a panel of three planners representing the Town of The Blue Mountains, the County of Grey, and The Lora Bay Corporation that the requested changes have no impact on other landowners in the vicinity, conform with applicable Official Plans, are minor adjustments or of a technical nature, satisfy the requirements of the *Planning Act* and the Provincial Policy Statement and represent good planning.

The parties also requested the Board to accept the "Addendum to the Minutes of Settlement" dated February 22, 2005 (the "Addendum") which is appended as Attachment 1 to this decision, as the Board's previous decision of July 10, 2003 indicated the "Board may be spoken to regarding matters of implementation". The Addendum provides for certain adjustments to the financial requirements set out in the original Minutes of Settlement dated June 9, 2003 (the "Minutes of Settlement").

The Board heard evidence that The Lora Bay Corporation has satisfied the financial pre-conditions of the Minutes of Settlement, as amended by the Addendum, for the issuance of an Order granting draft approval of the residential subdivision and zoning by-law amendment.

It is therefore the Board's decision that OPA 134 is modified by Attachment 2 to this decision, that Zoning By-law 83-40 of the former Township of Collingwood is amended as set out in Attachment 3 to this decision, and that draft approval is given to the Phase 1 golf course and Phase 2 residential lands within subdivision draft plan 42T-2001-03 as shown in Attachment 4 to this decision, subject to the conditions of draft approval respectively set out in Attachment 5 to this decision.

The Board's Order therefore will issue when it receives confirmation of the County's execution of the Addendum (Exhibit 7).

J. R. MILLS  
MEMBER

**Attachments with Original.**

ISSUE DATE:

**April 28, 2003**

DECISION/ORDER NO:

**0531**



Ontario Municipal Board

Commission des affaires municipales de l'Ontario

PL020205

PL020894

PL020700

PL021118

Canadian Development Management Corporation (CDMC) has appealed to the Ontario Municipal Board under subsection 34(11) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended, from Council's refusal or neglect to enact a proposed amendment to By-law 83-40 of the Town of The Blue Mountains to rezone lands respecting Part Lots 26 and 27, Concession 7 from H-152 and SR-151 to an appropriate Golf Course Residential Zone to permit the development of 41 detached residential units and 50 townhouses  
O.M.B. File No. Z020023

Canadian Development Management Corporation (CDMC) has appealed to the Ontario Municipal Board under subsection 51(34) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended, from the failure of the County of Grey to make a decision respecting a proposed plan of subdivision on lands composed of Part Lots 26 and 27, Concession 7 in the Town of The Blue Mountains  
County of Grey File No. 42T-2001-06  
O.M.B. File No. S020017

Canadian Development Management Corporation (CDMC) has appealed to the Ontario Municipal Board under subsection 22(7) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended, from Council's refusal or neglect to enact a proposed amendment to the Official Plan for the Town of The Blue Mountains to redesignate land fronting on Grey Road 40, South Side of Highway 26 and west of Camperdown Road from Hazard Lands to a Primary Residential Designation to permit the development of 41 detached residential lots and 50 townhouses  
O.M.B. File No. O020089

Delphi Point Holdings Inc. has appealed to the Ontario Municipal Board under subsection 34(11) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended, from Council's refusal or neglect to enact a proposed amendment to By-law 83-40 of the Town of the Blue Mountains to rezone lands respecting Part of Lot 26, Concessions 5 and 6 from the Deferred Development (DD) Zone to a Residential Zone to permit the development of a 66 unit residential plan of subdivision containing a combination of single detached and triplex residential units and recreational commercial uses  
O.M.B. File No. Z020132

Delphi Point Holdings Inc. has appealed to the Ontario Municipal Board under subsection 51(15) of the *Planning Act*, S.O. 1983, c. P.1, as amended, from the failure of the County of Grey to make a decision respecting a proposed 66 unit plan of subdivision on lands composed of Part of Lot 26, Concessions 5 and 6 in the Town of the Blue Mountains  
County of Grey File No. 42T-88003  
O.M.B. File No. S020065

Delphi Point Holdings Inc. has appealed to the Ontario Municipal Board under subsection 22(7) of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended, from Council's refusal or neglect to enact a proposed amendment to the Official Plan for the Town of the Blue Mountains to re-designate lands fronting on the north side of Highway No. 26 (Delphi Point) from Special Development Category to Primary Residential, Area of Natural and Scientific Interest (ANSI) and Shoreline Reserve, to permit the development of a 66 unit residential plan of subdivision  
O.M.B. File No. O020162

Peaks Bay Holdings Inc. (East) has appealed to the Ontario Municipal Board under subsection 34(11) of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended, from Council's refusal or neglect to enact a proposed amendment to By-law 83-40 of the Town of the Blue Mountains to rezone lands respecting Part of Lot 26, Concession 5 from the Development (D) Zone to a Residential Zone to permit the development of a 35 unit residential plan of subdivision  
O.M.B. File No. Z020131

Peaks Bay Holdings Inc. (East) has appealed to the Ontario Municipal Board under subsection 51(15) of the *Planning Act*, S.O. 1983, c. P.1, as amended, from the failure of the County of Grey to make a decision respecting a proposed 35 unit plan of subdivision on lands composed of Part of Lot 26, Concession 5 in the Town of the Blue Mountains  
County of Grey File No. 42T-87016  
O.M.B. File No. S020069

Peaks Bay Holdings Inc. (East) has appealed to the Ontario Municipal Board under subsection 22(7) of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended, from Council's refusal or neglect to enact a proposed amendment to the Official Plan for the Town of the Blue Mountains to re-designate lands fronting on Highway No. 26 from Secondary Residential and Beach to the Primary Residential, Area of Natural and Scientific Interest (ANSI) and Shoreline Reserve designation, to permit the development of a 35 unit residential plan of subdivision  
O.M.B. File No. O020163

Peaks Bay Holdings Inc. (West) has appealed to the Ontario Municipal Board under subsection 34(11) of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended, from Council's refusal or neglect to enact a proposed amendment to By-law 83-40 of the Town of the Blue Mountains to rezone lands respecting Part of Lot 26, Concession 5 from the Development (D) Zone to a Residential Zone to permit the development of a 68 unit residential plan of subdivision  
O.M.B. File No. Z020130

Peaks Bay Holdings Inc. (West) has appealed to the Ontario Municipal Board under subsection 51(15) of the *Planning Act*, S.O. 1983, c. P.1, as amended, from the failure of the County of Grey to make a decision respecting a proposed 68 unit plan of subdivision on lands composed of Part of Lot 26, Concession 5 in the Town of the Blue Mountains  
County of Grey File No. 42T-95006  
O.M.B. File No. S020070

Peaks Bay Holdings Inc. (West) has appealed to the Ontario Municipal Board under subsection 22(7) of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended, from Council's refusal or neglect to enact a proposed amendment to the Official Plan for the Town of the Blue Mountains to re-designate lands fronting on the north side of Highway No. 26 from Special Development Category to Primary Residential and Area of Natural and Scientific Interest (ANSI) to permit the development of a 68 unit residential plan of subdivision

O.M.B. File No. O020162

Barvan Holdings Limited (Phoebus) has appealed to the Ontario Municipal Board under subsection 34(11) of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended, from Council's refusal or neglect to enact a proposed amendment to By-law 83-40 of the Town of the Blue Mountains to rezone lands respecting Part of Lot 26, Concession 5 from the Deferred Development (DD) Zone to a Residential Zone to permit the development of a 65 unit residential plan of subdivision

O.M.B. File No. Z020128

Barvan Holdings Limited (Phoebus) has appealed to the Ontario Municipal Board under subsection 51(15) of the *Planning Act*, S.O. 1983, c. P.1, as amended, from the failure of the County of Grey to make a decision respecting a proposed 65 unit plan of subdivision on lands composed of Part of Lot 26, Concession 5 in the Town of the Blue Mountains

County of Grey File No. 42T-95007

O.M.B. File No. S020068

Barvan Holdings Limited (Phoebus) has appealed to the Ontario Municipal Board under subsection 22(7) of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended, from Council's refusal or neglect to enact a proposed amendment to the Official Plan for the Town of the Blue Mountains to re-designate lands fronting on the north side of Highway No. 26 from Special Development Category to Primary Residential, Area of Natural and Scientific Interest (ANSI) and Shoreline Reserve, to permit the development of a 65 unit residential plan of subdivision

O.M.B. File No. O020161

Barton Developments Inc. has appealed to the Ontario Municipal Board under subsection 34(11) of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended, from Council's refusal or neglect to enact a proposed amendment to By-law 83-40 of the Town of the Blue Mountains to rezone lands respecting Part of Lot 25 and 26, Concession 6 from the Development (D) Zone and the Hazard (H) Zone to a Residential Zone to permit the development of a 118 unit residential plan of subdivision

O.M.B. File No. Z020129

Barton Developments Inc. has appealed to the Ontario Municipal Board under subsection 51(15) of the *Planning Act*, S.O. 1983, c. P.1, as amended, from the failure of the County of Grey to make a decision respecting a proposed 118 unit residential plan of subdivision located on the south side of Highway No. 26 and the east side of Camperdown Road composed of Part of Lots 25 and 26, Concession 6 in the Town of the Blue Mountains

County of Grey File No. 42T-87017

O.M.B. File No. S020067

William Allan Holdings Limited has appealed to the Ontario Municipal Board under subsection 34(11) of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended, from Council's refusal or neglect to enact a proposed amendment to By-law 83-40 of the Town of the Blue Mountains to rezone lands respecting Part of Lot 25, Concession 7 from the General Rural (A1) Zone and the Hazard (H) Zone to a Residential Zone to permit the development of a 112 unit residential plan of subdivision

O.M.B. File No. Z020133

William Allan Holdings Limited has appealed to the Ontario Municipal Board under subsection 51(15) of the *Planning Act*, S.O. 1983, c. P.1, as amended, from the failure of the County of Grey to make a decision respecting a proposed 112 unit residential plan of subdivision on lands composed of Part of Lot 25, Concession 7 in the Town of the Blue Mountains

County of Grey File No. 42T-89021

O.M.B. File No. S020066

William Allan Holdings Limited has appealed to the Ontario Municipal Board under subsection 22(7) of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended, from Council's refusal or neglect to enact a proposed amendment to the Official Plan for the Town of the Blue Mountains to re-designate lands fronting on the west side of Camperdown Road located south of County Road No. 40 and the proposed Georgian Peaks Golf Course from Special Development Category to Primary Residential and Hazard to permit the development of a 112 unit residential plan of subdivision

O.M.B. File No. O020160

Sorichetti Development Group Inc. has appealed to the Ontario Municipal Board under subsection 34(11) of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended, from Council's refusal or neglect to enact a proposed amendment to By-law 83-40 of the Town of the Blue Mountains to rezone lands respecting Part of Lot 28, Concession 7 from Development (D) Zone to a Residential Zone to permit the development of a 55 unit residential plan of subdivision

O.M.B. File No. Z020148

Sorichetti Development Group Inc. has appealed to the Ontario Municipal Board under subsection 51(15) of the *Planning Act*, S.O. 1983, c. P.1, as amended, from the failure of the County of Grey to make a decision respecting a proposed 55 unit residential plan of subdivision on lands located on the south side of Highway No. 26 north of County Road No. 40 composed of Part of Lot 28, Concession 7 in the Town of the Blue Mountains

County of Grey File No. 42T-2002-006

O.M.B. File No. S020075

The Lora Bay Corporation has appealed to the Ontario Municipal Board under subsection 22(7) of the *Planning Act*, R.S.O. 1990, c P.13, as amended, from Council's refusal or neglect to enact a proposed amendment to the Official Plan for the Beaver Valley Planning Area re-designating Parts of Lots 35-39 inclusive, Concessions 11 and 12 of the Town of The Blue Mountains, to a Recreational Residential designation to permit the development of up to 1,025 residential units and an 18 hole golf course.

O.M.B. File No. O030002

The Lora Bay Corporation has appealed to the Ontario Municipal Board under subsection 34(11) of the *Planning Act*, R.S.O. 1990, c P.13, as amended, from Council's refusal or neglect to enact a proposed amendment to By-law 83-40 of the Town of The Blue Mountains to rezone lands respecting Parts of Lots 35-39 inclusive, Concessions 11 and 12 to appropriate private and public Open Space and Residential Zones to permit the development of up to 317 detached residential units and townhouses, an 18 hole golf course, a waterfront park and trail system.  
OMB File No. Z020165

The Lora Bay Corporation has appealed to the Ontario Municipal Board under subsection 51(34) of the *Planning Act*, R.S.O. 1990, c P.13, as amended, from the failure of the County of Grey to make a decision respecting a proposed plan of subdivision on lands comprised of Parts of Lots 35-39 inclusive, Concession 11 in the Town of The Blue Mountains  
OMB File No. S030003

**APPEARANCES:**

**Parties**

C. D. M. C.

Town of the Blue Mountains

The Barton Group et al

County of Grey

Lora Bay Corporation

Niagara Escarpment Commission

Tyrolean Village Resorts Limited  
George H. Fleming & Associates Limited  
Tabera Limited

**Counsel**

S. Makuch

R. T. Beaman

B. Onyschuk & J. Ayres

E. Treslan

R. Houser

M. Orr

A. Brown



**PARTICIPANTS:**

M. Sacks

F. Barnes (Georgian View Estates Residents' Association)

A. Sorensen (Grey Sauble Conservation Authority)

P. Jarred

B. and A. Jones (Upper Camperdown Homeowners Group)

D. Guay (Trailwoods)

S. Stanczuk (Bayshore Resorts Owners Association Inc.)

J. Matera (counsel) for K., J. and G. Gillespie and K. Hartly

B. Smith

V. Bollinger (Ratepayers on Highway 26 – north side)

A. Gobbo (S.A.P.O.A.)

**MEMORANDUM OF ORAL DECISION DELIVERED BY J. R. MILLS  
ON APRIL 17, 2003**

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The Board was advised by Mr. Beaman that all the remaining appellants to the County of Grey's OPA 26 either in writing or orally have withdrawn their appeals. The Board therefore will notify the County accordingly, once it receives the oral withdrawals in writing.

The Board heard the uncontradicted evidence of four planners (as a panel), as to the planning merits of OPA 131 to the Official Plan of the Beaver Valley Planning Area. The Board accepts that evidence that these Growth Settlement Policies represent good planning and conform to the County's Official Plan. It is also understood and agreed that when the appeals under Board Case Numbers PL030216 and PL030188 come before the Board at a hearing, the appellants may argue the applicability of Section 1.3 (4)(d) to their appeals.

The Board therefore allows the appeals in part and will approve OPA 131 (Exhibit 8A). The Board will issue a separate order when it receives a revised Schedule 'A-131-to Amendment 131 which has been approved as to form and content by all the parties, marked as Exhibit 9A and confirms that it has been incorporated into Exhibit 8A.

The remaining aspects of the appeals are adjourned to April 29, 2003 except for those applying to Lora Bay Corporation which are adjourned to May 28, 2003. The first prehearing for the appeals in Board Case Numbers PL030216 and PL030188 will be held on Friday, June 27, 2003. Notice should be given at least 50 days prior to the hearing. All the hearings will be held at the Town's Council Chambers.

I am seized of all these matters.

"J. R. Mills"

J. R. MILLS  
MEMBER

ISSUE DATE:  
**March 26, 2004**  
DECISION/ORDER NO:  
**0652**



Ontario Municipal Board  
Commission des affaires municipales de l'Ontario

PL020700  
PL021118

The Lora Bay Corporation has appealed to the Ontario Municipal Board under subsection 22(7) of the *Planning Act*, R.S.O. 1990, c P.13, as amended, from Council's refusal or neglect to enact a proposed amendment to the Official Plan for the Beaver Valley Planning Area re-designating Parts of Lots 35-39 inclusive, Concessions 11 and 12 of the Town of The Blue Mountains, to a Recreational Residential designation to permit the development of up to 1,025 residential units and an 18 hole golf course.  
O.M.B. File No. O020123

The Lora Bay Corporation has appealed to the Ontario Municipal Board under subsection 34(11) of the *Planning Act*, R.S.O. 1990, c P.13, as amended, from Council's refusal or neglect to enact a proposed amendment to By-law 83-40 of the Town of The Blue Mountains to rezone lands respecting Parts of Lots 35-39 inclusive, Concessions 11 and 12 to appropriate private and public Open Space and Residential Zones to permit the development of up to 317 detached residential units and townhouses, an 18 hole golf course, a waterfront park and trail system.  
OMB File No. Z020165

The Lora Bay Corporation has appealed to the Ontario Municipal Board under subsection 51(34) of the *Planning Act*, R.S.O. 1990, c P.13, as amended, from the failure of the County of Grey to make a decision respecting a proposed plan of subdivision on lands comprised of Parts of Lots 35-39 inclusive, Concession 11 in the Town of The Blue Mountains  
OMB File No. S030003

#### **APPEARANCES:**

##### **Parties**

Town of the Blue Mountains  
County of Grey  
Lora Bay Corporation

##### **Counsel**

R. T. Beaman  
E. Treslan  
R. Houser

#### **MEMORANDUM OF ORAL DECISION DELIVERED BY J.R. MILLS ON MARCH 19, 2004 AND PARTIAL ORDER OF THE BOARD**

The Board has been advised by the Town that the financial condition set out in paragraph 8 of Decision/Order 0938 dated July 10, 2003 has been satisfied.

Accordingly, draft approval is given to Phase 1 of the subdivision, 42T-2001-03, being the Golf Course Lands referenced in paragraph 1 of Decision/Order 0938, subject to the conditions of approval set out in Schedule E-1 to the Minutes of Settlement.

As well, Zoning By-law 83-40 of the former Township of Collingwood is amended as set out in the provisions of by-law included in Section 1, 6 and 8 and key map Schedule "A-1" of Schedule "F" to the Minutes of Settlement.

The Board so orders.

J. R. MILLS  
MEMBER

What would you like your community to look like in the next 5, 10, or 20 years?  
What do you like about your community? What is missing?

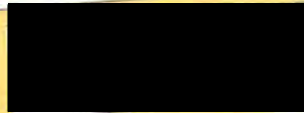
I like the way my community is!

Additional comments:

Response by \_\_\_\_\_  
676 # Entered in Spreadsheet  
Summarized (comment chart)

Name (optional)

Phone/email (optional)



What would you like your community to look like in the next 5, 10, or 20 years?

What do you like about your community? What is missing?

I want my community to have  
more hotels like the ones in the city  
and maybe a ~~airport~~ airport so people  
don't have to go to the city and the  
hotels could be for people ~~who~~ are  
staying at ~~the~~ Canada for a visit

Additional comments:

N/A Response by \_\_\_\_\_  
7/10 # Entered in Spreadsheet \_\_\_\_\_  
✓ Summarized (comment chart) \_\_\_\_\_

Name (optional)

Phone/email (optional)

✓ Response by scott  
171 # Entered in Spreadsheet  
✓ Summarized (comment chart)

**Lacey-Avon,Stephanie**

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**From:** Taylor,Scott  
**Sent:** Thursday, March 15, 2018 5:26 PM  
**To:** [REDACTED]  
**Cc:** Recolour Grey; Scherzer, Randy  
**Subject:** RE: Grey County Official Plan

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

**Categories:** Red Category

Thanks [REDACTED] for attending today and for sharing your comments. We will consider these comments as we move forward.  
Thanks

**Scott Taylor**  
*Senior Planner*  
Phone: +1 519-372-0219 ext. 1238



---

**From:** [REDACTED]  
**Sent:** Thursday, March 15, 2018 10:59 AM  
**To:** Recolour Grey  
**Subject:** Grey County Official Plan

I live at [REDACTED]  
Schedule A, Map1 in the proposed OP indicates an Aggregate Resource Area along the west side of Grey Road 1 running north from Indian Acres Road. This area coincides with a stretch of residential properties that line the County road. Most of the residences are located within the Aggregate Resource Area overlay.  
Given the intensive residential development in the area it seems that any proposed aggregate operation in the area would be highly problematic. It is unlikely that such an operation could co-exist with the current uses in the area.  
I realize that these resource areas are designate by the MNRF but in this instance it would appear to be prudent to remove the designation.  
Thank you for your consideration of this comment. I look forward to your response.

**Lacey-Avon, Stephanie**

✓ Response by Scott  
780 # Entered in Spreadsheet  
✓ Summarized (comment chart)

**From:** Taylor, Scott  
**Sent:** Monday, March 26, 2018 10:55 PM  
**To:** [REDACTED]  
**Subject:** RE: Proposed Changes to Grey County Official Plan and Policies

Thanks for your comments [REDACTED] - we will consider these comments as we continue with the official plan process.

Just to clarify the Aggregate mapping already exists in the current version of the Plan, which was approved in 2012. That said however, I was not aware of the previous pit activity that has already occurred on this property, which [REDACTED] made me aware of (and you have further detailed below).

If you have any further comments or questions please do not hesitate to contact us.  
Thanks again

**Scott Taylor**  
*Senior Planner*  
Phone: +1 519-372-0219 ext. 1238



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**From:** [REDACTED]  
**Sent:** Monday, March 26, 2018 9:52 PM  
**To:** Taylor, Scott  
**Subject:** Re: Proposed Changes to Grey County Official Plan and Policies

Attention Scott Taylor

My brother, [REDACTED] was in to speak with you briefly on March 22 regarding changes to the Grey County OP and Policies regarding use and consents. Your description of possible concerns regarding consents on our estate farm were somewhat alarming for us as the executors of our Mother's estate.

These comments apply directly to the east half of lots [REDACTED]

- 1) for the record these two lots were never parts of 100 ac lots but were deeded from the crown as two separate 50 acre parcels.
- 2) these lots are currently designated "rural" in the current OP
- 3) the soils are denoted as "Pike Lake Loam" on the Grey County Soils Map
- 4) the soil is further classified as Class 5s
- 5) the lots are accordingly zoned A2 in the West Grey Comprehensive Zoning By law
- 5) the proposed Schedule B designates the lots as being predominately "high probability of aggregate", however, wayside pits opened and used by the former Township of Normanby through approx 1930 to 1982 have depleted the good aggregate deposits from the property and the pits were closed by the Township in approximately 1982 after determining that the remaining deposits were of high silt content. These should therefore not be included in the aggregate resource designation.
- 6) a 3 ac non-farm lot including my Mother's retirement house was severed from lot 57E in approx 2004.
- 7) the majority of the property, approx 55 acres, consists of seasonal wet areas and wetlands zoned NE. Small creeks flow three different directions out of the wetland. The former aggregate extraction areas are dispersed along lot 57.



8) The property has an 11 acre non farm lot to its west, a 30 acre poorly drained hobby farm and two 9 acre wooded non farm lots to its north, a virtually depleted 25 acre extraction pit to the north east and a two and a 5 acre non farm lots to the east.

9) At highest and best use the property could reasonably be severed to create a non farm lot and at least three hobby farm lots plus a remnant recreational lot and help to fill a market without sacrificing aggregate resources or removing rural land from agricultural use and without infringing on wildlife habitat, wetlands or placing further restrictions on the existing small mixed farms to the south and south east.

It would appear that under the current OP consent policies two lots could be formed in addition to the remnant for each of the two crown deeded lots (57E1/2 and 58E1/2).

As demonstrated above, the proposed policy of an outright prohibition of consents within the Schedule B Aggregate areas would be unduly harsh for this property. For this reason we object to the adoption of the policy as currently worded and to the inclusion of these two lots in Schedule B.

respectfully yours

A large black rectangular redaction box covering the signature area.

GREY COUNTY COUNCIL  
595 - 9TH AVENUE EAST  
OWEN SOUND, ONTARIO  
N4K 3E3

MARCH 21, 2018

Response by \_\_\_\_\_  
715 # Entered in Spreadsheet  
✓ Summarized (comment chart)

MAR 23 2018

RE:- FURTHER OUR TELEPHONE CONVERSATION OF MARCH 19, 2018 WITH SCOTT TAYLOR AND [REDACTED] VISIT TO YOUR OFFICES OF MARCH 15, 2018

WE WERE SHOCKED TO LEARN OUR FARM AT [REDACTED] HAS HAD A "SIGNIFICANT WOODLANDS" DESIGNATION APPLIED TO IT APPARENTLY IN 2012 AND EXPANDED UNDER THIS RE-COLOUR GREY NONSENSE.

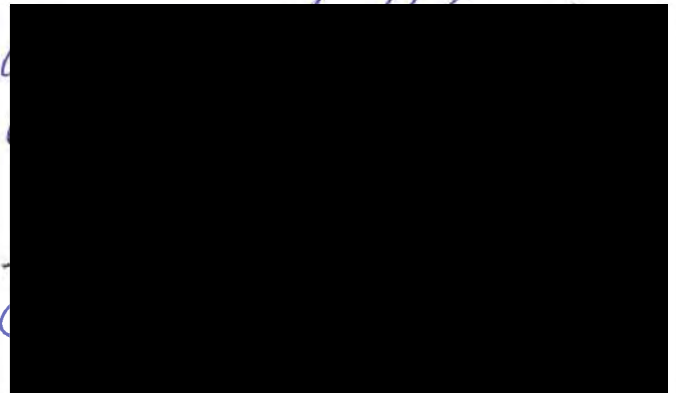
WE OBJECT TO THIS ARBITRARY AND APPARENTLY VERY SELECTIVE TARGETING OF FREEDOM LOVING AND RESPONSIBLE PEOPLE'S PROPERTIES AND HOMES. IT IS FAR FROM NECESSARY HERE AS WE DO NOT SEEK SEVERENCES FOR RESIDENTIAL LOTS, HAVE FARMED LANDS FOR OVER 40 YEARS (22 YEARS HERE) AND HAVE BEEN GOOD STEWARDS OF THE LAND AND BASICALLY KEPT TO OURSELVES BECAUSE IT WORKS FOR CONDITIONS WITHIN OUR FAMILY SITUATION. WE EXPRESSED CONFIDENCE IN THE LOCAL PLANNING DEPARTMENTS IN OUR LETTER TO THE NIAGARA ESCARPMENT COMMISSION LAST YEAR, HOWEVER CONSIDERING THIS WE WERE PROBABLY PREMATURE OR JUST PLAIN WRONG.

THESE DESIGNATIONS SHOULD BE MADE UP OF THOSE WILLING TO GRANT THIS PARTICULAR ENCUMBRANCE ON THEIR PROPERTY, NOT BY ABUSE OF POWER BY

GOVERNMENTS WETHER LOCAL, PROUINCIAL OR FEDERAL. THE FORMER PRODUCES A WILLING, INVESTED ENTHUSIASTIC PARTICIPANT AND UNFORTUNATELY THE LATTER A DISGRUNTLED, UNHAPPY CITIZEN PRONE TO MOVING FROM THE CENTRE TO THE FAR RIGHT OF THE POLITICAL SPECTRUM. (JUST THINK GREEN ENERGY ACT.)

WE ARE PROBABLY WHISTLING IN THE WIND BUT FEEL AS REPOSIBLE CITIZENS OF THIS COUNTRY WE HAVE TO SPEAK OUT AGAINST UNFAIR AND DISCRIMINATORY POLICY AND HOPE GOOD COMMON SENSE WILL PREVAIL IN THE END.

Sincerely





What would you like your community to look like in the next 5, 10, or 20 years?

What do you like about your community? What is missing?

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✓ Response by Planners  
765 # Entered in Spreadsheet  
✓ Summarized (comment chart)

Additional comments:

SCHEDULE C MAP LINKAGE THROUGH  
BERKELEY DOES NOT FOLLOW THE  
WATER COURSE AS SCOTT SAYS.

Name (optional)

Phone/email (optional)



## **Lacey-Avon,Stephanie**

---

**From:** Taylor,Scott  
**Sent:** Tuesday, April 3, 2018 8:16 AM  
**To:** Scherzer, Randy; Lacey-Avon,Stephanie  
**Subject:** Corridors - Recolour Grey

FYI

### **Scott Taylor**

*Senior Planner*

Phone: +1 519-372-0219 ext. 1238



**From:** [REDACTED]  
**Sent:** Monday, April 02, 2018 4:48 PM  
**To:** Taylor,Scott  
**Subject:** Corridors

This site says to contact 'her'..if that needs to change or not!?

I attended the meeting at council regarding the recolour Grey. I wanted to add to the objection of a corridor through my property and the neighbouring property..since I would be affected by that inclusion as well. I'm at [REDACTED] The other side of sideroad 50 has a county forest..really good place to put this imaginary line. Since I'm with the Ontario Landowners Association, I imagine we'll be having further discussion. Have a nice day and maybe your wife will bake one of those treats for you that you spoke of.

[REDACTED]

[REDACTED]

What would you like your community to look like in the next 5, 10, or 20 years?  
What do you like about your community? What is missing?

~~I wish we had a dog~~ I Like gardens  
with all the pets and the theater  
I wish we had a dog and a sign like

Additional comments:

N/A  
722  
✓

Response by \_\_\_\_\_  
# Entered in Spreadsheet  
Summarized (comment chart)

Name (optional)

Phone/email (optional)

**Lacey-Avon,Stephanie**

---

**From:** Scherzer, Randy  
**Sent:** Monday, February 5, 2018 9:47 PM  
**To:** Taylor,Scott; Lacey-Avon,Stephanie; Scribner, Monica  
**Subject:** Fwd: Title : Meeting with Grey County Planners - 06 FEB

FYI - for tomorrow's meeting and for the Recolour Grey file.

Sent from my iPhone

Begin forwarded message:

**From:** [REDACTED]  
**Date:** February 5, 2018 at 9:34:53 PM EST  
**To:** Randy Scherzer <[randy.scherzer@grey.ca](mailto:randy.scherzer@grey.ca)>  
**Cc:** [REDACTED]  
[REDACTED] Monica Scribner <[monica.scribner@grey.ca](mailto:monica.scribner@grey.ca)>  
**Subject: Title : Meeting with Grey County Planners - 06 FEB**

Hi Randy. Looking forward to our meeting tomorrow.

Title : Meeting with Grey County Planners - 06 FEB 2018  
Regarding: Recolour Grey mapping corrections

On the 22 November 2017, we had the opportunity to review the Township Of Georgian Bluffs zoning bylaw presentation at Shallow Lake. At that meeting, we were invited to discuss the zoning proposals affecting our properties. Mr. Jamie Robinson from MHBC was patient enough to review the mapping in detail, and we made the following observations at that time.

(1) Properties listed under:  
Property Roll Number & Description

- [REDACTED]
- [REDACTED]

Both properties have been used for cattle grazing for at least the past 50 years.

Attached as Map #1 is a Grey County map downloaded MAY 15, 2017. This map shows the two properties being zoned as "A2" with strips of "EP" shown on the North and East property edges. The map presented at Shallow Lake showed these two properties proposed to be zoned "Inland Lake and Shoreline".

Upon closer examination by Mr. Robinson, he agreed that:

(a) the Map was in error and that the "EP" zoning/designation did not apply to these two properties; and

(b) the equivalent zoning replacement for “A2 Restricted Rural “ would be the new zoning called “RRU”. Upon examining the newest proposed mapping that appeared on the Recolour Grey website, (23 JAN 18) we did not see the “RRU” showing in the legend. The “EP” zoning did not appear on these two properties, but the “Inland Lake and Shoreline “ has not yet been replaced with “RRU” or the present equivalent-(A ?).

We are also asking for an “Exception” on these two properties that will grant a “Zero” setback from any EP or EH zoning that might appear on neighbouring/adjacent lots. This would help us to avoid future conflicts under the Farming and Food Production Protection Act (FFPPA).

(2) Property listed under:

Property Roll Number & Description



Referring again to attached Map #1, this property is shown to be in zone “R1” with no “EP” zoning applied.

Mapping displayed at the Shallow Lake presentation showed a proposal to zone part of this Lot as “Inland Lake and Shoreline” and part as “EP”. Again, as part of our discussion with Mr Robinson, he agreed that it would be correct to have the zoning left as “R1” or the new equivalent which is apparently “Secondary Settlement “. The imposition of “EP” or other restrictive zoning without property owner agreement is something that we continue to strongly oppose for reasons stated in previous submissions.

We had further discussions with Mr Robinson regarding the possibility of restrictive zoning being imposed contrary to our objections. One of the suggestions was to assign an “Exemption “ that would be the equivalent of the building envelopes of today, whereby the assignee is given a circumference around the building footprint which is exempted from otherwise restrictive policies.

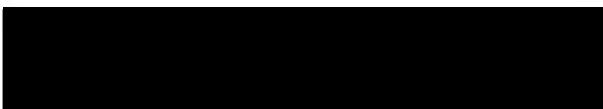
(3) The concept of distinguishing public property from private property in zoning practices has recently been embraced by the Province in the following excerpt from the Greenbelt Plan - 2017 policies - 6. Urban River Valley Policies - 6.2

## **“6.2 Policies**

For lands falling within the Urban River Valley, the following policies shall apply:

1. Only publicly owned lands are subject to the policies of the Urban River Valley designation. Any privately owned lands within the boundary of the Urban River Valley area are not subject to the policies of this designation. For the purposes of this section, publicly owned lands means lands in the ownership of the Province, a municipality or a local board, including a conservation authority.”

In this regard, I would offer that neighbouring lot:





is owned by a conservation authority and would qualify for a zoning/designation under public properties. The person doing the mapping may have correctly intended to designate this lot as EP; not realizing that adjacent lots were private property.

Again, our concerns and reasons for objecting are the same as those voiced by the Grey County Warden and Council when, in 2016, they voted to disband the NEC in order to protect property values.

Sincerely

A solid black rectangular box used to redact the signature of the sender.

[OBJ]

Sent from my iPhone

J. MICHEL.

PROVINCE OF CANADA.

VICTORIA, by the Grace of God, of the United Kingdom of Great Britain and Ireland, QUEEN,  
Defender of the Faith,

TO ALL TO WHOM THESE PRESENTS SHALL COME--GREETING:

Whereas the Lands hereinafter described are part and parcel of those set apart for the use of the Indians; and Whereas We have thought fit to authorize the Sale and Disposal of the Lands hereinafter mentioned, in order that the proceeds may be applied to the benefit, support and advantage of the said Indians, in such manner as We shall be pleased to direct from time to time; AND WHEREAS

*Thomas Pittman of the Township of Kippuk in the County of Grey,*

*Esquire*

hath contracted and agreed to and with Our Superintendent of Indian Affairs, duly authorized by Us in this behalf, for the absolute purchase at and for the price and sum of *Eighteen hundred dollars* of lawful money of Our said Province, of the Lands and Tenements hereinafter mentioned and described, of which We are seized in right of Our Crown.

NOW KNOW YE, that in consideration of the said sum of *Eight hundred dollars* by *him* the said *Thomas Pittman*

and truly paid, at or before the sealing of these Our Letters Patent, We have granted, sold, aliened, conveyed and assured, and by these Presents do grant, sell, alien, convey and assure, unto the said *Thomas Pittman*, his heirs and assigns forever, all that Parcel or Tract of Land, situate, lying and being in the Township of *Kippuk* in the County of *Grey* of Our said Province, containing by admeasurement *one hundred and thirty acres* be the same more or less; which said Parcel or Tract of Land may be otherwise known as follows that is to say: being composed of

*Lot Number Nine in Jones' Range, on the aforesaid Township of Kippuk. — Reserving the alluvium found along the top of the Bank of Colpays Bay and free access to the shore thereof for all vessels, boats and persons.*

Recorded 29<sup>th</sup> June 1867.

*W. H. Russell*

*Asst. Commr. Gen.*

TO HAVE AND TO HOLD the said Parcel or Tract of Land hereby granted, conveyed and assured unto the said *Thomas Pittman*, his heirs and assigns forever; saving, excepting and reserving, nevertheless, unto Us, Our Heirs and Successors, all Mines of Gold and Silver, and the free uses, passage and enjoyment of, in, over and upon all navigable waters that shall or may be hereafter found on or under, or be flowing through or upon any part of the said Parcel or Tract of Land hereby granted as aforesaid.

GIVEN under the Great Seal of Our Province of Canada: WITNESS, Our Administrator of the Government of the Province of Canada and Lieutenant General Commanding Our Forces therein, &c., &c., &c.

At OTTAWA, this *Seventeenth* day of *June* in the year of Our Lord, one thousand eight hundred and sixty-seven, and in the *thirtieth* year of Our Reign.

Ms. No. 3663  
Doc. No. 3863  
L.L.R.

By *Commissioner of the Boundary in Council.*

*E. Parent*  
Asst. Secretary.

*A. Russell.*  
Assistant Commissioner of Crown Lands.

**Lacey-Avon,Stephanie**

---

**From:** Scherzer, Randy  
**Sent:** Monday, March 26, 2018 12:11 PM  
**To:** Lacey-Avon,Stephanie; Taylor,Scott  
**Subject:** FW: [REDACTED] Comments 27 March 2018

FYI

**Randy Scherzer**  
*Director of Planning*  
Phone: +1 519-372-0219 ext. 1237



---

**From:** [REDACTED]  
**Sent:** Monday, March 26, 2018 11:34 AM  
**To:** Scherzer, Randy  
**Cc:** Scribner, Monica; [REDACTED]  
**Subject:** [REDACTED] Comments 27 March 2018

[REDACTED] 27 March 2018

**Re: Recolour Grey - Property Specific Submission**

Attention: Planning Department - Randy Scherzer  
Corporation of the County of Grey  
595 9th Ave East  
Owen Sound, Ontario N4K 3E3

This submission is supplemental to our Recolour Grey Submissions of 12 Oct 2017, 15 Nov 2018, and 05 Feb 2018.

After extensive conversations with County planning staff and other planning consultants, we are submitting the following comments.

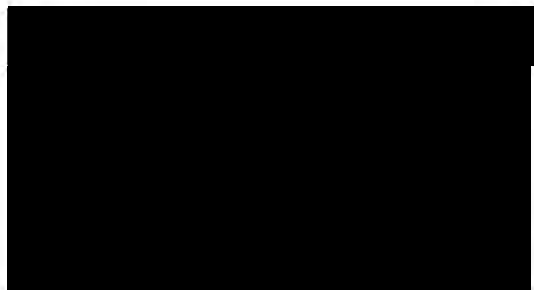
Properties Roll Numbered [REDACTED] and [REDACTED] have been (and continue to be) used for cattle grazing for at least 50 years. Past and present Municipal zoning continues to be "A 2 Restricted Rural". We object to the present planning mapping which indicates that these properties could be designated as "Inland Lake and Shoreline". A "Rural" designation would be the most accurate and appropriate option of imposed designations to limit usage conflict. However, as per our previous submissions, we continue to object to any policy/plan/zoning/designations etc that restrict private property usage above the restrictions included in the Crown Letters Patent or legally expropriated or conveyed since the granting of these patents.

Respectfully

[REDACTED]



Sent from my iPhone



(Email: [Redacted])

15 November 2017

Corporation of the County of Grey  
595 9th Ave East  
Owen Sound, Ontario N4K 3E3

Township of Georgian Bluffs  
177964 Grey Rd. 18, R.R. #3 ,  
Owen Sound, Ontario N4K 5 N5

Attention: Municipal Clerk and Planning Departments

To Whom It May Concern:

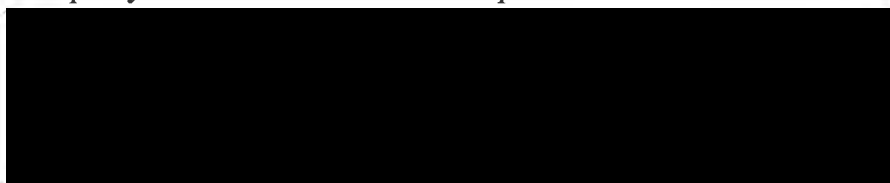
**Re: Recolour Grey - Property Specific Submission**

This submission is supplemental to our Recolour Grey General Submission of 12th October 2017 in which we objected to any policy/plan/zoning/designations etc that restrict private property usage above the restrictions included in the Crown Letters Patent or legally expropriated or conveyed since the granting of these patents.

We recognize the need to formally object to the inclusion of our specific properties in the County of Grey Official Plan.

These properties are as follows:

Property Roll Number & Description	Size
------------------------------------	------



(3)

(4)

(5)

During our 41 years of private property ownership, we have not entered into any written agreement acknowledging our consent to include our private land in any designation, zoning, or official plan proposed by any government or regulatory entity.

### **Denial and Revocation of Consent**

This is to advise you that we do not give consent to have our private properties included within any current or future Official Plan for the County of Grey and/or the Township of Georgian Bluffs without the express and written agreement with ourselves that may be legally registered on the property deed.

Please take notice that we hereby denounce any actions that may have been taken and mistakenly relied upon, by the corporations of the County of Grey, the Township of Georgian Bluffs and Keppel Township, to impose planning, zoning , or designation restrictions on our private properties, under the assumption or guise of "implied consent". We are hereby petitioning those authorities to "act in good faith" by removing all previous designations, zoning, and official planning that have been mistakenly claimed or directed at our properties which are "situate" but in no way "vested "in the aforementioned corporations.

We are requesting the courtesy of a reply within 30 days.

Thank you in advance for your attention and cooperation.

Respectfully,

- 16 NOV 2017

RECEIVED  
NOV 16 2017

To Whom It May Concern:

First of all, if and when this County Official Plan gets approved, (I/we) wish to be **notified** when the County Council will be meeting to either adopt or reject this Official Plan.

Secondly, this letter is to advise you that (I/we) **do not** give CONSENT to have (my/our) private land/property included within your municipal planning area of the County Official Plan. (I/We) have never been approached by the County and/or the local municipality whereby there has been any agreement acknowledging (my/our) consent to including (my/our) private land in any Official Plan.... both in the past and present.

If (my/our) property is currently under any designation, (I/we) want the designation to be removed **forthwith**. If (my/our) property has not been designated, you shall ***cease-and-desist*** from **any** designation on (my/our) private land.

(My/Our) property (s) address and location (is/are):

Civic Address:

Legal Description is: (include the Lot, Con and name of former geographical twp + the current amalgamated name of twp)

(I/We) would like confirmation from you by (30 days from date of this letter) that you have honoured (my/our) request to have our property removed from the municipal planning area of the County Official Plan.

Yours truly,

\_\_\_\_\_ and

\_\_\_\_\_  
(Print & Sign Names of ALL owners for this piece of property)

Street # and Name

**SAMPLE LETTER as Written Submission to Renfrew  
County re Official Plan Amendment #25**

1. If you have joint ownership on your property, be sure to make the request in plural (“our”) and then include all names of the owners as the signing authority for this request
2. The words “**cease-and-desist**” defined as: “A *cease-and-desist* letter provides notice that *legal* action may and will be taken if the conduct in question continues. Such letters are usually written by attorneys and are often sent to stop alleged or actual infringement of intellectual property rights”
3. It states in their Planning Act...”**IF** land in a **municipal planning area** is covered by the Official Plan....” with the key word “**IF**”....that is why the reference in the letter “*removed from the municipal planning area of the Official Plan.*”
4. The request for a response back to the author of the letter is a courtesy with a deadline date of thirty plus days, puts the County on notice that an action to your request is required.

SAMPLE LETTER on reverse side:



(DATE)  
HAND DELIVERED)

(REGISTERED or

County of Renfrew  
9 International Drive  
Pembroke, ON K8A 6W5

**ATTENTION:** County of Renfrew – Warden Peter Emon and County Council; Planning Department,  
Property & Development Committee; plus (name of local municipality)

**Subject:** Renfrew County Official Plan Amendment #25

### **What included in conveyance**

15. (1) Every conveyance of land, unless an exception is specially made therein, includes all houses, outhouses, edifices, barns, stables, yards, gardens, orchards, commons, trees, woods, underwoods, mounds, fences, hedges, ditches, ways, waters, watercourses, lights, liberties, privileges, easements, profits, commodities, emoluments, hereditaments and appurtenances whatsoever to such land belonging or in anywise appertaining, or with such land demised, held, used, occupied and enjoyed or taken or known as part or parcel thereof, and, if the conveyance purports to convey an estate in fee simple, also the reversion and reversions, remainder and remainders, yearly and other rents, issues and profits of the same land and of every part and parcel thereof, and all the estate, right, title, interest, inheritance, use, trust, property, profit, possession, claim and demand whatsoever of the grantor into, out of or upon the same land, and every part and parcel thereof, with their and every of their appurtenances. R.S.O. 1990, c. C.34, s. 15 (1).

### **Application of section**

(2) Except as to conveyances under former Acts relating to short forms of conveyances, this section applies only to conveyances made after the 1st day of July, 1886. R.S.O. 1990, c. C.34, s. 15 (2).

## **Conveyancing and Law of Property Act**

R.S.O. 1990, CHAPTER C.34

**Consolidation Period:** From December 15, 2009 to the e-Laws currency date.

Last amendment: 2009, c. 33, Sched. 11, s. 3.

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# WHOSE LAND IS IT ANYWAY?

Back to first principles in considering the role of municipalities in protecting natural heritage features



In the past few decades, following provincial planning direction, rural municipalities have assumed the front-line role in establishing land use policies to protect natural features through their official plans. As these policies have become more restrictive, rural land owners have sometimes chafed at the collar – and articulated a more basic, first-principles question: whose land is it anyway?

The issue came to a head in a series of public meetings convened recently in Huron County to receive public input on proposed new natural heritage policies. In those meetings, some rural residents came armed with crown patent documents demonstrating that they could trace legal-private control over their lands for over two centuries. In the face of such documentation, and claim of an inherent or constitutional right to manage their lands as they see fit, what

right does a municipality have to impose new, restrictive land use rules that these property owners perceive as dramatically decreasing the value of their property and their use and enjoyment of said property?

It was one of those “why is the sky blue?” moments for county staff, who didn’t have a ready explanation for a proposition that they may have previously taken for granted – the power of municipalities to impose land use rules that directly impact property rights. Rather than ignoring or dismissing a perfectly valid but foundational legal question, the county retained a legal firm to review the matter and provide some answers.

Huron County landowners brought three basic questions forward through their submission on the county’s new natural heritage policies. All three ques-

tions relate to the fundamental underlying tension between private property

**PETER PICKFIELD** has practised exclusively in environmental, municipal, and planning law since his call to the Bar (1986). He regularly represents municipalities and other clients at hearings before the Ontario Municipal Board, other administrative tribunals, and the courts. He also teaches on planning and environmental law at the University of Guelph.

**KATE PROCTER** is a mother of three teenagers and a professional farmer. She holds a Bachelor of Science in Agriculture (’93) and a Masters of Science in Planning (’12), both from the University of Guelph. As well as farming, she has worked as a freelance journalist for 20 years, a consultant, an editor, and an author.

**WAYNE CALDWELL** is Associate Vice-President Research (interim) at the University of Guelph and a Professor in Rural Planning. He is a Registered Professional Planner and is a passionate advocate for the betterment of rural communities. He has served as Chair or President of a number of local, provincial, and national organizations.



Finally, the *Municipal Act, 2001* does not establish an obligation to obtain consent from property owners before establishing the official plan or zoning by-law requirements.



rights and municipal powers to regulate land use. Specifically:

1. Do the Crown Patents for their farms limit the municipality's authority to regulate development on private land with the official plan or zoning by-law?
2. Do other Canadian constitutional documents like the *British North America Act*, the *Canadian Charter of Rights and Freedoms*, or Ontario's key statute governing municipal powers, the *Municipal Act, 2001* provide the authority for a property owner to withhold consent to changes to the official plan or zoning by-laws that affect his or her respective property?
3. If a government authority designates land as "natural environment," is this the equivalent of expropriating land?

A legal opinion on each of these three questions was presented at a well-attended open public meeting. Here are the answers that were presented.

## 1. Crown Patents and Municipal Planning

The first question is related to whether a Crown Patent overrides municipal regulation. By definition, a Crown Patent is a legal document that is used to transfer land held by the federal or provincial government to a private owner. Dating back to the 1790s, a Crown Patent is a common originating document for establishing property rights for privately owned lands. As noted on the Province of Ontario website, a Crown Patent for a property would typically include:

- the name of the person buying the property from the Crown;
- the purchase price;
- a description of the land;

- the date of the patent; and
- any conditions or reservations the patent was subject to when it was issued.

Although there is a commonly held perception in some quarters that Crown Patents override the powers of the government to regulate lands, as explained below, neither applicable legislation, nor the courts, support this.

Canada's central constitutional document, the *British North America Act* (now the *Constitution Act, 1982*) allocates jurisdiction over "property and civil rights" to the provinces. This gives the Province of Ontario broad powers to pass the laws that affect property and associated rights, including laws that regulate land use. The leading court case is the 2012 decision of the Court of Appeal, *R. v. Mackie*,<sup>1</sup> which upheld the principle that the provinces have clear constitutional jurisdiction to legislate with respect to land use. In addition, the court in that case held that the Crown Patent was not designed to limit or reduce the provincial government's powers, but to "make more effectual provision for [the provincial government's] recognized jurisdiction pursuant to the law." Other cases have upheld this well-established principle that a Crown Patent does not supersede a municipality's authority to regulate land use through official plan or zoning by-law.

## 2. Property Rights and the Right to a Veto

The second question landowners asked was whether or not the *Constitution Act, 1982*, the *Canadian Charter of Rights and Freedoms* (the Charter) or Ontario's *Municipal Act, 2001* give property owners rights to simply refuse to consent to the application of official plan or zoning by-laws on their land. Each is discussed below.

The *Constitution Act, 1982* does not establish any protection for private property rights; rather, as outlined above, it

grants the provinces broad constitutionally-enshrined powers to pass laws that regulate private property rights.

With respect to the Charter, there is no question that the individual rights protected under that constitutional document apply to legislative and regulatory action by the provincial government, which include property rights legislation. As previously noted, provinces have delegated to municipalities their authority to legislate regarding property rights. Therefore, municipal zoning by-laws cannot infringe on a person's rights under the Charter.

The Charter itself, however, does not establish property right protections. In a 2003 Ontario Municipal Board (OMB) case, the court stated that, although the Charter can be applied to the *Planning Act* and its applications before the OMB, it contains no express provision protecting private property rights. The Canadian Bill of Rights, in contrast, does protect individuals' rights to enjoy their property; however, this protection only applies to areas of federal jurisdiction and does not extend to provincial laws such as Ontario's *Planning Act*. As noted previously, the *Constitution Act, 1982* granted the provinces broadly enshrined powers to pass laws that regulate private property rights. This principle has been affirmed in a number of court decisions.

Finally, the *Municipal Act, 2001* does not establish an obligation to obtain consent from property owners before establishing the official plan or zoning by-law requirements. In fact, the *Municipal Act, 2001* has no bearing on this issue. While the *Municipal Act, 2001* allocates a broad range of regulatory and administrative decision-making powers to Ontario municipalities, the municipal decision-making authority under consideration in this case is established in accordance with the *Planning Act*. Further, neither the *Planning Act* nor any other statute requires

1 *R. v. Mackie*, 2012 O.J. 4718.

property owners' consent for municipal planning decisions. Municipalities are not only empowered to make such decisions, they have an obligation to do so in the exercise of their responsibilities under the *Planning Act*.

If a member of the public or property owner wishes to challenge a municipal planning decision, they must appeal through the OMB. However, the right of appeal is restricted to appeals based on valid planning grounds. An assertion of property rights alone is not sufficient to launch an appeal.

### 3. Do Planning Restrictions Expropriate Property Rights?

The third question asks if when government authority designates lands for environmental protection purposes, this is the equivalent of expropriating the land?

There is no question that the implementation of official plan policies and zoning requirements to more rigorously protect environmental features and sys-

tems – as proposed in the Huron NHP implementation strategy for Huron's natural heritage policies – has the potential to impose additional restrictions and requirements on the use of private lands by property owners. This is not unusual as municipal planning requirements evolve to comply with new provincial policies and best land use practices. It is well established in law, however, that such restrictions do not constitute "expropriation of property" rights that would impose on the municipality an obligation to compensate property owners.

"Downzoning" refers to a change in zoning to reduce the amount of permitted development on that land. Case law confirms that a municipal decision to effectively reduce property rights through "downzoning" does not constitute a de facto "expropriation of property rights," nor does it trigger an obligation on the part of the municipality to compensate the land owner.

If, however, the purpose of the "downzoning" is a "public purpose,"

such as establishing a park or community trail, the municipality must show an intention to expropriate that land. Accordingly, the property owner in such a case is likely entitled to compensation through the expropriation process. But, if a municipality has downzoned land without any intention to use it for a public purpose, the property owner is not entitled to any compensation.

### The Upshot

In summary, our legal system does not hand any trump cards to landowners: there are no historical legal documents or constitutional vetoes to shelter under, and no compensation rights to be claimed in the face of increasingly rigorous municipal planning policies and regulations restricting property use. What is available, however, is the right to have the decision reviewed. The appeal, however, must be based on rational planning grounds, not simply a claim of the higher power of property ownership. **MW**

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AND LAND-DEVELOPMENT  
EXPERTISE**

<b>Steven O'Melia*</b> 519.593.3289 somelia@millerthomson.com	<b>David Tang</b> 416.597.6047 dtang@millerthomson.com
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\*Certified Specialist, Municipal Law  
(Local Government/Land Use Planning  
and Development)

  
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• KITCHENER/WATERLOO • GUELPH • OTTAWA • VAUGHAN • MARKHAM • MONTREAL

**Henderson,Kelly**

---

✓ Response by KH  
738 # Entered in Spreadsheet  
✓ Summarized (comment chart)

**From:** [REDACTED]  
**Sent:** November-23-17 4:27 PM  
**To:** Scherzer, Randy; Henderson,Kelly  
**Cc:** [REDACTED]  
**Subject:** Recolour Grey - property specific submission  
**Attachments:** Notice of Non Consent.pdf; ATT00001.htm; attachment 1.pdf; ATT00002.htm

Re- Recolour Grey -Property Specific Submission

[REDACTED]  
November 23, 2017

At a meeting with Grey County Director of Planning and Development on 16th November 2017, we delivered the attached (Appendix "A") Recolour Grey - Property Specific Submission .

The purpose of the submission was to give formal notice of our objection to: any policy/plan/zoning/designations etc. that restrict our private property usage above the restrictions included in the Crown Grants /Letters Patent or restrictions which were legally expropriated or conveyed since the granting of these Letters Patent.

During our discussion, we were given the opportunity to read an article published in **Municipal World** magazine, dated July 2017, titled "Whose Land Is It Anyway", by Peter Pickfield. This article addressed 3 questions concerning:

- (1) Crown Patents and Municipal Planning
- (2) Property Rights and the Right to a Vito
- (3) Do Planning Restrictions Expropriate Property Rights?

Attached as appendix "B" is a November 2016 research paper titled:

**Response To "The Huron County Water Protection Legal Opinion."**

Included with this paper is an addendum containing the Lynch V St.John's decision from the Supreme Court of Newfoundland and Labrador Court of Appeal.

This research paper is a direct response to the Pickfield opinion with the benefit of being further supported by the Lynch V Saint John 's ruling.

We are hoping this information will help the Planning Staff to validate, support, and forward our position to the Warden and Council.

We would sincerely appreciate your feedback and welcome the opportunity to support the Warden and County in protecting our property values and the County tax base.

Appendix A:



15 November 2017

Corporation of the County of Grey  
595 9th Ave East  
Owen Sound, Ontario N4K 3E3

Township of Georgian Bluffs  
177964 Grey Rd. 18, R.R. #3 ,  
Owen Sound, Ontario N4K 5 N5

Attention: Municipal Clerk and Planning Departments

To Whom It May Concern:

**Re: Recolour Grey - Property Specific Submission**

This submission is supplemental to our Recolour Grey General Submission of 12th October 2017 in which we objected to any policy/plan/zoning/designations etc that restrict private property usage above the restrictions included in the Crown Letters Patent or legally expropriated or conveyed since the granting of these patents.

We recognize the need to formally object to the inclusion of our specific properties in the County of Grey Official Plan.

These properties are as follows:

Property Roll Number & Description	Size
------------------------------------	------

(1)	
1	

(2)	
2	



(3)

(4)

(5)

During our 41 years of private property ownership, we have not entered into any written agreement acknowledging our consent to include our private land in any designation, zoning, or official plan proposed by any government or regulatory entity.

### **Denial and Revocation of Consent**

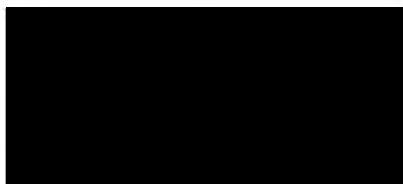
This is to advise you that we do not give consent to have our private properties included within any current or future Official Plan for the County of Grey and/or the Township of Georgian Bluffs without the express and written agreement with ourselves that may be legally registered on the property deed.

Please take notice that we hereby denounce any actions that may have been taken and mistakenly relied upon, by the corporations of the County of Grey, the Township of Georgian Bluffs and Keppel Township, to impose planning, zoning , or designation restrictions on our private properties, under the assumption or guise of "implied consent". We are hereby petitioning those authorities to "act in good faith" by removing all previous designations, zoning, and official planning that have been mistakenly claimed or directed at our properties which are "situate" but in no way "vested "in the aforementioned corporations.

We are requesting the courtesy of a reply within 30 days.

Thank you in advance for your attention and cooperation.

Respectfully,



**Scribner, Monica**

✓ Response by MS  
675 # Entered in Spreadsheet  
✓ Summarized (comment chart)

**From:** Scribner, Monica  
**Sent:** Friday, October 20, 2017 9:19 AM  
**To:** Recolour Grey  
**Cc:** [REDACTED]  
**Subject:** FW: Recolour grey official plan - comments from [REDACTED]  
**Attachments:** 2014 40 A PLANNING ONTARIO THE HISTORY AND THE INTENT.pdf; ATT00001.htm; ATT00002.htm

Update:  
Spoke to [REDACTED] and they would like to be added to the list for updates at their [REDACTED] address:

[REDACTED]  
[REDACTED]  
[REDACTED]

Appendix A at back of binder (comment 675)

☺ Monica

**Monica Scribner**

*Administrative Assistant - Planning Department*  
Phone: +1 519-372-0219 ext. 1232



**From:** [REDACTED]mailto:[REDACTED]  
**Sent:** Thursday, October 12, 2017 9:01 AM  
**To:** Recolour Grey  
**Cc:** [REDACTED]  
**Subject:** Recolour grey official plan - comments from [REDACTED]

Re: ReColour Grey - General Submission

Having attended the Recolour Grey meeting at the township office of Georgian Bluffs we are submitting the following observations, concerns, and suggestions.

Firstly, we commend the County for mailing notices of the planning process along with property tax billings. We have been Grey County property owners for 41 years. This is the first time we recall being contacted to meet with planning officials concerning planning/rezoning that may affect our private property. We appreciate the opportunity to be involved, rather than finding out "after the fact" that "implied consent" had been used to pass planning and regulation.

After a brief but contentious opening to the meeting, a number of good suggestions were presented to reach long term goals in housing, employment, healthcare, transportation, and education etc. These initiatives seem to be accepted and welcomed by the majority. It was apparent that the planning staff had already considered most of the suggestions.

We personally agree that the County could and should implement most of the recommended initiatives on public lands owned by the corporations of Grey County and Georgian Bluffs. We strongly object to any

policy/plans/zoning/designations etc. that restrict private property usage above the restrictions included in the original Crown Land Patents or legally expropriated or conveyed since the granting of these patents.

In support of our objection, we would like to comment on the initial contentious tone of the meeting, which was focussed on the following issues:

Recolour Grey handouts stated that “ official plans must be consistent with Provincial Policy Statements and conform to Provincial Plan such as the Niagara Escarpment Plan. “

One constituent voiced concern that the meeting was “a waste of time “if Georgian Bluffs and Grey Councils could not and would not argue on behalf of private property owners.

We empathize with planning staff who were told that they had no alternative but to accept what was dictated by the provincial policy statement. In fact, we do know that Grey Council do have alternatives as demonstrated by their handling of the NEC in 2016/2017. The warden and counsel had the courage to vote twice to disband the NEC. Their action was most certainly counter to provincial policy. The council received huge public support and were successful in preventing the NEC from expanding by thousands of hectares in Grey County . We feel certain that without Grey County’s objections and leadership, that all of the Ontario County’s would have suffered from NEC expansion. Their actions demonstrated that it is possible to successfully push back on provincial policy. Council members are elected to represent their constituents concerns TO upper tier government – not to act as messengers FROM upper tier governments.

Private property matters.

Additional concerns voiced at the meeting centred around what effects the proposed official plan would have on private property. The concerns are basically the same concerns that were raised by Grey Council and private property owners in objection to the NEC.

Primary objections were:

- More layers of permitting required from government agencies
- greater cost of required permits
- greater time to acquire permitting
- more restrictions on land usage
- resulting in lowered values on affected properties
- resulting in less tax on the value of the affected properties
- which results in higher taxes on remaining properties to make up for the shortfall.

We along with many other Grey County residents worked hard to support Grey Council in the effort to prevent NEP expansion. However, it has now come to our attention that the Recolour Grey plan may inflict many private property owners with various zoning/designation changes and property devaluation that would have resulted from the NEP expansion.

Attached as appendix A is a research document titled Planning Ontario: The History and The Intent. This paper supports our objection to zoning or designations made on our private property without our express written consent. It is a 2014 legal research paper that we encountered during our efforts to support Grey Council’s objection to the NEC. This document appears to be well researched, referenced, and written. If any of the information contained is found to be erroneous or misleading, please advise us so that we may be better informed. We are including the paper in its entirety so that we will not be suspect of taking things out of context. Grey County planning staff suggested supplying lots of documentation to support our position, which I am also hoping will become their position. You also may find that any material not specifically referenced to be interesting if not instructive.

Some pertinent highlights of the document are:

Page 2 - executive summary explaining that Provincial Plans are putting municipal staff in a precarious position if they are followed as dictated by the Province.

Pages 19 and 20 explain that “Provincial Lands” are either

(A) “vested ”in the province – meaning owned by the corporation of the province  
OR

(B)“situate "in the province - meaning located but not necessarily owned by the province – as in privately owned property

Page 40 explains why there is no authority for municipalities to designate or zone private property unless the owner has granted that authority to The municipality and registered the granting on the deed.

Attached as appendix B is a recent newspaper release about a 2016 court case (Lynch vs St. John's) in which the court supported private property rights as entrenched in Crown Land Patents. The basic ruling said that restrictive zoning/regulations imposed upon a private property owner ( against his wishes and without written consent on title ) amounted to an expropriation by government. This ruling (appeal denied by the Supreme Court) supports the premise that the government must own or acquire property before it can impose unwanted zoning/regulations.

We are aware of various federal and provincial legislation stating that:

(A) – Provincial legislation is subject to superior legislation if it is in conflict with the superior legislation.

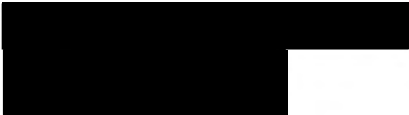
(B) – elected council officials and staff are obliged to uphold existing laws.

Considering the information supplied, we are suggesting that Georgian Bluffs and Grey County Councils have a reasonable argument to object to provincial policies that appear to run contrary to supreme court decisions. At the very least it would be prudent to confine the official plan to properties and programs owned by the county/municipality. We would be happy to help the County and Municipal Councils garner more public support if they are willing to further our position. I am certain it would be immensely popular with private property owners and appropriately reflected at the ballot box.

Again to summarize our submission:

We object to any policy/plan/zoning/designations etc. that restrict private property usage above the restrictions included in the crowned land patents or legally expropriated or conveyed since the granting of these patents.

Respectfully submitted for your information, consideration and action.

  
P.S. - Please keep us updated on the progress of the Recolour Grey plan.

**Scribner, Monica**

---

**From:** Scherzer, Randy  
**Sent:** Monday, October 17, 2016 12:42 PM  
**To:** [REDACTED]  
**Cc:** Recolour Grey  
**Subject:** Recolour Grey - County Official Plan Review

Hi [REDACTED]

It was good to chat with you.

As mentioned, the County is in the process of doing a review of the current County Official Plan. We anticipate that the update won't be adopted until late next year. In the meantime, I would encourage you to submit comments about the settlement boundary matter we discussed as well as any other comments that should be considered as part of the Official Plan. You can email comments to [recolour@grey.ca](mailto:recolour@grey.ca) or [planning@grey.ca](mailto:planning@grey.ca)

On this website you will see links to contact information, a sign-up page to receive future notifications, etc.

<https://www.grey.ca/planning-development/recolour-grey>

If you have any questions, please do not hesitate to contact us.

Best regards,  
Randy

**Randy Scherzer**  
*Director of Planning*  
Grey County  
595 9th Avenue East  
Owen Sound, ON N4K 3E3  
Phone: +1 519-372-0219 ext. 1237  
Fax: +1 519-376-7970  
[Randy.Scherzer@grey.ca](mailto:Randy.Scherzer@grey.ca)  
<http://www.grey.ca>  
<http://www.visitgrey.ca>  
<http://www.greyroots.com>



Re: ReColour Grey - General Submission

Having attended the ReColour Grey meeting at the township office of Georgian Bluffs we are submitting the following observations, concerns, and suggestions.

Firstly, we commend the County for mailing notices of the planning process along with property tax billings. We have been Grey County property owners for 41 years. This is the first time we recall being contacted to meet with planning officials concerning planning/rezoning that may affect our private property. We appreciate the opportunity to be involved, rather than finding out "after the fact" that "implied consent" had been used to pass planning and regulation.

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- resulting in lowered values on affected properties

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OCT 12 2017

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Respectfully submitted for your information, consideration and action.



P.S. - Please keep us updated on the progress of the Recolour Grey plan.



[REDACTED]  
Recolour Grey-general submission  
Appendix B

## Lynch vs St John's

For those concerned with property rights there has been a huge win, with ramifications across the entire Nation. In Newfoundland (2016), the Lynch Family challenged the City of St. John's designations on their property, and the Lynch Family won, leaving the City to pay for an expropriation. The City of St. John's appealed to the Supreme Court of Canada and the highest Court in the Land would not hear the appeal, therefore the Appeal Court of Newfoundland's ruling stands.

The Lynch's Lawyer, Michael Crosbie, is quoted as saying:

*"It all revolves around a property owner's right to develop land in a watershed area, and whether the city is effectively expropriating land without compensation when it denies all means of usage. The highest court in this province believes that to be the case, and it could change the way the city deals with property located in sensitive areas like watersheds."*

This case also brought in the Lynch's Crown Grants/Letters Patent – which again, is a huge step forward for those concerned about private property rights in Canada. The Judge states:

*"Having the property rights flowing from a Crown grant, with virtually unrestricted rights to build and to appropriate and use groundwater, transformed to merely a right to keep the land "unused in its natural state," results in ... all ... incidents of*

*ownership being taken away. All of the reasonable uses ... were taken away and a ...constructive expropriation, resulted."*

The case also explains that an entity cannot interfere with your water. As stated in the case:

*[56] To properly appreciate whether anything has been ... acquired ..., we have to consider the nature of groundwater. At common law, groundwater was described as "water percolating through underground strata, ... has no certain course and no defined limit, but oozes through the soil in every direction in which the rain penetrates" ... Underground streams flowing in a definite channel also fall within the classification of groundwater*

*... [57] The common law distinguishes between rights applying to groundwater and riparian rights applying to watercourses "in which water flows in a fairly regular manner in channels between banks that are more or less defined": ... owners of lands abutting a watercourse to a right of access to water and the right to prevent flooding. ... Also, riparian owners are entitled to have water reach their lands substantially undiminished in quality."*

Therefore with the Lynch's Crown Grant, the Lynch's common law water rights, and the Lynch's private property rights were upheld with this being an expropriation. This is something the municipalities and the Conservation Authorities must pay heed to. Thank you to the Lynchs' and their legal team!

## Overview of Land Rights:

Whose Land is it Anyway? By Peter Pickfield, Kate Procter and Wayne Caldwell:

- By definition a crown patent is a legal document that is used to transfer land held by the federal or provincial government to a private owner.
- Although there is a commonly held perception in some quarters that Crown Patents override the powers of the government to regulate lands, as explained below, neither applicable legislation, nor the courts, support this.
- Canada's central constitutional document, the British North America Act (now the Constitution Act, 1982) allocates jurisdiction over "property rights" to the provinces. This gives the Province of Ontario broad powers to pass the laws that affect property and associated rights, including laws that regulate land use.
- Cases have upheld this well-established principle that a Crown Patent does not supersede a municipality's authority to regulate land use through official plan or zoning by-law.
- The Constitution Act, 1982, does not establish any protection for private property rights; rather, as outlined above, it grants the provinces broad constitutionally-enshrined powers to pass laws that regulate private property rights
- Municipal zoning by-laws cannot infringe on a person's rights under the Charter
- The Charter itself, however, does not establish property right protections
- The Canadian Bill of Rights, in contrast, does protect individual's rights to enjoy their property; however, this protection only applies to areas of federal jurisdiction and does not extend to provincial laws such as Ontario's Planning Act.
- The Municipal Act, 2001 does not establish an obligation to obtain consent from property owners before establishing the Official Plan or zoning by-law requirements
- While the Municipal Act, 2001 allocates a broad range of regulatory and administrative decision-making powers to Ontario municipalities, the municipal decision-making authority under consideration in this case is established in accordance with the Planning Act
- Neither the Planning Act nor any other statute requires property owners' consent for municipal planning decisions
- Municipalities are not only empowered to make such decisions, they have an obligation to do so in the exercise of their responsibilities under the Planning Act
- In terms of natural heritage – imposing additional restrictions (i.e. natural heritage) is not unusual as municipal planning requirements evolve to comply with new provincial policies and best land use practices. It is well established in law, however, that such restrictions do not constitute "expropriation of property" rights that would impose on the municipality an obligation to compensate property owners.
- "Downzoning" refers to a change in zoning to reduce the amount of permitted development on that land. Case law confirms that a municipal decision to effectively reduce property rights through "downzoning" does not constitute a de facto "expropriation of property rights", nor does it trigger an obligation on the part of the municipality to compensate the land owner.

- If however, the purpose of the “downzoning” is a “public purpose”, such as establishing a park or community trail, the municipality must show an intention to expropriate that land. Therefore, the landowner is likely entitled to compensation through expropriation.
- If a municipality has downzoned the land without any intention to use it for a public purpose, the property owner is not entitled to any compensation
- Our legal system does not hand any trump cards to landowners: there are no historical legal documents or constitutional vetoes to shelter under, or compensation rights to be claimed in the face of increasingly rigorous municipal planning policies and regulations restricting property use.
- However, there is the right to have the decision reviewed, i.e. OMB, but the appeal must be based on planning grounds and not simply a claim of the higher power of property ownership.

Merla and Vaughn Johnstone:

- Personally agree that the County could and should implement most of the recommended initiatives on public lands owned by the corporations of Grey County and Georgian Bluffs
- We strongly object to any policy/plans/zoning/designations etc. that restrict private property usage above the restrictions included in the original Crown Land Patents or legally expropriated or conveyed since the granting of these patents.
- NEC example, as example of the County standing up to the Province and the PPS
- Council members are elected to represent their constituents concerns to upper tier government – not to act as messengers from upper tier government
- Primary Objections noted at the meeting:
  - More layers of permitted required from government agencies
  - Greater cost of required permits
  - Greater time of acquire permitting
  - More restrictions on land usage
  - Resulting in lowered values on affected properties
  - Resulting in less tax on the value of the affected properties
  - Which results in higher taxes on remaining properties to make up for the shortfall
- Planning Ontario: the History and the Intent. This paper supports our objection to zoning or designations made on our private property without our expressed written consent
- Lynch vs St. Johns –The court supported private property rights as entrenched in Crown Land Patents - ruling said that restrictive zoning/regulations imposed upon a private property owner (against his wishes and without consent on title) amounted to an expropriation by government. This ruling (appeal denied by the Supreme Court) supports the premise that the government must own or acquire property before it can impose unwanted zoning/regulations
  - It all resolves around a property owner's right to develop land in a watershed area, and whether the city is effectively expropriating land without compensation when it denies all means of usage. The highest

court in the Province believes that to be the case, and it could change the way the city deals with property located in sensitive areas like watersheds.

- It is prudent to confine the OP to properties and programs owned by the County/Municipality

#### Ontario Landowners Association – Planning Ontario: The History and the Intent:

- As for designation, there could be no designation unless the municipality purchased the land, developed the land and then zoned the land for use of it. As for designation, there could be no designation unless there had been dedication by grant in deed, registered against the title, for the use of the public, by a private owner.
- OP's are placing municipal councils and staff in very precarious positions, as these plans can be considered trespass, a violation of superior documents and a violation of the constitutional rights of the people
- The protection of private property is also supported by your right of contract without government interference
- Magna Carta is the foundation of all government throughout the British commonwealth and also the foundation for the protection of private property rights with limitations on the crown and government.
- There are a number of documents that make up our constitution, including, but not limited to: Magna Carta, the petition of rights 1628, the statute of Monopolies 1623, the abolition of the star chamber act 1641, act for the limitation of forests 1641, the bill of rights act 1689-90, the corporation oath act 1689-90, the settlement act 1689-90, the nullum tempus act 1769, etc.
- Under section 3 of the planning act, the PPS is enacted. Under this document, there is a statement of "the PPS provides policy direction on matters of provincial interest related to land use planning and development". Provincial interests only involve what belongs to the province as a "quasi corporation", and does not involve the private right, title or interest established in private property.
- Municipalities are created by the people for the benefit of the people and not the provincial interest, other than the collection of taxation
- Lands which had been already granted by the Crown and were at the time of the Union in the grantees thereof, or in their heirs or assigns, cannot with any degree of propriety be said to have been lands belonging to the several provinces and the union
- The province and municipal corporations are only to license and it is not meant to create massive regulation it is merely to license shops, taverns, saloons and auctioneers (but not meant to restrict them in terms of the function of their business)
- Is property rights weren't so protected there wouldn't be a need for an Expropriation Act
- Law schools are not preparing lawyers properly
- And the taking of private property for public uses also involves interfering with the private property owner's ability to use his or her property as they see fit
- Any legislation any by-law prescribing a use condition, which is not reserved in the letters patent at the time of issuance is an expropriation

- Example of municipal control: town of Goderich conveyed land to Huron and Bruce counties land for a court house and public offices
- Municipalities have been threatened that funds will be withheld if they do not intact official plans
- Under section 4 of the Municipal Act, municipalities, either upper or lower tier, are merely corporations and under section 4.2 they do not have to subscribe to the corporations act or the corporations information act.
- Municipalities are like a 'natural person' and it must be understood that a 'natural person' cannot commit trespass on to another's private property as expressed in the criminal code of Canada. This includes trespass of creating by-laws that violate a private property owners right to use his/its property as they see fit
- Under section 5 "powers exercised by council", subsection 3 states that municipal corporations can only create by-laws in the same capacity and under the same power as natural person could, meaning that a natural person can only create "by-laws" or have authority over what belongs to that person (section 9 municipal act)
- Section 9 of the municipal act – a municipality only has the same rights, capacity, privileges or authority/power as a person
- The Crown does not have any right, title or interest in private property ergo, it cannot demand that private property be designated/zoned or a private property owner to do or not do something on or with their property
- The "zoning" under the planning act is not applicable to the private property owner, neither is the building code
- Section 25 of the Planning Act states if there is an OP a municipality must acquire land to place the property/asset within the municipality or make the property belong to the municipal corporation prior to zoning under section 34
- Building code was established for construction where government has some form of financial input and responsibility (construction that was paid for by the people met standards)
- PPS and Greenbelt Plan are completely overlapped
- Both of these plans do not protect the agricultural community and do not allow farmers to be viable (i.e. retirement or succession planning)
- The planning act restricts any implementation of designation and control onto properties that have been acquired by the municipal corporations
-

**Lacey-Avon,Stephanie**

---

**From:** Lacey-Avon,Stephanie  
**Sent:** Wednesday, January 31, 2018 9:04 AM  
**To:** [REDACTED]  
**Subject:** RE: new Grey County OP

Hi [REDACTED]

We have just released the draft of our new official plan about 2 months ago. The "draft" OP that you may have been reading was potentially in fact our current OP or you may be referencing some of the preliminary discussion papers we released on the process. In any case, we're pleased that this new policy if accepted by the province would accommodate your specific interest.

Please keep apprised of the process through our webpage: <https://www.grey.ca/programs-initiatives/recolour-grey>

Near the bottom of the webpage you can sign up for recolour grey specific notifications.

We are in the middle of meeting with members of the public, provincial bodies and consultants on our current draft. A new rendition of our draft will be released following that and we will present to council for plan adoption.

Thanks again for your inquiry.

**Stephanie Lacey-Avon**

*Planner*

Phone: +1 519-372-0219 ext. 1296



**From:** [REDACTED]  
**Sent:** Tuesday, January 30, 2018 8:38 PM  
**To:** Lacey-Avon,Stephanie  
**Subject:** Re: new Grey County OP

Hello Stephanie,

Thank you for this information. I am pleasantly surprised by the second category outlining a potential agricultural severance < 40 hectares. I was of the impression this was off the table with the draft version of the GCOP that I reviewed last year.

What happened over the course of the past year to bring this forward?

[REDACTED]

On Tue, Jan 30, 2018 at 9:18 AM, Lacey-Avon,Stephanie <[Stephanie.Lacey-Avon@grey.ca](mailto:Stephanie.Lacey-Avon@grey.ca)> wrote:

Hi 

Thanks for reaching out to the planning department with your inquiry.

Our current Official Plan policies regarding lot severance in Agricultural lands include the following:

(1) A consent for one lot may be permitted provided the original farm parcel is a minimum of 40 hectares and no lot creation has been provided for in the past. The creation or acquisition of a lot by a public body (e.g. for a road deviation) will not be considered as a previous severance providing this does not result in an additional remnant lot. The options for a consent would be:

(a) One lot severed to create a farm parcel of generally 40 hectares in size, provided the Development Criteria of Section 2.1.3 has been satisfied, or

(b) Where a residence is deemed surplus to a farm operation as a result of farm consolidation, provided that:

- The owner of the lands to be severed is a 'bona fide farmer'. For the purposes of this policy, the 'bona fide farmer' must have a Farm Business Registration number. A 'bona fide farmer' shall be defined as to include a limited company, sole proprietorship, incorporated company, numbered company, partnership and other similar ownership forms;
- The lot proposed for the residence and buildings surplus to the farming operation shall be limited in area and shall only be of sufficient size to



accommodate the residence surplus to the farming operation, accessory buildings (where including accessory buildings does not render the lot excessively large), a well and a sewage disposal system, while ensuring that as little land as possible is removed from the agricultural lands;

When relating the above policies to your property (~60 ha), the only possible route to sever a parcel would be if you are considered a 'bona fide farmer' and you are considering your place of residence surplus to your farming operations.

We recognize these policy options can be fairly limiting for farmers if they are simply looking to downsize. A proposed new policy as part of our draft Official Plan aims at trying to accommodate another scenario for agricultural land severances.

The following draft policy would assist you in achieving a smaller severance than the previously required 40 ha, provided you accompany the application with:

2) In the Agricultural land use type, newly created farm lots should generally be 40 hectares (100 acres) in size, in order to reduce the breakup of farmland. It is not intended to prevent the creation of smaller farms appropriate for the type of agricultural use(s) common in the area, or for a new type of agricultural use, that is big enough to maintain flexibility for future changes in the type or size of agricultural operation. Where a severance is proposed to create a smaller farm lot, an official plan amendment will not be required, but a report is required by a qualified professional that must address the following criteria;

- a) Agriculture must be the proposed use of both the severed and retained lots;
- b) A farm business plan is required to be submitted demonstrating the viability of the severed and retained uses for the types of farm operations proposed;
- c) It must be demonstrated that both the severed and retained lots will be economically viable and flexible to respond to economic change. The applicant must provide information necessary to evaluate the viability of the new farming operations on the parcels of land. Information pertaining to the scale and nature of the operation, projected revenue, expenses, financing, soil quality, water quality and quantity, and any other viability criteria relevant to the proposal must be provided to the satisfaction of the County, in consultation with the Province;
- d) It must be demonstrated that nearby lots of similar size and farm capability to the proposed lots are not available and suitable for the intended agricultural use;
- e) The suitability of both the severed and retained lots should be assessed based on;
  - the type and size of agricultural operations common in the area or to the type of agricultural operation proposed, or

- a demonstration that a new viable form of agriculture is suitable for the area and lot sizes proposed;
- f) It must be demonstrated that both the severed and retained lots remain sufficiently large to permit a change; in the agricultural product produced, an adjustment in the scale of operation, diversification or intensification; and,
- g) Both the severed and retained lot must comply with Provincial Minimum Distance Separation Formulae (MDS).

Another option you currently have and will have following our Official Plan review includes Secondary Suite (e.g. accessory apartment) development. I have attached an information sheet that detail the type of development that would be considered a secondary unit. These are offered as an opportunity for land owners to create additional living quarters on their property.

If there are any areas you want to discuss further, please contact me.

Thank you

**Stephanie Lacey-Avon**

*Planner*

Phone: +1 519-372-0219 ext. 1296



**From:** [REDACTED]

**Sent:** Monday, January 29, 2018 12:51 PM

**To:** Taylor, Scott

**Subject:** new Grey County OP

Hello Scott,

I've had a few meetings with local planner Clinton Stredwick about this, however I wanted your opinion on the matter as well, particularly in lieu of the Grey County Official Plan (GCOP) review.

We have a 154 acre farm at the following address:

[REDACTED]

[REDACTED]

We are exploring various severance scenarios in an effort to downsize and explore living arrangements for one or more of my adult children who are interested in living near us while continuing farming. Are there any provisions in the renewed GCOP that might allow for a severance, resulting in two land parcels that might help us with our needs, while respecting the agriculture zoning of the land?

If it's more convenient to discuss this directly, you can reach me at:

[REDACTED]

Or, perhaps a site visit would help you visualize what we wish to explore.

Thank you,

[REDACTED]

What would you like your community to look like in the next 5, 10, or 20 years?

What do you like about your community? What is missing?

What I like about my community<sup>me</sup> is allot of  
parks and I like the way it's organized  
but what's missing is a trampoline park cause  
we always have to drive far.

Additional comments:

N/A Response by \_\_\_\_\_  
102 # Entered in Spreadsheet  
✓ Summarized (comment chart)

Name (optional)

Phone/email (optional)

## COMMENTS ON RECOLOUR GREY UPDATE: DRAFT OFFICIAL PLAN

1. The updated mapping is excellent – will avoid confusion. The inclusion of NHS-identified areas is a great addition to the Plan.

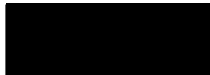
2.a) The Adjacent Land setbacks listed on p.85 are misleading. They are not SETBACKS. They are the STUDY AREAS required to be evaluated for negative impacts on the ecological functions of the natural feature (see PPS section 2.1.8). The evaluations/assessments are currently performed by the proponent/ developer and, in our experience, the resulting setbacks are a fraction of those distances. The current practice of Grey County is to hire their own peer reviewer [We have recommended changes to this process per 2.c below]

2.b) The programs for establishing setbacks should apply equally to NHS-identified areas as well as Provincially Significant areas and should be consistent with the PPS and NHRM approach. This goes beyond the provisions of the PPS but the PPS allows such additional protection on page 3 in the section titled Policies Represent Minimum Standards and Relationship with Provincial Plans. It is our impression that the policies and provisions in this current draft OP go not go beyond the level of protection offered by the PPS and Planning Act. Is this correct? If not, please elaborate.

2.c) We have been recommending that environmental reviews of new developments must be done by an independent body such as the Conservation Authority. Independence is required due to the large degree of judgment and opinion involved in determining potential environmental harm. This is not an exact science and independence is crucial. At the very least, the peer review should be done by the CA and the municipality must be obliged to accept the recommendations from this review.

3. Linkages are important. The county needs to develop convincing arguments for these measures because many landowners may be inclined to reject the idea. It must be shown that it is in the best interest of the landowner.

4. It would seem to be more efficient and accurate to refer to certain sections of the PPS instead of trying to paraphrase them. Examples are in pages 90/91 section 6.4 and 6.5.



**Lacey-Avon,Stephanie**

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✓ Response by Scott  
738 # Entered in Spreadsheet  
✓ Summarized (comment chart) —

**From:** [REDACTED]  
**Sent:** Friday, February 16, 2018 8:12 PM  
**To:** Recolour Grey  
**Subject:** Wetlands

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

**Categories:** Red Category

Hello All,

Thank you for listening to my ideas and opinions on the Draft Official Plan last Wednesday. In addition to its readability, I wanted to add that the readability makes the document more interesting to read. Still at it....

I would like to return to the subject of the Wetlands. I wanted to determine more precisely the relationship between land use planning and the ARA on the protection of the Environment. In this case, my interest is Wetlands (PSW and local ones).

What I understand is that the County's OP is cognisant of the requirements of the ARA as it pertains to land use decisions -. that proponents must satisfy those policy mandates relevant to their proposals which are under the ARA.

I did question whether or not *transportation* would have any acknowledged impact on the Environment in the OP. I'm pretty sure it does in the ARA. Specifically of course if a proposed haul route is adjacent to Wetlands as in the case of the proposed Bumstead Pit.

Questions:

1. How will the new OP ride in tandem with the ARA if the ARA wants, for example, mitigation measures to protect the Wetlands from contamination: fuel spills, diesel emissions and habitat destruction as necessary inclusions if transportation is indeed a recognized impact. (if the following answers yield something to go on)
2. Could you confirm that Wetlands are substantively under the umbrella of "Environment" so far as the OP relates Wetlands to Environment? Sometimes the terms of "Environment" experience broad meanings as well as narrow ones.
3. There are policy statements in the ARA which address the interests of protecting the Environment along a haul route. I wonder if that would then include Wetlands if #2 is "yes"? Then how would the OP respond to #1? Is this maybe a question for Jason McLay at the MNRF? I want to be careful not to confuse interests under the Planning Act and the Aggregate Resources Act. Very easy to confuse them.....

Thanks for your patience.



Lacey-Avon, Stephanie

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**From:** [REDACTED]  
**Sent:** Monday, February 5, 2018 9:59 AM  
**To:** Recolour Grey  
**Subject:** Recolour Grey: Booking an individual appointment

Hello All, (long email alert - problems being succinct)

Thank you for the invitation to speak yet one more time.....

I will be away most of this week so looking ahead to the week beyond. Would there be a good time for an appointment with Planning staff on any of these dates: Tuesday, 13th, Wednesday 14, Thursday 15th of February? I'm submitting the following question/comments in advance for you.

### 1 Actualizing the Purpose

I really like the change of concept of Purpose from the current OP which focused on the *competitiveness* of "goals" to the following more expansive one of the draft Official Plan:

".....contains goals, objectives and policies to manage and direct physical (land use) change and *monitor its effects on the cultural, social, economic and natural environment within the regional community.*" Italics mine

The italicized phrases form the basis of our discussion.

How does the County actually monitor the effects of land use decisions? Is there currently or could there be a review process which evaluates how well a *past* land use decision is achieving the desired outcomes of planning and encouraging land users to maintain self-regulated practices over time? I mean outside of the regular formal reviews and not generally part of considerations for future development as described in 9.4 of the draft. In addition to the formal mechanisms already in place.

Any investigation of real life outcomes seems to be a result of complaint or when a new land use decision is pending which raises the sudden concern of the neighbours who then parachute into the situation with little or no fore knowledge of what constitutes the social, cultural, economic and environmental components of a land use decision.

It's taken our Community group all of 4+ years to grasp some of these fundamentals ourselves and how **they** interact with each other in land use decisions to create and maintain strong and healthy communities. In fact, we are still at work.

Our group of neighbours began its campaign to protect the social, cultural, economic and environmental features of their rural life with little or no experience in observing and recording their findings *sauf* during casual, recreational activities. The Public perceives no purpose to do so. They have no reason to see their observation and recording in a formal role. Many if not most, believe that government does everything.

Can investigations or evaluations of past decisions be a standard ongoing responsibility of the Planning Department together with the farmer, resident, business person or developer who have gained approval and have established their presence in the landscape *and with* the general Public?

If the Public can consider themselves as co-managers of land use decisions in their own Communities, they will quite naturally come to understand objectively as well as subjectively what the impacts of land use decisions

mean to the social, cultural, economic and environmental fabric of their communities.

Check lists in hand, door-to-door surveys/questionnaires, photos, journaling and community get-togethers, local monitoring can bring significant information to the Planning Department.

Information from the grass roots is valuable. They know their territory better than anyone else. They are the experts who can feed your knowledge base - "inside" information to apply when approaching a more official review, studying the warranting of amendments and weighing all the pros and cons in future decision making. Like rural "eyes on the street". (with acknowledgement to JJ)

With some direction by Planners, this practice could create a collaboration which provides a continuous, almost daily, evaluation of past land use decisions. How well is conformity to the stated purpose of the new OP being sustained over time? If not, what changes in policy delivery might be needed to effect long term loyalty to the purpose of the Official Plan?

Our community tried manfully to become "stewards" of the PSW on 60 Sideroad and asked the local MNRF if there were any hands-on learning experiences for such a role.

"Well, sure. Great idea!" replied the MNRF.

"There's a wilderness group trip going out to some isolated, mountainous, rocky, river rapids crossings/portaging, insect infested bogs, dark and dripping forests, in the middle of bear and mountain lion habitat for a month long trek to learn how to evaluate the health of the natural environment."

Our group of over 65 ers, some overweight and all dewy eyed with idealism, one with baby on hip, all looked at each other in complete agreement. Well, so much for that great idea.

So, can a formal grass roots monitoring system be organized under the direction of the Planning Department and with the sanction of County Council? Such a system could provide consistent and continuous facts about the effects of land use decisions in the short and long term.

A suggestion that this idea is in the purview of Townships, who have or do not have their own Official Plan, is not practical. First of all, the Township Councillors are transient which is disruptive of accepted practices and frankly are better known for their obstruction of Public involvement rather than for their inclusiveness. Also, the County has the greater stature which would be protection for grass roots inquirers.

This adjunct to official reviews and investigations could be a fantastic educational experience for new planners joining the firm and for high school/college/university youth who will graduate from library lego learning experiences to making professional choices in the future. Certainly we'll all benefit from a more aware Public who will be better prepared to engage in their civil rights and responsibilities.

I and my neighbours, believe it or not, know that the Planning Department isn't responsible for making a perfect world but together we can keep the effort worthwhile for everyone.

On my and their behalf, I want to express appreciation for the hard work you do and wish you all the best in the weeks, months and years (!) ahead as you get the new OP delivered safely back from the Province.

Regards, [REDACTED] p.s. Thanks for making the draft easy to read!



## **Lacey-Avon,Stephanie**

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**From:** Taylor,Scott  
**Sent:** Thursday, January 4, 2018 9:39 AM  
**To:** Scribner, Monica  
**Cc:** Scherzer, Randy; Lacey-Avon,Stephanie  
**Subject:** FW: The Case for a Basic Income Plan  
**Attachments:** Basic Income Plan.doc; Re: [REDACTED]

FYI – please file under Recolour Grey as per [REDACTED] request. The second email she references below [REDACTED] has been attached for your reference.

### **Scott Taylor**

*Senior Planner*

Phone: +1 519-372-0219 ext. 1238



**From:** [REDACTED] [mailto:[REDACTED]]  
**Sent:** Thursday, January 04, 2018 9:30 AM  
**To:** Taylor,Scott  
**Subject:** The Case for a Basic Income Plan

How well you know me! Thanks for poking my mind into purpose and for attaching an anchor to chaos, Scott. Did my attachment in an earlier email to Roderick and to the BIP people open okay? I'm reattaching it here just in case. I think it is relevant to Recolour Grey and the GCOP in their foundational ideals (or I want it to be (;

Ever since Firefox made a whole slew of changes to its web design and services, I've been confused with all my



file management....

## THE CASE FOR BASIC INCOME

I could tell you my story but it won't make much difference. There are so many stories out there and the worst story is never the worst yet to be told.

Good listeners are important but there is a pressing need to understand the stories in such a manner as to rend the cloak covering one of the most insidious underlying causes of poverty. Ourselves. Our neighbours. Our family members. Those closest to the “poor relations” who keep the poor hidden and ostracized. This is not to exclude the institutions like Church, Education and Government from their hand in the design of warehousing social groups according to income, race, religion, gender, age, origins, language and education nor the local administrators of Health Care, Welfare, Transportation, Housing from unrelieved responsibility for poverty.

The reliance on good men and women in our social/cultural institutions is not enough to change the way we all think about each other when coming to grips with social inequality.

Bias is not amenable to data gathering. How to measure attitudes? What tool gives statistical confirmation that the way we organize and place each other in the social order keeps poverty always with us? What neighbour will admit in a survey that the single mother next door deserves her fate? Or the parents of street children who want to blame their own children for their plight? Or that those of us who “made our beds” must lie in them?

The undeserving poor always get the housing next to the train tracks. The struggling kid, the new immigrant kid and the Indigenous kid in the classroom will be placed in a desk at the back and the well-heeled will sit in the front pews.....We all seem to be willing to accept “the way it is and always has been”. What explains the “No” vote in Switzerland and other places to a Basic Income Plan? If you want to have a hot argument in any coffee shop, start a conversation on the merits or the sins of guaranteed coverage of basic needs.

How to make fundamental changes in the way we think about each other? How do we raise the consciousness for social equality in such a way as to profit all of us?

Think of the awesome success of the anti-smoking campaign which is probably the greatest example of social engineering since the World Wars. Not just in our local communities but around the world.

How did that work so as to improve the health of each of us while placing all-encompassing social controls on smoking? I wonder if the anti-smoking campaigners intended to make smoking virtually an immoral behaviour or did we?


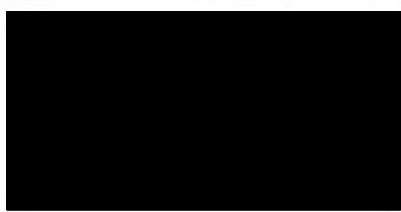
Is there a way to engineer human attitudes towards improvements in social health and Well-being? Most schools design and programme for the betterment of society by instituting character building exercises. Every school assembly has a class presenting a value such as trust, kindness, tolerance and peace keeping practices. All cultures are celebrated throughout the school year. There are few children in major urban centres at least who have never eaten a samosa or shared the music and festivals of the Canadian mosaic.

Many school boards now include Acknowledgment of Aboriginal Peoples and Their Lands. Yet bullying continues to reign in the school yard and overwhelm through social media. Racism pushes kids into corners. Depression and suicide are increasingly contemplated as ways to escape hopelessness.

Hate and anger rages in the hearts and minds of many youth and adults in a never-ending attempt to purge their environment of difference. Seeking scape goats by which to release resentments of hardships, to release the pressures of making it in the modern economy and to avoid thinking about being unloved combines to lower their own self-concepts.

Teachers and parents are trying everything to make children feel better about themselves and be sensitive, more caring of others: using certificates, ribbons, medals and other meritorious rewards - praising childrens' accomplishments so effusively as to render them gratuitous.

Very little it seems makes the fundamental changes in attitudes which are needed to actualize the Golden Rule and quickly. We've been living with the disastrous consequences of not living by it since the beginning of time. We have to do something which galvanizes social, individual and personal attitudes as forcefully as the anti-smoking campaign did.....as Reduce, Reuse, Recycle is increasingly doing, Idle No More, Mothers Against Drunk Driving (MADD) and other energetic conscience driven citizens who never relent. I don't think we can leave it all up to a Basic Income Plan to stimulate understanding and a natural propensity to share.

January 4, 2017

**Lacey-Avon,Stephanie**

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**From:** [REDACTED] <[REDACTED]>  
**Sent:** Thursday, January 4, 2018 9:16 AM  
**To:** [REDACTED]  
**Cc:** [REDACTED]  
**Subject:** [REDACTED]  
**Attachments:** Basic Income Plan.doc

THE CASE FOR A BASIC INCOME PLAN

Thanks [REDACTED] I'm drafting some comments on one cause of poverty. A Basic Income Plan is essential to immediately relieve people of despair and physical threats to health and a satisfying life. I am aware that a rapacious economic system is being critically examined for its neglect of human Well-being and the resulting victimization of whole Communities here and globally.

However, and at the same time, societal authorities and influential groups such as yourselves should be looking at other equally insidious causes of poverty and work to make changes that ultimately can give people a sense of worth and purpose in their lives. It's attached. I appreciate this opportunity to participate in the discussion of a Basic Income Plan for Ontario and all societies wherever poverty exists in inordinate numbers and untenable circumstances. I look forward to receiving a response from you both and some direction on how I can continue to support your efforts. Regards, [REDACTED]

On Thu, Jan 4, 2018 at 7:30 AM, [REDACTED] <[REDACTED]> wrote:  
Hi [REDACTED]

Thanks for reaching out about basic income.

You can reach [REDACTED] here, cc'd on this email.

I am sure you can continue your conversation on basic income with her, as requested.

Sincerely,

[REDACTED]  
Editor  
<http://www.caseforbasicincome.com/>

**Lacey-Avon,Stephanie**

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**From:** [REDACTED]  
**Sent:** Friday, March 9, 2018 11:12 AM  
**To:** Taylor,Scott  
**Subject:** Re: Wetlands

Morning Scott,

Thanks for taking time to respond to my questions. I was especially enlightened to the distinctions between "existing" and "upgrading" of roads.

I'm thinking about mitigation measures rather more than approval or denial of any application based on the presence of Natural Heritage features on a haul route. On a case by case basis, if any activity beyond "normal" use of a road, is considered to likely raise the risks of environmental damage, like becoming a haul route going through wetlands, can this activity trigger a requirement for additional mitigation measures?

I refer to the following phrases taken from the document highlighted in blue, below. As may have been customary in the past, I allow that I could be extrapolating more fact than is intended. Notwithstanding the limits of assessment requirements to the "study area", there seems to be an extended concern for the impacts of haul routes in the following statement:

"One of the purposes of the Aggregate Resources Act (ARA) is to *minimize adverse impact on the environment in respect of aggregate operations. On-site operations and the transportation of aggregate products from a site may result in a number of negative impacts to both municipal roads and residents who live in the vicinity of the pit and/or quarry or along haul routes.*" (italics mine)

Is there a comparable statement in the OP?

So, if "impact on the environment" includes wetlands, is there room in the new OP to ask for specific mitigation measures for wetlands (or for woodlots as you mentioned) which happen to be on a haul route without the necessity, necessarily, for an EA?

Thanks again. [REDACTED]

*The above excerpt comes from the Ministry of Natural Resources (before & "Forestry") Policy papers titled*

*Policy A.R. 2.00.03 Licence Conditions/Site Plan Notes*

*Lands & Water Aggregate & Petroleum Resource, March 15, 2006*

*I have omitted most of this policy statement to keep the email shorter rather than longer.*

On Thu, Mar 8, 2018 at 2:31 PM, Taylor, Scott <[Scott.Taylor@grey.ca](mailto:Scott.Taylor@grey.ca)> wrote:

Hi [REDACTED]

Really sorry for the extremely delayed response on this one. I wanted to check in with Ministry of Natural Resources and Forestry (MNR) staff first just to make sure I was giving you accurate information, and I've been slow in responding since they supplied me with the info.

We really appreciate all of your input into the Recolour Grey process.

Below are some answers to your questions.

*1. How will the new OP ride in tandem with the ARA if the ARA wants, for example, mitigation measures to protect the Wetlands from contamination: fuel spills, diesel emissions and habitat destruction as necessary inclusions if transportation is indeed a recognized impact. (if the following answers yield something to go on)*

The new OP will function the same as the current OP (although with different policies) when it comes to joint Planning Act and ARA applications. In the analysis of a new or expanded pit application the

proponent will be responsible for examining all environmental features on-site (including wetlands, woodlands, etc.), and within 120 metres of the license boundaries. Spills plans are common on the ARA site plans associated with the license for the pit. In both the current OP, and the proposed Recolour Grey OP, the applicant is not responsible for an environmental analysis of the entire haul route (i.e. if the haul route were to pass through a wetland, woodland, etc.), provided the haul route is using existing public roads. If as a result of the pit haul route upgrades are needed (e.g. passing lanes added to a road, or road standards upgraded), or new roads need to be built, then that may trigger an environmental review as part of the Environmental Assessment (EA) process.

My understanding from speaking with MNRF staff is that the ARA process currently requires environmental review of the licensed site and within 120 metres of the license boundaries, but does not require the Natural Environment Technical Report to assess the haul route outside of that area.

*2. Could you confirm that Wetlands are substantively under the umbrella of "Environment" so far as the OP relates Wetlands to Environment? Sometimes the terms of "Environment" experience broad meanings as well as narrow ones.*

Under the County Plan we consider significant wetlands, significant valleylands, significant woodlands, areas of natural and scientific interest, fish habitat, significant wildlife habitat, and habitat of endangered and threatened species all to be under the banner of the natural environment. We protect both Provincially Significant Wetlands and Other Identified Wetlands in our current Plan. The proposed Recolour Grey Plan would add mapping for significant valleylands, cores, and linkages to the Plan, under the Natural Grey section (which generally relates to the natural environment).

*3. There are policy statements in the ARA which address the interests of protecting the Environment along a haul route. I wonder if that would then include Wetlands if #2 is "yes"? Then how would the OP respond to #1? Is this maybe a question for Jason McLay at the MNRF? I want to be careful not to confuse interests under the Planning Act and the Aggregate Resources Act. Very easy to confuse them.....*

Similar to question # 1 above my understanding from speaking with MNRF staff (Jason, who is copied on this email) is that the ARA process currently requires environmental review of the licensed site and within 120 metres of the license boundaries, but does not require the Natural Environment Technical Report to assess the haul route outside of that area.

From a practical perspective, whether dealing with a pit application, or any kind of other application (e.g. anything from another industrial use, to a fast food restaurant with lots of traffic), I'm not sure how we could require an applicant to assess environmental features along a haul route when they're using existing roads. For example, if a road passed through a sensitive habitat would that be 'fatal' to the application (i.e. the application should be refused)? What happens if the business changes over time and different haul routes are used, or there is no defined haul route? While we certainly want to hold people accountable for any site they may be developing, when we have existing roads there's a certain expectation that those roads are there to be used by vehicles and pedestrians alike and therefore would not need further environmental review (but may need a traffic assessment). As I noted above, if there are upgrades to roads required, or new roads, then an EA may be required, which would consider the impacts of upgrading the roads or building new roads.

■ – if I've misunderstood anything on the ARA process please feel free to chime in.

Hope this helps and just let us know if you have any further questions or comments.

Thanks

**Scott Taylor**

*Senior Planner*

Phone: +1 519-372-0219 ext. 1238



**From:** [REDACTED]

**Sent:** Friday, February 16, 2018 8:12 PM

**To:** Recolour Grey

**Subject:** Wetlands

Hello All,

Thank you for listening to my ideas and opinions on the Draft Official Plan last Wednesday. In addition to its readability, I wanted to add that the readability makes the document more interesting to read. Still at it.....

I would like to return to the subject of the Wetlands. I wanted to determine more precisely the relationship between land use planning and the ARA on the protection of the Environment. In this case, my interest is Wetlands (PSW and local ones).

What I understand is that the County's OP is cognisant of the requirements of the ARA as it pertains to land use decisions -. that proponents must satisfy those policy mandates relevant to their proposals which are under the ARA.

I did question whether or not *transportation* would have any acknowledged impact on the Environment in the OP. I'm pretty sure it does in the ARA. Specifically of course if a proposed haul route is adjacent to Wetlands as in the case of the proposed Bumstead Pit.

Questions:

1. How will the new OP ride in tandem with the ARA if the ARA wants, for example, mitigation measures to protect the Wetlands from contamination: fuel spills, diesel emissions and habitat destruction as necessary inclusions if transportation is indeed a recognized impact. (if the following answers yield something to go on)
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Thanks for your patience.

**From:** [REDACTED]  
**Sent:** Wednesday, March 07, 2018 11:22 PM  
**To:** Group: Planning Dept Emails  
**Subject:** Health in all Policies: Well-Being  
  
**Categories:** Check with Steph

Good evening all,

[REDACTED]

the most often heard complaint from the aging is the wait time for procedures which, if not completed in a reasonable time limit causes an increase in the loss of their mobility.

Isolation is the result of not being able to drive, walk, read and socialize with family and friends.

Relentless discomfort and pain is a load on the emotional system.

Six months to a year is too long to wait for cataract surgery and sometimes even longer for knee replacement.

We now have a new out-migration of residents seeking medical treatment elsewhere.

Has the economic costs to rural communities from rural residents seeking health care in urban centres ever been looked into?

Might there be economic costs to relatives who accompany patients such as a loss of pay or a loss of client [REDACTED]

If residents are obliged to access health care in urban centres where expenses such as accommodation, food and transportation are a benefit to the urban economy, what is, at the same time, the impact on the rural economy?

What can we do?

Whenever "Health" appears on the agenda of an OPPI conference, can there be a focus on wait times? If all rural planning departments join their concern into one BIG Voice, maybe the Province will listen.

We just can't complain about the Rural/Urban divide as the explanation for everything.

The devil is in the details. What are the impacts to local rural economies when health care is not reasonably accessible?

Once again, thank you for taking time to read so many emails.....

Regards, 

**Lacey-Avon,Stephanie**

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**From:** [REDACTED]  
**Sent:** Friday, March 9, 2018 11:12 AM  
**To:** Taylor,Scott  
**Subject:** Re: Wetlands

Morning Scott,

Thanks for taking time to respond to my questions. I was especially enlightened to the distinctions between "existing" and "upgrading" of roads.

I'm thinking about mitigation measures rather more than approval or denial of any application based on the presence of Natural Heritage features on a haul route. On a case by case basis, if any activity beyond "normal" use of a road, is considered to likely raise the risks of environmental damage, like becoming a haul route going through wetlands, can this activity trigger a requirement for additional mitigation measures?

I refer to the following phrases taken from the document highlighted in blue, below. As may have been customary in the past, I allow that I could be extrapolating more fact than is intended. Notwithstanding the limits of assessment requirements to the "study area", there seems to be an extended concern for the impacts of haul routes in the following statement:

"One of the purposes of the Aggregate Resources Act (ARA) is to *minimize adverse impact on the environment in respect of aggregate operations. On-site operations and the transportation of aggregate products from a site may result in a number of negative impacts to both municipal roads and residents who live in the vicinity of the pit and/or quarry or along haul routes.*" (italics mine)

Is there a comparable statement in the OP?

So, if "impact on the environment" includes wetlands, is there room in the new OP to ask for specific mitigation measures for wetlands (or for woodlots as you mentioned) which happen to be on a haul route without the necessity, necessarily, for an EA?

Thanks again. [REDACTED]

*The above excerpt comes from the Ministry of Natural Resources (before & "Forestry") Policy papers titled*

*Policy A.R. 2.00.03 Licence Conditions/Site Plan Notes*

*Lands & Water Aggregate & Petroleum Resource, March 15, 2006*

*I have omitted most of this policy statement to keep the email shorter rather than longer.*

On Thu, Mar 8, 2018 at 2:31 PM, Taylor, Scott <[Scott.Taylor@grey.ca](mailto:Scott.Taylor@grey.ca)> wrote:

Hi [REDACTED]

Really sorry for the extremely delayed response on this one. I wanted to check in with Ministry of Natural Resources and Forestry (MNR) staff first just to make sure I was giving you accurate information, and I've been slow in responding since they supplied me with the info.

We really appreciate all of your input into the Recolour Grey process.

Below are some answers to your questions.

*1. How will the new OP ride in tandem with the ARA if the ARA wants, for example, mitigation measures to protect the Wetlands from contamination: fuel spills, diesel emissions and habitat destruction as necessary inclusions if transportation is indeed a recognized impact. (if the following answers yield something to go on)*

The new OP will function the same as the current OP (although with different policies) when it comes to joint Planning Act and ARA applications. In the analysis of a new or expanded pit application the

proponent will be responsible for examining all environmental features on-site (including wetlands, woodlands, etc.), and within 120 metres of the license boundaries. Spills plans are common on the ARA site plans associated with the license for the pit. In both the current OP, and the proposed Recolour Grey OP, the applicant is not responsible for an environmental analysis of the entire haul route (i.e. if the haul route were to pass through a wetland, woodland, etc.), provided the haul route is using existing public roads. If as a result of the pit haul route upgrades are needed (e.g. passing lanes added to a road, or road standards upgraded), or new roads need to be built, then that may trigger an environmental review as part of the Environmental Assessment (EA) process.

My understanding from speaking with MNRF staff is that the ARA process currently requires environmental review of the licensed site and within 120 metres of the license boundaries, but does not require the Natural Environment Technical Report to assess the haul route outside of that area.

*2. Could you confirm that Wetlands are substantively under the umbrella of "Environment" so far as the OP relates Wetlands to Environment? Sometimes the terms of "Environment" experience broad meanings as well as narrow ones.*

Under the County Plan we consider significant wetlands, significant valleylands, significant woodlands, areas of natural and scientific interest, fish habitat, significant wildlife habitat, and habitat of endangered and threatened species all to be under the banner of the natural environment. We protect both Provincially Significant Wetlands and Other Identified Wetlands in our current Plan. The proposed Recolour Grey Plan would add mapping for significant valleylands, cores, and linkages to the Plan, under the Natural Grey section (which generally relates to the natural environment).

*3. There are policy statements in the ARA which address the interests of protecting the Environment along a haul route. I wonder if that would then include Wetlands if #2 is "yes"? Then how would the OP respond to #1? Is this maybe a question for Jason McLay at the MNRF? I want to be careful not to confuse interests under the Planning Act and the Aggregate Resources Act. Very easy to confuse them.....*

Similar to question # 1 above my understanding from speaking with MNRF staff (Jason, who is copied on this email) is that the ARA process currently requires environmental review of the licensed site and within 120 metres of the license boundaries, but does not require the Natural Environment Technical Report to assess the haul route outside of that area.

From a practical perspective, whether dealing with a pit application, or any kind of other application (e.g. anything from another industrial use, to a fast food restaurant with lots of traffic), I'm not sure how we could require an applicant to assess environmental features along a haul route when they're using existing roads. For example, if a road passed through a sensitive habitat would that be 'fatal' to the application (i.e. the application should be refused)? What happens if the business changes over time and different haul routes are used, or there is no defined haul route? While we certainly want to hold people accountable for any site they may be developing, when we have existing roads there's a certain expectation that those roads are there to be used by vehicles and pedestrians alike and therefore would not need further environmental review (but may need a traffic assessment). As I noted above, if there are upgrades to roads required, or new roads, then an EA may be required, which would consider the impacts of upgrading the roads or building new roads.

— if I've misunderstood anything on the ARA process please feel free to chime in.

Hope this helps and just let us know if you have any further questions or comments.

Thanks

**Scott Taylor**

*Senior Planner*

Phone: +1 519-372-0219 ext. 1238



**From:** [REDACTED]

**Sent:** Friday, February 16, 2018 8:12 PM

**To:** Recolour Grey

**Subject:** Wetlands

Hello All,

Thank you for listening to my ideas and opinions on the Draft Official Plan last Wednesday. In addition to its readability, I wanted to add that the readability makes the document more interesting to read. Still at it.....

I would like to return to the subject of the Wetlands. I wanted to determine more precisely the relationship between land use planning and the ARA on the protection of the Environment. In this case, my interest is Wetlands (PSW and local ones).

What I understand is that the County's OP is cognisant of the requirements of the ARA as it pertains to land use decisions -. that proponents must satisfy those policy mandates relevant to their proposals which are under the ARA.

I did question whether or not *transportation* would have any acknowledged impact on the Environment in the OP. I'm pretty sure it does in the ARA. Specifically of course if a proposed haul route is adjacent to Wetlands as in the case of the proposed Bumstead Pit.

Questions:

1. How will the new OP ride in tandem with the ARA if the ARA wants, for example, mitigation measures to protect the Wetlands from contamination: fuel spills, diesel emissions and habitat destruction as necessary inclusions if transportation is indeed a recognized impact. (if the following answers yield something to go on)
2. Could you confirm that Wetlands are substantively under the umbrella of "Environment" so far as the OP relates Wetlands to Environment? Sometimes the terms of "Environment" experience broad meanings as well as narrow ones.



3. There are policy statements in the ARA which address the interests of protecting the Environment along a haul route. I wonder if that would then include Wetlands if #2 is "yes"? Then how would the OP respond to #1? Is this maybe a question for Jason McLay at the MNRF? I want to be careful not to confuse interests under the Planning Act and the Aggregate Resources Act. Very easy to confuse them.....

Thanks for your patience.



Henderson, Kelly

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**From:** [REDACTED]  
**Sent:** November-19-17 1:19 PM  
**To:** [REDACTED]  
**Cc:** Group: Planning Dept Emails  
**Subject:** Recolour Grey: Workshop Summaries  
**Attachments:** Recolour+Grey+Workshop+Comment+Summary.pdf  
  
**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Grey County Planners have compiled a Summary of all the comments they've heard during this past year and at the Workshops in particular. Is your opinion in there? Are your Community's interests in there? Check it out. Attached.



A comment about people asking that wetlands not be de-listed from the Official Plan is there. Another popular wish is that Grey Gables remain as is..... Let's keep our fingers crossed.

The Planners are writing to you one more time:

***"Missed the workshops? We encourage you to submit comments by writing  to [recolour@grey.ca](mailto:recolour@grey.ca) or by calling 519-372-0219 extension 1232."***

*file#3655HSgLD4*

N/A Response by \_\_\_\_\_  
BS # Entered in Spreadsheet  
✓ Summarized (comment chart)

Michael.  
Larkin

## Castle Glen Development Corporation

9488 McCowan Rd., Markham, Ontario, L3P 3J3

Phone (905) 294-0535

Fax (905) 294-8727

December 12, 2017

The County of Grey  
Attn: Randy Scherzer MCIP RPP  
595 - 9<sup>th</sup> Avenue East  
Owen Sound, ON  
N4K 3E3

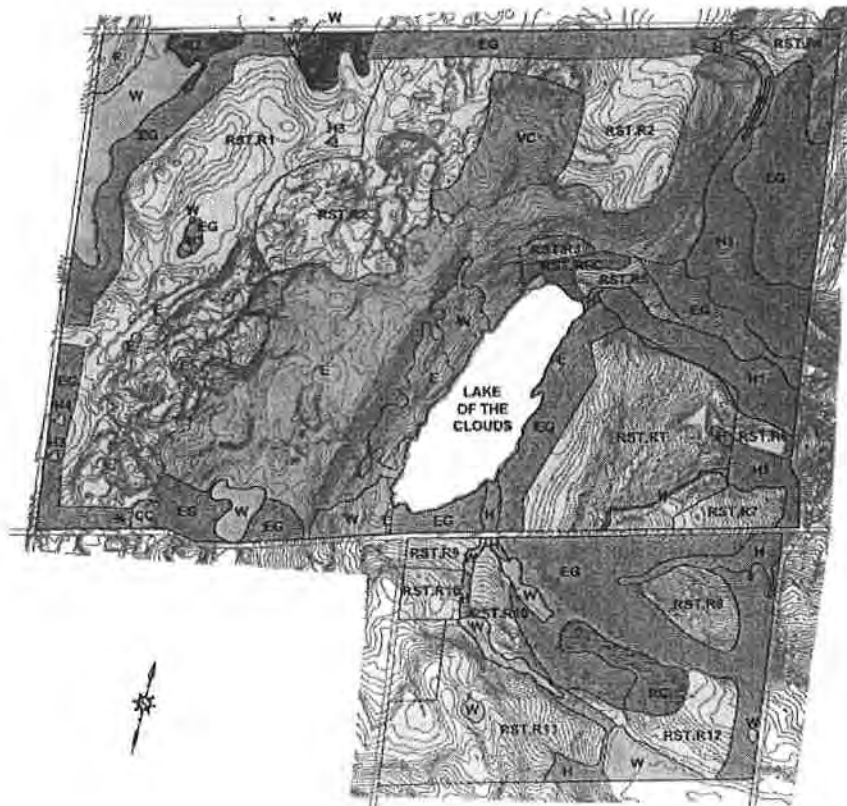
**RE: Recolour Grey – County of Grey Official Plan Review**  
**Castle Glen Development Corporation**  
**The Town of The Blue Mountains, County of Grey**

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Dear Mr. Scherzer:

This letter is in response to the ongoing Recolour Grey initiative, which contemplates a brand new County of Grey Official Plan.

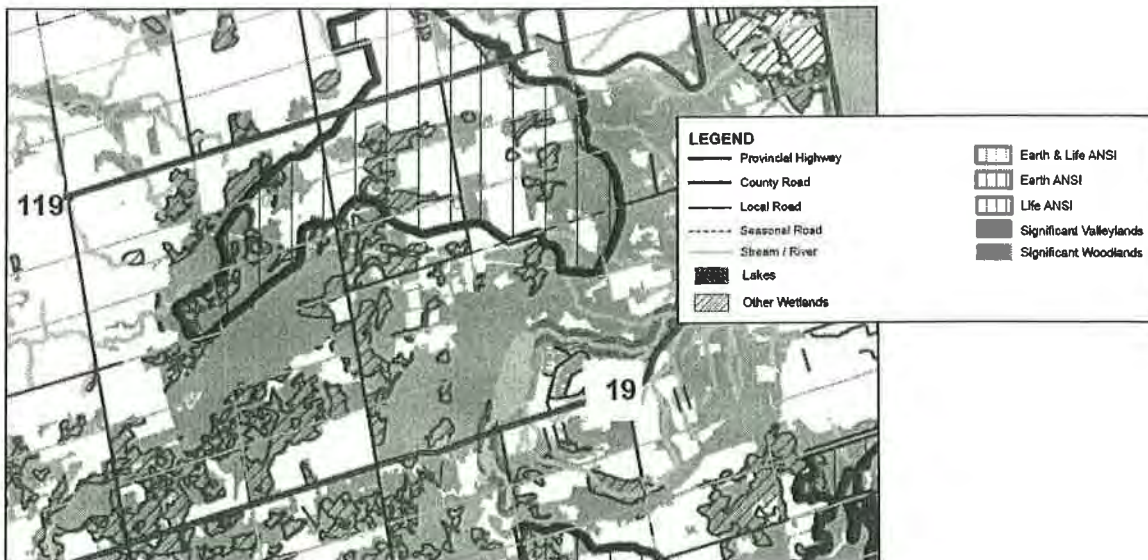
The Official Plan for Castle Glen was approved by the Ontario Municipal Board (OMB). During the OMB hearing weeks of testimony, study and negotiation took place to settle the wildlife corridors, woodlands, valleylands and environmental features. All parties, the County of Grey, the Niagara Escarpment Commission and the Town of Blue Mountains agreed on Schedule (A) Land Use Plan shown in the Castle Glen Secondary Plan. (see below)



You are also aware that during the Town of the Blue Mountains 5 Year Official Plan review the Castle Glen development was included as a Secondary Plan, as per the OMB decision. The Council Approved Official Plan did not indicate any woodlands on the Castle Glen lands. There are detailed policies contained within this Castle Glen Official Plan in regards to significant woodlands as well as other environmental features and it is not necessary to contain any further woodland or valleyland constraints.



The proposed constraint schedule Appendix B –Map 2 (see excerpt below) proposes to designate the majority of the lands as significant woodlands as well as adding a new significant valleylands constraint to the property.



I have reviewed the significant woodlands and proposed significant valleylands policies in detail (see below) and by applying these policies to the Castle Glen Official Plan creates conflict in certain cases as these policies would be contrary or different than policies already established within the Castle Glen Official Plan approved by the OMB.

#### 6.7.1 Significant Valleylands

Significant Valleylands were identified in the County's Natural Heritage System Study – Green in Grey (January 2017). They were identified by the participating Conservation Authorities and have been mapped as 200 metre wide corridors. Detailed delineations of Significant Valleylands should be evaluated on a site specific basis through an environmental impact study using the following criteria:

- The valley must be  $\geq 100$  metres wide and  $\geq 2$  kilometres long.
- The valley banks must be  $\geq 3$  metres in height (extrapolated from 5 metre contours at 1:10,000 or better information where available).
- Where valley slope is 3:1 on one side with no slope on the opposite side of the watercourse, the opposite valley limit is delineated using either 100m from centreline of the watercourse or the limit of the floodplain to create a continuous valley feature.
- Where 3:1 valley slopes occur on both sides of the river, but they are not continuous, the floodplain limit (or contour information and professional judgment) is used to delineate a continuous valley feature.

1) No development or site alteration may occur within Significant Valleylands or their adjacent lands unless it has been demonstrated through an Environmental Impact Study that there will be no negative impacts on the natural features or their ecological functions. The adjacent lands are defined in Section 9.18 of this Plan.

#### Proposed Modifications to the Draft County of Grey Official Plan

Castle Glen Development Corporation would wish that the Castle Glen lands be excluded from any new policies and be excluded (hatched out) of the constraint mapping essentially the same as the Town of Blue Mountains Official Plan constraint mapping.

We would request the opportunity to review in detail these sections with your staff to ensure that there are no conflicts between the policies of the Castle Glen Official Plan and the new policies proposed to be added by the new Draft Official Plan.

As previously indicated, please circulate all information related to the Recolour Grey initiative to my address below. Specifically, I request a copy of the final version of the Official Plan prior to Council's consideration of adoption.

Yours truly,

Mr. Michael Larkin  
Castle Glen Development Corporation  
9488 McCowan Road  
Markham, Ontario  
L3P 3J3

Cc: Michael Benner, MCIP RPP, The Town of The Blue Mountains

What would you like your community to look like in the next 5, 10, or 20 years?

What do you like about your community? What is missing?

arcade and toy store

Additional comments:

✓  
697  
KEV

Response by \_\_\_\_\_  
# Entered in Spreadsheet  
Summarized (comment chart)

Name (optional)

Phone/email (optional)



What would you like your community to look like in the next 5, 10, or 20 years?

What do you like about your community? What is missing?

My big park (the one we designed)  
and the trees. I want us to  
have more parks and trees.

N/A  
0910

Response by \_\_\_\_\_  
# Entered in Spreadsheet  
✓ Summarized (comment chart)

Additional comments:

I really like our creation.

Name (optional)

Phone/email (optional)

What would you like your community to look like in the next 5, 10, or 20 years?

What do you like about your community? What is missing?

\* Indoor swimming pool \*  
for lengths + also just play

I'm worried water front parks becoming  
too crowded (this is unrelated to

Additional comments:

my swimming pool comment  
thought

NIA Response by \_\_\_\_\_

690 # Entered in Spreadsheet

✓ Summarized (comment chart)

Name (optional)

Phone/email (optional)



Randy Scherzer  
Director of Planning and Development  
Corporation of the County of Grey  
595 9<sup>th</sup> Ave East  
Owen Sound, ON  
N4K 3E3

**Re: Grey County Official Plan Update**

Randy,

Thank you for incorporating our original comments into this version of your Official Plan updates. Based on our review of the most current proposed updates to the Grey County Official Plan, section 8.11 Protecting our Drinking Water, we offer some additional comments for your consideration:

- i. The intent of the statement, *“the low and moderate threat policies of the Provincial Policy Statement, 2014, will also apply and should complement the specific policies of the Source Protection Plans”* is unclear as there are no low or moderate threat policies in the Provincial Policy Statement, 2014. If the intent of this statement was to refer to the low and moderate threat policies in the Source Protection Plans, it should be noted that there are no policies for the low and moderate threat categories in the Saugeen, Grey Sauble, Northern Bruce Peninsula Region.
- ii. In the Table of WHPA and IPZ definitions, the first column is titled *“Water Quality Well Head Protection Areas”*. These Wellhead protection areas are not just Water Quality, as they include the WHPA-Q’s as well, which address water quantity. The title should be changed to reflect this by including quantity or removing the reference to quality and having the title remain as *“Wellhead Protection Areas”*. Additionally, *“Well Head”* should not have a space, but should be corrected to *“Wellhead”*.
- iii. Under ‘Existing / Future Uses’, point 3 refers to Restricted Land Uses and states that, *“... with the exception of residential uses,”* and *“Any planning application for non-residential uses that are submitted...”*. However, it is possible for Restricted Land Use Policies to apply to residential uses as well, under policy G-02 of the Saugeen, Grey Sauble, Northern Bruce Peninsula Source Protection Plan.

Sincerely,

Justine Lunt  
Source Protection Supervisor

What would you like your community to look like in the next 5, 10, or 20 years?



What do you like about your community? What is missing?

I like Owen Sound because there is lots of  
parks and arenas and restaurants. But  
something I don't think we have  
enough of is sports stores, trails, Museums

Additional comments:

N/A  
709  
✓

Response by \_\_\_\_\_  
# Entered in Spreadsheet  
Summarized (comment chart)

Name (optional)

Phone/email (optional)

What would you like your community to look like in the next 5, 10, or 20 years?  
What do you like about your community? What is missing?

✓ Response by planners.  
770 # Entered in Spreadsheet  
✓ Summarized (comment chart)

Additional comments:

Please send me decisions once  
final new regulations have  
been decided.

Name (optional)

Phone/email (optional)

What would you like your community to look like in the next 5, 10, or 20 years?

What do you like about your community? What is missing?

More General Maintenance (Sidewalks, Gardens, ect)

Recreational Services (Skate park, pool, soccer field)

Improve education facility - PCS needs new roof, parking lot, track.

More Local Businesses (Shops, restaurants, youth apparel)

Places where youth feel safe, youth pub, arcade, theatre,

Additional comments:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Response by \_\_\_\_\_

686

# Entered in Spreadsheet

✓

Summarized (comment chart)

Name (optional)

Phone/email (optional)



What would you like your community to look like in the next 5, 10, or 20 years?

What do you like about your community? What is missing?

I Like how much space I have to  
play. I would love to see a new  
Bridge too improve traffic downtown.  
more trails

Additional comments:

NIA Response by \_\_\_\_\_  
7/8 # Entered in Spreadsheet  
✓ Summarized (comment chart)

Name (optional)

Phone/email (optional)



What would you like your community to look like?

What do you like about your community? What is

✓  
769  
✓

Response by planners.  
# Entered in Spreadsheet  
Summarized (comment chart)

Additional comments:

RE: APPENDIX D "PLANNED CORRIDORS"

MAKES NO MENTION OF THE RAIL TRAIL FROM OWEN  
SOUND TO ORANGEVILLE. SHOULD THIS NOT BE "ENSHRINED"  
IN THE OFFICIAL PLAN?

Name (optional)

Phone/email (optional)

**Lacey-Avon,Stephanie**

---

**From:** Taylor,Scott  
**Sent:** Wednesday, January 24, 2018 4:44 PM  
**To:** Scribner, Monica  
**Cc:** Scherzer, Randy; Lacey-Avon,Stephanie  
**Subject:** FW: Recolour Grey OP

Hi Monica – could you please print and process the below for Recolour Grey comments.  
Thanks so much

**Scott Taylor**

*Senior Planner*

Phone: +1 519-372-0219 ext. 1238



---

**From:** Dave Munro [<mailto:dave@hsc-ltd.com>]  
**Sent:** Wednesday, January 24, 2018 4:20 PM  
**To:** Taylor,Scott  
**Cc:** Jennifer Prentice; Mike Sutherland  
**Subject:** Recolour Grey OP

Hi Scott – hope all is well – I just had a look at the various schedules etc. and noticed that on Schedule B, Map 1 High Potential Mineral Aggregate Resources, that HSCL's Pike Pit (Lot 37, Conc. 2 in former Sarawak Twp.) is still shown as a licensed pit – we completed the final rehabilitation for this pit in 2017 and Jason at MNRF surrendered the licence as of Dec. 13/17 – so that site could be removed from your mapping.

I can appreciate all the work you folks in the Planning Dept have put towards this project – looks great.

Take care and talk to you soon.

*Dave Munro*

Harold Sutherland Construction Ltd.  
Aggregate Sales & Compliance Manager  
Ph: 519-376-5698 Ext. 247

Fax: 519-371-6121

E-mail: [dave@hsc-ltd.com](mailto:dave@hsc-ltd.com)



*Harold*  
**Sutherland**  
**CONSTRUCTION**

[REDACTED]

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April 11, 2018

County of Grey  
595 9<sup>th</sup> Avenue East  
Owen Sound, ON  
N4K 3E3

**Attention: Planning Department**

To Whom It May Concern:

In regards to the County of Grey new proposed Official Plan, we had a meeting with Mr. Taylor of your Department on March 19<sup>th</sup> to clarify our property zoning.

Since we have been working towards having a niche agricultural property over the past 8 years, we were concerned that the zoning might have been changed inadvertently. But Mr. Taylor did confirm that the whole property has been, and is currently, zoned 'A2'.

In a meeting a few years' ago, the Township of Chatsworth's former CAO Mr. Will Moore and Mayor Bob Pringle advised us that our entire property would be considered 'grand fathered' because of the past history of the property.

In any case, we thought it prudent to advise both the County of Grey and the Township of Chatsworth that should there ever be a proposed change in zoning, **we wish to be advised in writing** of any such proposals. This would include **ourselves, our heirs, as well as future owners of the property.**

We do appreciate your time and trouble in this matter, as well as would like to thank Mr. Taylor again for his time in clarifying our situation.

We would appreciate confirmation of receipt of this letter so that we may include with our current will.

Thanking you in advance,

Sincerely

[REDACTED]

c.c. Patty Sinnamon, CAO, Twp. of Chatsworth (**copy to be hand-delivered**)



**Lacey-Avon,Stephanie**

---

✓  
755  
✓

Response by Scott  
# Entered in Spreadsheet  
Summarized (comment chart)

**From:** [REDACTED]  
**Sent:** Wednesday, January 10, 2018 6:44 PM  
**To:** Taylor,Scott  
**Subject:** Further - Re: Question re the new mapping system  
**Attachments:** Capture - C - Natural.JPG; Capture - B - Potential Aggregate.JPG

Scott,

Sorry to bother you again, but have attached screen shots of where I see our address on the 'west' side of 10. Didn't take screen shots when first noticed the location this morning, but these shots were only done few minutes' ago.

Understand that 'Schedule A - Land Use' as shown by your tech people shows us in proper position, which checked just now, and we are on the east side - that is correct on that map.

Yet down in other maps (e.g. Potential Aggregates, and Natural Heritage) we are shown on the wrong side of 10. Not sure if that means other maps are linked to google perhaps and not synced with the Schedule A map? Some type of glitch?

Just wanted you to know that I am not crazy and seeing things (seriously... lol).

Thank you again for your patience. Best regards,

[REDACTED]

---

**From:** [REDACTED]  
**To:** "Taylor,Scott" <[Scott.Taylor@grey.ca](mailto:Scott.Taylor@grey.ca)>  
**Sent:** Wednesday, January 10, 2018 5:56 PM  
**Subject:** Re: Question re the new mapping system

Thanks Scott for your prompt reply.

Am muddling my way through and hopefully will become more adept in time.

Appreciate your time. Take care,

**From:** "Taylor, Scott" <[Scott.Taylor@grey.ca](mailto:Scott.Taylor@grey.ca)>  
**To:** [REDACTED]  
**Sent:** Wednesday, January 10, 2018 4:57 PM  
**Subject:** Question re the new mapping system

Hi [REDACTED]  
Thanks for your below email, and for your interest in Recolour Grey. I submitted your email to one of our GIS Specialists and he shared the below response. Hopefully this helps, but if not just let us know. Thanks for making us aware of these issues.

With respect to the learning curve on the site, sorry it's been difficult. If you have any issues, or if you want any explanations please don't hesitate to give a call or an email and we can try to assist further.

Hope this helps, but if you need anything further just let me know.  
Thanks again

**Scott Taylor**  
*Senior Planner*  
Phone: +1 519-372-0219 ext. 1238



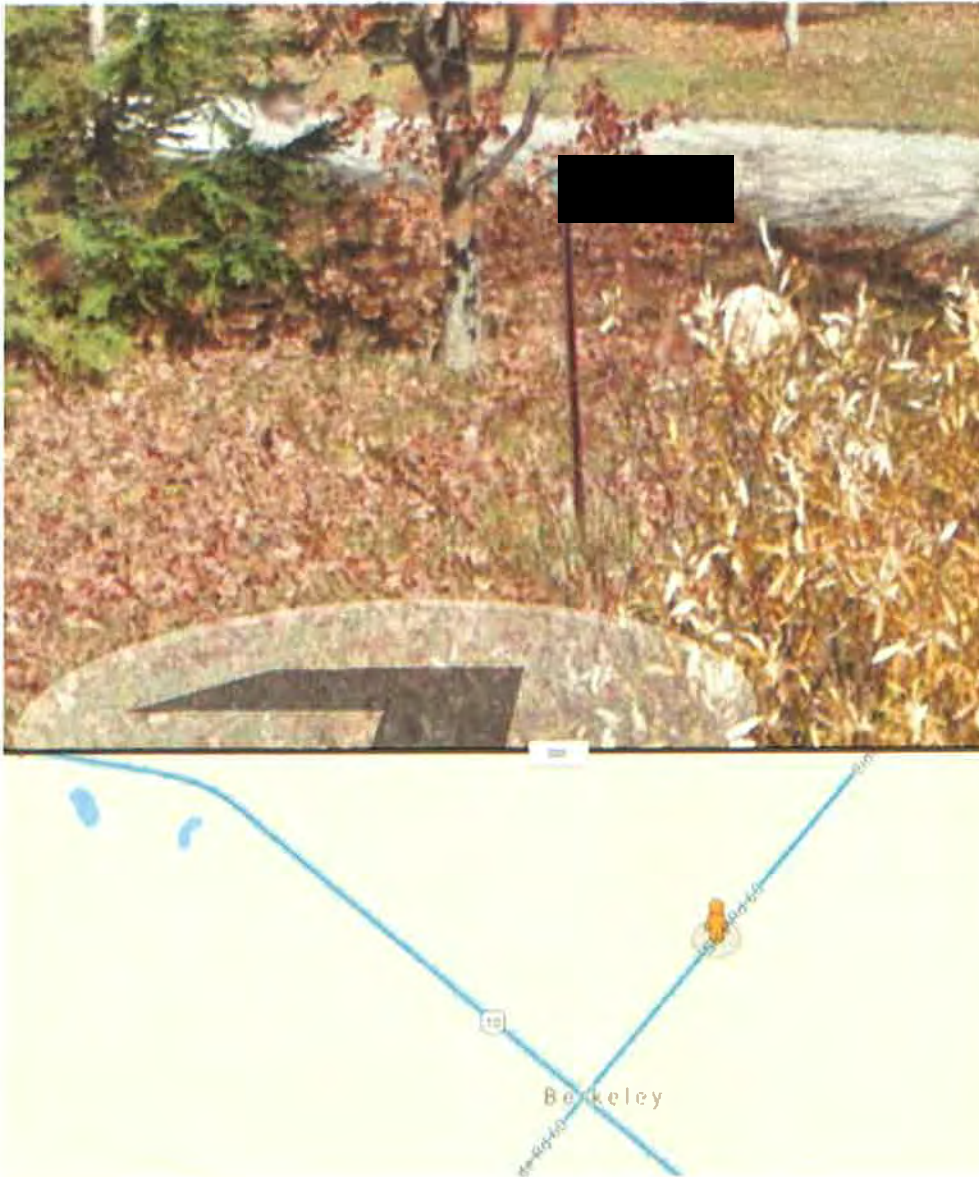
**From:** Meier, Joel  
**Sent:** Wednesday, January 10, 2018 2:25 PM  
**To:** Taylor, Scott  
**Cc:** Scribner, Monica; Lacey-Avon, Stephanie  
**Subject:** RE: Question re the new mapping system

Hello Scott,

The email address has been fixed. I'm not sure how it changed as a screen shot I have of it from when I launched the site shows the correct one, either way it's done now.

As far as her appearing on the west side of highway 10, the data we display does seem to all agree that the parcel is shown in the correct location. I can't speak to other GPS systems however as we do not have control over them. I do see that if you type her address into google maps it appears incorrectly. I have submitted feedback to google for this but they're responses are slow if they reply at all.





**Joel Meier**

*GIS Specialist*

Phone: +1 519-372-0219 ext. 1530



**From:** [Redacted]

**Sent:** Wednesday, January 10, 2018 12:58 PM

**To:** Group: Planning Dept Emails

**Subject:** Question re the new mapping system

Hi

Just comment re the new mapping system.

Was trying to find our property [REDACTED] and notice that we are showing up WEST of highway 10. We are actually EAST of highway 10. This is a common problem - anyone coming to the house are directed by their GPS to the western portion of [REDACTED] Is this something that can be corrected?

Also, the "Welcome" portion directs queries to go to recoulour@grey.ca, not recolour@grey.ca.

Many thanks.

Have just started looking at the new mapping system, and finding the learning curve to be very steep.

<https://grey.maps.arcgis.com/apps/MapSeries/index.html?appid=b1bb0d4ad5c74becbf072b18684d4cdf>

Take care,

[REDACTED]

# Grey County Official Plan

## ► Potential Mineral Aggregate Resources

## ► Schedule C Natural Heritage System Core Areas and Linkages

Schedule C identifies the proposed core areas and linkages which form a key part of the County's Natural Heritage System. The Core Areas and Linkages were identified through the **Green in Grey Study**. Proposed policies for these areas can be found in the **draft Official Plan**.

## ► Appendix A Constraint Mapping

## ► Appendix B Constraint Mapping

Click here to submit comments



### ▲ LEGEND

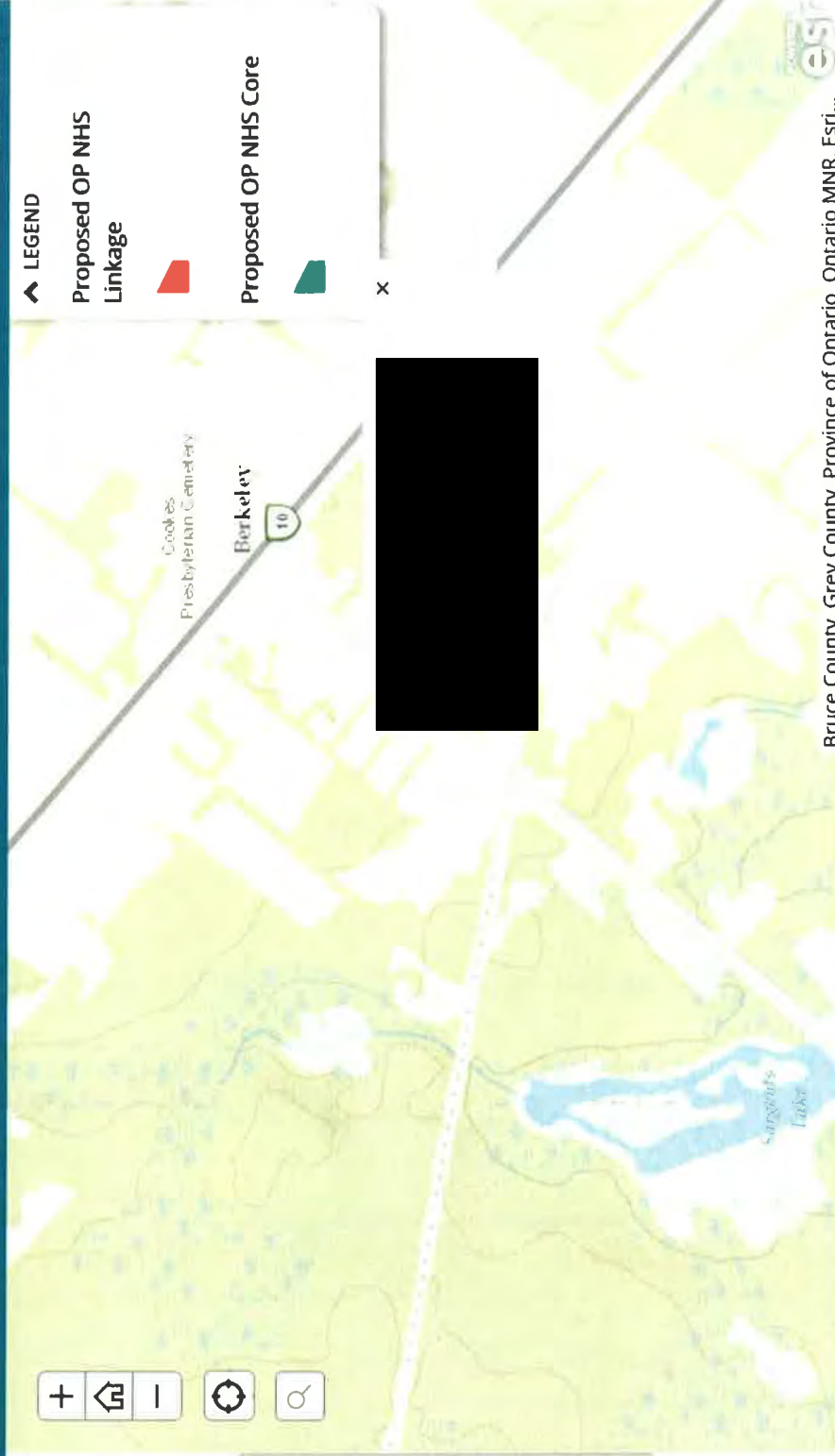
Proposed OP NHS  
Linkage



Proposed OP NHS Core



X





## Grey County Official Plan

deposits (Aggregate Resource Areas). The Aggregate Resource Areas could become licensed aggregate operations in the future. Schedule B also identifies current licensed aggregate operations (Mineral Resource Extraction Areas). There are proposed policies for the Aggregate Resource Areas and Mineral Resource Extraction Areas in the [draft Official Plan](#).

### Schedule C Natural

#### ► Heritage System Core Areas and Linkages

#### ► Appendix A Constraint Mapping

#### ► Appendix B Constraint Mapping

#### Appendix C Traditional

Click here to submit comments



#### ▲ LEGEND

Proposed OP Mineral  
Resource Extraction  
Area



Proposed OP Aggregate  
Resource Area



What would you like your community to look like in the next 5, 10, or 20 years?  
What do you like about your community? What is missing?

we need more petting zoos. so less kids can animals get a nice home w/ pets & cat pat

Additional comments:

people can go there to feel better and maybe decide to buy a pet.

Name (optional)

Phone/email (optional)

NIA  
TIS  
V

Response by \_\_\_\_\_  
# Entered in Spreadsheet  
Summarized (comment chart)





March 22, 2018

Randy Scherzer, Director of Planning  
Grey County of  
595 9th Avenue East  
Owen Sound, ON N4K 3E3

Dear Mr. Scherzer:

**RE: Grey County Official Plan Update**

The Nottawasaga Valley Conservation Authority is in receipt of the draft County Official Plan (OP) document dated November 2017. NVCA staff provide the following comments for the County's consideration:

The County of Grey falls within the jurisdiction of four conservation authorities (CA) including the Grand, Grey Sauble Saugeen and NVCA. The portion of Grey County within NVCA watershed forms the headwaters for the Mad River, Pretty River, Black Ash Creek and Silver Creek watercourse systems, as well as containing several wetland features. We understand that a key vision of the draft OP includes protection of environmental features and systems. In keeping with this vision NVCA staff offer comments:

**NATURAL HAZARDS:**

NVCA staff have reviewed the following sections that appear relevant to flood and erosion hazards: Section 6.3 (Hazard Lands), Section 6.6 (Karst Area) and Section 6.13 (Climate Change). Overall we find these sections generally consistent with the Provincial Policy Statement and NVCA's guidelines. We understand that the County has had more in-depth discussions with the Saugeen and Grey Sauble CA staff and that more detailed refinement of these sections may occur based on their input.

However, we suggest that section 6.3 reference to the requirements of the Ministry of Natural Resources and Forestry Natural Hazards Technical Guidelines, and current conservation authorities' guidelines/policies.

In regards to climate change, NVCA has developed a climate strategy (<https://www.nvca.on.ca/watershed-science/climate-change>) and are initiating an integrated watershed management plan. Both of these projects are intended to assist our municipal partners in terms of climate change adaptation and mitigation.

**NATURAL HERITAGE:**

NVCA staff participated in the "Greening Grey" natural heritage system study. NVCA staff were pleased to be part of this important project which represents a significant step

forward in natural heritage system development in Grey County. We understand that study recommended several Official Plan objectives including:

- Supporting the connectivity and biodiversity of natural heritage features through the creation of a Natural Heritage System.
- Restoring sensitive environmental features in addition to protection, preservation, conservation, maintenance, and enhancement.

In accordance with the above objectives, please consider the following comments:

- The Section 6.0 should recognize that there may be natural heritage features that have not been identified on the schedules and may also be subject to conservation authority regulations.
- We would encourage the County to include provisions in the OP that establishes development setbacks or minimum buffers from environmental features (e.g. 30 metres for wetlands and watercourses).
- Section 6.2 should reference the Municipal Class Environmental Assessment process pertaining to transportation, utilities and servicing works.
- We encourage the inclusion of wording that directs stormwater management facilities related to new development outside of the natural heritage system.

#### **STORMWATER MANAGEMENT:**

- Section 8.9.2 should note the role of conservation authorities in stormwater management.
- In addition, this section should identify that the stormwater submissions are to be prepared in accordance with the requirements and guidelines set out in the Ministry of Environment and Climate Change's "Stormwater Management Planning and Design Manual" (2003 or successor) and the applicable conservation authority's guidelines.

#### **SOURCE WATER:**

Section 8.11 relates to the OP conformity exercise for the Source Water Protection Plans as required under the Clean Water Act. This review was completed through the lens of the applicable South Georgian Bay Lake Simcoe Source Protection Plan policies. The following comments are provided on this section:

##### Subsection: 8.11.1:

- Current wording: "The low and moderate threat policies of the Provincial Policy Statement, 2014, will also apply and should complement the specific policies of the Source Protection Plans." This statement should be reworded to provide greater clarity on the intent of this section. Also, please note that there are no low to moderate threat policies in the South Georgian Bay Lake Simcoe Source Protection Region.
- Current wording: "The policies within this County Official Plan do not apply to those areas that solely rely on private communal sewage services and private communal water services where municipal sewage and municipal water services are not available". Please consider removing as there may be areas where the parcel is within a Well Head Protection Area (WHPA) but is not serviced by municipal services and would fall under

the Source Water Plan (SWP) policies. The proceeding statement satisfies the mapping requirement.

#### Significant Threats:

- A qualifier statement may be beneficial that Significant Groundwater Recharge Area (SGRA) and Highly Vulnerable Aquifer (HVA) have no policies associated to them.
- Item A: The WHPA definition needs to incorporate the quantity aspect (the WHPA Q1/2) and the WHPA-E.
- Please consider the rewording items C) and D) as follows:
  - C) A highly vulnerable aquifer (HVA) is an aquifer used as a water supply and is particularly susceptible to contamination due to the proximity to surface or to the type of materials found in proximity to the aquifer. For example, near surface fractured rock is considered more vulnerable than clay as the fractured rock provides transport pathways for containments to reach groundwater sources. An aquifer is an area of soil or rock under the ground that has many cracks and spaces and has the ability to store water.
  - D) Area where the rain or snow seeps down into an aquifer is called a groundwater recharge area. Recharge areas often have loose or permeable soil, such as sand or gravel, which allows the water to seep easily into the ground. Areas with shallow fractured bedrock are also often recharge areas. A recharge area 147 is considered significant when it helps maintain the water level in an aquifer that supplies a municipality with drinking water.
- Page 147 - WHPA/IPZ Scoring Table: Please consider changing aquifer vulnerability score to 'vulnerability score range'. Further, context should be provided on what the 'vulnerability score' indicates in reference to 'significant threats'

#### Existing/Future Uses:

- Item 3: consider removing 'with the exception of residential land uses' as, for an example fuel storage prohibited regardless if it is a residential vs commercial property in the South Georgian Bay Lake Simcoe Source Protection Plan.
- "Any planning application for non-residential uses that are submitted on lands within Wellhead Protection Areas and Surface Water Intake Protection Zones in local municipalities as shown in official plans, local zoning bylaws or in the Source Protection Plans, must include a Notice from the Risk Management Official as part of a complete application"- consider adding 'where deemed a significant drinking water threat". As this allows for a screening mechanism; eliminating WHPA-D reviews where no policies are applicable.
- Development applications within identified vulnerable areas will be accompanied by a Notice issued by the Risk Management Official under Section 59(2) of the Clean Water Act, 2006, as amended. Consider revising to limit 'identified vulnerable areas' to wellhead protection areas and intake protection zones.
- Item 4: The OP needs to define 'existing' in the context of the plan effective date as these changes with respect to the three different plans.

**SCHEDULES:**

- As per our comments under natural heritage, there may be natural heritage and natural hazards not identified on the schedules. The OP should include provisions allowing for site specific identification and protection of these components.
- We encourage the County to include a schedule or appendix or web link to online mapping regarding conservation authorities regulation areas and associated mapping.

NVCA staff appreciates the opportunity to comment on the draft OP at this stage of the process. Please feel free to contact the undersigned should you have any questions on the above comments.

Regards,



Chris Hibberd, MCIP, RPP  
Director, Watershed Management Services

Copy: Mr. Scott Taylor, County of Grey  
Mr. Andy Sorenson, GSCA

**Lacey-Avon, Stephanie**

---

**From:** Taylor, Scott  
**Sent:** Wednesday, February 7, 2018 9:21 AM  
**To:** Scherzer, Randy; Lacey-Avon, Stephanie; Scribner, Monica  
**Subject:** FW: draft op comments

FYI – see below. I've already responded.

Monica could you please add these to our Recolour Grey comments?  
Thanks

**Scott Taylor**  
*Senior Planner*  
Phone: +1 519-372-0219 ext. 1238



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**From:** [REDACTED]  
**Sent:** Wednesday, February 07, 2018 5:31 AM  
**To:** Taylor, Scott  
**Subject:** draft op comments

Hi Scott, I have briefly reviewed the draft op. There are 2 issues I would like to comment on.  
First, based on my experience with the township of Chatsworth, I noticed that the hazard lands have not changed (at least in my area). Based on my experience Chatsworth recently experienced some severe flooding. While the causes may vary, I think a large part of the reason is that the roads and culverts (infrastructure) have not been maintained properly in the past 20 years. The maintenance practices of the township may be outside the terms of an op, but the extent of the flooding (and hazard lands) as experienced recently, and to the extent known by staff of the CA and township should have been included (updated) in the mapping. Also, I noticed that section 3.6.4.4 (pg 48 and 49) does not require the proponents of a gravel pit or quarry to include in their study how the Provincial Policy Statements have been complied with. I think adding this study requirement would greatly assist staff and the community in understanding and complying with the social aspects of these types of applications.

thanks for your great work to date,

[REDACTED]

✓ Response by Scott  
749 # Entered in Spreadsheet  
✓ Summarized (comment chart)



## COUNTY OF WELLINGTON

PLANNING AND DEVELOPMENT DEPARTMENT  
Aldo Salis, M.C.I.P., DIRECTOR  
TEL: (519) 837-2600  
FAX: (519) 823-1694  
1-800-663-0750

ADMINISTRATION CENTRE  
74 WOOLWICH STREET  
GUELPH, ONTARIO  
N1H 3T9

February 28<sup>th</sup>, 2018

Scott Taylor  
Senior Planner  
Grey County  
595 9<sup>th</sup> Avenue East  
Owen Sound, ON N4K 3E3

Dear Mr. Taylor:

**RE:    Recolour Grey- 5 - year Official Plan Review**

---

Thank you for providing this office with the opportunity to comment on the "Recolour Grey- 5 year Official Plan Review". We have reviewed the relevant documentation and wish to advise that we would have no concerns at this time. We would request that we continue to be notified of matters that relate to this project as it moves forward.

Please feel free to contact me should you wish to discuss these comments further.

Yours truly,

A handwritten signature in cursive script that reads "Jameson Pickard".

Jameson Pickard, B.URPL.  
Planner

cc.     Aldo Salis, Planning Director, County of Wellington  
       Linda Redmond, Manager of Planning & Environment, County of Wellington

Thank you, Scott, for your help,

What would you like your community to look like in the next 5, 10, or 20 years?

What do you like about your community? What is missing?

I like all the parks and schools  
and the new rec center is really  
nice. But the traffic isn't so good  
and we need another animal  
shelter

Additional comments:

N/A

Response by \_\_\_\_\_

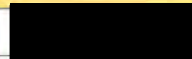
7/6

# Entered in Spreadsheet

✓

Summarized (comment chart)

Name (optional)



Phone/email (optional)

XXXX





1078 Bruce Road 12, P.O. Box 150, Formosa ON Canada N0G 1W0  
Tel 519-367-3040, Fax 519-367-3041, [publicinfo@svca.on.ca](mailto:publicinfo@svca.on.ca), [www.svca.on.ca](http://www.svca.on.ca)

Sent via electronic mail only

March 23, 2018

Randy Scherzer  
Director of Planning & Development, Grey County  
595 9th Avenue East  
Owen Sound, ON  
N4K 3E3

Dear Mr. Scherzer:

RE: Proposed Grey County Official Plan  
November 2017 Draft Official Plan  
Grey County

Saugeen Valley Conservation Authority (SVCA) staff has reviewed the proposed Official Plan based on our policies and mandate relating to Plan Review. The proposed Official Plan is generally acceptable to SVCA staff.

These comments are specific to the SVCA's jurisdictional area. Please refer to comments from other Conservation Authorities (CA) for comments specific to their jurisdictions.

1. Pg. 89 Subsection 5) indicates that lots 56-59 Concession 2 E.G.R. Glenelg will have Two Zone policy applicable to the floodplain mapped area. The geographic village of Neustadt also is within a Two Zone policy area, as well as the rest of the Town of Durham. Secondary Schedules 3L and 3M do not indicate the flood fringe overlays for these existing Two Zone floodplain policy areas (or for the proposed area).
2. Pg. 89 Subsection 9) appears to allow for new development in the Hazard Designation. The Hazard Designation should correspond with the floodplain/floodway, even in Two Zone policy areas. Therefore, new development permissibility is not consistent with the provincial policy statement in the Hazard in the opinion of SVCA staff as proposed.
3. Pg. 90 indicates inappropriate uses in the Hazard. These uses should not be allowed in the flood fringe area of a Two Zone policy area, or the hazard it can be clarified. No new uses (other than park, infrastructure and related) should be allowed in the Hazard in standard floodplain policy areas or two zone floodplain policy areas.
4. Pg. 91 'Other wetlands' are indicated on Schedule B it is proposed. SVCA staff suggest other wetlands be 'as identified by the CA' and potentially not mapped. Areas that are not wetlands may be labeled as other wetlands, and areas that are 'other wetlands' may be missed by this layer in the SVCA's experience.



Watershed Member Municipalities

Municipality of Arran-Elderslie, Municipality of Brockton, Township of Chatsworth, Municipality of Grey Highlands, Town of Hanover, Township of Howick, Municipality of Morris-Turnberry, Municipality of South Bruce, Township of Huron-Kinloss, Municipality of Kincardine, Town of Minto, Township of Wellington North, Town of Saugeen Shores, Township of Southgate, Municipality of West Grey

5. Pg. 91 section 6.5 indicates woodlands within 30 metres of each other are considered as one. This may lead to most woodlands in Grey County being considered as larger woodlands via the connectivity. Previous OP updates indicated a 20 metre separation would result in a woodland separation in Grey County staff believe. SVCA staff are not opposed to the proposed policy, but note it might mean larger woodlands being identified in Grey County, which can mean additional significant natural heritage policies (significant wildlife habitat is in part large woodlands) are applicable, where typically 20 metre plus woodland separations have been recognized in woodlands as separations.
6. Sections 7.1.4 and 7.1.5 should clarify secondary dwelling units or garden suites shall not be permitted in the Hazard Designation, and may be allowed in the flood fringe overlay subject to CA review.
7. On Secondary Schedule Map 3j, the Hazard Designation is too large on the Bren Lea Estates Subdivision. SVCA mapping recommended at this location had not been updated in this area to reflect recent review and related detailed reports. The lots in place in this subdivision are bound by the recommended hazard to the west, and south (property line information is available in subdivision file). There is a setback indicated in the approved plans as well on the eastern boundary of the eastern lots that would also warrant the Hazard designation.

All the plan review functions have been assessed with respect to this proposal, Authority staff believes this new Official Plan appears to comply with most of relevant Provincial Policies pending the above clarifications.

We trust these comments are helpful. Should questions arise, please do not hesitate to contact this office.

Yours Sincerely,



Erik Downing  
Manager, Environmental Planning & Regulations  
Saugeen Conservation

ED/

c.c.: Sue Patterson, Authority Member, SVCA, via email  
Brian Gamble, Authority Member, SVCA, via email  
Kevin Eccles, Authority Member, SVCA, via email  
John Bell, Authority Member, SVCA, via email  
Stewart Halliday, Authority Member, SVCA, via email  
Barbara Dobreen, Authority Member, SVCA, via email

What would you like your community to look like in the next 5, 10, or 20 years?

What do you like about your community? What is missing?

I would like to be a zip line line, & rectangle,  
& Soper Sore, &

Additional comments:

N/A Response by \_\_\_\_\_  
72 # Entered in Spreadsheet  
✓ Summarized (comment chart)

Name (optional)

Phone/email (optional)

**ONE WINDOW PLANNING SERVICE REVIEW**  
**Recolour Grey – Draft County Official Plan**

POLICY #	REQUEST BY	COMMENTS/CONCERNS	PROPOSED MODIFICATION
Bill 139 Entire document	MMA	<p><i>Building Better Communities and Conserving Watersheds Act, 2017</i> (Bill 139) received Royal Assent on December 12, 2017. Bill 139 changes to the land use planning and appeal system come into force upon proclamation. Changes not addressed in the transition regulation would apply immediately upon proclamation (date TBD).</p> <p>Bill 139 repeals the <i>Ontario Municipal Board Act</i> and replaces it with <i>Local Planning Appeal Tribunal Act, 2017</i>, and established the Local Planning Appeal Tribunal (LPAT) as the province-wide appeal body for land use planning matters.</p> <p>Notably, Bill 139 restricts appeal grounds for official plans/amendments, zoning by-laws/amendments and community planning permit by-laws to only matters of consistency with the Provincial Policy Statement, 2014 and conformity with municipal official plans.</p> <p>Appears that the terms "must", "will", and "shall" are used interchangeably throughout the document.</p>	<p>With this transformational change to the planning appeals system imminent, it would be important for the County to ensure that the policies of the new official plan are as clear and directive as possible to reduce implementations issues and LPAT challenges based on conflicting policy interpretations.</p>
Entire document	MMA		<p>Consider choosing one term and explain in the introduction of the Plan how terms such as "will", "should" and "encouraged" are to be interpreted when implementing the Plan. MMA recommends that the terms "must" and "shall be replaced with "will" throughout the document, where appropriate.</p>
Entire document	OMAFRA MMA	All defined terms should be italicized, to ensure clarity and reduce confusion.	Consider italicizing all defined terms.
Entire document	OMAFRA	Possible interpretation issues regarding the use of the term "must".	The use of the term "must be permitted" could imply certain rights and lead to interpretation issues. Consider using "may".
Entire document 9.18	OMAFRA	Terms such as "farm use, agricultural use, non-farm use, agricultural area, agricultural land use type, and agricultural land use" are examples of terms used in various sections throughout the document and it is unclear whether some terms mean the same thing. Terms should be used consistently throughout the document and those terms should be defined.	To add clarity, consider using one term per meaning or intent, throughout the document. Define these terms.
Entire document 8	MNRF	<p>There does not appear to be any policies in the draft OP to address Section 3.2.1 of the PPS with respect to oil and gas hazards. This policy of the PPS states that "development on, abutting or adjacent to lands affected by oil, gas and salt hazards or former petroleum resource operations may be permitted only if rehabilitation or other measures to address and mitigate known or suspected hazards are under way or have been completed."</p> <p>Petroleum Resource Operations include oil, gas and salt wells and associated facilities and other drilling operations. It also includes storage space created by natural pores or man-made openings in geological formations for the storage of natural gas -or liquid hydrocarbons. MNRF regulates oil, gas, salt and underground</p>	<p>MNRF requests that known petroleum wells be identified on a constraint layer with a policy that will require wells to be identified in local municipal official plans</p> <p>In the case of historic petroleum hazards is recommended that land use policies n permit buildings within 75 metres of an</p>

Response by Scott  
 # Entered in Spreadsheet  
 Summarized (comment chart)

**ONE WINDOW PLANNING SERVICE REVIEW**  
**Recolour Grey – Draft County Official Plan**

		storage industries through the <i>Oil, Gas and Resources Act</i> , Provincial Standards and associated regulations, also through Part IV of the <i>Mining Act</i> .  There are thousands of unplugged abandoned wells drilled in Ontario before regulations were in place. The Oil, Gas and Salt Library is a public website that provides mapping for all the known well locations that MNRF has in its records. This mapping can be accessed at the following website: <a href="http://www.ogsrlibrary.com/library_ontario_oil_gas_salt">http://www.ogsrlibrary.com/library_ontario_oil_gas_salt</a> . The mapping shows that there are well hazards in Grey County. These should be identified in the Plan.		unplugged well. It is also recommended that no buildings be constructed directly on top of any plugged well. A well licence is required from the MNRF before any attempts are undertaken to enter or plug a well.  MNRF recommends that the above policies related to oil and gas hazards be added to Section 8.
1.4.1 10)	MTCS	As per Part IV, page 4 paragraph 6 of PPS 2014, inclusion of cultural heritage resources is warranted in scope of bullet 10. The role of the cultural environment is intimated in this bullet, as well as in #s 1, 2, 3, 5, 7 and 9. Insertion into bullet 10 names this component of land use planning in the environmental context, where it is typically managed in the planning process.		10) Natural and Cultural Environments The natural and cultural environments <del>is</del> are an important aspects to Grey County and <del>is a</del> are reasons why many people move to this area. We need to protect our natural and cultural environments, as well as promote activities and development that work well with the landscape, i.e. tourism activities.
1.5 4)	MTCS	PPS 2014 Part V Section 2.6.2 specifies this category of resources, and their identification is warranted in the last bullet for this item.		Cultural heritage resources, including built heritage, cultural heritage landscapes, archaeological sites and areas of archaeological potential.
2.1 Growth Projections Page 18	MMA	This sentence may be misleading: "Growth projections are not considered a limitation by which municipalities are constrained, and they may look to expand their settlement boundaries, provided adequate justification for doing so is accepted by the County."		Consider rewording: "Growth projections may be updated from time to time, and settlement area land use types may be expanded, through a comprehensive review of this Plan." Define comprehensive review in the definitions section.
3.1 Introduction to the Countryside Page 19	MMA	This phrase may be misinterpreted: "While houses and non-farm development can be built almost anywhere...."		Consider removing this phrase.
3.1 Introduction to the Countryside Page 19	MMA	This sentence may be suggesting that limited housing development can occur in prime agricultural areas: "Although a certain degree of housing development and rural non-farm growth provides benefits to the community and the economy; such development should be limited and primarily focused in our settlement areas."		Consider rewording: "Housing and non-farm development will be primarily directed to settlement area land use types, as well as limited in other place types where permitted."
3.1 Introduction to the	MMA	May want to explain what "cast a large shadow" means in practical terms.		Consider rewording: "although individual lands or parts of lands may not be

**ONE WINDOW PLANNING SERVICE REVIEW**  
**Recolour Grey – Draft County Official Plan**

Countryside Page 20			agriculturally productive or contain sand or gravel resources, the County will not support non-farm development on lands that may be incompatible or conflict with neighbouring farmlands or prevent or hinder the extraction of mineral aggregate resources."
3.1 first and second bullet points	OMAFRA	Ensure all agricultural land uses are recognised in the prime agricultural area, including specialty crops and to provide flexibility for future land use designations.	In the first bullet point insert "agricultural land uses such as" before the word "livestock". Insert "specialty crops such as" before the word "apple".
3.2 Agricultural Land Use Type first paragraph, and elsewhere in the document	OMAFRA	The Canada Land Inventory is a system used to classify land, not soils.	When referencing the Canada Land Inventory agricultural classifications replace the word "soil" or "soils" with "land" or "lands" throughout the document.
3.2	OMAFRA	Reference to the Agricultural Land Use designation on Schedule A.	Insert, "as shown on Schedule A", after "in blocks of 160 ha or larger" at the end of the second sentence.
3.2	OMAFRA	Include a link/reference to the rural economy and the agri-food sector. PPS 1.1.5.7 and 2.3.	Insert, "the geographic continuity of the agricultural land base and the long term economic prosperity and viability of agriculture and the agri-food sector will be maintained and enhanced."
3.2 9.18 Entire document	OMAFRA	Inconsistent terminology could lead to confusion and interpretation/implementation issues.	All references to "barns", "manure storages", etc. should be changed to reflect the terminology and defined terms used in the MDS document and the PPS. Terms such as <i>livestock facilities, anaerobic digester, manure storage, livestock barns, etc.</i> have specific meanings and should be used in the document as appropriate. These terms should also be included in the definitions section of the document.
3.2 9.18 Entire document	OMAFRA	Lack of clarity regarding the use of the term "non-farm". Inconsistent terminology could lead to confusion and interpretation/implementation issues.	The term "non-farm" is used throughout the document and appears to include agricultural permitted uses such as <i>agriculture-related uses and on-farm</i>

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			diversified uses. For clarity, the MDS defined term "non-agricultural uses" should be used in its place, as appropriate. Non-agricultural uses does NOT include agriculture-related uses, on-farm diversified uses and residential uses. Alternatively, the term "non-farm" could be defined but may not include agriculture-related uses and on-farm diversified uses.
3.2.1 c)	OMAFRA	Inconsistent with PPS 2.3.3.1, unclear	Delete "small scale" entirely or replace with "limited in area"
3.2.1 f)	OMAFRA	Inconsistent with PPS 2.3.3	Delete f) as institutional uses are not permitted as-of-right in <i>prime agricultural areas</i> . The use may be permitted within a <i>prime agricultural areas</i> subject to PPS 2.3.6.1 b).
3.2.1 3)	OMAFRA	Inconsistent with PPS definition of <i>Agricultural uses</i> . Additional test required to be met by the PPS definition.	Insert the word "full time" before "farm labour" in the first sentence. Add, "where the size and nature of the operation requires additional employment" after the word "permitted" in the first sentence.
3.2.1 5)	OMAFRA	Clarity	Add to the end of this paragraph, "in accordance with Section 3.2.3 Consent Policies."
3.2.1 6)	OMAFRA	PPS 2.3.3 and 2.3.4	The PPS only permits lot creation under 4 possible scenarios. Consents in <i>prime agricultural areas</i> are simply not permitted unless they meet the requirements of PPS 2.3.4.1. Similarly, non-agricultural uses may only be permitted in <i>prime agricultural areas</i> for mineral aggregate extraction of limited non-residential uses subject to meeting the criteria in PPS 2.3.6.1. b) and 2.3.6.2. This policy should be deleted as it is inaccurate and is addressed in policy 3.2.3, as revised.
3.2.2	OMAFRA	The length and breadth of this section makes it confusing and difficult to follow. There are some consent policies in this section, in addition to 3.2.3 Consent Policies.	Consider separating out sections for General Development policies, MDS policies, Extraction in <i>prime agricultural areas</i> , agriculture-related uses and on-



ONE WINDOW PLANNING SERVICE REVIEW  
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			farm diversified uses, and move the consent policies to the Consents section.
3.2.2 3.3.2	OMAFRA	PPS 2.3.5 is missing.	It needs to be clearly stated that land may only be excluded from the "Agricultural Land Use Type" and the "Special Agricultural Type Land Use" designations for expansions of or identification of settlement areas in accordance with 4.4.2 Settlement Area Expansions.
3.2.2	OMAFRA	PPS 2.3.6 - policies for the consideration of non-agricultural uses in prime agricultural areas are missing. The addition of these policies will allow the County to consider, among other things, institutional uses for the horse-drawn vehicle community.	It should be included here that "Non-agricultural uses are generally discouraged in prime agricultural areas." Add PPS 2.3.6.1 and 2.3.6.2 to this section; "Non-agricultural uses may only be permitted within the Agricultural Land Use Type for a) extraction of minerals, petroleum resources and mineral aggregate resources, in accordance with Section 3.6"; or b) limited non-residential uses provided that all of the following are demonstrated...": Proceed to add the remainder of PPS 2.3.6.2 b). Also add PPS 2.3.6.2; 'Impacts from any new or expanding non-agricultural uses on surrounding agricultural operations and lands are to be mitigated to the extent feasible. The preparation of an Agricultural Impact Assessment may be required to assess these impacts and identify mitigation measures."
3.2.2.2) 3.2.3	OMAFRA	Clarity	It should be clearly stated that the minimum lot area in the Agricultural Land Use Type is 40ha. However, smaller agricultural lots may be permitted in accordance with 3.2.3 Consent Policies. The second sentence of this paragraph should be deleted as it is inaccurate (contrary to PPS) and confusing. The details for these types of consent should be contained in the consent policies



**ONE WINDOW PLANNING SERVICE REVIEW**  
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3.2.2 3) 3.2.3	OMAFRA	Inaccurate and confusing	section. Delete 3) as this is a consent policy pertaining only to <i>agriculture-related uses</i> and <i>residence surplus to a farming operation</i> and should be included in 3.2.3.
3.2.2 4)	OMAFRA	Clarity	This should be a separate Section: Minimum Distance Separation. Again, certain terminology needs to be revised using defined terms to ensure consistency and clarity. In the second sentence; the <i>minimum distance separation formulae</i> (MDS) will be applied to <i>non-agricultural uses</i> and <i>residential uses</i> on existing lots of record unless it would otherwise render the lot undevelopable. In the next sentence replace "non-farm use" with "non-agricultural use or residential use", replace "barn or manure storage facility" with "livestock facilities".
3.2.2 4) a)	OMAFRA	Clarity and consistency with the MDS document (Guideline #11)	Replace the word "catastrophe" with "building reconstruction" as buildings may need to be reconstructed due to any number of reasons.
3.2.2 4) b)	OMAFRA	Clarity and consistency with the MDS document (Guideline #8)	Add to the end of the sentence; "which does not result in the creation of a new lot".
3.2.2 4) e)	OMAFRA	Clarity MDS Guideline #35	Specific policies should be included here, or provisions should be included in comprehensive zoning by-laws, to clearly indicate the types of <i>on-farm diversified uses</i> that will be required to meet MDS I setbacks, including provisions related to the measurement of MDS I setbacks from <i>existing livestock facilities</i> and <i>anaerobic digesters</i> .
3.2.2 4) f)	OMAFRA	Repeating policies	See OMAFRA comments regarding 3.2.2.4 above.

**ONE WINDOW PLANNING SERVICE REVIEW**  
**Recolour Grey – Draft County Official Plan**

3.2.2.4) g)	OMAFRA	Clarity and consistency with the MDS document (Guideline #38)	Replace "should" with "shall" or "will". The second sentence should state, in part, "... when the cemetery is closed or receives low levels of visitation or where no place of worship is present."
3.2.2.4) i)	OMAFRA	Consistency with the MDS document (Guideline #43)	Reword the first sentence: "Municipalities should not reduce MDS setbacks through a minor variance, ZBA or OPA except in limited site specific circumstances where sufficient reasoning has been provided and the intent of the MDS document is maintained." MNRF requests that this policy be modified as follows:
3.2.2.5)	MNRF	In this section, both PPS Policy 2.5.2.4 with respect to mineral aggregate operations and PPS Policy 2.5.2.5 with respect to known deposits of mineral aggregate resources and on adjacent lands have been combined. MNRF requests that this section be modified such that the two policies are separate. These modified policies should be repeated in Section 3.6.2 (Aggregate Resources Area Policies) and Section 3.6.3 (Mineral Resource Extraction Permitted Uses Policies).  Note: the Aggregate Resources Areas identified do not reflect all known deposits of mineral aggregate resources. As such, the policies applying to the protection of mineral aggregate resources are only effective with respect to those sand and gravel deposits that are currently identified in the draft plan and would not apply to known deposits of bedrock resources that have not been identified (see further discussion of this under MNRF's comments regarding Policy 3.6.1 below).	"On areas within 300 metres of areas identified as Mineral Resource Extraction on Schedule B, non-farm development on existing lots of record, or new non-farm lot creation, will only be permitted where it has been demonstrated that the proposed land use or development would not preclude or hinder their expansion or continued use or which would be incompatible for reasons of public health, public safety or environmental impact"; and,  "In Aggregate Resources Areas and on adjacent lands, non-farm development on existing lots of record, or new non-farm lot creation which would preclude or hinder the establishment of new operations or access to the resources will only be permitted if: a) resource use would not be feasible; or b) the proposed land use or development serves a greater long-term public interest; and, c) issues of public health, public safety and environmental impact are addressed."

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			<p>The above policies should be repeated in Section 3.6.2 (Aggregate Resources Area Policies) and Section 3.6.3 (Mineral Resource Extraction Permitted Uses Policies) in the plan, but should in both cases apply to development and activities, rather than non-farm development on existing lots of record, or new non-farm lot creation.</p>
3.2.2 5) 3.2.2 6) 3.2.2 7)	OMAFRA	Clarity and use of terminology	<p>"Non-farm development" should be defined or replaced with "non-agricultural uses and residential uses" or "development" as appropriate.</p> <p>"New non-farm lot creation" should be specified as only 4 kinds of severances are permitted in <i>prime agricultural areas</i>/Agricultural Land Use Type (i.e. <i>agricultural uses, agriculture-related uses, a residence surplus to a farming operation, infrastructure</i>) and it is not clear which ones, if any, is being referred to.</p>
Agricultural Development Policies 3.2.2 7) Pg. 28	MOECC	Reference is made in this policy to hard servicing problems. What is meant by "hard servicing problems" (sanitary sewage, potable water and storm water management)? Ideally, it should be defined.	<p>The MOECC recommends that the County expand upon the wording of this Policy to define what actually constitutes hard servicing problems.</p>
3.2.2 11) 3.2.2 12) 3.2.2 14) 3.2.2 15)	OMAFRA	3.2.2 13) is possibly missing? Clarity and Consistency with PPS re. <i>agriculture-related uses and on-farm diversified uses</i>	<p>These policies all deal with permitted uses in the <i>prime agricultural areas</i>/Agricultural Land Use Type - <i>agriculture-related uses and on-farm diversified uses</i>. Consider placing these in a separate section.</p>
3.2.2 12)	OMAFRA	Consistency with the provincial Permitted Uses Document.	<p>Italicize all defined terms.</p> <p>Reword the first sentence: "New <i>agriculture-related uses</i> or <i>on-farm diversified uses</i> must be of a size and scale that can be sustained by local service and infrastructure levels."</p> <p>Reword the 4<sup>th</sup> sentence: "Municipal official plans or zoning by-laws may also choose to limit individual uses that, based on</p>

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			servicing needs, should otherwise be directed to settlement areas.” In the 5 <sup>th</sup> and 6 <sup>th</sup> sentence, delete “small scale” and replace with “limited in area” (as per the Permitted Uses/PU Document 2.3.1.3) as these two terms do not necessarily mean the same thing. Also as per the PU document 2.3.1.3 guidance “limited in area” should be based on the total land area that is unavailable for agricultural production as a result of the <i>on-farm diversified</i> use, including landscaped areas, well and septic systems, parking areas, accessory roads, etc., not just the outdoor storage and building size.
3.2.2 15) d)	OMAFRA	Consistency with PPS definition of an <i>on-farm diversified use</i> , and PU Document 2.3.1.2	Replace the word “farm” with “active agricultural use on the farm property”. After the word “activity” add “, and does not have permanent structures.”
3.2.2 15) d)	OMAFRA	Consistency with PU Document 2.3.1.2	
3.2.2 16)	OMAFRA	Consistency with the <i>Food and Farming Production Protection Act (FFPPA)</i> .	Consider clarifying the application of the D-6 Guideline to <i>agricultural uses</i> including <i>agriculture-related uses</i> and <i>on-farm diversified uses</i> , or consider deleting 3.2.2.16 as the D-6 guidelines do not apply to stationary sources on farms (such as grain dryers, etc.) as they are covered under the FFPPA, as long as they are determined to be “normal farm practices”. Of course any use must still meet all applicable provincial air emission, noise, water and waste water standards and receive all relevant environmental approvals.
3.2.2 17)	MTCS	Clarifying language for conformity with PPS 2014	As farming practices evolve, there may be built heritage structures (i.e. historic barns or dwellings) that could disappear as a result of no longer being required for agricultural purposes. The adaptive reuse of such structures for agricultural-related

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<p>Agricultural Development Policies 3.2.2 18) Pg. 30</p>	<p>MOECC</p>	<p>The MOECC recommends the current wording of this policy be expanded upon to acknowledge "potability of water supply", and "treatment of sewage".</p>	<p>uses or on-farm diversified uses is permitted at an appropriate scale relative to the size of the farm operation. Appropriate standards addressing variation in the size due to the historic nature architecture of certain such structures may be implemented through site-specific zoning provisions. Building Code requirements must be met for the new proposed use.</p> <p>The first sentence be amended to read as follows:</p> <p>"In accordance with section 8.9 of this Plan, if municipal water and sewer services are not available, re-development of existing lots of record or the creation of new lots will require evidence of the site's suitability to provide an adequate potable water supply and sanitary sewage treatment and disposal system."</p>
<p>3.2.3</p>	<p>OMAFRA</p>	<p>Consistency with PPS 2.3.4</p>	<p>Add an opening sentence: "Lot creation in the Agricultural Land Use Type is generally discouraged and may only be permitted for agricultural uses, agriculture-related uses, a residence surplus to a farming operation, infrastructure, in accordance with the policies of 3.2.3. The creation of new residential lots in the Agricultural Land Use Type will not be permitted except for a residence surplus to a farming operation."</p> <p>Again, "non-farm" should be replaced with "non-agricultural uses and residential uses".</p> <p>PPS policy 2.3.4.1 b) has been omitted from the consent policies; therefore, add a consent policy that states: "Lot creation for agriculture-related uses may be permitted provided that any new lot will be limited to a minimum size needed to accommodate</p>

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			the use and appropriate sewage and water services."
3.2.3 1) a)	OMAFRA	Consistency with PPS 2.3.4	This policy repeats policy 3.2.2.2 and appears to deal with PPS 2.3.4.1 a) lot creation for <i>agricultural</i> uses. As such, 3.2.3.1 a) should be reworded: "One lot severed to create an <i>agricultural</i> use of generally 40ha in size, provided both the severed and retained lots are a minimum of 40ha in size, or provided that the lots are of a size appropriate for the type of agricultural use(s) common in the area and are sufficiently large to maintain flexibility for future changes in the type or size of agricultural operations", or ....
Consent Policies 3.2.3 1) b) (ii), Pg. 31	MOECC	The MOECC recommends the current wording of this policy be expanded upon to acknowledge "treatment of sewage".	The latter portion of the policy be amended to read as follows: "...a well and a sewage treatment and disposal system, while ..."
Consent Policies 3.2.3 (5) b), Pg. 32	MOECC	This policy should likely be renumbered 4) as on Pg. 32, the numbers jump from 3) to 5). Also, the MOECC recommends the current wording of this policy be expanded upon to acknowledge "treatment of sewage".	The latter portion of the policy be amended to read as follows: "... the use and on-site servicing (i.e. subsurface sewage treatment and disposal and well); and"
3.2.3 6) 9.18	OMAFRA	Consistency with PPS 2.3.4	This policy deals with PPS 2.3.4.1 d) lot creation for <i>infrastructure</i> . <i>Infrastructure</i> should be defined in the definitions section 9.18 as per the PPS definition. As such, this policy needs to be revised as "public airports or conservation purposes" are not considered <i>infrastructure</i> and consents for these uses are not permitted, as of right, by the policies of the PPS.
3.2.3.6	MTCS	Clarifying language for conformity with PPS 2014 and Ontario Heritage Act.	New lots for public airports, infrastructure, utilities, transmission towers, conservation purposes (acquired by an approved conservation organization), and historic sites properties designated under the

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3.3	OMAFRA		Ontario Heritage Act, will be exempt from the requirements for lot size requirements identified in 3.2.3.1) but must be permitted in the following circumstances only: All defined terms in this section should be italicized.
3.3.1	OMAFRA	Consistency with PPS 2.3.5	A policy needs to be added here to clarify that land may NOT be excluded or removed from the Special Agricultural Land Use Type for the expansion or identification of settlement areas, or for any other use.
3.3.2	OMAFRA	Consistency with PPS 2.3.6	This section needs to be reworked and a policy needs to be added here to clarify that "the only non-agricultural use permitted in the Special Agricultural Land Use Type may be for the extraction of minerals, petroleum resources and mineral aggregate resources, in accordance with Section 3.6." New institutional uses, consents for conservation lots, etc., are simply not permitted.
3.3.3.1)	OMAFRA	Consistency with PPS 2.3.4.1 b)	This policy deals with lot creation for agriculture-related uses, which are considered agricultural uses. The term agriculture-related uses should be italicized and the following policy included; "Lot creation for agriculture-related uses may be permitted provided that any new lot will be limited to a minimum size needed to accommodate the use and appropriate sewage and water services."
3.4	OMAFRA	Consistency with PPS 1.1.5.2	Add "cemetaries" to the list of permitted uses. Consider adding other institutional uses to the list.
3.4.2 3.4.3	OMAFRA	Consistency with PPS 1.1.5.8 and 1.1.5.9	Add policies addressing the application of MDS and the promotion and protection of agriculture; "agricultural uses, agriculture-related uses and on-farm diversified uses

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3.4.2.4)	MNRF	<p>The Aggregate Resources Areas identified do not reflect all known deposits of mineral aggregate resources. As such, the policies applying to the protection of mineral aggregate resources are only effective with respect to those sand and gravel deposits that are currently identified in the draft plan and would not apply to known deposits of bedrock resources that have not been identified (see further discussion of this under Policy 3.6.1 below). Non-farm lot creation and development and activities should not be permitted within all known deposits of mineral aggregate resources and on adjacent lands, as per Policy 2.5.2.5 of the PPS.</p> <p>This section describes that in 2004, the County completed an Aggregate Resources Inventory Master Plan to identify the location of high quality areas of sand and gravel deposits. The plan protects these areas from incompatible land uses so that they may one day be available for extraction. Bedrock resources were not examined as part of this master plan.</p> <p>MNRF notes that there is a more current document that provides an inventory and evaluation of both sand and gravel, and bedrock resources within Grey County. The Aggregate Resources Inventory Paper (2009) for Grey County prepared by the Ontario Geological Survey is available at the following website:  <a href="http://www.geologyontario.mndm.gov.on.ca/mndmfiles/pub/data/imaging/arip180/ARIP180.pdf">http://www.geologyontario.mndm.gov.on.ca/mndmfiles/pub/data/imaging/arip180/ARIP180.pdf</a></p> <p>The report identifies that bedrock resources associated with the Amabel Formation are present in a broad band across the County immediately south of the Niagara Escarpment. Six areas have been selected for possible protection, although significant parts of these areas fall within the Niagara Escarpment Plan area. An additional Selected Bedrock Resource Area is located in the Township of Georgian Bluffs where the Guelph Formation overlies the Amabel Formation. This area has the potential to produce building stone and construction aggregate from the same source.</p> <p>As well, MNRF notes that the Ontario Geological Survey produced a report in 2012 entitled Shale Resources of Southern Ontario: An Update (2012) which identifies and delineates within Grey County the potential shale resources that can be used to manufacture brick and tile in southern Ontario. In addition to identifying these resource areas, the report outlines physical (e.g., thick overburden cover) and high-level land-use planning constraints that can greatly reduce the potential extraction areas. The aim of this report is to assist decision-makers in protecting the resource and ensuring that an adequate supply of shale remains for future use. This report is available at the following website:  <a href="http://www.geologyontario.mndm.gov.on.ca/mndmfiles/pub/data/imaging/OFR6278/OFR6278.pdf">http://www.geologyontario.mndm.gov.on.ca/mndmfiles/pub/data/imaging/OFR6278/OFR6278.pdf</a></p> <p>The information in these reports should be carefully assessed. Deposits of all high potential mineral aggregate</p>	<p>and normal farm practices should be promoted and protected in accordance with provincial standards.”</p> <p>“New land uses, including the creation of lots, and new or expanding livestock facilities, will comply with the provincial minimum distance separation formulae.”</p> <p>MNRF requests a modification to identify all known deposits of mineral aggregate resources and protection of these deposits and adjacent lands from development and activities.</p> <p>MNRF requests that Schedule B include selected bedrock resources within the Aggregate Resource Area and that associated policies be put in place in accordance with PPS Policy 2.5.2.5 for the protection of known deposits of mineral aggregate resources.</p> <p>Also, MNRF asks that policies be added in this section to address both PPS Policy 2.5.2.4 with respect to the protection of mineral aggregate operations and PPS Policy 2.5.2.5 with respect to the protection of known deposits of mineral aggregate resources and on adjacent lands. Both policies should apply to development and activities.</p>
3.6.1	MNRF		



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		resources should be identified with associated policies in place in accordance with PPS Section 2.5.2.5. such that known deposits of mineral aggregate resources and on adjacent lands, development and activities that would preclude or hinder the establishment of new operations or access to the resources shall only be permitted if: a) resource use would not be feasible; or b) the proposed land use or development serves a greater long-term public interest; and c) issues of public health, public safety and environmental impact are addressed.	
3.6.1 Background	MNDM	This section does not include policies on the protection of bedrock resource areas. Bedrock resource areas for brick shale and building/landscape resources in Grey County are some of the few remaining in Ontario for these value-added aggregate commodities. Both commodities have provincially significant resource areas located within Grey County and should be protected, along with crushed aggregate and sand and gravel resources.	Section 2.4.1 and 2.5.1 of the PPS (2014) states minerals shall be protected for long-term use. It is suggested Grey County add policy to protect bedrock mineral resources in the Official Plan and show these areas on Schedule B.
3.6.2 3.6.4	OMAFRA	Consistency with PPS 2.3.5 and 2.3.6	It needs to be recognised that land may not be excluded or removed from a <i>prime agricultural area</i> . Site specific amendments that removed land from the Agricultural Land Use Type or the Special Agricultural Land Use Type designation are not permitted. The extraction of <i>minerals, petroleum resources and mineral aggregate resources</i> may occur within the <i>prime agricultural area</i> designation. As such, a policy should be included in these two sections to clarify that planning applications (for aggregate extraction) are to recognise the use within the Agricultural Land Use Type or the Special Agricultural Land Use Type designation.
3.6.2 5)	MNR	MNR recommends an addition to the wording in this section to reflect that a site-specific amendment should generally not be permitted until the site has been rehabilitated and the site is no longer licensed.	MNR recommends adding "...and is no longer licensed" at the end of this policy.
3.6.4 3)	MNR	This section speaks to the requirement of applicants to address cumulative impacts when applying in close proximity to other licences. MNR has concerns that this requirement will place an unnecessary burden on new licence applicants. This policy conflicts with policies in the PPS, specifically Policy 2.5.2.1 which directs municipalities to make as much mineral aggregate resource available as is realistically possible as close to markets as possible.  It should be noted that under the <i>Aggregate Resources Act</i> , MNR considers each application on a site-specific basis. An assessment of cumulative impacts is not a requirement of the Act or provincial policy. Each licensed operation, however, is required to be undertaken in a manner that minimizes social, economic and environmental impacts as required by Policy 2.5.2.2 of the PPS.	MNR requests that this section be modified such that cumulative impacts will not be required to be addressed where pit or quarry operations are being proposed in close proximity to one another and in a similar timeframe. MNR has no concerns with the simultaneous review of background and technical reports or a joint third party peer review, however, studies to address cumulative impacts such as traffic

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3.6.4 4)	OMAFRA	Consistency with PPS 2.3.6.2 and 2.5.2.2	and noise studies should not be a requirement of a pit or quarry submission.  Add an additional study requirement; "i) an Agricultural Impact Assessment which assesses impacts on surrounding agricultural operations and identifies mitigation measures."
3.6.4 4) h)	MTCS	Clarifying language for conformity with <i>Ontario Heritage Act</i> and Standards and Guidelines for Consultant Archaeologists. The initial stage(s) of archaeological assessment is the proponent's choice. MTCS prefers "qualified individual" to be replaced with "licensed archaeologist", or that this qualification is specified in the definitions section.	an <del>stage 1</del> archaeological assessment prepared by a qualified individual is required. <del>Findings of the Stage 1 Assessment may identify the need for further stages of assessment.</del>
3.6.4 5)	MNRF	<p>This section of the plan states that, "In Special Policy Karst Areas, an Environmental Impact Study (EIS) will not be required." MNRF asks that the County confirm that an EIS will not be required in Special Policy Karst Areas identified in Appendix A and that the rationale for not requiring an EIS is that mitigation measures will be addressed through the <i>Aggregate Resources Act</i> application process and implemented in the operational plan for the licence.</p> <p>We note that in Section 6.6 Karst Area of the draft O.P., once a feature has been determined to be present, an EIS or a hydrogeological study or a karst study completed by a qualified individual may be required where a planning application is required.</p>	MNRF suggests that some policy clarification is required.
3.6.4 6)	MNRF	<p>When providing comment to the County on the Green in Grey report, MNRF commended the County for their work in establishing a Natural Heritage System (NHS). MNRF noted at the time, however, that Core Areas overlay areas of high potential mineral aggregate resources and recommended that the County carry out an assessment of the preclusion of new aggregate pits and quarries within the Core Areas before a policy to prohibit new sites was considered.</p> <p>MNRF notes that there are Core Areas on Schedule C in areas identified as High Potential Mineral Aggregate Resources (sand and gravel) identified on Schedule B. Although not identified on Appendix B, Core areas are likely to be located in areas of selected bedrock resources as well. MNRF is concerned that the proposed policy to prohibit new pits and quarries within Core Areas is not consistent with Policy 2.5.2.1 of the PPS which requires as much of the mineral aggregate as is realistically possible to be made available as close to markets as possible. This proposed policy is also not consistent with natural heritage policies in Policy 2.1 of the PPS which prohibits development and site alteration in significant wetlands and significant coastal wetlands but allows for flexibility with respect to development and site alteration within other natural heritage features where there is demonstration that there will be no negative impact on the natural features or their ecological functions.</p>	<p>Core Areas are defined as very large natural areas. The Green in Grey report further describes them as containing deep interior forested areas and the surrounding forested areas. The test of meeting a modified policy as described below would make the establishment of a new pit or quarry challenging given the natural features that these Core Areas encompass. Providing the flexibility for an applicant to demonstrate no negative impact, however, would ensure consistency with the policies of the PPS.</p> <p>MNRF recommends that the County modify the proposed policy which prohibits new pits and quarries in the Core Areas. Instead, new pits and quarries should be prohibited in significant wetlands and</p>

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			significant coastal wetlands within Core Areas. Within and adjacent to other natural features within a Core Area, a proponent should be required to demonstrate no negative impact on these natural features or their ecological function.
3.6.5	OMAFRA	Consistency with PPS 2.3.5 and 2.3.6, and clarity for aggregate extraction within prime agr. Areas.	It should be stated in 3.6.5 that the removal of land from <i>prime agricultural</i> areas is not permitted except for the expansion or identification of settlement areas and as such, the extraction of <i>minerals, petroleum resources and mineral aggregate resources</i> may only be permitted within the <i>prime agricultural</i> areas designation, and that planning applications (for aggregate extraction) are to recognise the use within the Agricultural Land Use Type or the Special Agricultural Land Use Type designation.
3.6.5 1)	MNRF	MNRF is concerned that a request made by the local municipality or the County of Grey for an operator to enter into a development agreement may not be justified.  The new licence fee structure under the <i>Aggregate Resources Act</i> has doubled the amount of money that is distributed to each municipality per tonne produced. This additional funding should assist municipalities and the County with the costs required for such works as road maintenance or improvements.	MNRF recommends modifying this policy to state that a municipality or the County of Grey <u>may</u> request that an applicant enter into a development agreement for road construction; road improvements or other capital works required as a result of the proposed operation.
3.6.5 7) c)	MTCS	Inclusion of cultural heritage environment within scope as per PPS 2014.	The applicant must demonstrate that the proposed location is appropriate and that impacts to the social, cultural heritage and natural environment can be minimized.
3.6.5 11)	MNRF	The proposed policies applying to all Agricultural and Special Agricultural lands are the same as those of Policy 2.5.4 of the PPS for Extraction in Prime Agricultural Areas. Section 3.2 of the draft OP describes agricultural land use type as including Class 1, 2 or 3 agricultural soil classifications and also the larger blocks of good agricultural land under active production, generally in blocks of 160 hectares or larger. MNRF is concerned that the rehabilitation requirements to restore substantially the same areas and the same average soil quality within the Agricultural land use type areas identified on Schedule B is too restrictive for lands that are not prime agricultural lands as defined in the PPS. These proposed policies should only apply in Prime Agricultural Areas, on prime agricultural land, defined as specialty crop areas and /or Canada Land Inventory Class 1, 2 and 3 lands, as amended from time to time, in this order of priority for protection.	MNRF recommends that this policy be amended to apply only to prime agricultural lands, defined as specialty crop areas and /or Canada Land Inventory Class 1, 2 and 3 lands, as amended from time to time, in this order of priority for protection. as per Policy 2.5.4.1 of the PPS.
3.6.5 11)	OMAFRA	Consistency with PPS 2.5.4 and clarity for aggregate extraction in prime agr. Areas.	Revise the last sentence of 3.6.5.11:

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9.18			<p>"Complete rehabilitation to an agricultural condition will not be required if the following occurs." Include <i>agricultural condition</i> in the definitions Section 9.18.</p> <p>Revise a) and b): these two points should be combined as a), as they deal with non-Specialty crop areas. Insert at the beginning of a), "Outside of a specialty crop area...". Include <i>specialty crop area</i> in the definitions Section 9.18.</p> <p>New b) dealing with extraction in a specialty crop area: "In a specialty crop area, there is substantial quantity of high quality mineral aggregate resources below the water table warranting extraction, and the depth of planned extraction makes restoration of pre-extraction agricultural capability unfeasible;". Include <i>high quality</i> and <i>mineral aggregate resources</i> in the definitions Section 9.18.</p> <p>c) Insert in the first sentence "by the applicant" after "other alternatives have been considered". Replace the word "soils" with "lands" in the second sentence, and add the word "lands" at the end of c) after "Class 1, 2 and 3".</p> <p>Add to the end of the last sentence, "and is compatible with surrounding land uses."</p> <p>The latter portion of the policy be amended to read as follows:</p> <p>"... particularly sensitive to fuel spills such as shallow overburden, karst, groundwater recharge and wellhead" protection areas."</p> <p>PPS specifies that limited non-residential uses may be permitted within <i>prime agricultural areas</i> subject to meeting the requirement of PPS 2.3.6.1. b), in addition to the requirement for an agricultural impact assessment which identifies</p>
3.6.5 12)	OMAFRA	Consistency with PPS 2.3.6.2 and 2.5.2.2	
Space Extensive Industrial and Commercial Permitted Uses Policies 3.7.2 (1) e) Pg. 54	MOECC	This policy should also incorporate "karst" which can be found at various locales in Grey County.	
3.7.3 1)	OMAFRA	Consistency with PPS 2.3.3 and 2.3.6	

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			impacts from the non-agricultural uses on surrounding agricultural operations and recommends mitigation measures. These types of uses are not permitted within a specialty crop area (Special Agricultural Land Use Type designation). 3.7.3.1 should be revised to reflect the above noted policies of the PPS.
4.2 1)	MTCS	Inclusion of cultural heritage environment within scope as per PPS 2014.	Ensure the County's natural and cultural heritage resources and environment are protected and developed in a balanced approach to support the tourism and recreation sector, and for the benefit of citizens;
4.2.2 Supply of Lands 1) Page 59	MMA	Unclear what the phrase "while ensuring a competitive supply" means.	Consider clarifying or removing this phrase.
4.2.5	OMAFRA	Consistency with PPS 2.3.3	The term "Countryside system" has not been used before and should be defined. If these uses are to be permitted within <i>prime agricultural areas</i> (Agricultural Land Use Type or the Special Agricultural Land Use Type designations) it must be in accordance with OP Sections 3.2, 3.3, and 3.4. Compliance with MDS should be referenced.
4.2.5 Entire document	MMA	People zoning	Consider removing specific references to identifiable non-indigenous groups in policy (i.e. Mennonite Manufacturing) as the <i>Planning Act</i> does not contemplate differing planning regimes for such groups. Consider replacing with "communities reliant on horse and buggy", which instead refers to their unique transportation needs.
4.2.5 5)	OMAFRA	Consistency with PPS 2.3.3	Insert "special agricultural" after the words "prime agricultural".
4.2.7 last bullet	MTCS	Clarifying language for conformity with PPS 2014.	Advance the eco-tourism, agr-tourism, and cultural heritage tourism opportunities

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4.4 General Policies Affecting Settlement Area Land Use Types 6)	MMA	Consistency with PPS policy 1.1.3.7	<p>available in the County and support linkages to surrounding regional cultural facilities.</p> <p>Replace with "Development within growth areas should occur adjacent to the existing built-up area and will have a compact form, mix of uses and densities that allow for the efficient use of land, infrastructure and public service facilities.</p> <p>Local official plans will establish and implement phasing policies to ensure:</p> <p>a) that specified targets for intensification and redevelopment are achieved prior to, or concurrent with, new development within designated growth areas; and</p> <p>b) the orderly progression of development within designated growth areas and the timely provision of the infrastructure and public service facilities required to meet current and projected needs."</p>
4.4 9)	MTCS	Clarifying language for conformity with PPS 2014. Terms historic features and historic areas are not defined.	<p><del>features or areas</del>, archaeological sites and properties with potential or identified as having cultural heritage value or interest, cultural heritage landscapes or areas of archaeological potential by ensuring adverse impacts to heritage resources are mitigated through conservation or preservation in advance of development.</p>
4.4 11)	OMAFRA	Consistency with PPS 2.3.3	<p>The use of the term "non-farm" and "non-farm development" needs to be clarified or defined. The restrictions to non-agricultural type uses in this context must not include the PPS uses permitted in <i>prime agricultural areas</i>, which includes <i>agricultural uses, agriculture-related uses and on-farm diversified uses</i>.</p>
General Policies Affecting	MOECC	Reference is made in this policy to hard servicing problems. What is meant by "hard servicing problems" (sanitary sewage, potable water and storm water management)? Ideally, it should be defined.	<p>The MOECC recommends that the County expand upon the wording of this Policy to</p>

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Settlement Area Land Use Types Policy 4.4 (11), Pg. 66			define what actually constitutes hard servicing problems.
4.4.12)	OMAFRA	Consistency with PPS 1.1.3.8, 2.3.3.3, and MDS Guideline #36	The provincial MDS is <u>not</u> to apply within settlement areas. Delete the second and third sentences of 4.4.12. Revise the last sentence: "The provincial <i>Minimum Distance Separation</i> does apply to new or expanding <i>settlement areas</i> ."
4.4 General Policies Affecting Settlement Area Land Use Types 19)	MMA	Countryside policy in settlement area section.	Consider moving this policy under 3.1 Introduction to the Countryside.
4.4.2 Settlement Area Expansions (Comprehensive Reviews) 1)	MMA	Consistency with PPS policy 1.1.3.8	Remove "Settlement area boundary expansions must be permitted only through an amendment to the County Official Plan, or a County approved Secondary Plan that addresses the following comprehensive review requirements:" and replace with: "the County may identify a <i>settlement area</i> or allow the expansion of a <i>settlement area</i> boundary only at the time of a <i>comprehensive review</i> and only where it has been demonstrated that:"
4.4.2.1 c)	OMAFRA	Consistency with PPS 1.1.3.8, and consistency of terminology	To avoid confusion, "Special Agricultural areas" and "Agricultural areas" should be replaced with the wording used for these designations in the OP: i.e., "Agricultural Land Use Type" and "Special Agricultural Land Use Type".
4.4.2.2) b)	OMAFRA	Consistency with PPS 1.1.3.8	The PPS requires more stringent tests to be met for <i>settlement area</i> expansion into <i>prime agricultural areas</i> . The evaluation of alternatives must be undertaken. Revise b): "prime agricultural areas; assess alternatives which avoid <i>prime agricultural areas</i> , if there are no reasonable

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			alternatives that avoid <i>prime agricultural areas</i> , the assess alternatives on areas of lower priority agricultural lands within <i>prime agricultural areas</i> ."
4.4.2 2) e)	OMAFRA	Consistency with PPS 1.1.3.8, and consistency of terminology	Use consistent terminology to avoid confusion. Replace "specialty crops lands with either the defined term "specialty crop areas" or "Special Agricultural Land Use Type".
4.4.2 2) g)	MTCS	Clarifying language for conformity with PPS 2014.	Evaluation of potential cultural heritage resources and conservation of significant built heritage resources, significant heritage landscapes and significant archaeological resources, all in keeping with the policies of this Plan.
4.5 6) b) 4.6 6) b)	MMA	Conformity with <i>Planning Act</i> s. 16(3) and duplicate terminology for second units.	Consider rewording: "b) enabling 'as-of-right' permissions for second units within or ancillary to detached houses, semi-detached houses, and townhouses in residential areas and within residential over retail." These policies appear to use the terms "second units" and "apartments in dwellings interchangeably. Consider choosing one term and define.
4.5.1 3)	OMAFRA	Consistency with PPS 2.3.6	The Hanover/West Grey Secondary Plan contains a <i>prime agricultural areas</i> / Agricultural Land Use Type designation. The policies of this section are not consistent with the <i>prime agricultural areas</i> policies of the PPS, or the Agricultural Land Use Type designation policies of the OP. This OP policy should clearly state that until such time as a settlement boundary expansion is warranted, the Agricultural Land Use Type designation policies apply to these lands.
Secondary Settlement Areas Policy 4.6	MOECC	MOECC recommends making this policy even more reflective of the PPS, by inclusion of a reference to infilling and rounding out of existing development.	A new policy 4.6.3 (d) is proposed by the MOECC to be added and to read as follows:



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(3) (d) Pg. 73			"d) allow for infilling and minor rounding out of existing development."
Existing Exceptions Policy 4.6.1 (1) (a) Pg. 74	MOECC	The MOECC recommends the current wording of this policy be expanded upon to acknowledge "treatment of sewage".	The MOECC recommends that the second bullet point be amended to read as follows: "sanitary sewage is treated and safely disposed of".
Inland Lakes and Shoreline Areas Policy 4.7 (3) Pg. 76	MOECC	The MOECC recommends the current wording of this policy be expanded upon to acknowledge "treatment of sewage" and potability of water.	The second last sentence of this policy be amended to read as follows: "As well, the adequacy of potable water supply and sewage treatment and disposal must be demonstrated."
4.9.4	OMAFRA	Clarity and Consistency with PPS 2.3.5 and 2.3.6	Last paragraph of 4.9.4 – This paragraph should be revised to recognise that the creation of space extensive land use types is not permitted in <i>specialty crop areas</i> / Special Agricultural Land Use Type. In addition, the creation of new or expanded uses in the <i>prime agricultural areas</i> / Agricultural Land Use Type designation must meet the tests outlined in OP Section 3.2 (as revised), including meeting MDS.
Development Criteria Policy 4.9.4 (3) Page 79	MOECC	The MOECC recommends the current wording of this policy be expanded upon to acknowledge "treatment of sewage".	This policy be amended to read as follows: "Soils must be suitable to support an individual sewage treatment and disposal system, subject to the approval of the appropriate authority."
5 Niagara Escarpment Plan Page 81-83	MMA	The Niagara Escarpment Commission is not a part of the One Window Planning Service and was not circulated as part of this review.	Please ensure you consult directly with the Niagara Escarpment Commission.
6	MNRF	Minor corrections are needed to the list of Natural Grey land use types and constraints to reflect terms in Policy 2.4 of the PPS.	MNRF recommends that Provincially Significant Wetlands land use type be referred to as Significant Wetlands and Significant Coastal Wetlands, and Areas of Natural and Scientific Interest (ANSI) be

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			referred to as <b>Significant</b> ANSIs (as defined in Section 9.18 of the Plan) in the list of Natural Grey land use types and constraints on page 84 of the draft OP.
6	MNRF	Minor corrections are needed to the list of Natural Grey features to reflect terms used in Policy 2.1.5 of the PPS for Significant Wildlife Habitat and Habitat of Endangered/Threatened Species.	MNRF recommends that Wildlife Habitat be referred to as Significant Wildlife Habitat; Endangered/Threatened Species be modified to refer to Habitat of Endangered/Threatened Species.
6	MNRF	Wildland fire mapping should instead be referred to <b>Hazardous Forest Types for Wildland Fire</b> .	MNRF requests that the term "wildland fire mapping" be replaced with <b>Hazardous Forest Types For Wildland Fire</b> as defined in Section 9.18 of the draft OP.
6 9.18	OMAFRA	Consistency of Terminology	Italicise and define all relevant terms in accordance with the PPS and/or relevant provincial guidance documents (e.g. <i>Natural heritage features and areas</i> , <i>development, agricultural uses, adjacent lands</i> ). Replace the term "natural heritage features" with the defined " <i>natural heritage features and areas</i> ".
6	OMAFRA	Consistency with PPS 2.1 and 2.1.9	It needs to be clearly stated that other than the <i>key natural heritage features</i> , all other features/land use types/constraints are shown as an overlay and the policies of the underlying land use designation will apply. This is particularly important when dealing with consents and permitted uses in <i>prime agricultural areas</i> . The paragraph near the end of Section 6 that starts with "Nothing in Section 6..." should be revised to reflect the wording and intent of PPS 2.1.9: "Nothing in Section 6 is intended to limit the ability of agricultural uses to continue."
6.1	MNRF	As noted in MNRF's comments above for proposed Policy 3.6.4.6), MNRF is concerned that new pits and quarries are not permitted in Core Areas.	This policy should be modified to allow new pits and quarries as an exception within Core Areas.
6.1	MNRF	Wording in the draft OP should reflect the wording of Policy 2.1.8 of the PPS with respect to both Significant Wetlands and Significant Coastal Wetlands.	MNRF suggests that demonstrating no significant incremental or cumulative

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			impacts with respect to minor expansion of legally existing uses, buildings or structures may be subject to interpretation. MNRF instead recommends the following wording: "Minor expansion of legally existing uses, buildings, or structures may be permitted <u>outside-of adjacent to</u> (Provincially) Significant Wetlands and Significant Coastal Wetlands, if an Environmental Impact Study can demonstrate no negative impact on the natural features or their ecological function within the Core Area."
6.1 6.2	OMAFRA	Consistency with PPS 2.1 and 2.1.9	Core Areas and Linkages are to be considered as an overlay and the policies of the underlying designation will apply.
6.4.1	MNRF	MNRF is concerned that policies for Significant Coastal Wetlands are not included.  MNRF has added a "Coastal" field in the polygon attribute table of the LIO Wetland data layer to identify individual polygons representing both evaluated and unevaluated coastal wetlands. Most coastal wetlands in Grey County have not been evaluated at this time with the exception of the portion of the provincially significant Silver Creek Wetland Complex located east of Craigleith. This wetland is identified as a provincially significant wetland on Map 2, Schedule A in the draft OP. MNRF notes that all unevaluated coastal wetlands are mapped on Appendix B as Other Wetlands.  In the future, MNRF would expect that some coastal wetlands will be evaluated and found to be significant. Given this likelihood, the County's OP should include appropriate policies for their protection as required by Policy 2.1.4 of the PPS.  The Karst Study for Southern Ontario (Reference: Brunton, F.R. and Dodge, J.E.P. Karst map of Southern Ontario, including Manitoulin Island; Ontario Geological Survey, Groundwater Resource Study 5) should be used as a source of information for the constraint mapping shown on Appendix A.  Karst data is available from the Ministry of Northern Development and Mines website at: <a href="https://www.mndm.gov.on.ca/en/mines-and-minerals/applications/bgsearch/karst/">https://www.mndm.gov.on.ca/en/mines-and-minerals/applications/bgsearch/karst/</a>	MNRF requests that draft Policy 6.4.1 applying to Provincially Significant Wetlands also apply to Significant Coastal Wetlands. In Section 9.18 of the draft OP, a definition of coastal wetland should be added and the definition of Significant in regards to wetlands should also apply to coastal wetlands.
6.6	MNRF		This section should provide greater detail about what karst is and why it is a constraint to development and site alteration.  Further, the constraint mapping on Appendix B should be modified to identify known, inferred and potential karst as shown on the Karst Study for Southern Ontario mapping.
6.6 Karst Area	MNDM	In this region where shallow and deeper karst features occur in the form of sinkholes and disappearing streams,	A copy of karst policy direction is attached.

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1)		<p>"fractured bedrock" does not adequately describe karst. The field methods described in this section are inadequate to assess the presence/absence of karst. In recent years, MNDM (Ontario Geological Survey) worked with MNRF/MMA to develop a summary of some key geological and geotechnical investigations of karst hazards in selected jurisdictions. The purpose of the summary is to provide geoscience and geotechnical information and guidelines to enable staff at MNRF/MMA to develop guidelines for evaluating karst hazards for land-use planning applications. Through consultation with the above Ministries, wording was developed to provide policy direction for karst hazards.</p> <p>There are also some recently published papers (2013) addressing geology and karstic groundwater flow conditions for areas south of Grey County. In 2016, geoscientists with the OGS have also been involved with the Cataract Conservation Authority in preparing guideline documents to address groundwater vulnerability. Copies of these reports can be sent to the Municipality. Please contact me if interested.</p> <p>A minor correction is needed in the section numbering for Significant Valleylands. This section should be identified as 6.8, and then appropriate changes made to the sections following.</p>	<p>It is recommended Grey County develop policy based on karst policy direction noted in this document.</p>
6.7.1	MNRF		
6.8	MNRF	<p>MNRF mapping is available in LIO which identifies <i>potential</i>/hazardous forest types for wildland fire (see attached map).</p>	<p>Generalized mapping that shows potential hazardous forest types for wildland fire should be referred to in this section and identified on an appendix to the plan as an information map or screening tool (interim). In the future, spatial data resulting from detailed assessment could be included as an overlay or schedule.</p>
6.8	MNRF	<p>MNRF notes that the draft OP includes land use planning policies for wildland fire as directed in the policies of the PPS. In 2017, MNRF published a Wildland Fire Risk Assessment and Mitigation Reference Manual in support of the Provincial Policy Statement, 2014. This manual is available on the Environmental Registry at the following website: <a href="https://www.ebr.gov.on.ca/ERS-WEB-External/index.jsp?1=1&amp;language=en">https://www.ebr.gov.on.ca/ERS-WEB-External/index.jsp?1=1&amp;language=en</a> Search for ER #012-7075</p> <p>MNRF suggests that since the technical guide has been approved, the County should require the assessment and implementation of mitigation measures as recommended by the Province.</p>	<p>MNRF recommends replacing the first two sentences of this section to indicate that the County recognizes wildland fire as a natural hazard.</p> <p>Within this section, MNRF requests the addition of policies in this section to state:          "In the absence of detailed municipal wildland fire risk assessment, proponents submitting a planning application will undertake a review to assess for the presence of areas of high/extreme risk. If development is proceeding in high/extreme risk areas, proponents will undertake a review to assess for the presence of areas of high/extreme risk, and measures should be identified to outline how risks will be mitigated."</p>

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			<p>The County may want to consider using site plan control with respect to development on lands determined to be of high/extreme risk for wildland fire.</p> <p>In the last sentence of this section, areas identified as "wild fire hazardous areas" should be instead referred to as "areas containing hazardous forest types for wildland fire."</p>
6.10	MNRF	<p>The term "significant" should be used when referring to wildlife habitat in this policy.</p> <p>Within Grey County, there have been no comprehensive wildlife habitat assessments undertaken, except for winter deer habitat. With the exception of this habitat, significant wildlife habitats (SWH) are typically very small-scale, such that comprehensive assessment is not feasible, particularly on privately owned lands. MNRF's <i>Significant Wildlife Habitat Technical Guide</i> (October 2000) and supplemental tool called the <i>SWH Ecoregion 6E Criterion Schedule</i> provide detailed technical information for the identification and description of significant wildlife habitat and should be used by proponents when preparing an Environmental Impact Study (EIS) as required by the Plan.</p>	<p>"Significant" should be added before reference to wildlife habitat in the first paragraph of this section. Similarly, "significant" should be added before "wildlife habitat" in Sections 1) and 4). MNRF suggests that "within significant wildlife habitat (SWH)" should be added after "may be permitted" in Section 3) although the requirement for demonstration of no negative impact has already been addressed in 1) with respect to SWH.</p>
6.10	MNRF	<p>As noted in MNRF's comments above, the only comprehensive significant wildlife habitat assessment undertaken by MNRF in Grey County is winter deer habitat. Winter deer habitat provides shelter and food critical to the survival of deer during winter months. This habitat is characterized by stands of dense, mature conifer forest which provide thermal cover that functions to reduce wind chill, moderate severe temperatures and reduce snow depth underneath. In addition, mixed wood stands including conifer patches or clusters with overlapping branches enable deer to access deciduous shrubs and sapling food supplies. Winter deer habitat must include areas of young deciduous browse within 30 to 50 metres of conifer stands and patches. Removal of significant amounts of conifer thermal cover or adjacent food supply reduces the number of deer that an area can support throughout the winter.</p> <p>Mapping of significant winter deer habitat is available as a layer in the LIO database. Mapping is based on winter aerial surveys. Because of the scale of this assessment, there may exist within the limits of mapped habitats, areas that are not suitable to support deer in the winter, for example, the interior portions of extensive mature deciduous stands within conifer cover.</p> <p>Development should not be permitted in areas mapped as winter deer habitat unless a report has been prepared by a qualified specialist demonstrating that no negative impacts would result on the habitat features or the</p>	<p>MNRF requests that the OP advise that there is winter deer habitat mapping, considered significant wildlife habitat, for Grey County and include this mapping in an appendix to the Plan.</p> <p>MNRF also requests that the Plan include a policy that a habitat assessment, by a qualified individual, will be required before new planning approvals are granted in or within 1.5 km of areas of winter deer habitat. The purpose of the assessment would be to map areas of conifer thermal cover, deciduous browse and movement corridors, and fine-tune the boundaries of the habitat. This habitat assessment must be conducted in mid-winter when snow</p>

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		<p>ecological function of the winter deer habitat. To meet the PPS standard, generally development or site alteration must conserve valuable conifer thermal cover stands and, feeding areas and movement corridors. Deer occupy these areas when they begin to concentrate prior to periods of deep snow, late in winter when deer supporting crust conditions occur, or during unseasonably mild winters with low total snow accumulation.</p>	<p>exceeds 50 cm in depth and deer are concentrated in their winter habitats. In most winters in this area, these conditions occur during the month of February.</p> <p>Development and site alteration should not be permitted in winter deer habitat unless it has been demonstrated that there will be no negative impacts on the natural features or ecological functions.</p> <p>Development and site alteration in winter deer habitat must conserve valuable conifer stands, feeding areas and movement corridors.</p> <p>Some additional policies that the County may wish to consider include:</p> <ul style="list-style-type: none"> <li>• Access roads and driveways in winter deer habitat should not be permitted in conifer thermal cover areas or in areas of deciduous browse within 30 to 50 metres of the conifer area.</li> <li>• Include a mechanism (such as site plan control or subdivision agreements) in winter deer habitat to minimize and control the removal of vegetation for buildings, driveways, septic systems and other types of site alteration, as well as accessory activities such as landscaping.</li> </ul>
6.10.2)	MNRF	<p>Wording in Section 6.10.2 should be consistent with that in the PPS with respect to habitat of endangered and threatened species.</p>	<p>MNRF requests that the wording of this policy be modified such that no development or site alteration is permitted within habitat of threatened and endangered species, as approved by the Ministry of Natural Resources and</p>

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			<p>Forestry, except in accordance with provincial and federal requirements.</p> <p>Provincial and federal requirements should be defined in Section 9.18.</p> <p>MNRF has no concerns with the requirement that an EIS be required for development or site alteration within adjacent lands to this habitat provided that it has been demonstrated through an Environmental Impact Study that there will be no negative impacts on the natural features or their ecological functions.</p> <p>MNRF strongly recommends that the County include a policy generally requiring an appropriate level of site-specific ecological assessment before new planning approvals are granted for lands with natural vegetation or landscape features, or where other features may provide significant habitat.</p>
6.11	MNRF	<p>MNRF strongly recommends that the County require an appropriate level of ecological site assessment before new planning approvals are granted for lands where natural vegetation or landscape features remain, or where other conditions provide for natural heritage values (significant wildlife habitat, habitat of endangered and threatened species, etc.). Such an assessment would enable the County to be consistent with the full range of natural heritage and natural hazard policies of the PPS. This is particularly important where mapping of significant natural features is not available or the mapping is incomplete.</p> <p>Site-specific assessment should generally include a preliminary ecological assessment by a qualified individual who would determine whether more detailed site evaluation is warranted. For certain values, detailed assessment can only be adequately carried out by a specialist (e.g. botanist, herpetologist, wetland specialist, hydrological engineer).</p> <p>Where values are identified, ecological site assessment should be followed by site-specific impact assessment, which would identify the values, potential impacts from the proposed development and site alteration, and proposed mitigation measures to protect features and values.</p> <p>We strongly suggest that the above approach would be useful in determining when an Environmental Impact Study (Section 6.11.1) or a Scoped Environmental Impact Study (Section 6.11.2) is required, or when an Environmental Impact Study is not required (Section 6.11.3).</p> <p>Consistency with PPS 2.1 and 2.1.9.</p>	
6.11.3	OMAFRA		<p>Nothing in Section 6 is intended to limit the ability of agricultural uses to continue. However, when considering potential impacts to key <i>natural heritage features</i>, the County may wish to consider a <u>scoped</u> EIS for new buildings and structures for <i>agricultural, agriculture-related or on-farm</i></p>

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6.13	MTCS	Clarifying language for conformity with PPS 2014 (Part V section 1.8), suggesting insertion of additional bullets – 2 <sup>nd</sup> bullet could alternatively be inserted in 8.10.	diversified uses within 30m of key natural heritage features.
7.1 – variety	MTCS	PPS 2014, suggested insertion as 4 <sup>th</sup> paragraph.	<ul style="list-style-type: none"> <li>Encourage reduction of building demolition waste through the adaptive reuse of older and existing building stock.</li> <li>Promote retrofits for energy efficiency in built heritage structures while maintaining their cultural integrity.</li> </ul> <p><u>In considering working towards barrier-free environments, access solutions that respect the cultural heritage value or interest of a protected property are promoted, recognizing that heritage properties may require unique accessibility plans to ensure that alterations do not adversely affect the heritage attributes. Council encourages this practice for publicly and privately-owned heritage buildings that are open to and used by the public, and for private residences.</u></p>
Second Units Policy 7.1.4 Pg. 107	MOECC	The second sentence of the last paragraph does not read well. It appears to be missing some additional wording.	The MOECC recommends that the County expand upon the current wording of this sentence to better assist the reader in understanding the policy.
Garden Suites Policy 7.1.5 Pg. 107	MOECC	The last sentence of the first paragraph should be amended so as to recognize adequate capacity.	<p>The last sentence of the first paragraph be amended to read identical to, or similar to the following:</p> <p>“Servicing is typically connected to the principle residence services, of which, sufficient capacity to service the garden suite must exist.”</p>
7.1.5)	MTCS	Clarifying language for conformity with PPS 2014.	conserving built heritage, cultural heritage landscape and archaeological resources where feasible, as built up areas are intensified and infilled, promoting construction distinguishable from, while sensitive and complementary to, existing



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			building fabric and the overall streetscape attributes:
7.3.6)	MTCS	Clarifying language for conformity with PPS 2014, last bullet.	When Grey County is looking to begin an archaeological management plan, when this proceeds, the affected identified First Nations and Metis groups will be notified and invited to participate in the process.
7.4.2)	MTCS	Clarifying language for conformity with PPS 2014, 3 <sup>rd</sup> bullet.	Maintain and Design main streetways, ideally in the downtowns of our communities so they can be transformed to support pedestrian friendly street festivals/events on weekends, or during low-peak traffic.
7.4.1	MTCS	Clarifying language for conformity with PPS 2014.	These features are not easy to rebuild or are irreplaceable, which is why we should provide the upmost care and conserve this record for future generations.
7.4.1.1)	MTCS	Clarifying language for conformity with PPS 2014, Ontario Heritage Act, 2 <sup>nd</sup> bullet.	Local municipalities are encouraged to identify cultural heritage resources by establishing and maintaining a register of properties situated in the municipality that are of cultural heritage value or interest. Local municipalities will include on their register all properties designated under Part IV, V or VI of the Ontario Heritage Act and including but not limited to:
7.4.1.1)	MTCS	Clarifying language for conformity with PPS 2014, Ontario Heritage Act, Planning Act, Funeral, Burial and Cremation Services Act 4 <sup>th</sup> bullet.	The County and Local municipalities must ensure adequate screening for archaeological potential and where warranted, archaeological assessment on all plans of subdivision and condominiums, zoning amendments, site plans and consents and consult with appropriate government agencies, including the Ministry of Culture Tourism and Sport and the Ministry of Small business and Consumer Services (Cemeteries Regulation Unit) when an identified marked

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			or unmarked cemetery is affected by land use development. The provisions of the <u>Heritage Act</u> and the <u>Cemeteries, Funeral, Burial and Cremation Services Act</u> must apply.
7.4.1 1)	MTCS	Conformity with PPS 2014 and Heritage toolkit Additional bullet.	The County will require a heritage impact assessment to be conducted by a qualified professional whenever a development has the potential to affect a protected heritage property or significant cultural heritage resource.
7.4.1 1)	MTCS	Conformity with PPS 2014 and Heritage toolkit Additional bullet.	The County will ensure that it has accurate and adequate architectural, structural and economic information to determine the feasibility of rehabilitation and reuse versus demolition when considering demolition applications for designated heritage properties. All cultural heritage resources to be demolished or significantly altered are subject to a Heritage Impact Assessment and documented for archival purposes with a history, photographic record and measured drawings prior to demolition or alteration such documentation will be the responsibility of the applicant in consultation with relevant heritage committees.
7.4.1 2)	MTCS	Clarifying language for conformity with PPS 2014, Ontario Heritage Act, O. Reg 170/04. Additional bullet.	The County shall, prior to approving planning applications or infrastructure projects impacting areas at or below the high water mark of any body of water, require a marine archaeological assessment to be conducted by a licensed marine archaeologist pursuant to the <u>Ontario Heritage Act</u> . Any marine archaeological resource that is identified must be reported to the Ministry of Tourism, Culture and Sport immediately.
8.2 13)	MTCS	PPS 2014, suggested new insertion.	The County will encourage the identification of historic transportation

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			<p>routes as heritage roads and the protection of their respective heritage attributes. Servicing and development proposals, including road improvements such as realignments or widenings, may require measures to help mitigate any negative impacts to heritage roads.</p> <p>Where County road right-of-way widths are less than those described above, the County will require as a condition of approval through a consent, plan of subdivision or site plan application, the dedication of lands for road widening purposes at no expense to the County. The amount of adjacent land to be obtained for widening must be taken in equal amounts from both sides of the road where practical. Unequal widenings may be taken where topographic features, heritage buildings and structures or other cultural heritage resources, significant environmental concerns or other unique conditions necessitate taking a greater widening or the total widening on one side of an existing County road right-of-way.</p> <p>Policy (12) should be amended to read as follows:</p> <p>"If a development application or site plan requires road improvements that trigger a Municipal Class Environmental Assessment, the Environmental Assessment (EA), and the EA review process associated with it, must be fully completed, before a development application, or site plan, dependent upon it, is approved by the County.</p> <p>If Transport Canada has established NEF contours for any one, or all of, the Airports</p>
8.3.2 3) d)	MTCS	Clarifying language for conformity with PPS 2014.	
County Roads Policy 8.3.2 (12) Pg. 127	MOECC	A reference is made in this policy to potentially making completion of an EA, as a minimum, as a potential condition of draft approval of a development application, or site plan. This should be deleted from the policy. Reason being, completion of an EA is not an approval condition within the capability of a Planning Application applicant to clear.	
Airports Policy 8.6	MOECC	Has Transport Canada established NEF contours for any one, or all of the Airports in Grey County? If so, the NEF Contours should be acknowledged in the text of this policy, and included in one or more Schedules to the	

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Pg. 132		Official Plan.		in Grey County, the NEF Contours should be included in one or more Schedules to the Official Plan, and acknowledged in the text of this Policy.
Services Policy 8.9.1 (7) Pg. 136	MOECC	This Policy does not specify what "other interim servicing measures" actually include. Are they private communal water / sewage facilities, sewage holding tank(s) etc.? Also, "in a very short time" is not defined. Generally speaking, MOECC discourages use of sewage holding tanks for new development. Approvals for Holding Tanks are issued under very strict conditions, and time frames. More information is needed.		MOECC cannot suggest a proposed modification until such time as the County advises MOECC what "other interim servicing measures are meant to include, and secondly, what is intended to constitute "in a very short time". Once provided answers to these questions, MOECC will be in a better position to suggest policy wording modification(s).
Services Policy 8.9.1 (11) Pg. 137	MOECC	MOECC recommends this policy be made more reflective of the PPS, inclusion of a reference to infilling and rounding out of existing development, recognize municipal services.		The wording of this Policy to be reworded to read as follows:  "Development on partial municipal services must be applied as the development of vacant and/or underutilized lots, as well as the creation of lots for infilling and minor rounding out, in accordance with the Settlement Area policies and the requirements noted above.
Services Policy 8.9.1 (12) Pg. 137	MOECC	The MOECC is pleased to see that the County has indicated that new development to be serviced by a holding tank or a cistern will be discouraged. With respect to expansion or enlargement of businesses, if a new holding tank is required, and if the sizing of the holding tank requires MOECC approval, the following are the requirements the MOECC currently imposes for holding tank ECAs in industrial areas:  1. A pre-application consultation with the local District Office is required.  2. Requirements under the Ministry's Guideline F-9 must be satisfied. The Consultant (P.Eng.) must provide explanation why the construction of the subsurface disposal system is not possible at this site location and explain which exemption(s) under the Guideline F-9 applies, so the ministry can consider approving the proposed holding tank.  3. If the holding tank is accepted for approval the following requirement will apply:  (a) A proposed holding tank location must be assessed with respect to the source protection prescribed instrument policies on a provincial basis for significant drinking water threats ("SDWT"). (b) An agreement with a licensed hauled sewage system operator, including details of where hauled sewage will		MOECC is not necessarily recommending a modification to this policy, since it does indicate holding tanks will be discouraged for new development. Rather, MOECC has simply advised for information purposes what its current requirements would be for issuing an Environmental Compliance Approval for a holding tank for an industrial area as noted in the column immediately to the left.

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		be taken and disposed of, must be provided at the time of the submission of an ECA application (requirements under the F-9). (c) Design/Construction/Operation Requirements for holding tanks must comply with requirements of the "Code and Guide for Sewage" under the Ontario Building Code (e.g. the provision of venting & alarm system, minimum tank capacity, satisfying minimum horizontal clearances, etc.). (d) Financial Assurance (FA) might be required as a contingency measure	
8.9.3 8.9.4	OMAFRA	Consistency with PPS 2.3.1, 2.3.5 and 2.3.6	The only permitted uses and activities permitted in <i>prime agricultural areas</i> are <i>agricultural, agriculture-related or on-farm diversified uses</i> . The County may only permit non-agricultural uses in a <i>prime agricultural area</i> for the extraction of mineral aggregate resources and limited non-residential uses subject to the tests contained in PPS 2.3.6.1 b) and the mitigation of impacts in accordance with PPS 2.3.6.2. These OP policies need to clearly exclude these uses from the Special Agricultural and Agricultural Land Use Types, or permit them subject to meeting PPS 2.3.6.1 b) and 2.3.6.2., and any other applicable OP policies.
8.9.3 8) 8.9.4 4)	OMAFRA	Consistency with PPS 2.3.4	Lot creation for these types of uses is only permitted if these uses are considered as <i>infrastructure</i> , as defined by the PPS.
8.9.3 3)	OMAFRA	Consistency with PPS 2.3.1 and 2.3.6.2	Reword the last sentence of 3): "Further fragmentation of Special Agricultural and Agricultural Land Use Types, and woodlands should also be avoided."
8.9.3 11)	OMAFRA	Consistency with PPS 2.3.1 and 2.3.6.2	See OMAFRA comments for 8.9.3 and 8.9.4 above. Include the requirements in the PPS for limited non-agricultural uses in <i>prime agricultural areas</i> and for an <i>Agricultural Impact Assessment</i> to assess impacts to agricultural uses and operations, and identify mitigation

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			measure, within the Special Agricultural and Agricultural Land Use Types.
Managing Our Waste Policy 8.10 Pg. 142-144	MOECC	<p>Before approving any development within 500 metres of any known active or closed waste disposal sites situated in Grey County, as well as active and former waste sites, if any, situated outside Grey County but within 500 metres of development that is proposed within Grey County, in its role as <i>Planning Act</i> approval authority, the County of Grey and lower tier municipalities within Grey County must be satisfied that any potential impacts (including but not necessarily limited to methane gas / leachate) generated from active and former closed waste disposal sites (landfills) have been or will be satisfactorily addressed.</p> <p>Azimuth Environmental Consulting, Inc. (Azimuth) was reportedly retained by the County of Grey (County) to conduct an assessment of a number of properties located in the County that had previously been identified as historic landfill / dump sites by the Ministry of Environment and Climate Change (Ministry). Given development restrictions exist for these properties as well as those located within 500 metres of any active or closed landfill site according to Ministry of Environment Guideline D-4 (Land Use On or Near Landfills and Dumps) the County reportedly wanted to update their database regarding these sites with respect to their associated risk. It appears that the County of Grey has chosen to rely on the findings and recommendations of the aforementioned March 2015 Azimuth Report as a risk management tool in determining the appropriateness of approving development in proximity to active and former waste sites.</p> <p>The MOECC suggests that the County of Grey may want to consider adding Azimuth Environmental Consulting Inc.'s March 2015 report entitled "Historic Landfill Site Review Grey County" as an Appendix to the Grey County Official Plan.</p> <p>MOEC, like Azimuth Environmental, recommends that all waste site records be maintained with the County indefinitely, into perpetuity.</p>	<p>The MOECC is not proposing a modification, simply making a comment as presented in the column immediately to the left.</p>
Managing Our Waste Policy 8.10 Pgs. 142 - 144	MOECC	<p>Section 8.10 makes numerous references to D4 studies, in accordance with Ministry of Environment &amp; Climate Change D-4 Guidelines. The MOECC is currently reviewing the MOECC D-Series Guidelines with the intent to eventually issue updated Guidelines, which in all likelihood will not be referred to as D-Series Guidelines in the future. As such, MOECC recommends any references to D4 studies, or D-4 Guidelines in this Official Plan be amended to recognize this possibility.</p>	<p>The MOECC recommends that any references to D4 studies, or D-4 Guidelines in this Official Plan be amended to read identical to or very similar to the following:</p> <p>"D4 studies or its successor document", or "D-4 Guidelines or its successor document".</p>
Managing Our Waste Policy 8.10 (7) Pg. 143	MOECC	MOECC recommends that a reference to the <i>Environmental Assessment Act</i> be included.	<p>The wording of this policy to be amended to read as follows:</p> <p>"Any proposal for a new waste management facility or for the expansion of an existing facility must be consistent with</p>

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Existing and Known Abandoned Landfill Sites Policy 8.10.1 Pg. 143 - 144	MOECC	<p>The County has identified in Appendix A, reportedly all existing municipal landfill sites and known abandoned landfill sites within the County of Grey. The County refers to a potential study area of 500 meters from some of these waste sites to examine what impacts if any can be anticipated with respect to leachate and methane gas for development proposed within this area. What the County has not addressed, to date, are waste sites, if any, located outside of the County of Grey, but located within 500 metres of the County of Grey Boundary. The County should, MOECC suggests, include an OP policy, and potentially mapping also, of waste sites, if any, located outside of Grey County that are located close enough to lands within Grey County itself, that methane and leachate should be addressed prior to developments being approved or proceeding.</p>	the principles, objectives and policies of this Plan and must comply, where applicable, with the provisions of the <i>Environmental Assessment Act</i> , the <i>Environmental Protection Act</i> , and any other applicable legislation and/or Regulations."
Existing and Known Abandoned Landfill Sites Policy 8.10.1 Pg. 143 -144	MOECC	<p>The County makes reference to and has developed policies as to how, through three categories based on the Historic Landfill Study, <u>development near abandoned landfill sites will be addressed</u>.</p> <p>How does the County intend to deal with, through OP Policy, development within 500 metres of <u>currently operational landfills</u> both municipal, and private?</p>	<p>There are likely several ways in which this MOECC comment could be addressed by the County. MOECC recommends that discussion on alternative approaches take place at the meeting at the County office between Provincial staff and County Planning Staff on January 31<sup>st</sup>, 2018.</p> <p>There are likely several ways in which this MOECC comment could be addressed by the County. MOECC recommends that discussion on alternative approaches take place at the meeting at the County office between Provincial staff and County Planning Staff on January 31<sup>st</sup>, 2018.</p>
Existing and Known Abandoned Landfill Sites Policy 8.10.1 4) Pg. 144	MOECC	<p>This policy pertains to Section 46 of the <i>Environmental Protection Act</i>. MOECC recommends the proposed wording be amended slightly to more accurately reflect Section 46 of the <i>Environmental Protection Act</i>.</p>	<p>The MOECC recommends that this policy be amended to read identical to, or very similar to the following:</p> <p>"Where development is proposed for approval on a non-operating waste disposal site, no use will be made of land or land covered by water which has been used for the disposal of waste within a period of twenty-five years from the year in which such land ceased to be so used unless the approval of the Minister of the Environment and Climate Change for the proposed use has been given. The applicant must submit an application and obtain approval from the Minister of the Environment and Climate Change, pursuant to Section 46 of the</p>

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Existing and Known Abandoned Landfill Sites Policy 8.10.1 5) Pg. 144	MOECC	This policy pertains to development on non-operating waste disposal sites after 25 years since closure. The MOECC recommends that rather than from date of closure, the policy be measured from the year in which such land ceased to be used for the disposal of waste.	<i>Environmental Protection Act, R.S.O. 1990, as amended, before any other use of such lands can take place."</i> The MOECC recommends that this policy be amended to read identical to, or very similar to the following:  "Where development is proposed for approval on a non-operating waste disposal site, after twenty-five years from the year in which such land ceased to be so used, a D-4 Study, or its successor document will be required as per subsection (2) above."
Source Protection Plan Policies 8.11.1 Pg. 145	MOECC	MOECC suggests adding a reference to "other adverse effects" in addition to protected from contamination.	MOECC recommends that the first sentence of the first paragraph be reworded to read as follows:  "The Clean Water Act 2006, was created to ensure the quality and quantity of municipal drinking water supplies are protected from contamination and other adverse effects due to incompatible land uses and activities. As required ..."
Source Protection Plan Policies 8.11.1 Pg. 145	MOECC	There are policies in the Provincial Policy Statement, namely Section 2.2.1 (e) that pertain to Source Protection, but they are not referred to as low and moderate threat policies. The specific reference to low and moderate threat policies should be deleted.	MOECC suggests that the first sentence of the second paragraph of this Section be amended to read as follows:  "The Water policies, specifically Section 2.2.1 (e) of the Provincial Policy Statement 2014, will also apply and should complement the specific policies of the Source Protection Plans."
Source Protection Plan Policies, Significant	MOECC	MOECC recommends that a reference be provided as to how vulnerable areas are delineated.	MOECC recommends that a sentence be added at the end of Significant Threats 1) to read as follows:



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Threats, 8.11.1 1) Pg. 146			<p>"... Plans and Assessment Reports. For more information on how vulnerable areas are delineated, consult the Technical Rules: Assessment Report made under the <i>Clean Water Act, 2006</i>."</p> <p>The MOECC's recommendations with respect to modifications to the Draft Official Plan pertaining to Source Protection are numerous and are spread out in this table under the heading of "Comments / Concerns" as presented in the column immediately to the left.</p>
Source Protection Plan Policies 8.11.1 Pgs. 145 to 149	MOECC	<p>MOECC's Source Protection Programs Branch (SPPB) offers the following comments. The comments address consistency with section 2.2.1 (e) of the 2014 Provincial Policy Statement (herein referred to as 'PPS, 2014') and conformity with the applicable source protection plans (herein referred to as the 'SPPs').</p> <p><b>General Comments</b></p> <p>In order to protect municipal drinking water supplies and designated vulnerable areas, municipalities should ensure that their OPs and zoning by-laws are consistent with the broader policies in the PPS, 2014 (section 2.2.1 (e)) as well as conform with/have regard to applicable SPP policies within the timelines provided by the local SPP(s).</p> <p>Municipalities may also elect to include policies that go beyond the standards established in the policies of the PPS and/or the SPP with respect to matters of local interest by including goals, policies, and objectives to protect, improve or restore the quality or quantity of water, provided that such policies do not conflict with the protection of any other provincial interests.</p> <p>The County of Grey is located within the Grand River Source Protection Area, in the Lake Erie Source Protection Region, Nottawasaga Source Protection Area in the South Georgian Bay-Lake Simcoe Source Protection Region, and the Saugeen Valley Source Protection Area and Grey Sauble Source Protection Area in the Saugeen-Grey-Sauble-Northern Bruce Peninsula Source Protection Region, respectfully. The municipality is therefore subject to the Grand River Source Protection Plan (GR SPP), South Georgian Bay-Lake Simcoe Source Protection Plan (SGBLS SPP), and the Saugeen-Grey-Sauble-Northern Bruce Peninsula Source Protection Plan (SGSNBP SPP). These plans took effect July 1, 2015 (SGBLS SPP) and July 1, 2016 (GR SPP and SGSNBP SPP). These plans set out requirements that the municipality's official plan and zoning by-law are to be updated at the time of the next comprehensive review, as set out in s. 26 of the <i>Planning Act</i>. This timeline was established to afford the municipality the time to align a conformity exercise within the course of the municipality's review cycle. MOECC acknowledges that the County's OP review addresses conformity with the applicable source protection plans (SPPs).</p> <p>The approved SPP[s] and supporting documents (including maps of vulnerable areas) may be accessed at these websites:</p> <ul style="list-style-type: none"> <li>- Grand River Source Protection Plan  <a href="https://www.sourcewater.ca/en/source-protection-areas/Grand-River-Source-Protection-Plan.aspx">https://www.sourcewater.ca/en/source-protection-areas/Grand-River-Source-Protection-Plan.aspx</a></li> <li>- South Georgian Bay-Lake Simcoe Source Protection Plan  <a href="http://www.ourwatershed.ca/documents/source_protection_plan.php">http://www.ourwatershed.ca/documents/source_protection_plan.php</a></li> </ul>	

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	<p>- Saugeen-Grey-Sauble-Northern Bruce Peninsula Source Protection Plan  <a href="http://home.waterprotection.ca/source-protection-plan/">http://home.waterprotection.ca/source-protection-plan/</a></p>	
	<p><b>PPS CONSISTENCY</b></p> <p>The <i>Planning Act</i> requires decisions to be consistent with policies issued under the PPS, 2014. Municipalities must ensure that their planning documents satisfy the broad requirements of protecting municipal drinking water supplies and designated vulnerable areas, as directed in the PPS, 2014. Specifically, section 2.2.1 (e) (1) in the PPS, 2014 requires that planning authorities "protect, improve, or restore the <i>quality and quantity</i> of water by implementing the necessary restrictions on <i>development and site alteration</i> to protect all municipal drinking water supplies and <i>designated vulnerable areas</i>."</p> <p>The vulnerable areas identified in assessment reports (as approved by the MOECC Director under the <i>Clean Water Act</i> (CWA)) are considered 'designated vulnerable areas,' as these areas are defined in accordance with provincial standards. There are four types of vulnerable areas delineated in assessment reports: 1) wellhead protection areas (WHPAs), 2) surface water intake protection zones (IPZs), 3) highly vulnerable aquifers (HVAs) and 4) significant groundwater recharge areas (SGRAs).</p> <p>Highly vulnerable aquifers (HVAs) are areas sensitive to water quality impacts by various land uses or activities (e.g., road salt storage and application). Similarly, significant groundwater recharge areas (SGRAs) are areas important for replenishing groundwater supplies and where some land uses or activities can detrimentally affect groundwater recharge (e.g., through impervious surfaces or consumptive water takings). In addition, portions of the vulnerable areas within the assessment report may include issues contributing areas (ICAs) for municipal wells or intakes experiencing elevated levels of contaminants, and events-based areas (EBAs) where spills of various substances were modelled and could reach the drinking water source. An ICA represents the area where certain activities may contribute to the drinking water issue (e.g., chloride). ICAs and EBAs always overlap one or more of the four kinds of vulnerable areas.</p> <p>To be consistent with section 2.2.1 (e) of the PPS, 2014, the OP should include goals, policies and objectives to ensure that sources of municipal drinking water are appropriately protected. Policy direction may include requiring additional reports to identify how an area will be protected (i.e. planning justification report, chemical storage disclosure report), and/or may restrict/direct development away from vulnerable areas where possible. In addition, the OP should identify all designated vulnerable areas in OP schedules as shown in the assessment report, including HVAs and SGRAs. The broader policies of the PPS, 2014 apply in addition to source protection plan policies, and should complement more specific policies of the source protection plan where they apply. While the policies included in source protection plans focused primarily on municipal residential drinking water systems, municipal official plan goals, policies and objectives that apply within designated vulnerable areas can also protect sensitive hydrologic features including current or future drinking water sources of systems not addressed by source protection plans. For example, private systems – individual or clusters, and designated facilities within the meaning of O. Reg. 170/03 under the Safe Drinking Water Act – i.e., camps, schools, health</p>	

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	care facilities, seasonal users, etc.).	
	<p><b>SOURCE PROTECTION PLAN CONFORMITY REQUIREMENTS</b></p> <p>Section 40 of the CWA explicitly requires municipalities to amend their official plans to conform with the significant threat policies set out in source protection plans. Policies that affect land use planning decisions under the <i>Planning Act, 1990</i> or the <i>Condominium Act, 1998</i> are included in List A and List B of each applicable source protection plan. These policies address (manage or prohibit) future threat activities through land use planning decisions.</p> <p>Official plans should provide policies to protect their designated vulnerable areas. These policies should provide sufficient direction to ensure that land uses or developments associated with threat activities will be prohibited or managed as specified by the SPP policies that rely on <i>Planning Act</i> tools, as outlined in Lists A and B. At this time, the municipality contains the following designated vulnerable areas: WHPAs, IPZs, EBAs, SGRAs and HVAs (see Appendix for vulnerable area maps).</p> <p>To be consistent with policy 2.2.1 (e) (1) of the PPS, 2014, the Official Plan should identify all designated vulnerable areas, including HVAs and SGRAs, even though there are no threat policies to be implemented. MOECC recommends that HVAs and SGRAs be mapped in the OP to provide context to the reference made to HVAs and SGRAs in the policy text. We recognize that a major extent of the County is located in HVA and/or SGRAs; therefore, it may be difficult to show all vulnerable areas on one map. In order to address this, a separate map could be included identifying the HVAs and SGRAs. Additionally, we recognize that the County provides general mapping of vulnerable areas in Appendix "A" and more detailed mapping will be available in local municipal OPs. The Township of Chatsworth does not have a local OP, and they implement the County's OP through their zoning by-law (ZBL). MOECC suggests the County provide additional mapping for the Township, or ensure all vulnerable areas are mapped when the Township conducts a ZBL conformity amendment for source water protection.</p> <p>The OP for the County of Grey must conform with the following significant threat policies that rely on <i>Planning Act</i> tools (i.e., List A):</p> <p><b>GR SPP</b></p> <ul style="list-style-type: none"> <li>• Definitions: Existing, New or Future, Township</li> <li>• GC-S-CW-1.1 Implementation and Timing Policies</li> <li>• GC-S-CW-1.2 Uses and Areas Designated as Restricted Land Use Policies</li> <li>• GC-S-MC-1.3 Official Plan and Zoning By-law Amendment(s) Policies</li> <li>• GC-S-CW-1.15 Interpretation</li> <li>• GC-S-MC-3.2 Sewage System or Sewage Works - Septic System and Septic System Holding Tanks (Future)</li> </ul>	

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	<p><u><b>SGBLS SPP</b></u></p> <ul style="list-style-type: none"> <li>• LUP-1 Prohibition of future threats (list)</li> <li>• LUP-2 Applications subject to site plan control</li> <li>• LUP-3 Design of new storm water management facilities</li> <li>• LUP-4 Siting of sewage system infrastructure (locate outside of areas where SDWT)</li> <li>• LUP-5 Siting of sewage system infrastructure (master environmental servicing plans)</li> <li>• LUP-6 Lot sizing for small septic systems</li> <li>• SEWG(C)-3 Mandatory Connection Bylaw</li> <li>• TRANS-1 Future/existing definitions</li> <li>• RLU-1 Restricted Land Uses</li> <li>• TIME-7 Timing and Implementation</li> </ul> <p><u><b>SGSNBP SPP</b></u></p> <ul style="list-style-type: none"> <li>• 01-06 Official Plan and Zoning By-law Amendment for Waste Disposal Sites</li> <li>• 02-05 Sewer Requirement for New Lots</li> <li>• 02-11 Stormwater Management Review</li> <li>• 02-12 Separation of Combined Sewers</li> <li>• 02-13 Infiltration Prevention</li> <li>• G-01 Restricted Land Use – Non-residential</li> <li>• G-02 Restricted Land Use – Residential</li> <li>• G-03 Restricted Land Use – Non-Residential for Fuel Near Intakes</li> <li>• G-04 Amend Official Plan and Zoning By-law</li> <li>• G-10 Transition Provisions</li> </ul> <p>The OP for the County of Grey must have regard to the following moderate and low threat policies that rely on Planning Act tools (i.e., List B):</p> <p><u><b>SGBLS SPP</b></u></p> <ul style="list-style-type: none"> <li>• LUP-5 Siting of sewage system infrastructure (master environmental servicing plans)</li> </ul> <p><b>SPECIFIC COMMENTS ON OP POLICIES</b></p> <p><u>Conformity with the SPPs</u></p> <p>MOECC acknowledges and commends the County for their efforts to incorporate detailed policies in the OP that implement the applicable SPP policies. MOECC offers the following comments to improve the conformity with some of the source protection plan policies:</p>	
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		<p>The SGBLS SPP policies listed below do not appear to have fully been incorporated into the OP.</p> <ul style="list-style-type: none"> <li>• <b>LUP-3 Design of new storm water management facilities</b> – This SPP policy requires the Planning Approval Authority to amend planning documents to ensure that new storm water management facilities are designed to reduce and direct the discharge of storm water outside of vulnerable areas, where the activity would be a significant drinking water threat.</li> <li>• <b>LUP-4 Siting of sewage system infrastructure (locate outside of areas where SDWT)</b> – This SPP policy requires the Planning Approval Authority to amend planning documents to locate new private and municipal sewage system infrastructure, wherever possible, outside of vulnerable areas, where the activity would be a significant drinking water threat.</li> <li>• <b>LUP-5 Siting of sewage system infrastructure (master environmental servicing plans)</b> – This SPP policy encourages the Planning Approval Authority to amend their OP to address storm water pond discharges and sanitary sewers and related pipes by requiring a master environmental servicing plan as part of a complete application.</li> </ul> <p>While SPPB understands these SPP policies require the Planning Approval Authority to amend planning documents, it is unclear if the County is requesting local municipalities to amend their planning documents or if there are other reasons for not including OP policies to implement the SPP policies. The County may revise their OP to provide direction and notice to local municipalities. For example, OP section 8.9.2 containing policies for storm water management could be revised to require local municipalities to amend their planning documents to incorporate design principles for new storm water management facilities to meet the requirements of the SGBLS SPP.</p> <p>It is recommended that the County let the Source Protection Programs Branch at MOECC and source protection authority know why the municipality is not including these in the official plan, or SPPB recommends inserting additional or editing existing policies in the OP to address and clarify the connections to the SPP policies.</p> <p>The SGSNBP SPP policies listed below do not appear to have fully been incorporated into the OP.</p> <ul style="list-style-type: none"> <li>• <b>02-11 Storm Water Management Review</b> – This SPP policy asks the municipality to give due consideration to evaluating existing storm water management facilities and if found deficient, give due consideration to improving them with respect to water quality.</li> <li>• <b>02-12 Separation of Combined Sewers</b> – This SPP policy asks municipalities to give due consideration to establishing or continuing programs that separate combined sewers.</li> <li>• <b>02-13 Infiltration Prevention</b> – This SPP policy relates to sanitary sewers, related pipes and storm water</li> </ul>
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	<p>management facility discharges and asks municipalities to give due consideration to establishing or continuing programs that reduce infiltration of waste water into groundwater aquifers that are used as drinking water sources.</p> <ul style="list-style-type: none"> <li>• <b>G-02 Restricted Land Use – Residential</b> – This SPP policy requires notice by a RMO for a complete application under Section 59 of the CWA.</li> <li>• <b>G-03 Restricted Land Use – Non-Residential for Fuel Near Intakes</b> – This SPP policy specifically applies to Event-Based Areas where a land use where the handling and storage of fuel would be a significant drinking water threat.</li> </ul> <p>While SPPB understands the actions outlined in SPP policies 02-11, 02-12, and 02-13 may not be well suited to an official plan policy, it is unclear if the County considered these policies and their reasons for not including a similar OP policy. It is recommended that the municipality let the Source Protection Programs Branch at MOECC and source protection authority know why the municipality is not including these in the official plan, or SPPB recommends inserting additional or editing existing policies in the OP to address and clarify the connections to the SPP policies.</p> <p>In order to operationalize the restricted land uses policies included in G-02 and G-03, the official plan should include policies that conform with these. Conformity with G-01 and restricted land use policies from the other two SPPs are met through OP policy 8.11.1 Existing / Future Uses (3), applying to 'all land uses identified within the County OP and/or ZBL and located within a WHIPAs and all IPZs with the exception of residential uses.' This does not capture restricted land uses from G-02 (residential land use), or G-03 (EBAs) within the SGSNBP boundary. MOECC recommends that the County revise the OP to include separate mention of restricted land use provisions for residential land use and areas within EBAs.</p> <p><u>Complete Application Considerations</u></p> <p>As noted in the list above, the SPPs include several CWA Section 59 Restricted Land Uses policies on List A (GR SPP policy GC-S-CW-1.2; SGBLS SPP policy RLU-1; and SGSNBP SPP policies G-01, G-02, and G-03). To provide clarity for proponents, municipalities may also include this notice as part of the complete application requirements<sup>1</sup> in their official plans. MOECC commends the County for incorporating these restricted land use SPP policies through OP Section 8.11.1 Existing / Future Uses (3). Additionally, OP policy 9.17 'Complete Applications' makes broad reference to studies under Sections 3-8 of the OP for complete application requirements, and encourages local municipalities to pass mandatory pre-submission consultation by-laws for their local applications. Municipalities may also indicate the vulnerable areas or portions of vulnerable areas where there may be source protection requirements for planning applications in the official plan schedules, such</p>	
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<sup>1</sup> For more information on Complete Application Requirements and how municipalities can use them, please refer to the MMA website <http://www.mah.gov.on.ca/Page7213.aspx>.

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		<p>as using an overlay designation to indicate these areas.</p> <p><u>Consistency with the PPS, 2014</u></p> <p>The MOECC commends the County for including objectives and policies aimed at protecting municipal drinking water supplies and designated vulnerable areas, as well as maps depicting WHPAs, and IPZs, in Appendix 'A' of the OP. The OP should identify all designated vulnerable areas within its OP schedules as shown in the local assessment report, including HVAs and SGRAs. In addition, to be consistent with section 2.2.1 (e) of the PPS, 2014, the municipality should consider including in the OP broader water protection policies that apply in SGRAs and HVA to protect sensitive hydrologic features, including current or future drinking water sources of systems not explicitly addressed by source protection plans (e.g., private systems – individual or clusters, and designated facilities within the meaning of O. Reg. 170/03 under the <i>Safe Drinking Water Act</i> – i.e., camps, schools, health care facilities, seasonal users, etc.).</p> <p><u>Other comments</u></p> <p>The MOECC commends the County for implementing the goals and objectives of SPPs in Section 8.11.1 of the OP. The County prescribes that the 'low and moderate threat policies of the Provincial Policy Statement, 2014, will also apply and should complement the specific policies of the Source Protection Plans.' It is not clear what low to moderate threat policies of the PPS is referring to. MOECC recommends the County revisit this language and revise it for clarity to make sure it is requiring that the correct policies are applied. Please refer to MOECC's specific comments for Source Protection Plan Policies 8.11.1 Pg. 145 as found earlier in this table.</p> <p>Additionally, the main objective of the SPP policies (8.11.1) in the OP is to support local municipalities in implementing the SPP policies by identifying vulnerable areas and developing policies and guidance. MOECC commends the County for the overall effort and direction provided to local municipalities through policy development and mapping. Each local municipality has their own OP to implement the SPPs in greater detail with the exception of the Township of Chatsworth. Since the Township does not have their own OP, they may require additional direction for applying specific SPP policies and mapping to assist the implementation of SPP policies through their local ZBL.</p>	
Commercial Water Taking Policy 8.11.2 Title Pg. 149	MOECC	<p>What about industrial and commercial activities (other than water bottling for sale) that may be require to take greater than 50,000 litres per day?</p> <p>MOECC suggests the title be renamed.</p>	MOECC suggests that the title be renamed: "Industrial / Commercial Water Taking"
Commercial Water Taking Policy 8.11.2 1) Pg. 149	MOECC	MOECC suggests the additional reference to Industrial Operations.	MOECC suggests that the policy be reworded to read as follows: "In order to establish a commercial and/or

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Commercial Water Taking Policy 8.11.2 (1) b) Pg. 149	MOECC	Presumably this policy gives the County its own ability to better understand and regulate any such withdrawals. To some extent this policy is arguably redundant given that a similar hydrogeological study would need to be prepared for, and reviewed by, the MOECC as part of a Permit To Take Water Application for water withdrawals in excess of 50,000 litres per day. So, the hydrogeological study should be completed in accordance with the MOECC requirements. Refer to MOECC Technical Guidance Document for Hydrogeological Studies, and relevant Tier 3 Water Budget and Local Area Risk Assessment reports.	industrial water taking operation proposing to take water in excess of 50,000 litres per day for industrial use, or commercial sale, a County Official Plan Amendment along with a local official plan Amendment (if required by the local official plan) and a zoning by-law amendment will be required. Application for the amendments noted above will be accompanied by the following information: "... The policy could conceivably be amended to read as follows:  b) Similar to the requirements for a Permit To Take Water Application, a hydrogeological study prepared in accordance with Ministry of Environment and Climate Change requirements (refer to MOECC Technical Guidance Document for Hydrogeological Studies, and relevant Tier 3 Water Budget and Local Area Risk Assessment Reports), by a qualified individual, demonstrating that the quality and quantity of ground and surface water will not be negatively impacted by the proposed operation."  The policy should be amended by adding an additional Policy 1) d) to read as follows:  "d) A Permit To Take Water for the proposed water taking has been issued by the Ministry of Environment and Climate Change".  MOECC suggests that the policy be amended to read as follows:  "No permit or licence will be issued by the appropriate authority until the amendments identified in Section 8.11.2 (1) have been
Commercial Water Taking Policy 8.11.2 (1) d) Pg. 149	MOECC	MOECC suggests that a reference be made to a Permit To Take Water issued by the MOECC. It is suggested that this can be achieved by adding a policy 1) d).	The policy should be amended by adding an additional Policy 1) d) to read as follows:  "d) A Permit To Take Water for the proposed water taking has been issued by the Ministry of Environment and Climate Change".  MOECC suggests that the policy be amended to read as follows:  "No permit or licence will be issued by the appropriate authority until the amendments identified in Section 8.11.2 (1) have been
Commercial Water Taking Policy 8.11.2 (2) Pg. 149	MOECC	The MOECC believes there may be a typo in this policy. That is, shouldn't the policy read as identified in Section 8.11.2 (1), not Section 8.11.1 as currently presented?  MOECC suggests that a reference specifically be made to a Permit To take Water issued by the MOECC.  Also, how will Grey County ensure that MOECC does not inadvertently issue a Permit To Take Water before the	The policy should be amended by adding an additional Policy 1) d) to read as follows:  "d) A Permit To Take Water for the proposed water taking has been issued by the Ministry of Environment and Climate Change".  MOECC suggests that the policy be amended to read as follows:  "No permit or licence will be issued by the appropriate authority until the amendments identified in Section 8.11.2 (1) have been



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		amendments referred to in Section 8.11.1 are approved?	approved, after which, the applicant must seek and obtain a Permit To Take Water issued by the Ministry of Environment and Climate Change."
Commercial Water Taking Policy 8.11.2 (4) Pg. 150	MOECC	I have been advised that the current PTTW application form submitted to the MOECC does not ask the applicant whether the proposed project is in conformity with County and/or local Planning Documents / Policies (i.e., Official Plans, Zoning By-laws). Nor are MOECC staff aware that if it is not in conformity, that they can't issue a PTTW. This scenario begs the question as to how this policy, albeit well meaning, can be implemented between MOECC, the County, and the local municipalities.  This Policy may require that the County retain professional geoscience advice. One could argue that the <i>Professional Geoscientists Act</i> would require that only a geoscientist (or exempted professional engineer) be able to adequately assess the impacts of land use on ground water resources.	MOECC suggests that the policy be amended to read as follows:  "The effect of land use proposals on the groundwater aquifer utilized by approved water taking operations will be considered, and may necessitate retaining professional geoscience advice, before development is permitted to maintain the quality and quantity of the groundwater resource within the aquifer."
Commercial Water Taking Policy 811.2 (5)	MOECC	This policy should acknowledge the possibility that water taking plans could conceivably change overtime.	MOECC suggests that the policy be amended to read as follows:  "If permits for the commercial / industrial water taking of water currently exist at the date of adoption of this Plan and remains in place, Subsections (1) through (4) above do not apply unless an increase to an existing water taking is planned / proposed."
Complete Applications Policy 9.17 Pg. 164 – 165 inclusive	MOECC	MOECC suggests the addition of noise, vibration and odour studies as potential study requirements for each of Zoning By-law Amendments, Local Official Plan Amendments, Plan of Subdivision – Plan of Condominium, County Official Plan Amendments application(s).	MOECC recommends that the modification be for the County to ensure amongst all the other studies already listed in the tables found on Pgs. 164 to 166 inclusive, noise, vibration and odour studies are added as potential study requirements for each of Zoning By-law Amendments, Local Official Plan Amendments, Plan of Subdivision – Plan of Condominium, County Official Plan Amendments application(s).
9.17	MTCS	Clarifying language for conformity with PPS 2014.	"Archaeological/heritage review" is not

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		Table contents for Consent and Zoning By-Law Amendment, Local OPA, Plans of Subdivision and Condominium.	defined, and warrants some further detail here or elsewhere that this includes screening for archaeological sites and areas of archaeological potential, and buildings/structure and cultural heritage landscapes of identified or potential cultural heritage value or interest.
9.17	MTCS	Clarifying language for conformity with PPS 2014. Table contents for County Official Plan Amendment.	"Archaeological review" is not defined here (as above), nor is heritage review included (as above), where screening is warranted.
9.18	MNRF	Negative impacts with respect to <i>fish habitat</i> in the definition in the PPS do not include the guiding principle of no net loss of productive capacity.	MNRF requests that the definition of negative impacts with respect to fish habitat be modified to reflect the wording in the PPS by removing "using the guiding principle of no net loss of productive capacity."
9.18	MNRF	The definition of <i>prime agricultural land</i> is not consistent with the definition in the PPS – this has implications from the perspective of requirements for a site to be rehabilitated back to an agricultural condition.	MNRF requests that the definition of <i>prime agricultural land</i> be modified to reflect the wording in the PPS.
9.18	OMAFRA	Clarity of Terms	All defined terms should be italicised in the OP text. In accordance with the PPS definitions and/or relevant provincial guidance documents, the following terms should be included in the definitions section: <i>Natural heritage features and areas, development, agricultural uses, adjacent lands, key natural heritage features, agricultural condition, specialty crop area, high quality, mineral aggregate resources, legal or technical reasons, institutional use, public service facilities, rural areas, rural lands.</i>
9.18	OMAFRA	Clarity of terms and Consistency with PPS and other provincial guidance documents	The following terms are defined in the OP but should be revised to be consistent with the wording and intent of the PPS and other provincial guidance documents: <i>Agricultural uses, Infrastructure, minimum distance separation formulae, natural heritage features and areas, natural</i>

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			heritage system, on-farm diversified uses, prime agricultural area, prime agricultural land, special agricultural (should be the same as specialty crop area and include a consideration of capital investment), small scale (should be changed to 'limited in area' and include parking, landscaped areas, etc. and provisions for parcels <20ha in the Special Agricultural and Agricultural Land Use Types. This may also be addressed in policy.), utilities (- consider deleting and including this definition in with infrastructure).
9.18	MTCS	Clarifying language for conformity with PPS 2014.	<p>These definitions need to be updated to PPS 2014 versions for:</p> <ul style="list-style-type: none"> <li>• Built Heritage Resources</li> <li>• Cultural Heritage Landscape</li> <li>• Heritage Attributes</li> <li>• Protected Heritage Property</li> <li>• Significant, in regard to cultural heritage and archaeology</li> </ul> <p>A definition needs to be added to reflect PPS 2014 for:</p> <ul style="list-style-type: none"> <li>• Conserved</li> </ul>
10.2.3	MTCS	Clarifying language for conformity with PPS 2014.	To create an urban environment that celebrates the historical-architecture built heritage and streetscapes of Southern Ontario while conserving the surrounding natural heritage environmental features and functions.
10.4 10.4.1.1 bullet 3 10.4.2.1 bullet 7 10.4.3.1 bullet 6 10.4.4.1 bullet 6	MTCS	Clarify language for conformity with PPS 2014: No definitions are provided for: <ul style="list-style-type: none"> <li>• cultural heritage area</li> <li>• cultural heritage site(s).</li> </ul>	
10.4.5	MTCS	Clarifying language for conformity with PPS 2014, Ontario Heritage Act. Cultural heritage site and cultural heritage area are not defined. By inference they are archaeological sites, and should be described and managed as such.	Thirteen (13) Cultural Heritage archaeological sites have been identified within the ten (10) Cultural Heritage Areas identified on Schedule A (Schedule A has

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			<p>been replaced by Secondary Schedule 1q). The objective is to preserve these sites in accordance with the following standards:</p> <p>1) <u>Heritage Archaeological Sites</u> will be surveyed and reflected on Schedule A (Schedule A has been replaced by Secondary Schedule 1q) to this Plan.</p> <p>2) The location of the <u>Heritage Archaeological Sites</u> will be registered on Title.</p> <p>3) <u>Heritage Archaeological Sites</u> will be preserved in their natural state and <del>may be identified by an appropriate cairn, plaque or similar identification</del></p> <p>4) Heritage Areas will be placed in an appropriate restrictive zoning category in the implementing Zoning Bylaw.</p> <p>5) Any future change or alteration to a <u>Heritage Archaeological Site</u> will require a Stage 3 archaeological investigation and submission based on the criteria established by the Ministry of Citizenship and Tourism, Culture and Sport.</p> <p>6) <del>Should additional Cultural Heritage</del> Archaeological sites or historical artifacts be uncovered during the construction phase, the owners will consult with the Ministry of Citizenship, Tourism, Culture and Sport Recreation to determine whether additional archaeological assessments are required. Where deemed appropriate, additional Cultural Heritage Areas may be added to Schedule A (Schedule A has been replaced by Secondary Schedule 1q) by amendment.</p>
<p>Golf Course Development Policy 10.5.6 (2) Pg. 197</p>	MOECC	<p>The reference to the Ministry of Environment and Climate Change should be deleted because this ministry's role is that of a review agency.</p>	<p>The policy should be amended to read as follows:</p> <p>*A Stormwater Management Plan for the</p>

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<p>Golf Course Development Policy 10.5.6 (4) Pg. 197 -198</p>	<p>MOECC</p>	<p>The current reference to the Ministry of Environment should have "and Climate Change" added to it. The Policy should also recognize the need for a Permit to Take Water to be applied for and issued by the Ministry of Environment and Climate Change for any taking of water of 50,000 litres or more per day.</p>	<p>golf course will be prepared in concert with the Municipality, the Grey Sauble Conservation Authority, and the technical consulting team, and ultimately approved of by the applicable authority, prior to construction commencing."</p> <p>A sentence should be added at the end of the first paragraph to read:</p> <p>"...of the golf course area. The Environmental Management Plan will recognize the need to apply for and receive a Permit to Take Water from the Ministry of Environment for any taking of water in excess of 50,000 litres or more per day.</p> <p>The last sentence of the second paragraph to be amended to read as follows:</p> <p>"...through consultation with the Municipality, the County, the Ministry of Environment and Climate Change and the Grey Sauble Conservation Authority in order to ..."</p>
<p>10.5.10</p>	<p>MTCS</p>	<p>PPS 2014, Ontario Heritage Toolkit. Modern replication/imitation of Ontario vernacular architectural styles is not supported. Design sympathetic and complementary to existing building fabric is promoted.</p>	<p>It is intended that the Community will use the rich heritage of early Ontario architectural design in order to set it apart from other communities. The range of traditional architectural styles that will be encouraged for the Georgian Villages community include, but will not be limited to, Georgian, Neo Classic/Adamque, Queen Anne, Italianate, English Style, Gothic Revival, Beaux Arts/Classical Revival, and the Ontario Cottage. Certain architectural styles may lend themselves better to higher densities buildings, commercial structures, and other non-residential structures more than others.</p>

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			<p>A design review process may be initiated to review all projects to ensure that the Design Guidelines established for the community are followed throughout the construction phase of the project and beyond. The review process will consider streetscapes, landscaping, lighting and signage to ensure that new construction is distinguishable from, while sensitive and complementary to, existing building fabric and cultural heritage landscape.</p> <p>Identification and evaluation of cultural heritage resources, including archaeology, built heritage and cultural heritage landscapes, and an assessment of the potential impact on cultural heritage resources.</p> <p>This section contains policies for the Hanover/West Grey Secondary Plan which includes a <i>prime agricultural area</i>/Agricultural Land Use Type. These policies should clearly reflect that OP policies 3.2 apply to these lands until such time as a settlement boundary expansion into this area has been approved.</p> <p>MOECC is prepared to review and comment on any suggested policies pertaining to land use compatibility and sewage treatment works that the County would like to run by the MOECC. There are a number of policy wording examples that the County could first review and put some consideration toward throughout Southwestern Ontario Approved Official Plans.</p> <p>The property should not appear to be a licenced site on Map 1, Schedule B.</p> <p>To be consistent with the PPS (2014), deposits of mineral and mineral aggregate</p>
10.5.21.7	MTCS	Clarify language for conformity with PPS 2014.	
11 11.4	OMAFRA	PPS 1.1.3.8 and 2.3	
Sewage Treatment Works	MOECC	<p>The MOECC recommends from a land use compatibility perspective, Grey County consider adding policies in the Official Plan with respect to setbacks from sewage treatment works. Specifically referencing MOE's 1996 Guideline D-2 Compatibility between Sewage Treatment and Sensitive Land Use, or its successor document. Many municipalities, in addition to a text reference, have denoted the location of sewage treatment works in one or more Schedules to the Official Plan so that the reader can tie the text policy to actual locations in the County / Municipality.</p>	
Schedule B Map 1	MNRF	The pit licence for the property located on Pt. Lot 36 and 37, Con. 2 (Sarawak) was surrendered in 2017. It appears as a Mineral Resource Extraction site on Map 1, Schedule B.	
Schedule B	MNDM	Bedrock resource areas for brick shale and building/landscape resources in Grey County are some of the few remaining in Ontario for these value-added aggregate commodities. Both commodities have provincially	

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		significant resource areas located within Grey County and should be protected, as are sand and gravel resources. Bedrock mineral resource areas are not shown on Schedule B. Mineral and mineral aggregate resource mapping is available to download for free at the following links: <ul style="list-style-type: none"> <li>• ARIP180 Aggregate Resources of Grey County (2009) contains digital mapping for bedrock and sand and gravel mineral aggregate resources.</li> <li>• Open File Report 6278, Shale Resources of Southern Ontario: An Update (2012) – the purpose of this report is to identify and delineate potential shale resources that can be used to manufacture brick and tile in southern Ontario. The digital dataset for the shale resources report is MRD301.</li> </ul>	resources "will be identified."
Appendix A	MNDM	The source of karst mapping shown on Appendix A is not referenced. Karst Area constraint layer on Appendix A does not appear to correspond to areas of "known, inferred and potential karst" depicted on the karst map from Groundwater Study 5, Karst of Southern Ontario and Manitoulin Island. This study by the Ontario Geological Survey summarizes results of a 3-year regional-scale, reconnaissance-level mapping program of karst features in southern Ontario and Manitoulin Island. The main purpose of this project is to provide a geological framework on how karstification affects Paleozoic-age bedrock throughout southern Ontario which can be of assistance with source water protection and land-use planning.	Mapping should be based on current geoscience information and should also include a reference to the source data.
Appendix B Map 1, 2 and 3	MNRF	A minor correction is required to the titles in the legend of the maps in Appendix B.	"Science" should be inserted in reference to Life Science and Earth Science ANSIs in the legends of Maps 1 to 3, Appendix B.
Secondary Schedule 1q)	MTCS	Data sharing agreement conditions.	Locations of archaeological sites are not to be circulated publicly. Secondary Schedule 1q) should not be circulated publicly, or the archaeological site location data should be removed from this schedule. If a supplementary schedule with archaeological site locations is provided, it may only be for internal circulation/use by relevant municipal staff.
Other – Karst Topography	MNRF	MNDM (Ontario Geological Survey) has worked with MNR/MMAH to develop a summary of some key geological and geotechnical investigations of karst hazards in selected jurisdictions. The purpose of the summary document is to provide geoscience and geotechnical information and guidelines to enable staff at MNR/MMAH to develop guidelines for evaluating karst hazards for land-use planning applications.  Through consultation with the above Ministries the following wording was developed to provide policy direction for Karst hazards:  <b>Karst Topography</b>  Karst topography generally forms on limestone and dolostone plains and is marked by sink or karst holes, interspersed with abrupt ridges and irregular protuberant bedrock that is commonly underlain by caverns and	

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	<p>solution-enhanced joints and bedding planes that influence the flow of surface and groundwaters. Due to the nature of its formation, karst terrains are ephemeral and are controlled by past and present climatic and local weather conditions. Due to its geological nature, karst topography presents a potential hazard to human safety which must be mitigated through development controls and approvals.</p> <p>Areas shown on the Schedules to this plan as being karst topography are considered to be potential development constraint areas. It is recognized that the mapping is approximate and identifies areas of potential environmental constraint to development that must be addressed prior to development occurring. Development shall generally be directed to areas outside of karst topography unless the effects and risk to public safety are minor so as to be managed or mitigated. In areas suspected to have Karst topography, the following shall be undertaken for any Planning Act or Building Permit application to assess for the presence of karst topography and to mitigate against any potential hazard:</p> <p><b>(i) Phase 1 - Desktop Study &amp; Site Visit</b></p> <p>A desktop evaluation and site visit, undertaken by a qualified geoscientist with knowledge and experience in identification of karst topography, shall be undertaken to determine the potential for the presence of karst hazard. The desktop evaluation shall include but not be limited to the search and review of the following information:</p> <ul style="list-style-type: none"> <li>• Mapping that shows historic and present day karst, ground and bedrock topography, physiography, hydrology, Quaternary and Paleozoic bedrock geology, glacial tills and partial aquitards.</li> <li>• Existing engineering, geological (including oil / gas and geotechnical well records), hydrogeologic, hydrologic, geographic, agricultural studies and land use publications;</li> <li>• Surface water and groundwater well record data to determine the position of the water table and seasonal fluctuations, rainfall records, river discharge data, water chemistry data;</li> <li>• Comparison of historic and recent air photos and / or satellite imagery to determine changes in the landscape that may have resulted from karstification and subsurface drainage and / or anthropogenic changes;</li> <li>• A visit to the property to provide comparison to historic air photo and / or satellite imagery to evaluate changes in the landscape.</li> </ul> <p>If the Phase 1 evaluation determines that karst is not present, no further study of karst is required in support of a <i>Planning Act</i> or building permit application. Should the evaluation identify the presence of karst features and / or karst terrain characteristics, a Phase 2 evaluation will be required.</p> <p><b>(ii) Phase 2 – Field-Based Karst Investigation</b></p> <p>In areas where a Phase 1 evaluation has identified the presence of karst features and / or karst formation characteristics, a field-based karst evaluation shall be required, to be undertaken by a qualified geologist.</p> <p>A terms-of-reference shall be completed in consultation with appropriate the appropriate approval authority and / or any relevant agencies which outlines the investigation type that will be undertaken for the subject lands. The</p>	
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		<p>types of field work required will be determined based on the areal extent and complexity of the proposed development relative to the risk or potential for impacts related to karst. The types of field work that may be required include, but are not limited to, the following:</p> <ul style="list-style-type: none"> <li>• Passive Geologic/Geomorphologic Methods – primarily for the detection and mapping of sinkholes and caves;</li> <li>• Soil Probing—to determine the risk of soil subsidence;</li> <li>• Rock Drilling and Well Records—to determine the karstic nature of the bedrock groundwater;</li> <li>• Dye-Tracer Studies—to determine the sources, speed and direction of shallow potable water movement within bedrock.</li> </ul> <p><b>(iii) Phase 3 – Mitigation</b></p> <p>In areas where a Phase 2 evaluation confirms the presence of a karst hazard, a geotechnical study and land use compatibility study shall be undertaken by qualified individuals. The studies shall be required to:</p> <ul style="list-style-type: none"> <li>• assess the impacts and risks to surface and groundwater contamination and/or construction restrictions due to unstable bedrock conditions;</li> <li>• identify compatible land use activities for which the karst topography does not pose a hazard, including identifying incompatible industrial and waste management uses that may contaminate the groundwater and alter the water table;</li> <li>• Establish any required development restrictions including limiting extensive blasting, intensive construction that would create excessive weight, and the alteration of drainage that could compromise underlying caves or buried sinkholes;</li> <li>• Establish, where necessary, a karst feature buffer to restrict development around a specific hazard.</li> </ul>	
Other – MTO Substantive/Key Issues/General Comments	MTO	<p>There does not appear to be any significant change in land use, land size or settlement area boundaries along the provincial highway network.</p> <p>For lands that abut and/or fall within the MTO permit control area (jurisdiction), MTO has interest (and concern) with any official plan changes in zoning, settlement or land dimension. These changes require individual evaluation of the proposed use and access requirement(s) to understand the impact to the provincial highway network. This is an important consideration when protecting the provincial highway for the long term.</p> <p>If there are proposed changes along any provincial highway or along properties within the MTO Permit Control Area, these areas need to be highlighted in the draft Official Plan, schedules and further discussion (and evaluation) is required between MTO and Grey County prior to being adopted into the Official Plan.</p>	
Other – General Official Plan Mapping	MTO	<p>Please revise all maps and schedules to show the connecting link sections such as Meaford, Markdale, etc. These sections of road are under the jurisdiction of the local road authority and should not be shown as provincial highway on the maps and schedules. MTO also recommends clarifying the connecting link definition to</p>	

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Provisions		distinguish between the provincial highway and other tier road connecting link programs.  On the Springmount Secondary Schedule (1i), there a section of Highway 6 that is not shown as provincial highway, please revise.	
Other – Lot Design of Proposed Subdivisions Abutting a Provincial Highway	MTO	In the section of the official plan dealing with plans of subdivision, MTO requests that a policy be included indicating that where a draft plan of subdivision is proposed adjacent to a provincial highway, the layout of the subdivision should be designed such that the lots back onto the provincial highway and front onto a local internal street. Subdivision layouts where a local road runs parallel to a provincial highway, with no lots between the local road and provincial highway, often restrict the province from effectively acquiring land for future highway improvements. Ideally, rear yards should back onto a provincial highway.	
Other – Outdoor Storage on Properties Abutting Provincial Highways	MTO	Although MTO has no legislative authority to deal with the appearance and location of outdoor storage adjacent to provincial highways, MTO is generally concerned with the appearance of outdoor storage and loading areas associated with commercial and industrial land uses that back onto a provincial highway. Municipalities should be encouraged to include policies that ensure that outdoor storage and loading areas in these locations are visually screened or appropriately located and not visible to the travelling public, to ensure these uses are not a distraction to the travelling public.	
Other – Home Occupations, Industries and Businesses Located Adjacent to Provincial Highways	MTO	Home occupations and industries or businesses that are not secondary land uses and are primarily commercial or industrial in nature that are proposing access from a provincial highway via a basic residential or farmstead entrance will not be permitted.  MTO suggests that a statement to the following effect be included in the Official Plan:  "Entrances serving home occupations, industry or businesses located adjacent to provincial highways require the approval of the Ministry of Transportation. Typically, the Ministry of Transportation will require that the property owner obtain an entrance permit and a sign permit if necessary. As a condition of these permits, the Ministry of Transportation requires the property owner to acknowledge that the use of their existing entrance cannot be converted to a commercial entrance in the future and that an additional entrance will not be permitted to accommodate the home occupations, industry or business. In addition, the Ministry of Transportation would not support a future severance that would result in a separate entrance to a business and one for the retained parcel."	
Other – Access from Properties beyond MTO's Permit Control Area	MTO	MTO's policy is to allow only one highway entrance for each lot of record. MTO will not allow a second entrance for a property owner whose land lies beyond the permit control area and wants access to a provincial highway via another property owner's entrance.  All municipalities with lakefront properties should be aware that MTO will restrict back lots from using other property owners' entrances and will require that new cottages or developments only be permitted to access the provincial highway from existing public roads or new public roads that meet MTO's access management practices and principles.	
Other – Stormwater	MTO	MTO is concerned with post-development flows of drainage as they may impact provincial highways. In the section of official plan dealing with stormwater management, a policy should be included indicating that a	

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Management		stormwater management plan or report must be reviewed and approved by MTO for those developments located adjacent to or in the vicinity of a provincial highway, where drainage would impact a highway downstream.
Other – MTO Trail Crossings	MTO	In regards to trails crossing a provincial highway, the county should be aware that any proposals for snowmobile or trail crossings will require the prior approval of MTO. Crossings may be permitted subject to restrictions. Trails running along MTO right-of-way will not be permitted.
Other – Wayside Pits and Quarries; Portable Asphalt and Concrete Plants	MTO	In keeping with the PPS, every official plan with a rural component and those urban official plans with large rural or agricultural areas should contain the following general statement from the PPS (Section 2.5.5.1)  "Wayside pits and quarries, portable asphalt plants and portable concrete plants used on public authority contracts will be permitted, without the need for an official plan amendment, rezoning or development permit under the <i>Planning Act</i> in all areas, except those areas of existing development or particular environmental sensitivity which have been determined to be incompatible with extraction and associated activities."  Municipalities should be aware that MTO requests that wayside pits and quarries and portable asphalt and concrete plants be identified as permitted uses in all land use designations of the official plan with the exception of residential areas and those areas of the official plan designated as environmentally sensitive.
Other – Wind Farms	MTO	The county should be aware that wind farms and associated wind turbines placed within MTO's permit control area will require all necessary permits prior to any construction taking place on the site. Wind turbines should be set back a minimum distance measured from the limit of the highway property, equal to the distance of the height of the wind turbine structure plus the length of one blade.
Other – Patrol Yards	MTO	Due to the nature of the business carried out at MTO highway maintenance patrol yards, MTO has concerns with the types of land uses located adjacent to and in close proximity to them. The county should be aware of the potential for conflict (e.g. night noise, lighting) that can result from situating residential land uses next to patrol yards. It is strongly recommended that the county consider locating only those land uses that are more compatible with patrol yards adjacent to these facilities and that they use landscaping and buffer zones to reduce the impact.
Other – MTO- Owned Lands	MTO	MTO may also be a landowner in a county or municipality, including where MTO has purchased a property to accommodate future highway improvements. In these cases, the surplus land is not part of the designated highway right-of-way, but simply land that MTO owns.  MTO will review the official plan to determine whether or not it has concerns with any land use designation being applied to property that it owns and, in some instances, MTO may comment on the land use designation of adjacent lands that may potentially impact provincially owned lands.
Other – Crown Patents	MMA	The <i>Mackie</i> case concerned a landowner who was running an archery business on lands on the Niagara Escarpment without a permit from the Niagara Escarpment Commission. He was charged with an offence under the <i>Niagara Escarpment Planning and Development Act</i> and, as noted in the attached trial decision, argued that "because he makes his living off of his land that the municipal laws and regulations, including the Niagara Escarpment Planning and Development Act, [did] not apply to his property. He [argued] that the Crown patent grants the lands forever to have and to hold, and as a contract with the Crown it supersedes all provincial legislation." The Justice of the Peace rejected this argument, finding that provinces have the authority to enact

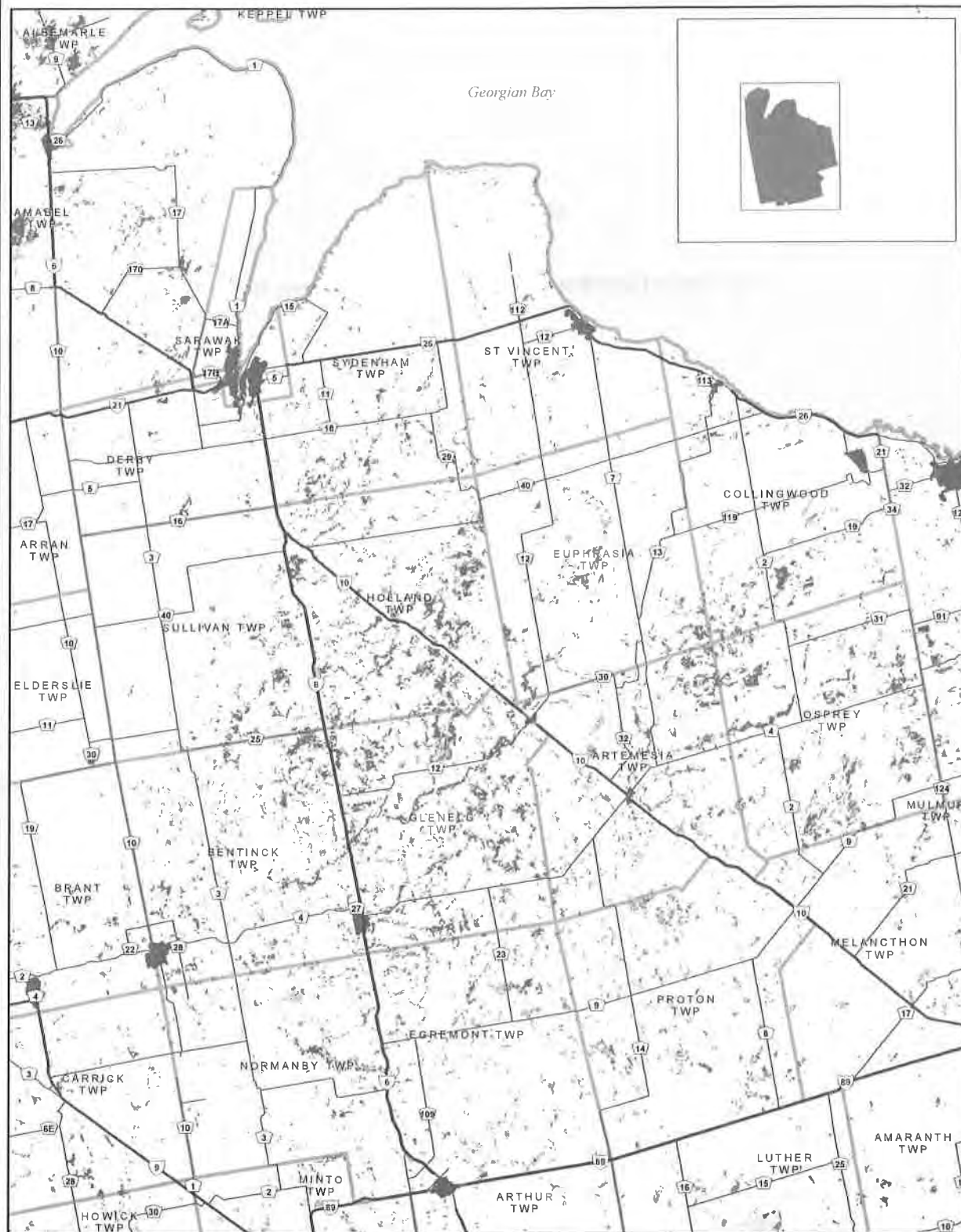
**ONE WINDOW PLANNING SERVICE REVIEW**  
**Recolour Grey – Draft County Official Plan**

		legislation and "[t]he Crown land patent fails as a defence."	<p>Mr. Mackie appealed this decision to the Ontario Court of Justice. At this level he focused on the failure of the Justice of the Peace to consider the defence of due diligence (i.e., his belief that the Crown patent allowed him to do with his land as he pleased). Paragraphs 11 and 12 of the attached decision on appeal are relevant to the issue of the effect of Crown patents on provincial land use regulation, as they note that "Crown counsel also [asked] the court to find that the language of the Crown Patent [did] not support a finding that the Crown Patent precludes the regulation of land use by the Province," and that "[t]he Crown's argument is correct on this point."</p> <p>Mr. Mackie, sought leave to appeal this decision to the Court of Appeal, which application was turned down by the Court (decision also attached). Paragraphs 4, 5 and 8 of this decision are also fairly useful on the issue of the effect of Crown patents. In particular, in dismissing the application for leave, the Court noted, "nothing in the language of the Crown Patent itself or elsewhere in the evidentiary record is there support for the contention that the Crown Patent and the rights conferred under it displace otherwise validly enacted provincial legislation, like the NEPD Act, regulating land use."</p>		will reserve different matters for the Crown, thus the scope of an owner's rights in any particular context is a question of fact that turns on the contents of the particular patent.																				
Other – Tiny Houses	MMA	<p>The Ontario Building Code (OBC) sets out requirements for the construction of new buildings and the renovation of existing buildings. For reasons of safety, the OBC stipulates minimum room sizes within a house or apartment. Based on these requirements, the minimum size under the OBC for a tiny house would be about 17.5 m<sup>2</sup>.</p> <p>Minimum room sizes for dwelling units in the OBC are set out under 9.5.4 – 9.5.9.</p> <p>These minimums are as follows:</p> <table><tr><th>Room or room combination</th><th>Minimum area - m<sup>2</sup></th></tr><tr><td>Living rooms and spaces within dwelling units</td><td>13.5</td></tr><tr><td>Combination living –kitchen – dining room where the dwelling unit contains sleeping accommodation for not more than 2 persons</td><td>11.0</td></tr><tr><td>Dining rooms or space in combination with other spaces</td><td>3.24</td></tr><tr><td>Dining rooms not combined with other space</td><td>7.0</td></tr><tr><td>Kitchens within dwelling units separate or in combination with other spaces</td><td>4.2</td></tr><tr><td>Kitchens within dwelling units containing sleeping accommodation for not more than 2 persons</td><td>3.7</td></tr><tr><td>Bedrooms or spaces within dwelling units (and dormitories) where built-in cabinets are not provided</td><td>7.0</td></tr><tr><td>Bedrooms or spaces within dwelling units (and dormitories) where built-in cabinets are provided</td><td>6.0</td></tr><tr><td>Master bedrooms within dwelling units where built-in cabinets are not provided</td><td>9.8</td></tr><tr><td>Master bedrooms within dwelling units where built-in cabinets are provided</td><td>8.8</td></tr></table>	Room or room combination	Minimum area - m <sup>2</sup>	Living rooms and spaces within dwelling units	13.5	Combination living –kitchen – dining room where the dwelling unit contains sleeping accommodation for not more than 2 persons	11.0	Dining rooms or space in combination with other spaces	3.24	Dining rooms not combined with other space	7.0	Kitchens within dwelling units separate or in combination with other spaces	4.2	Kitchens within dwelling units containing sleeping accommodation for not more than 2 persons	3.7	Bedrooms or spaces within dwelling units (and dormitories) where built-in cabinets are not provided	7.0	Bedrooms or spaces within dwelling units (and dormitories) where built-in cabinets are provided	6.0	Master bedrooms within dwelling units where built-in cabinets are not provided	9.8	Master bedrooms within dwelling units where built-in cabinets are provided	8.8	<p>The minimum house size currently permitted under the OBC can be calculated as follows:</p> <ul style="list-style-type: none"><li>• 13.5 m<sup>2</sup> (145.3 square feet), where combined spaces provision above is used, plus</li><li>• 3 m<sup>2</sup> for the washroom, plus</li><li>• 1 m<sup>2</sup> for laundry facilities, for a total of</li><li>• <b>17.5 m<sup>2</sup> or 188 sq. ft.</b></li></ul> <p>Accordingly, the minimum size under the OBC for a tiny house occupied on a continuing or year-round basis, by one or two persons, would be about 17.5 m<sup>2</sup> or 188 ft<sup>2</sup>.</p>
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**ONE WINDOW PLANNING SERVICE REVIEW**  
**Recolour Grey – Draft County Official Plan**

		Combination bedrooms (where they are in combination with other spaces)	4.2
		Combined spaces - combined living, dining, bedroom and kitchen (containing sleeping accommodation for not more than 2 persons). Note, this does not include the space required for a washroom (sink, water closet, shower) as described below.	13.5
		<p>Under 9.31.4.1 a dwelling unit must have a kitchen sink, lavatory, shower, and water closet or drain less composting system if the dwelling unit has a water distribution system. The OBC under 9.5.9.1, does not set a minimum room size for washrooms but rather requires every dwelling unit to have an enclosed space of sufficient size to accommodate a water closet, lavatory and bathtub or shower. In addition, 9.31.4.2 requires every dwelling unit to have laundry facilities or space for laundry facilities.</p> <p>It can be reasonably assumed that the minimum size of a washroom would be at least 3 m<sup>2</sup> or 27 square feet, based on the minimum space of 1 m<sup>2</sup> (3 ft by 3 ft) for each of the washbasin, toilet, and shower. The minimum area for laundry facilities would be about 1 m<sup>2</sup> (3ft by 3ft).</p> <p>The OBC is objective-based, and links prescriptive provisions with objectives and functional statements indicating how the objectives are to be achieved. The relevant functional statement in the OBC is "to facilitate the timely movement of persons to a safe place in an emergency" (F10).</p> <p>While the minimum room size provisions in some cases take into account whether there are built-in closets, this approach is inconsistent. For example, the OBC does not take account whether the bedroom has a fold up bed ("Murphy Bed") or whether a dining room or kitchen has a fold up table. Therefore there may be opportunities to further reduce minimum room sizes, should the OBC continue to regulate room sizes within dwelling units.</p>	

# Fire - Potential Hazardous Forest Types for Wildland Fire County of Grey



## Legend

### Potential Hazard Classification

- Extreme
- High
- Pine - Needs Evaluation
- Non-Fuel/Unknown

Geographic Township

Waterbody

Provincial Road

County Road

0 2 4 8 12 16 km



Map Produced By:  
Midhurst District  
Ministry of Natural Resources and Forestry  
2284 Nursery Road  
Midhurst, Ontario L0X 1N8

Date Produced: October 27, 2016  
Map Projection: NAD 1983 UTM Zone 17N  
Data Sources: Land Information Ontario  
Map Purpose: Potential hazard classification coverage for the County of Grey

This map is illustrative only. Do not rely on it as a precise indicator of routes or locations, nor as a guide to navigation. This map was produced for the Ministry of Natural Resources and Forestry for internal use only, and is not intended for external distribution.

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*Case Name:*

**R. v. Mackie**

**IN THE MATTER OF the Provincial Offences Act,  
R.S.O. 1990**

**Between**

**Her Majesty the Queen, and  
Robert Mackie**

[2010] O.J. No. 6262

Information No. 09-3118

Ontario Court of Justice  
Welland, Ontario

**M. Shelley J.P.**

Heard: July 29, 2010.

Oral judgment: July 29, 2010.

(21 paras.)

Charges: Contravene a Restoration Order - Section 24(6) - Niagara Escarpment Planning and Development Act

**Counsel:**

Wileie B., Provincial Prosecutor.

Maloney J.P., Counsel for the Defendant.

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**REASONS FOR JUDGMENT**

**1 M. SHELLEY J.P.** (orally):-- First, I'd like to begin by thanking Mr. Wilkie and Mr. Maloney for their assistance to this court during the trial.

**2** This is with regard to Robert Mackie. The charge before the court stems from a process governed by the Niagara Escarpment Planning and Development Act. The charges before the court were laid on the 13th of January, 2009. Mr. Mackie is charged that he contravened a restoration order issued under section 24(6) of that Act.

**3** The court heard from witnesses for the Crown all affiliated with the Niagara Escarpment Commission. That evidence was not disputed by the defence.

**4** Before the court are photographs in support of the Crown's evidence and no issue has been taken with those.

5 Mr. Mackie first came into conflict with the Niagara Escarpment Commission when a complaint was received by the Commission from a neighbour regarding the business that he operates on his property called Mackie's Mountain Archery. This caused an investigation by the Commission's planner.

6 Mr. Mackie was invited to apply for a permit to operate his business legitimately. That application was first received in November of 2005. The application was then expanded upon and revised and re-submitted in January 2006. The application was denied and Mr. Mackie was given 90 days to restore the lands with there being specific requirements of him.

7 Mr. Mackie appealed the decision under section 25(8) of the Niagara Escarpment Planning and Development Act. That appeal was heard in December 2006 and the decision of the Hearing Officer was released in January, 2007 confirming the earlier decision of the Commission. He did not comply.

8 At a meeting held the 15th of November, 2007 the Commission took the fairly rare step of issuing an order and affixed a time frame of 120 days for Mr. Mackie to comply. Mr. Mackie appeared at that meeting and at the conclusion of it he notified the Commission in writing that he did not intend to comply. The 120 days came and went.

9 On the 1st of May 2008 an officer for the Ministry of Natural Resources attended at Mr. Mackie's home and business and took a statement from him. There was no issue at trial as to the voluntariness of that statement. It was the position of defence that Mr. Mackie had co-operated fully with the Commission and the Ministry in the process of the investigation. It is clear from the face of this document that Mr. Mackie understood that he might be charged, that he was cautioned twice about giving a statement and he was told his right to counsel. It is clear that he understood the caution and the right to counsel and declined to call a lawyer. It is clear from the statement that he had no intention of complying because the business is his only source of income. He was aware that the compliance date was the 19th of March, 2008 and he was aware of the consequences for not complying with the order.

10 Before the court is a restoration order from the Niagara Escarpment Commission. The order sets out the progress in Mr. Mackie's case before the Commission from the time of the application until the appeal decision. The order requires Mr. Mackie remove from the property the retail store, and addition to the existing dwelling and terminate the retail store use within the existing dwelling, remove from the property the portable structure used as an indoor archery range, and there was before the court as well, as Exhibit Number Six, a photograph of that structure and it says in the body of the document, and it was the evidence before the court, that it is approximately 2,500 square feet structure, pre-fabricated in nature. (3) To remove from the property all advertising signage related to the archery use. (4) Cease the use of the outdoor areas of the property for an archery range, parking and archery related activities including tournaments and programs; and (5) rehabilitate any disturbed areas of the property associated with required work set out in points one, two, three and four above by applying seed, sod or other vegetation as ground cover to such areas.

11 Mr. Mackie gave evidence at trial. He did not dispute receiving the order. He agreed with the Crown that he had not done anything to address the order of the Commission.

12 Defence put before the court a certified copy of a Crown patent land grant that was issued on the 17th day of March in 1798 and registered in April of that year. The land grant was to Christian Bugginer for Lot 19, Concession 5 in the Township of Clinton. This is also known as the municipal address in question on Zimmerman Road in Beamsville. Defence argues that the patent was issued to Buginer, his assigns, and heirs to earn their livelihood from. He argues that because he makes his living off of his land that the municipal laws and regulations, including the Niagara Escarpment Planning and Development Act, does not apply to his property. He argues that the Crown patent grants the lands forever to have and to hold, and as a contract with the Crown it supersedes all provincial legislation. The court notes that Mr. Mackie received this document under the hand and seal of the Minister Natural Resources on the 1st of April, 2009.

13 The Crown points out and the court concurs that in Canada since the British North America Act, the Constitution of 1867, the provinces have had the authority to enact legislation. In support of this the Crown has relied upon and the court is instructed by a case called *Hamilton Harbour Commissioners v. The City of Hamilton et al* from [1978] O.J. No. 3555 from the Ontario Court of Appeal. In the appeal court's decision, the court below is quoted in its ruling that the legislative authority to control the use of land belonging to the province belongs to the province under the British North America Act, section 92(13) or subsection 16. The heading of those sections are "Property and Civil Rights in the Province" and that's subsection 13, and the heading for subsection 16 is "Generally All Matters of Merely Local or Private Nature in the Province." In the case at bar the legislation enacted by the province was the Niagara Escarpment Planning and Development Act of 1990. The Crown land patent fails as a defence in this court's view.



14 Mr. Mackie takes issue with the Commission's view that his use of his property falls outside the purposes of the Act found at section 2 and the objectives of the Act found at section 8. He takes issue with the order from the Niagara Escarpment Commission.

15 This court has no jurisdiction to deal with either of those issues. There is a case which addresses this called R. vs. Al Clippert Ltd., a case from 1998. The citation is [1998] 1 S.C.R. 737 [S.C.C.]. It is a decision of the Supreme Court of Canada. The original charges in the case of Clippert fell under a provincial planning act. In the Supreme Court's decision it addresses the purpose and process of the Act and I will quote,

The purpose of the Act is to ensure the harmonious use and development of land in the province by taking into account both economic and environmental interests, as well as the rights of the affected individuals. To achieve that purpose the Act provides that an order issued by development officer may be appealed to the Board and then with leave to the Court of Appeal. This is a public adversarial process affording the person concerned the opportunity to present his or her point of view and assert his or her rights, and to be informed of the reasons for the Board's decision. Aside from an application to a Superior Court for review, this is the only mechanism available for challenging an order.

16 In short, an accused person who disagrees with an order is expected to appeal, and if they disagree with the appeal they are expected to seek a judicial review of the order. This court has no jurisdiction to perform the function of a judicial review. This court can only deal with the charge.

17 Mr. Mackie, in his evidence, said that when he acquired the land in 1999 he was familiar with it as he was employed there as a young person by the previous owner. He knew the lands history and its previous use. He has improved the property from the state it was in at the time of purchase. He bought it with the intention of one day operating the archery business as he now does. This was in part in response to health issues which would prevent him from continuing in the occupation that he had in 1999. I believe the evidence was that he opened the business in 2002.

18 There is no doubt in this court's mind that he loved that land and that's what drew him to it. There is also no doubt in this court's mind that it is as described by Mr. Martin Kilian, the planner for the Niagara Escarpment Commission, one of the more protected areas on the escarpment having a designation of "Escarpment Protected." But Mr. Mackie made no inquiries of permitted land use. He based what he did on what was done before he was the owner. He registered the business, as he knew he was required to do, but never applied for permits to operate as he did. He's made it clear that this is his sole means of supporting himself. For personal reasons he no longer has a pension from his previous employer.

19 This is a strict liability offence. As such it is up to the Crown to prove the actus reus of the charges. That has not been disputed by the defence. The actus reus having been proven, the onus is reversed. The burden is now placed on defence to prove on the balance of probabilities that he was duly diligent in his efforts to comply with the restoration order issued by the Niagara Escarpment Commission. It has been admitted by defence that he did not intend to comply and that he has not complied. The due diligence defence which was available to him has not been made out.

20 In order to maintain the rule of law and the administration of justice, orders, whether they are made by courts or administrative bodies, must be followed unless and until that order is overturned or ruled invalid according to due process. What an accused person is not allowed to do is to do nothing to address a lawfully made order and then argue when they're charged that the order was defective.

21 Having said that, it is a fact that Mr. Mackie has contravened an order made by the Niagara Escarpment Commission, accordingly, there will be a finding of guilt and the conviction will be registered.

qp/s/qljel/qlpmg/qlced

Case Name:

**R. v. Mackie**

**Between  
R., and  
Robert Mackie**

[2012] O.J. No. 4718

Docket: M41634

Ontario Court of Appeal  
Toronto, Ontario

**E.A. Cronk J.A.**

Heard: September 19, 2012.  
Judgment: September 19, 2012.

(10 paras.)

*Criminal law -- Regulatory offences -- Defences -- Due diligence -- Application by defendant for leave to appeal conviction for non-compliance with restoration order, dismissed -- Defendant operated business on land in violation of regulations and legislation -- Province had authority to control activities on private land -- Defendant's reliance on Crown patent failed to ground due diligence defence, as there was no evidence that defendant's decision to ignore restoration order flowed from his understanding of his rights under Crown patent -- Crown patent did not displace provincial legislation -- Test for leave not met because matter did not raise question of law requiring resolution by Court and was not of public importance.*

*Criminal law -- Appeals -- Leave to -- Application by defendant for leave to appeal conviction for non-compliance with restoration order, dismissed -- Defendant operated business on land in violation of regulations and legislation -- Province had authority to control activities on private land -- Defendant's reliance on Crown patent failed to ground due diligence defence, as there was no evidence that defendant's decision to ignore restoration order flowed from his understanding of his rights under Crown patent -- Crown patent did not displace provincial legislation -- Test for leave not met because matter did not raise question of law requiring resolution by Court and was not of public importance.*

**Statutes, Regulations and Rules Cited:**

British North American Act, s. 92, s. 92(13), s. 92(16)

Niagara Escarpment Planning and Development Act, R.S.O. 1990, c. 2

Provincial Offences Act, R.S.O. 1990, c. P.33, s. 131(2)

**Counsel:**

No counsel mentioned.

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**1 E.A. CRONK J.A.:**-- The applicant argues that this case gives rise to several important questions of law warranting the consideration of this court in the public interest, thereby, he submits, satisfying the test for leave to appeal set out under s. 131(2) of the Provincial Offences Act, R.S.O. 1990, c. P. 33 (the "POA").

**2** For several reasons, I disagree. In my view, the stringent test for leave under s. 131(2) of the POA has not been satisfied. Accordingly, I dismissed the applicant's motion for leave to appeal, with reasons to follow. These are those reasons.

**3** First, the threshold for leave to appeal under s. 131(2) is exacting. In order to obtain leave, the case must involve a question of law alone, the resolution of which, in the circumstances, must be essential in the public interest - not merely in the interests of the litigants - or for the due administration of justice: see *Ontario (Ministry of Labour) v. Enbridge Gas Distribution Inc.*, 2011 ONCA 13, at paras. 33-35.

**4** The appellant says that the appeal judge below (and, inferentially, the trial judge as well) misinterpreted s. 92 of the *British North America Act* ("BNA Act"). He argues that s. 92 does not afford any authority to the provincial legislatures to legislate with respect to private - as opposed to public - property. Further, he contends that the province's legislative competency under s. 92 is constrained by, and subordinate to, the contractual rights of a private landowner under a Crown Patent regarding land.

**5** There are numerous difficulties with this argument. First, the applicant pointed to no authority during oral argument in support of his interpretation of s. 92 of the BNA Act. Second, in effect, the applicant argues that to the extent that provincial legislation pertains to the regulation of both private and public land - like the *Niagara Escarpment Planning and Development Act*, R.S.O. 1990 c. 2 ("the "NEPD Act") - such legislation is ultra vires the legislative competency of the province. However, no challenge to the constitutional validity of the NEPD Act was brought in this case, nor was any notice of constitutional question served on the Attorney General for Ontario, as required to raise such an argument. Finally, at the end of the day, I agree with the Crown's submission that the authority of the province to control activities on private land is derived from ss. 92(13) and 16 of the BNA Act. As this court observed in *Hamilton Harbour Comm. V. Hamilton*, [1978] O.J. No. 3555 (C.A.), at para. 57, "legislative authority to control the use of land generally undoubtedly belongs to the Province under s. 92 of the B.N.A. Act within head 13 ... or head 16 ...".

**6** The applicant next submits that the appeal judge, from whose decision he seeks to appeal, erred by holding that the applicant's reliance on his Crown Patent failed to ground a due diligence defence to the charge of non-compliance with the restoration order at issue in this case.

**7** I disagree. As the appeal judge pointed out, there was unequivocal evidence of - indeed the applicant admitted - [his] the applicant's intention, from the outset of imposition of the restoration order to ignore its terms. There was no evidence that this decision by the applicant flowed from his understanding of, and reliance on, his legal rights under his Crown Patent. Indeed, the evidence indicated that the applicant did not even obtain a copy of the Crown Patent until after he formed the intention to ignore the terms of the restoration order.

**8** Perhaps more importantly, however, nothing in the language of the Crown Patent itself or elsewhere in the evidentiary record is there support for the contention that the Crown Patent and the rights conferred under it displace otherwise validly enacted provincial legislation, like the NEPD Act, regulating land use.

**9** Finally, the applicant maintains that his use of his property for the purpose of his archery business is exempt from the requirements under the NEPD Act and associated regulations for a development permit. This is not an issue of general public importance warranting review by and guidance from this court. In any event, the compliance of the applicant's use of his land with the relevant land use regulations and the NEPD Act was the subject of an appeal by the applicant to a Niagara Escarpment Hearing Officer. The decision of that official, in effect, was that the applicant's use of his land for his archery business was not in conformity with the requirements of the NEPD Act and regulations. No judicial review of that ruling appears to have been initiated by the applicant.

**10** In all the circumstances, I conclude that the test for leave to appeal under s. 131 of the POA is not met. I see no question of law in this case requiring resolution by this court in the public interest, or for the due administration of justice. At its core, this dispute is particular to the parties; it is devoid of broad-ranging public import and concerns merely

the applicant's deliberate non-compliance with a land use regulation/restoration order issued by the responsible land use authority in his community. The application for leave to appeal is dismissed.

E.A. CRONK J.A.

cp/s/qlacx/qlpmg/qlmll

Case Name:

**R. v. Mackie**

**Between**

**Her Majesty the Queen, and  
Robert Mackie**

[2012] O.J. No. 4719

St. Catharines Court File No. 2111-999-09-3118-00

Ontario Court of Justice

**D.T. Vyse J.**

Heard: November 14 and December 8, 2011.

Judgment: June 20, 2012.

(57 paras.)

*Criminal law -- Regulatory offences -- Defences -- Due diligence -- Appeal by Mackie from his conviction for contravening a restoration order issued by the Niagara Escarpment Commission dismissed -- Mackie operated an archery business on his property located on the Niagara Escarpment -- His application for a development permit was denied and he was issued the impugned order -- Mackie's argument that he was only obliged to comply with the terms of the Crown Patent, not with provincial or federal legislation, was rejected -- Due diligence defence not made out, especially given Mackie's assertions to the Commission that he had no intention of complying with the order.*

*Criminal law -- Sentencing -- Non-Criminal Code and regulatory offences -- Particular sanctions -- Fines -- Sentencing considerations -- Deterrence -- General deterrence -- Specific deterrence -- Miscellaneous sentencing considerations -- Appeal by Mackie from the \$15,000 fine imposed following his conviction for contravening a restoration order issued by the Niagara Escarpment Commission dismissed -- While Mackie's financial circumstances were somewhat mitigating, fact he declared to Commission that he had no intention of complying with order was troubling -- In considering principle of deterrence, justice of the peace did not want to be seen to be endorsing non-compliance or to effectively create a licence for non-compliance -- Fine was at low end of range sought by Crown -- No basis to interfere with sentence imposed.*

**Statutes, Regulations and Rules Cited:**

British North America Act, s. 92(13), s. 92(16)

Canadian Charter of Rights and Freedoms, 1982, R.S.C. 1985, App. II, No. 44, Schedule B, s. 7

Niagara Escarpment Planning and Development Act, R.S.O. 1990, c. N.2, s. 2, s. 8

**Counsel:**

B. Wilkie, for the Crown/Respondent.

H. Devine, for the Appellant, Robert Mackie.

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## REASONS FOR JUDGMENT

**1 D.T. VYSE J.:**-- In preparation for this decision I have reviewed the Information sworn January 13, 2009; the transcript of the hearing before the Justice of the Peace dated July 28, 2010; the transcript of submissions before the Justice of the Peace dated July 28, 2010; the transcript of the Reasons for Judgment dated July 29, 2010 and the transcript of the sentencing proceedings dated September 10, 2010. I have also reviewed the Factum of the appellant and the Factum of the respondent and the Reply submissions of the Crown, as well as Exhibits 1 to 8 that were filed with the Court. Also reviewed were the Casebooks and cases submitted by each counsel and the transcripts of their respective submissions dated November 14, 2011 and December 8, 2011.

**2** The appellant, Robert Charles Mackie, is the owner of Part Lot 19, Concession 5, Town of Lincoln, Regional Municipality of Niagara, Central South Region (the "Property"). Since 2002, Mr. Mackie operated an archery business on the property.

**3** After a neighbour lodged a complaint, Mr. Mackie applied for a development permit to the Niagara Escarpment Commission on October 29, 2005. The application was re-submitted with amendments on January 19, 2006. The permit was denied and a Restoration Order was issued on November 20, 2007.

**4** The appellant appealed the decision of the Commission to a Justice of the Peace. On July 29, 2012, the appellant was convicted for contravening the Restoration Order issued by the Niagara Escarpment Commission (NEC) pursuant to the Niagara Escarpment Planning and Development Act.

**5** The appellant now appeals his conviction to this court on the basis that there was an error in law because the Justice of the Peace failed to give proper consideration to his due diligence related to his belief in his compliance with the terms of the original Crown Patent.

**6** In the alternative, he brings a sentence appeal based on his financial circumstances and his inability to pay a fine of \$15,000; arguing for a reduction of the fine.

**7** Crown counsel from the Ministry of Natural Resources argues that the conviction should stand and the fine should not be reduced, although the Crown has made it clear that it is not asking the court to raise the quantum of the fine in the course of its consideration.

**8** Counsel for the appellant describes the appellant's belief in his rights under the Crown Patent, and his belief that the enactment of Federal or Provincial legislation to regulate his use of the land is precluded by the rights given to him pursuant to the Crown Patent. As long as he is compliant with the terms of the Crown Patent, it is his belief that he may do with the land as he pleases. The Crown Patent speaks of reserving an interest in the mineral rights and the white pine trees on the property; which the appellant claims not to have precluded.

**9** Counsel for the appellant also references the Ministry of Natural Resources Policy, PL 2.02.01 "Quit Claim Letters Patent" which specifically speaks of the interest of the Crown in the land being extinguished after 60 years of adverse possession. A couple of things detract from this consideration however; first, this is not a case of adverse possession. The appellant holds title by way of deed and the principle that would attack that title in a case of adverse possession is not present here. This is not a case where the appellant's title to the land is questioned but his use of the land such that it brings him into non-compliance with applicable legislation.

**10** The Justice of the Peace held and Crown counsel has argued again before this court the power under the British North America Act, s. 92(13) or (16) providing the legislative competence to regulate land use.

**11** Crown counsel also asks the court to find that the language of the Crown Patent does not support a finding that the Crown Patent precludes the regulation of land use by the Province; nor he states, has the appellant's counsel presented case law on the point.

**12** The Crown's argument is correct on this point, however it does not, according to the appellant's counsel, negate the argument that the appellant has presented a due diligence defence to the allegation of the charge.

13 His belief in his entitlement under the Crown Patent; that he complied with the requirements in leaving the mineral rights and white pine trees and in complying with the purpose and objectives of the Niagara Escarpment Planning and Development Act s. 2 and s. 8 also substantiates his due diligence defence.

14 The error in law committed by the Justice of the Peace is in her failure to consider these factual circumstances. It is argued that when the Justice of the Peace took the position, she did not have the jurisdiction to reconsider the decision of the Commission to refuse the permit and to issue the Restoration Order that the due diligence defence was precluded by that determination.

15 The Justice of the Peace noted the appellant's property to be in one of the more protected areas of the Niagara Escarpment and she noted the expectation that the appellant if not agreeing with the Commission's findings would seek a Judicial Review by the Divisional Court. The Justice of the Peace acknowledged the non-compliance with the Restoration Order as the issue before the court. In that regard she did not find or address any due diligence factual circumstances regarding the appellant's apparent attempt to comply with the Restoration Order.

16 Crown counsel notes that there was a letter given by the appellant to the Commission clearly declaring his intent not to comply with the Restoration Order, nor is there evidence of his making inquiries regarding proper land use requirements, thus being counter indicative of a due diligence defence.

17 The Crown further questions the due diligence defence as there was no evidence presented that the appellant relied on the Patent when making his decisions about the property, as he did not then possess nor had he as yet seen the Crown Patent.

18 The Crown also argues that the appellant's belief in the Crown Patent as precluded the Province from legislating his use of the land is unreasonable given the British North America Act and the legislating of the Province's jurisdictional authority to legislate land use.

19 Finally, the Crown argues that this error is an error of law, not fact and as such does not present itself as a defence.

20 It is further argued that the Crown Patent was obtained after the start of the business; and after the Niagara Escarpment Commission's decision and after the Restoration Order was made. The absence of the Crown Patent's existence to the appellant should preclude the argument that it presents itself as forming the basis of a due diligence defence.

21 The appellant's counsel argues however that the appellant held the belief in his land rights prior to the obtaining of the actual Crown Patent; although it is not expressed on what basis this belief was held. There was some reference made as to someone doing some research and being of the opinion that one existed but nothing was indicated as to exactly what it was thought to contain.

22 It was also maintained by the appellant's counsel that while the letter enclosing the delivery of the Patent to the appellant was April 1, 2009, it was testified to by the appellant that he formulated his belief in its existence prior to that date, although there is no clear evidence on when that belief may have been formulated, a fact which may be considered by the Justice of the Peace on a retrial of the matter upon being successful with this appeal.

23 I agree with the Crown's argument that the appellant's assessment of the Crown Patent's significance does constitute an error in law given the Province's clear jurisdiction to legislate land use as delegated through the British North America Act. In addition, however, I note the wording of the Crown Patent itself in one of the beginning recitals, where it states:

And whereas by an Act of the parliament of Great Britain, passed in the thirty-first year of his Majesty's reign, entitled "An act to repeal certain parts of an act passed in the fourteenth year of his Majesty's reign, entitled, "An act for making more effectual provision for the government of the province of Quebec, in North-America, and to make further provision for the government of the said Province," ...

24 It is clear by this recital that the Letters Patent do not design to limit or reduce the Provincial government's powers but to make more effectual provision for its recognized jurisdiction pursuant to the law.

25 The appellant's counsel also asked the court to consider the appellant's s. 7 rights under the Canadian Charter of Rights and Freedoms to life, liberty and security of the person. It is the contention of the appellant that by the Restoration Order the courts would effectively be taking away his right to earn a living and support himself, and he would have

to relocate. The courts would then be taking away his right to determine where he might reside. The case the appellant offered in support of this principle<sup>1</sup> involved a city worker who was fired because legislation was enacted which barred her employment by the city if she lived outside the city limits. This is not the same principle; no one is precluding the appellant from remaining on the property. He was at one time employed by a company and lived on the property. Perhaps another employment might accommodate that as a possibility in the future.

26 Crown counsel has stated that this argument constitutes an impermissible collateral attack; he also states that a Charter challenge should not be raised for the first time on appeal and that there has not been given notice of a constitutional challenge. The challenge notice may be given at a retrial of the matter however; and the legislation is not being challenged, per se.

27 Crown counsel also maintains that s. 7 is not designed to be an economic guarantee of security which is essentially what the appellant by this argument would be interpreting it to be.

28 Of more pertinent consideration however are the other avenues of exploration open to the appellant; a number of which were noted in the decisions of the Commission and the Justice of the Peace. The Commission noted the possibility of the appellant qualifying for compliance with the Act upon a finding that he qualified for "Home Occupation" which entails his being recognized as a teaching facility, some adjustments in the conduct of his business may be required to accommodate this, however that is one avenue to explore. Another avenue for consideration is to apply to have the Niagara Escarpment Plan reviewed or amended to accommodate his business, an opinion expressed by the Commissioner as not encouraging, need not be considered as prohibitive.

29 The Justice of the Peace also highlighted the avenue of judicial review which may be taken in asking the Divisional Court to review the Commission officer's decision. I agree with the Justice of the Peace that the issue before her for consideration was the compliance or lack thereof with the Restoration Order itself and that is the matter before this court for review. I do not find that the appellant presented a due diligence defence in representing either an intention or an attempt to comply with the Restoration Order; in fact, by the letter written to the Commission it was always the appellant's intention to not comply.

30 Crown counsel had cited in his reply a number of discrepancies in the appellant's counsel's argument primarily based on the fact that statements were made or positions stated which were not based on evidence presented before the Justice of the Peace. While the Crown's concerns may be valid in fact, these concerns in my opinion do not, in the points they raise, constitute themselves as determinative of the appeal.

31 The first such reference quoted by Crown counsel notes that the Commission did not consider the appellant's earnest belief in his compliance with the Crown Patent. As Crown counsel notes however, the Crown Patent was not brought to the attention of the Commission; however, given this court's findings with respect to the relevance of the Crown Patent, I do not think this discrepancy is determinative of the appeal outcome.

32 The appellant's counsel speaks of the appellant enhancing the ecology of the property as required by the Crown Patent; Crown counsel draws the court's attention to the fact that this is not a requirement of the Crown Patent. A review of the Crown Patent would support this view.

33 The point of there being other archery ranges on the Niagara Escarpment as stated by appellant's counsel was not in evidence as noted by Crown counsel. The appellant's counsel, however, in his submissions he did not rely on this point to any extent.

34 As though to show diminished Crown interest in the land; the appellant's counsel notes a lack of collecting rents or earning profits from the land notwithstanding mineral and timber rights. Crown counsel correctly argues that these facts were not entered into evidence. It is also noteworthy however, that this issue does not speak to the use of the remainder of the land, which is the issue before this court.

35 Crown counsel also notes a discrepancy in the appellant's submissions in the mention of a Ministry of Natural Resources Policy PL 2.02.01 on "Quit Claim Letters Patent", which addresses a loss of Crown interest in land after 60 years of adverse possession. While Crown counsel is correct that this is not in evidence; it is also not applicable to the present situation because this is not a situation of adverse possession.

36 Crown counsel also states that the appellant's argument that this Quit Claim policy also acts to bar the applicability of Federal and Provincial legislation to the land, is not represented in evidence. Again, in my opinion, this is not an adverse possession situation and the applicability is therefore not relevant.



37 Another discrepancy found by Crown counsel concerns the statement that the Crown Patent is the cornerstone of the due diligence defence; which Crown says is a misrepresentation as the Crown Patent was offered as a stand-alone defence and not a due diligence defence. It is perhaps correct to say, however, that the appellant's belief in its validity and meaning is offered as a due diligence defence.

38 The appellant's argument that the Crown Patent requires the inhabitant of the land to make a living from the land is not only not in evidence as Crown counsel maintains but after my review of the document I do not find it appears in the Crown Patent itself either.

39 The submission of appellant's counsel that the appellant's brain injured son somehow benefits from the rehabilitative effects offered by the service of the archery range was also not in evidence. It was an argument which might have been more pertinent however, on a judicial review of the Commission's decision.

40 Similarly, the appellant's counsel's argument that the archery range comports with the purpose and objectives of the Niagara Escarpment Plan is also perhaps not applicable as constituting what Crown counsel considers a collateral attack; however, it as well might be more well suited to consideration on a judicial review of the Commission's decision.

41 Notwithstanding these noted discrepancies raised by the Crown, I do not find their relevance determinative of the issue on appeal for the stated reasons.

42 Crown counsel has correctly stated the tests for appeal on the conviction and sentence of the appellant.

43 Upon review of the decision of the Justice of the Peace one must consider whether there may be found an error in law committed in the analysis of the decision; or whether there has been a miscarriage of justice affected by the decision or whether it may be said that the decision was unreasonable or unsupported by the evidence presented.

44 In this case it is the argument brought on behalf of the appellant that there was an error in law committed by the Justice of the Peace in not considering the appellant's due diligence defence by relying on what he perceived his rights to be pursuant to the Crown Patent.

45 The appellant's belief in the existence of the Crown Patent before his receipt of it, perhaps based on information provided to him by others or through his research may have initially contributed reasonably to the position he took; however, upon his receipt of the Crown Patent the recognition in the same of the Crown's acknowledgement and support of the Federal and Provincial governance of the land would reasonably have operated to caution the appellant on non-adherence to applicable legislation.

46 It is reasonable to consider that this cautionary position would have been assumed immediately after the receipt of the Crown Patent and sufficient time for its review. The applicable time period between April 1, 2009 when the letter enclosing the Crown Patent was sent and July 29, 2010, the date of the Justice of the Peace's decision or September 10, 2010, the date of the Justice of the Peace's pronouncement of sentence, would have been a time period when the commencement of compliance would have been reasonable to expect.

47 I am not therefore persuaded by the due diligence defence. The appeal from conviction is dismissed.

48 Regarding the sentence appeal, the Crown has correctly stated the test to be a consideration of any error in principle. There may be consideration of any factor which had not been considered or any factor which may have been overemphasized. The appeal from sentence may also succeed if the sentence appears as demonstrably unfit.

49 The appellant's counsel has argued that the factor which was not considered is the financial circumstances and hardship of the appellant. Indeed, at page 10 line 20 of the transcript of the reasons for sentence by the Justice of the Peace says, "Defence relies on Mr. Mackie's current financial situation that the court is not without sympathy for."

50 Although the court notes the Cotton Felts decision<sup>2</sup> applies and the size of the company, the income derived, the number of employees and a number of other considerations are to be taken into account; the defence did not address those issues but relied on how the matter affected the appellant in other ways such as the possible effect on his residency, ultimately.

51 The Justice of the Peace did acknowledge however, that this business was currently his only source of income. She considered defence's argument that a fine of \$5,000 was appropriate.

52 In considering the principles of general and specific deterrence and not wanting to create a licence for non-compliance the Justice of the Peace imposed a fine of \$15,000 which was at the lowest end of the \$15,000 to \$20,000 range that the Crown was seeking.

53 As an aggravating factor on sentencing, the Justice of the Peace considered the appellant's declaration of a non-intention to comply. I have noted the letter he prepared and distributed to the Commission to this effect.

54 The Justice of the Peace also stated at page 11, line 15 of the transcript of the reasons for sentence: "His financial circumstances are somewhat mitigating but the court can't take a view that would be interpreted as endorsing illegal activity because it's the only way that someone can support themselves."

55 I do not find that there has been an error in principle in considering the appellant's sentence nor have there been factors either overlooked or overemphasized, and the sentence may not be characterized as demonstrably unfit. The sentence appeal is therefore dismissed.

56 The relief which may be offered to the appellant may be found in time to pay the fine which was reviewed by the Justice of the Peace but of which I remind him. One year from today's date is granted for fine payment with the ability to apply for more time to pay, if necessary.

57 Other alternative relief may also be considered through the means noted above as suggested by the Commission and the Justice of the Peace.

D.T. VYSE J.

cp/s/qlacx/qlpmg

1 Godbout v. Longueuil (City), [1997] 3 S.C.R. 844 (S.C.C.).

2 R. v. Cotton Felts Ltd., [1982] O.J. No. 178 (Sup. Ct. Ont.).

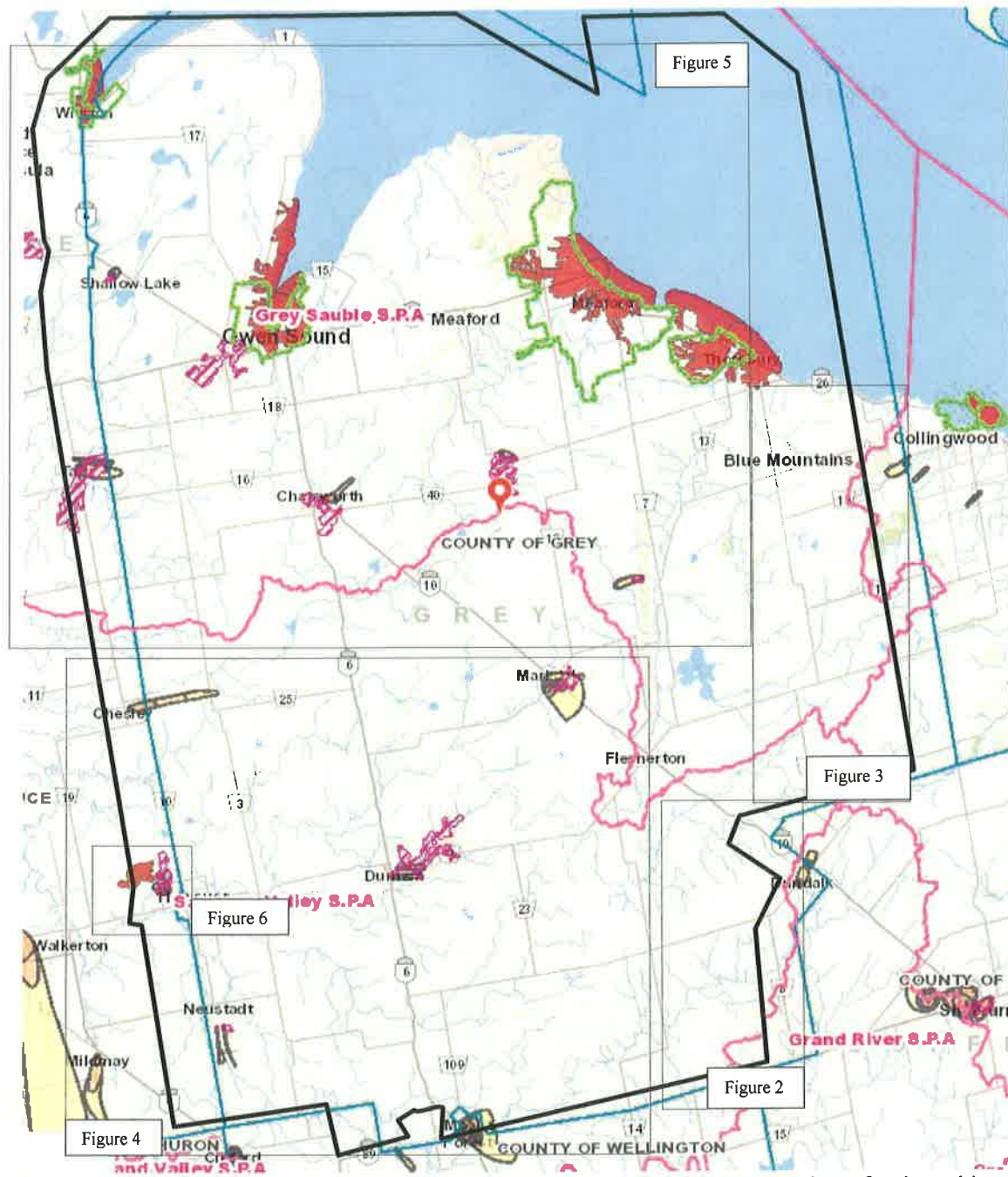


Figure 1: County of Grey full extent. Figures 2-5 provide more detailed mapping of vulnerable areas in the different source protection areas. Figure 6 provides detailed mapping of

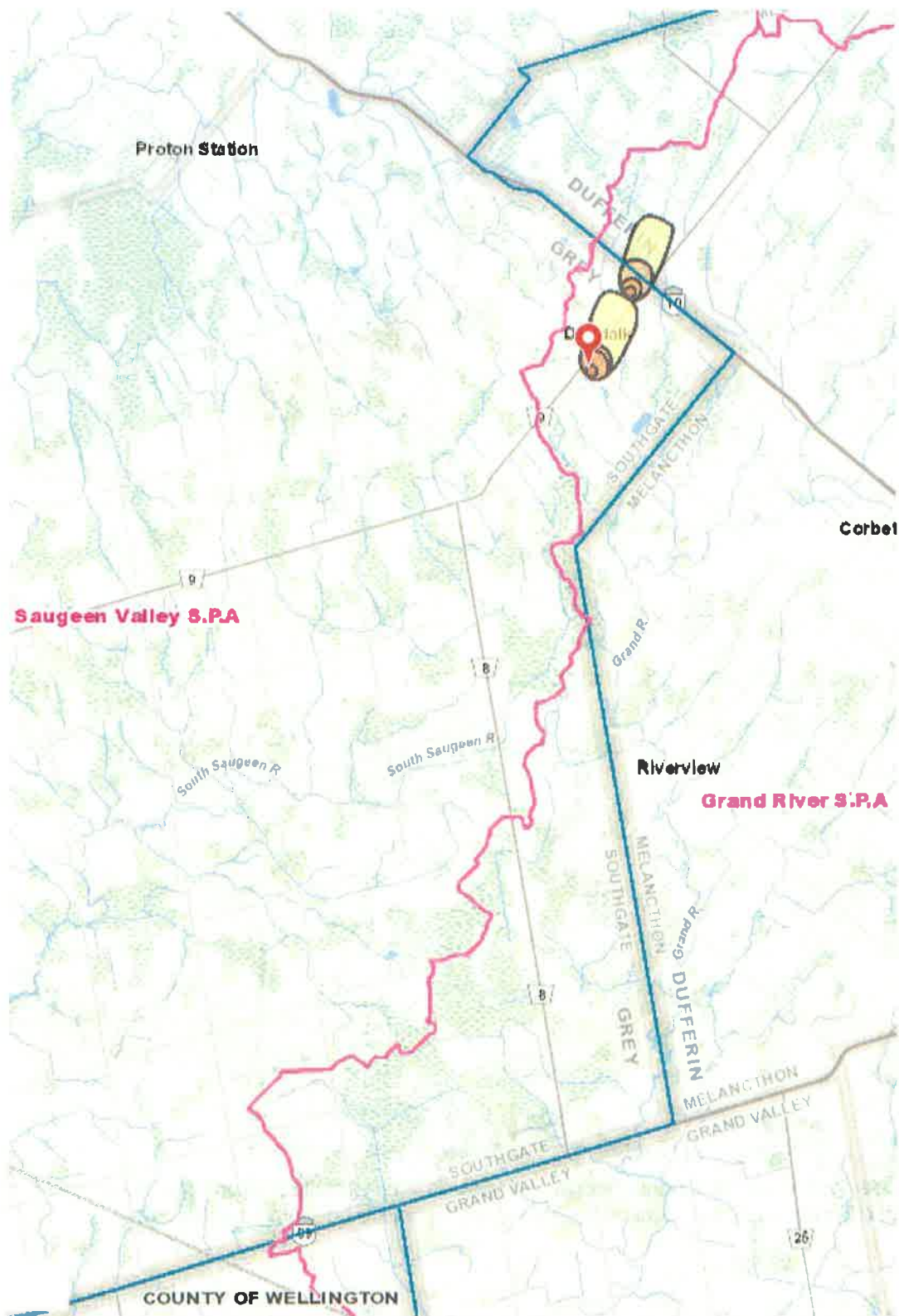


Figure 2: Grand River Source Protection Area wellhead protection areas (WHPAs).



Figure 3: Nottawaasaga Valley Source Protection Area wellhead protection areas (WHPAs).



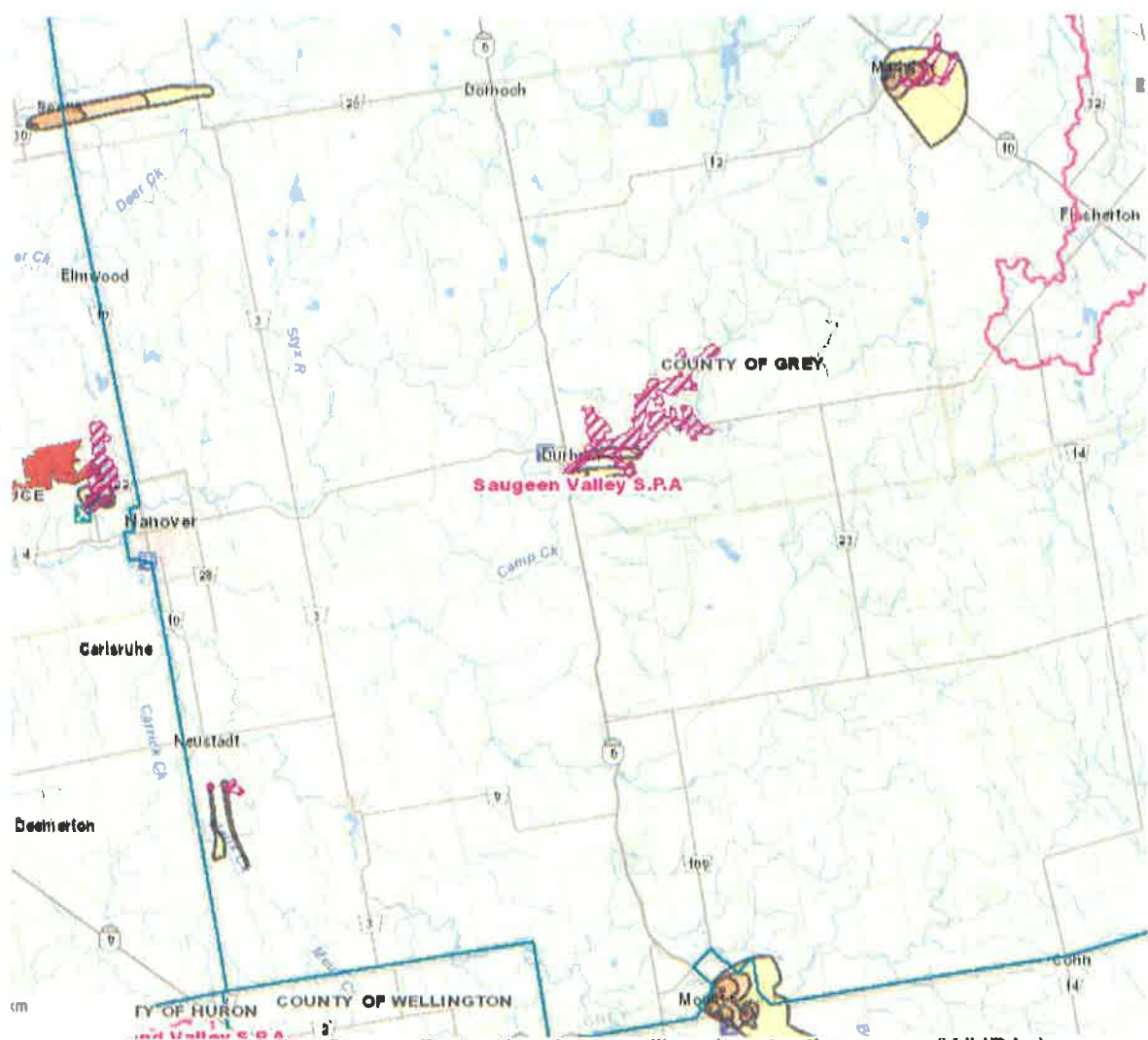


Figure 4: Saugeen Valley Source Protection Area wellhead protection areas (WHPAs).

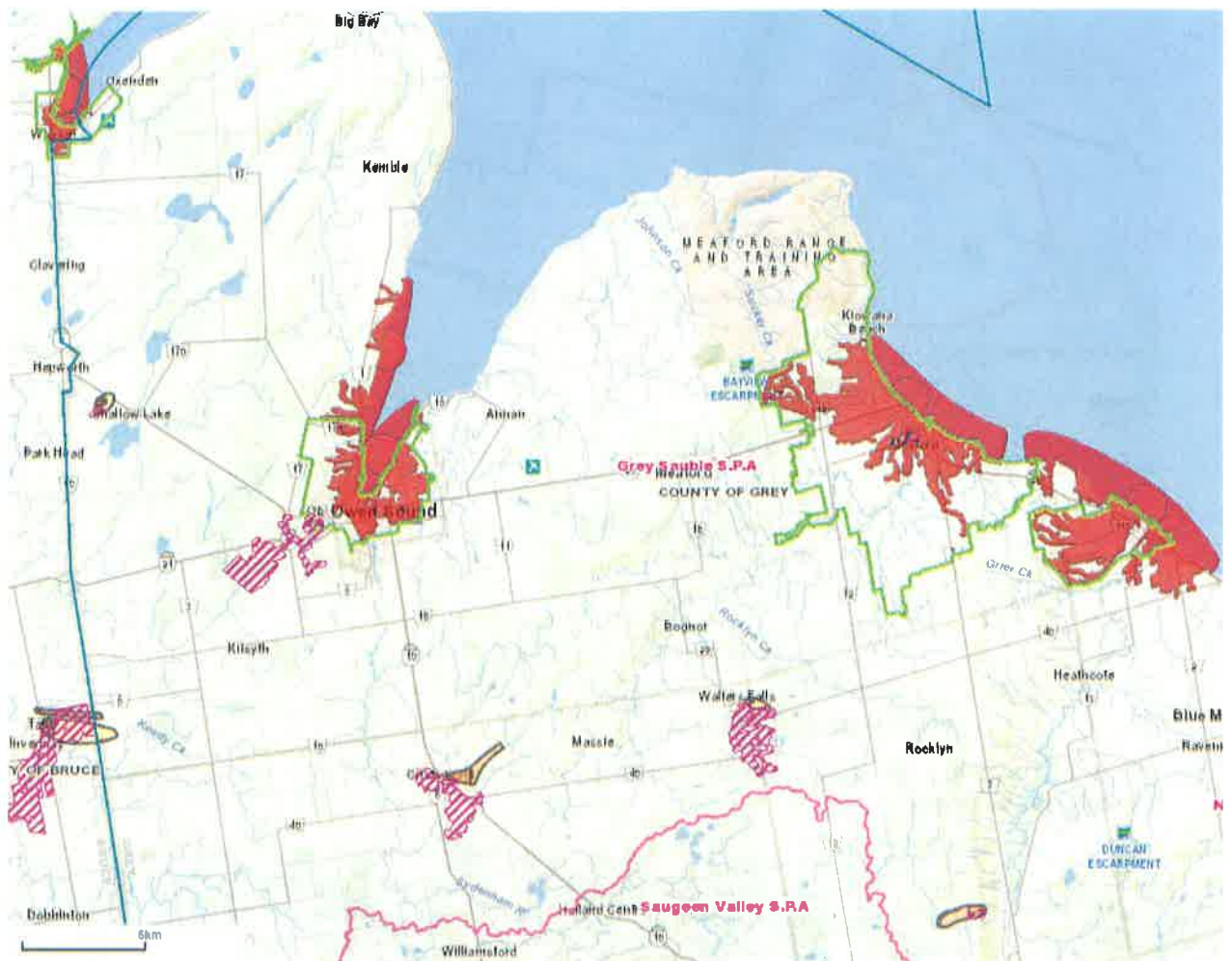


Figure 5: Grey Sauble Source Protection Area wellhead protection areas (WHPAs), intake protection zones (IPZs), and event based areas (EBAs) for fuel spills.

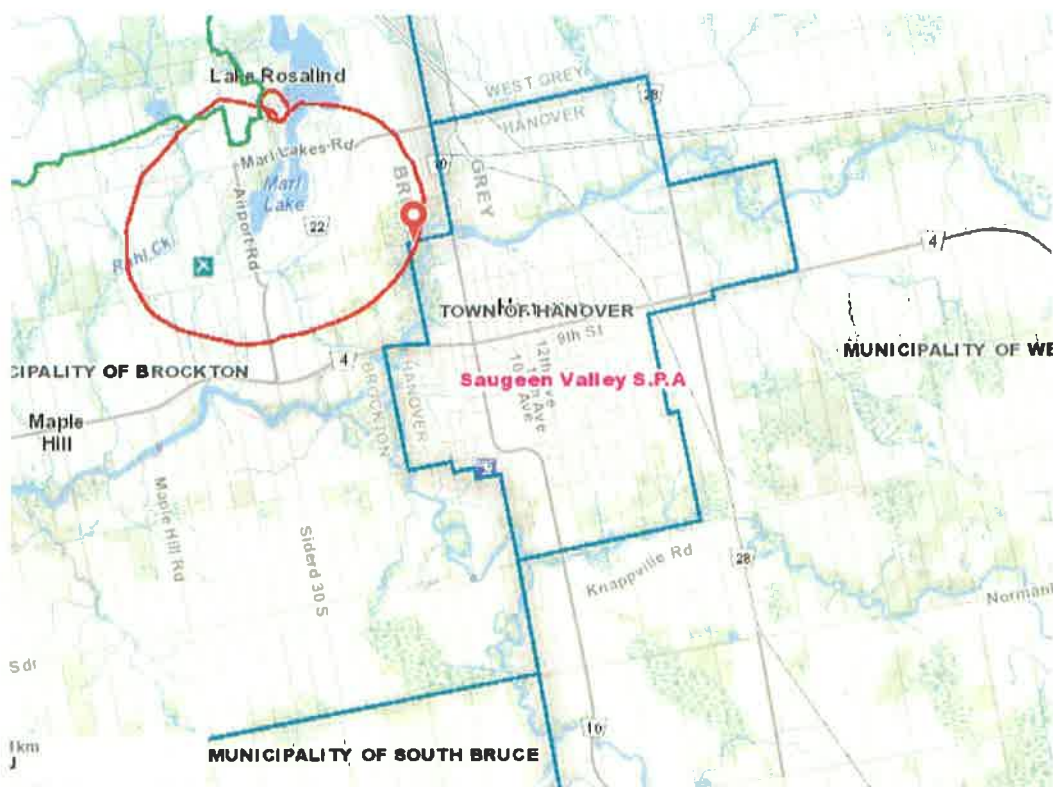


Figure 6: Township of Hanover quantity wellhead protective areas (WHPA) Q1 and Q2 (low quantity stress level).

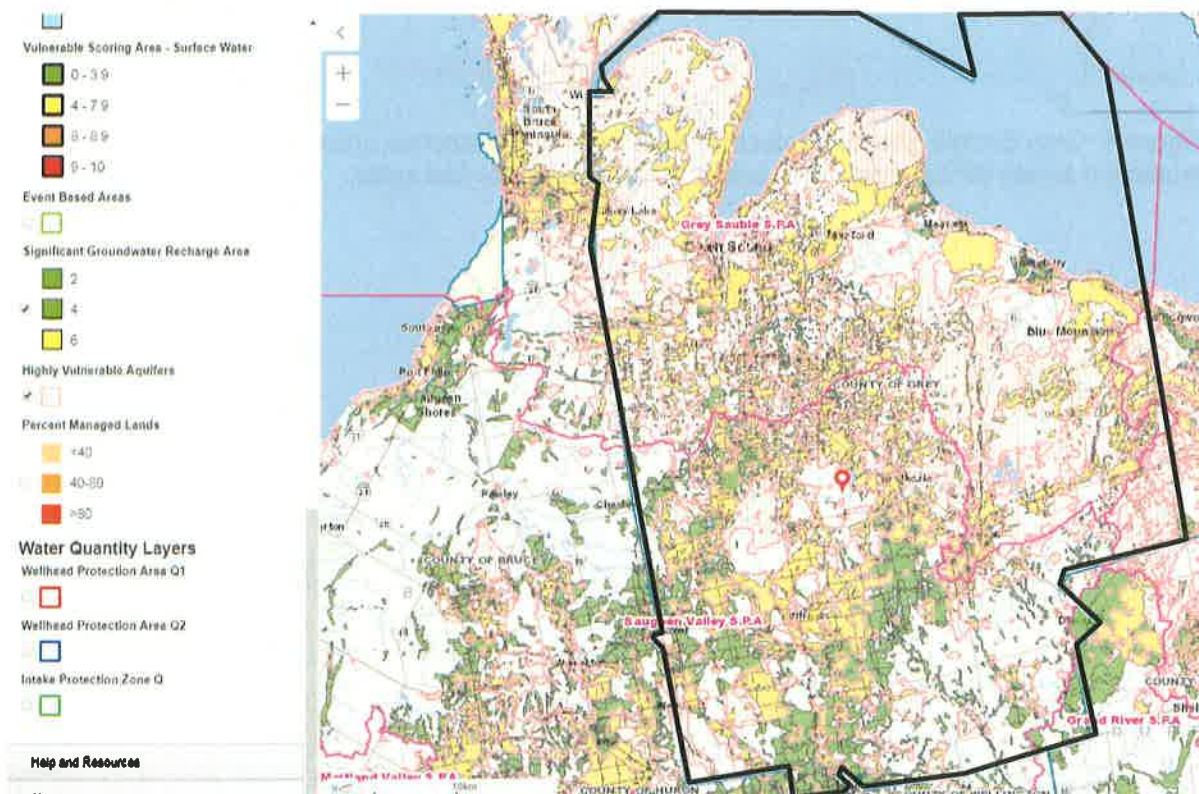


Figure 7: Significant groundwater recharge areas (SGRAs) and highly vulnerable aquifers (HVA) in the County of Grey.



What would you like your community to look like in the next 5, 10, or 20

What do you like about your community? What is missing?

I would like to have Owen Sound look  
like more running areas. ~~and more~~  
I like the trails. we need more  
trampoline parks.

Additional comments:

N/A  
720  
✓

Response by \_\_\_\_\_

# Entered in Spreadsheet

Summarized (comment chart)

Name (optional)

Phone/email (optional)

What would you like your community to look like in the next 5, 10, or 20 years?

What do you like about your community? What is missing?

I like how Owen Sound doesn't  
have that bad traffic but I think  
we need a laser tag Zipline somewhere  
we need the traffic lights to be even  
3rd floor for the YMCA

Additional comments:

N/A Response by \_\_\_\_\_  
705 # Entered in Spreadsheet  
✓ Summarized (comment chart)

Name (optional)

Phone/email (optional)

March 31, 2018

Mr. Randy Scherzer  
Director, Planning and Development  
595 Ninth Ave East  
Owen Sound N4K 3E3

Re: New Official Plan, Recolour Grey

My wife [REDACTED] and I attended the Public Meeting on March 27 and we are very disappointed that Core Areas and Linkages are still part of the discussions, despite many negative comments at previous meetings.

The Core Area designation does not make sense and the proposed linkages even less. They were suggested by a Consultancy from another region with not much credibility.

All forests deserve to be protected, but in view of climate change and likely extreme hot and dry periods, the suggested large tracts of forests are in danger of massive forest fires. Instead, a fragmented landscape with a mixture of farms and forests should be encouraged.

Many forests are already protected by private land conservancies such as the Escarpment Biosphere Conservancy of which I am a board member having donated several hundred acres and planted over 200,000 trees. One of these properties is included in the Core designation and does not need such further regulation.

Instead of core areas and linkages, I suggest a map showing all lands with conservation agreements. Many of these allow public access as are lands owned by the County and Conservation Authorities. These lands should also be shown on that map. Such a map with accompanying comments should satisfy the requirements of the Provincial Policy Statement with regard to Natural Heritage.

[REDACTED]

CC. Mr. Robert Pringle, Mayor, Chatsworth  
Mr. Bob Barnett, Executive Director, EBC

From [REDACTED] March 7, 2018. Recolour Grey OP Review;

Question re official plan under section green corridors:

1. How are these corridors being designed? i.e. signage

fencing, landowner agreements with the town to provide  
a "green corridor" through their property.

This is important because animals don't read human signage.

Who will enforce the corridor, who will monitor it so landowners  
don't mow it down to sell their woodlots for profit?

2. How will they connect with existing Nature Reserves, and Bruce  
Trail Conservancy lands?

3. Do they link existing protected areas. YES. THEY LINK CORE AREAS

4. Are they part of a studied area where wildlife is known to live? YES

5. Has an environmental study been done to see what's there, YES. The NATURAL HERITAGE STUDY  
"GREEN IN GREY". 2016 - 2017

## **Township of Southgate**

185667 Grey County Road 9, RR 1  
Dundalk, ON N0C 1B0

**Clinton Stredwick, Planner**



**Phone:** 519-923-2110 x. 228

**Toll Free:** 1-888-560-6607

**Fax:** 519-923-9262

**E-mail:** [cstredwick@southgate.ca](mailto:cstredwick@southgate.ca)

March 26, 2018

Randy Scherzer  
Grey County Planning and Development  
595 9th Avenue East  
Owen Sound, ON N4K 3E3

### **Re: Proposed New County Official Plan.**

Dear Mr. Scherzer,

I have had an opportunity to review the Draft Official Plan released by the County of Grey. In addition to my comments in staff report PL2018-008 (attachment 1). I have the following items of concern on behalf of the Township which I would like to bring to your attention:

#### **1. Cultivate Grey:**

- i. The Township has heard from the agriculture community about the Green in Grey Natural Heritage linkages. Our concern is what will the future dictate for these designations in 10 or 20 years when agriculture could be really impacted. In the presentation made on March 16 at the County, we heard it will not require an Official Plan Amendment to move these linkage lines on the maps in the future. The Township's suggestion is to move the linkage lines now, so they are adjacent to natural areas like woodlot, swamps, wetlands or watercourses where there is evidence of wildlife travel. If we know it's not correct today, we should change it.
- ii. The Township of Southgate has a concern related to on farm industrial comments with the County referencing the draft OP to "Mennonites" and the Ministry recommending a change to reference to people that "travel by Horse & Buggy". We suggested that this is a stereo type of members of our community when a better reference would be "Rural Manufacturing", regardless of a person's options or mode of transportation they may have access to. We suggested that the future of agriculture is evolving and small scale family farms in any community or ethnic background will need options to do more value adding to commodities they produce or small scale manufacturing to allow the owner to be close enough to manage both the farming operation and the manufacturing businesses.

2. Develop Grey:

- i. The Township has concerns with the current draft of the Hemson Grey County Growth Study. The Township believes that the study significantly understates Southgate's future growth and needs to be revisited to reflect the present projected growth of Draft Plan approved and future developments in engineering and planning phase at the present time.
- ii. The Township has a concern related to the rail trail and Section 8.8.3 of the OP policy. This policy would require future development to have regard for the possible return of rail service and mitigation requirements of a 30 meter setback and berms and sound barrier fencing. Staff suggest that this policy would sterilize valuable development lands for a 1 or 2% chance that rail service will return to Grey County. This could make Southgate and County owned lands in Dundalk undevelopable if the policy applies to all zone classes. We suggested that if rail service does return and is financially viable that the rail company should install sound mitigation fencing adjacent to sensitive land use areas, if it is even necessary at that time. If in 10 or 20 years the rail corridor transportation does return, it would likely be an electric powered train producing minimal noise or futuristically it may not even require tracks, using drone technology, should be considerations.
- iii. The Township suggests adding a policy in the Official Plan that would allow the review of dated industrial land designations that made sense in the 1960's and 1970's, but not today. At the present time these lands are adjacent to present commercial and residential developed areas that will likely create conflicts today, if developed for industrial use. We suggest that a Comprehensive Review process of industrial lands is an onerous process that should be scaled down to a Planning Justification Report when the lands are being transferred someplace else with no net loss of Industrial designated lands. This type of report would review vacant industrial land uses in the downtown cores for re-designation because of compatibility with present adjacent uses, especially when new industrial lands can be zoned in more appropriate areas to create a net positive or zero change of the amount of employment lands in a community.

3. Live Grey:

- i. The Township generally supports the position on limiting land severances in the rural area's to protect agriculture as well as Aggregate Extraction. Any increase to the current number of permitted severances in the Rural area would not be support by Southgate which is a primarily agricultural community that is also rich in Aggregate.

- ii. County staff indicated that the new OP has policy to allow the transition from Granny suites with duration agreements to the permitted use of secondary dwelling units in the rural area. The County should consider policy to ensure a minimum property size of maybe 10 hectares before a secondary dwelling is permitted in rural areas. This would prevent rural subdivision intensification that if allowed could allow insufficient property to locate septic treatment systems and the possibility of drinking water well contamination.
4. Move Grey:
- i. During the discussion on March 16 at the County Committee of the Whole, Southgate Township raised concerns that County Road #9 and #14 were not recognized as high volume traffic routes when roads like County Rd. #2 from Badjeros to County Rd. #4 and County Rd. #9 from Badjeros to County Rd. #24 are rated at a higher level. It was noted at that meeting that weekend traffic studies have not been completed on County Rd. #14 to capture the increased weekend volumes this road experiences.
  - ii. From a Township perspective, Policy should be included to allow for the identification of areas that require traffic calming measures. The County Rd. #9 & #14 corner, in Hopeville, in our opinion needs to be explored to slow down traffic through the village, such as a round-about, for public safety and to still keep traffic volumes flowing.
5. Natural Grey:
- i. The Linkages mapping issue that were identified in Cultivate Grey above is a real concern for our farmers and the Township would prefer to get the mapping corrected now before it is approved.

If you require further information or clarification please contact the undersigned.  
The Township of Southgate also requests Notice of the Decision of the County of Grey on the Official Plan.

Sincerely,



Clinton Stredwick BES MCIP RPP  
Municipal planner

Cc Joanne Hyde, Clerk  
Dave Milliner, CAO

Attachments:

- 1. SR PL2018-008

**Township of Southgate**  
**Administration Office**  
185667 Grey Road 9, RR 1  
Dundalk, ON N0C 1B0



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**Toll Free:** 1-888-560-6607  
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**Web:** [www.southgate.ca](http://www.southgate.ca)

## **Staff Report PL2018-008**

**Title of Report:** Recolour Grey County Official Plan review

**Department:** Clerks

**Council Date:** 07/02/2018

### **Recommendation:**

**Be it resolved that** Council receive Staff Report PL2018-008 for information; and

**That** Council members provide written comments back to the planner to share with County Staff before 4pm on February 15, 2018.

### **Background:**

Recolour Grey is the name of the County of Grey initiative for updating its Official plan. This process began in 2016 and a Draft Official Plan was presented to the County of Grey COW on November 23, 2017. A link to the County website and resources is provided below.

<https://www.grey.ca/programs-initiatives/recolour-grey>

The Draft Official Plan is being circulated for comments to the various Municipalities within the County of Grey as well as the various commenting agencies including the Province. A summary of the changes to the plan can be found in County Staff report PDR-CW-47-17 (attachment #1).

### **Impacts on Southgate**

Below are the highlights of the Official Plan that I believe will impact Southgate the most.

It is important to note that this will be a new Official Plan and amendments to that plan are not permitted for 2 years without the blessing of County Council to permit a change. Therefore any issues with the plan will not be able to be resolved for a minimum of two years. This will be the case if the Township of Southgate decides with all of the changes in legislation to undertake a new Official Plan rather than update the old one.

The growth numbers in tables 1, 2 and 3 are considerably lower than what we anticipate and are seeing occurring within the Township. These numbers are being



updated however, that updated forecast of growth has not been provided to the Township but is expected within the next 3-4 weeks.

Within the Agricultural, Special Agricultural and Rural policies (cultivate grey) the County has updated the policy to relax some of the MDS requirements as per new MDS guidelines.

Rural and agricultural lot additions will be permitted and not required to meet lot density provisions provided that they do not create a non-farm lot.

Another big addition is Table 5 which outlines examples of small scale on-farm diversified uses. The definitions of Home occupation and Home Industry are not the same as what is contemplated in the Zoning by-law. Our by-law or the County policy may need to be clarified.

One of the biggest changes for Southgate is the addition of some policies within the development criteria of the Agricultural and Rural policies.

Specifically the requirement to demonstrate that on-farm diversified uses meet certain criteria. (3.2.2 and 3.4.2)

There is also a requirement for the Ministry of Climate Change D-6 Guidelines to be applied to all new industrial uses within the Agricultural, Special Agricultural and Rural land uses types. This may have significant impacts for those parts of the community that set up on-farm diversified uses within Agricultural and Rural area. Depending on how these uses are classified will affect the separation distance to neighbouring sensitive receptors. For example if on-farm shop is classified as a Class II Industrial use the minimum setback is only 70m which in my opinion is not sufficient to address noise considerations. If however the on –farm shop is considered a Class III Industrial use the minimum separation distance is recommended to be 300m. At this distance it would be difficult to get one on any farm as the spacing between farms (lot sizes) is insufficient to provide a separation to the nearest residence. The application of this guideline will require further discussion with the County and Province.

The Natural Grey policies have been updated to include the Green in Grey study as well as updates to the Natural Reference Manual.

These policies could have a significant impact on growth and development within the Township.

The adjacent lands distance has been increased to 120m or most of the natural heritage features such as Significant Woodland. This means that if a developer or land owner is within 120m of a Significant Woodland or other Natural Heritage feature, an EIS is required before development can proceed if at all.

Another consideration is that Core Areas and Linkages have been included as per the Green in Grey Study. These areas are identified in a new schedule within the Official Plan. It should be noted that Core areas and Linkages still permit Agricultural uses and existing buildings and structures. New structures would require some form of EIS in a core area. In Linkage areas, agricultural uses including new buildings and structures are permitted outright.

Another significant change is the introduction of significant valley lands. This has implications for parts of the Township such as the Beatty Saugeen Valley area. IF approved the development would have to consider a 200m wide corridor.

There are also new protections for wildland fire areas. These areas must be assessed and development must be directed away from these areas or the risks associated with fire mitigated.

The live Grey Policies contain a number of policies that support affordable housing including second unit policies and promotion of increased density targets.

The Move Grey Policies include break down of the County road system into three areas. County Arterial, County Collector and County Local Road. Policies surrounding these different road function have been prepared including a reduction in the required road widening for County Local Roads and the inclusion of paved shoulders.

### **Financial Implications:**

Will require updates to our Official Plan and Zoning By-law which has been budgeted for.

### **Concluding Comments:**

Over all the changes are necessary as a result of changing Legislation however, there needs to be some clarification with respect to some of the Policies particularly with the Agricultural and Natural Heritage Policies. I would request that Council and staff provide any concerns or comments to me before February 15th. I have a meeting

schedule with the County of Grey to review Township comments and concerns on February 16th, 2018.

Respectfully Submitted,

Municipal Planner: Original Signed By  
Clinton Stredwick, BES, MCIP, RPP



Dept. Head: Original Signed By  
Joanne Hyde, Clerk

CAO Approval: Original Signed By  
Dave Milliner, CAO

**Attachment(s):**

1. Grey County Staff report PDR-CW-47-17

## Report PDR-CW-47-17

**To:** Warden Barfoot and Members of Grey County Council  
**From:** County Planning Staff  
**Meeting Date:** November 23, 2017  
**Subject:** **Recolour Grey – Draft of New Official Plan**  
**Status:**

### Recommendation

1. That a draft of the new County Official Plan be received; and
2. That staff be directed to circulate a draft of the new County Official Plan to the Province, local municipalities and other agencies as prescribed under the Planning Act; and
3. That a draft of the new County Official Plan be posted on the County website and distributed to the contact list collected as part of the first and second round of consultations for Recolour Grey; and
4. That following the 90 day period of sending a draft of the Official Plan to the Province as per Section 17(17.1) of the Planning Act, that a Notice of Public Meeting be issued in early 2018 in order to receive further comments and feedback from the community.

### Background

Recolour Grey, the update to the County Official Plan was initiated in May 2016. Throughout the summer and fall of 2016, staff hosted workshops, attended a number of events throughout the County, and attended community group meetings to talk about what should be considered in the new official plan. On-line consultation and information sharing was also key to the County's on-going engagement on this project. Over the winter and early spring of this year, staff collected all the comments received and began to analyze the results.

On May 11, 2017, the County released our Recolour Grey – 'What We've Heard' summary report. The 'What We've Heard' report summarized the feedback received and divided the comments into five main themes;

1. Cultivate Grey,
2. Develop Grey,
3. Natural Grey,
4. Live Grey, and
5. Move Grey

Following the What We've Heard Report, a survey was posted on the County website asking the community if we had heard their comments correctly, or if we missed anything. Some additional responses were received from this survey.

Building off the feedback received, and the background studies completed to date, staff prepared discussion papers for each of the five themes. The five discussion papers were presented to Council in the summer of 2017 and were posted on the County website and shared back out to the community for further comments and feedback. The discussion papers further explored each of the sub-themes based on the 'What We've Heard' report, and based on Grey County's planning and economic context. Policy options were presented which not only reflected feedback from the public, but also drew on the technical recommendations of the studies and background reports completed by the County over the past few years. Changes in Provincial legislation, policy, and guidelines were also key to a number of the policy options presented in the discussion papers. A number of these policy options have formed the basis for drafting the new County Official Plan.

In August and September of this year, Planning Staff held a total of nine workshops with one being held in each local municipality as part of the 2<sup>nd</sup> round of consultation for Recolour Grey. The purpose of the workshops was to determine from the community whether;

1. we captured the comments correctly from the 1<sup>st</sup> round of consultation as identified in the 'What We've Heard Summary Report', and
2. were we on the right track based on the policy considerations that have been highlighted in the five Discussion Papers.

A workshop handout was provided to those attending the workshops which outlined a summary of all the policy considerations identified in each of the Discussion Papers. A presentation was provided at the beginning of the workshop to give an overview of; what an official plan is, how an official plan may impact or benefit someone, explaining what Recolour Grey is, the process taken to date, as well as providing a summary of the five Discussion Papers. Depending upon the size of the crowd or the layout of the meeting room, we either had a large group discussion about the policy considerations under each theme, or we did break-out sessions for each theme.

We had approximately 200 people attend the workshops and the amount of comments we received from those in attendance was excellent. The following is a link to a summary of the comments received under each of the five themes which we have categorized into the various subthemes - [Recolour Grey Workshop Comment Summary](#)

Following the workshops, staff began to prepare a draft of the new Official Plan as well as updating the mapping layers contained in the schedules and appendices. The new Official Plan has been drafted based on the comments we heard in the first and second rounds of community consultation, and based on the background studies and technical reports prepared to date. There were comments on certain matters where we have heard a diversity of opinions. For example, we heard comments indicating that we should have more policies to protect the natural environment and we also heard that we need less policies/restrictions for the natural environment. For topics where we have heard a diverse range of opinions, it has been very difficult if not impossible to address everyone's comments and concerns. Staff have tried to develop policies using a balanced approach and based on all the feedback received. Staff have also taken direction from the Provincial Policy Statement and associated guidelines.

A meeting was held on November 2<sup>nd</sup>, 2017 with local planners including planners from each of the local municipalities, planners from the conservation authorities as well as the Niagara Escarpment Commission. Health Unit staff were also in attendance for the meeting. The local planners provided some initial feedback on the proposed draft policies and we have incorporated that feedback into the draft policies.

We will be circulating a copy of the draft Official Plan to the Province, local municipalities and other agencies and hope to have some further discussions and feedback on the draft policies and mapping. Staff will also post a copy of the draft Official Plan on the County website and notify all the contacts that we have gathered during the consultation process. We will also work with County GIS staff to create an online mapping site so that people can see the current Official Plan designation and mapping on their property and the proposed designation/mapping for their property.

Following the 90 day period of sending a draft of the Official Plan, a Notice of Public Meeting can then be issued. We anticipate holding the public meeting in mid-March which provides almost four months for everyone to review the draft and offer comments and suggestions on how we can improve the Plan.

To help further notify the public, we have included an article in the Made in Grey – Year in Review document letting people know about the new draft Official Plan and asking people to send us any comments. This Year in Review will be delivered to most mailboxes throughout the County in early December and therefore we are hoping that this will create more awareness of the new Official Plan and create further engagement with community members.

The following is a summary of some of the new policies being proposed in the new Official Plan based on what we've heard from the community. The new Official Plan has kept the five main themes as part of the framework for the new Official Plan and therefore below are some highlights of the new policies being proposed within each of the themes:

### ***Cultivate Grey – Policy Highlights***

Cultivate Grey considers the rural, agricultural and resource areas outside of our towns, cities, and villages. These areas make up the bulk of the land in Grey County and are important to Grey's residents, businesses, and visitors. The following are some of the highlights of the proposed policies under Cultivate Grey:

### **Agricultural, Special Agricultural, and Rural Policies**

- Based on changes to the Provincial Minimum Distance Separation (MDS) formulae the following updates are proposed;
  - MDS I does not apply to lot additions,
  - MDS I does not apply to agricultural-related uses,
  - MDS does apply to on-farm diversified uses,
  - Mennonite institutional uses are a Type A MDS factor, rather than the Type B for other institutional uses,
  - MDS I only applies to surplus farm dwelling severances where the lot is being severed from an existing barn,

- Buildings can be replaced in the event of a catastrophe, and
- Guidance is given on when it may be appropriate to vary MDS.
- Where an existing property straddles a settlement area boundary i.e. half in the settlement area and half in Agricultural, the property can be split along the designation line, provided both the severed and retained are buildable. Rural lot density, settlement area buffers, and minimum farm lot sizes shall not apply in these situations.
- Rural lot additions will not need to comply with the rural lot density provisions.
- Agricultural lot additions can be considered provided certain criteria can be met, and a new non-farm lot is not created.
- Where an existing non-farm lot is looking to add land to a farm, it can be permitted provided the remnant lot is as small as possible.

The following table outlines the proposed permitted uses in the Agricultural, Special Agricultural and Rural land use types:

Agricultural Use	Agricultural-related Use	Small Scale On-farm Diversified Use
<b>No maximum size limitation beyond MDS and nutrient management</b>	<b>No maximum size limitation beyond any servicing needs</b>	<b>Must be small scale</b>
<ul style="list-style-type: none"> <li>• Growing of all types of crops</li> <li>• Raising of all types of livestock</li> <li>• Barns / manure storage</li> <li>• Pastureland</li> <li>• Feedlot</li> <li>• Fish farm or aquaculture</li> <li>• Mushroom farm</li> <li>• Christmas trees/nurseries</li> <li>• Greenhouses</li> <li>• Grain dryers and feed storage for own farm's use</li> <li>• Feed storage i.e. bunkers / silos</li> <li>• Washing, sorting, grading (of farm's own commodities only)</li> <li>• Machine shed (for own</li> </ul>	<ul style="list-style-type: none"> <li>• Apple storage and distribution centre (for multiple farms use)</li> <li>• Farm gate sales or farmers market primarily selling locally grown produce/goods</li> <li>• Agricultural research centre</li> <li>• Winery, cidery, meadery using mostly local fruit or honey</li> <li>• Flour mill for local grain</li> <li>• Grain dryer / storage for multiple local farmers</li> <li>• Farm equipment repair shop</li> <li>• Livestock assembly yard, or stockyard for local farmers</li> <li>• Auction for local produce</li> </ul>	<ul style="list-style-type: none"> <li>• Home occupations (e.g. professional office, bookkeeper, land surveyor, art studio, hairdresser, massage therapist, daycare, veterinary clinic, kennel, classes or workshops)</li> <li>• Home industries (e.g. sawmill, welding or woodworking shop, manufacturing / fabrication, seasonal storage of boats or trailers, biomass pelletizer)</li> <li>• Café/small restaurant, cooking classes, food store (e.g. cheese, ice cream)</li> <li>• Agri-tourism and recreational uses (e.g. farm vacation suite, bed and breakfasts not exceeding 3 rooms per let, hay rides, petting zoo, farm-themed playground, horse trail rides, corn maze, seasonal events, horse/pony events, wine tasting)</li> </ul>

farm's use) <ul style="list-style-type: none"> <li>• Cold storage (for own farm's use)</li> <li>• Indoor/outdoor riding arenas/tracks</li> <li>• Minimum amount of processing to make a produce saleable (e.g. evaporating maple sap, or extracting honey)</li> <li>• Marihuana production in accordance with any Federal/Provincial laws</li> </ul>	or local livestock <ul style="list-style-type: none"> <li>• Farm input supplier e.g. seeds, feed, fertilizer, etc.</li> <li>• Abattoir selling and processing local meat</li> <li>• Food processing plant for local produce (e.g. cider-making, pitting, canning, quick-freezing, packing)</li> </ul>	<ul style="list-style-type: none"> <li>• Distillery or brewery partially using some local farm inputs</li> <li>• Value-added uses (e.g. processor, packager, cheese factory, bakery)</li> <li>• Retail uses (e.g. farm market, antique business, tack shop)</li> <li>• Food banks, second harvest, or gleanings operations</li> </ul>
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- Rural permitted uses would include the uses listed in the above table, but would also contain some additional permitted uses as well.
- Recreational uses and alternative dwelling types may be considered in Rural which are not otherwise considered in the Agricultural or Special Agricultural designations, including;
  - residential farm cooperatives,
  - agri-miniums,
  - small scale inns or motels, and
  - recreational or tourist-based rural clusters (e.g. cottages, yurts, or a similar form of development under common ownership).

The above would all be subject to servicing analysis, MDS, and other development criteria.

- Trades businesses or workshops could also be considered in Rural.
- As per the PPS, severances will now be permitted for agricultural-related uses, provided the lots are of a minimum size to accommodate the business.
- Severances will not be permitted for on-farm diversified uses.
- Farm sizes in Agricultural will remain 40 hectares, however smaller lots can be considered where the following criteria is met;
  - Agriculture shall be the proposed use of both the severed / retained lots,
  - A farm business plan is required for the severed and retained, including demonstration that the severed / retained lots will be economically viable and flexible to respond to economic change,



- Demonstration that existing lots are not available for the intended agricultural use,
- The suitability of both the severed / retained lots should be assessed based on;
  - the type and size of agricultural operations common in the area or to the type of agricultural operation proposed, or
  - a demonstration that a new viable form of agriculture is suitable for the area and lot sizes proposed,
- Both the severed / retained lots shall comply with Provincial Minimum Distance Separation Formulae.
- Elimination of the ribbon development policy in Rural.
- Based on being a largely Agricultural/Rural Plan, the bulk of the County's existing Official Plan exceptions are within the Cultivate Grey sections. Staff propose to deal with the exceptions as follows;
  - Any exception which facilitated lot creation or a lot addition will be deleted, where the consent application has already been finalized.
  - Any exception permitting an enlarged 'small scale' use, which is now within the size permitted by the Plan will be deleted, unless there are site specific circumstances/considerations that need to be kept.
  - Any exception for a unique business that no longer exists will be deleted (e.g. running of the bulls in Southgate).
  - All other exceptions will be maintained, provided they still maintain the intent and direction of County, Municipal, and Provincial planning documents.

## **Forestry Policies**

- The County is not looking at adding a 'Forestry' designation, but is looking at some overall guiding policies on forestry. Some policies being considered are;
  - Recognition that forestry and agriculture are mutually compatible and treed windbreaks are encouraged.
  - Reference to the County's Forest Management By-law (or future successors thereto).
  - Encouraging replanting with native species.
  - Promote forest management for public and private landowners in accordance with good forest management practices, to maintain the overall health of woodlots across the County.
  - Exemptions are provided for orchards, nurseries, nut farms, or Christmas tree farms.

## **Aggregate Resource Area and Mineral Resource Extraction Policies**

- Clarifying the Aggregate Resource Area (ARA) policies;
  - No new non-farm lot creation in the ARA
  - 300 metre buffer applies to pits/quarries but not the ARA itself
  - Non-farm development on existing lots can be considered
- Encouraging comprehensive rehabilitation where multiple pits or quarries are in close proximity.
- Encouraging maximum disturbed areas provisions for progressive rehabilitation.
- Looking at cumulative effects and comprehensive analysis of new pits or quarries being proposed in close proximity to one another.
- Providing general guidance on haul routes avoiding settlement areas where practical and feasible.
- The County is looking at two new policies dealing with pits and quarries that may abut one another, or may each abut a road.
  - In the case of adjacent pit or quarry operations, owned by different property owners, the County will, wherever practical, encourage the removal of all economically viable material between the pits or quarries. This may include eliminating the property line setbacks between the operations. Such operations are encouraged to utilize continuous and harmonious rehabilitation.
  - Where pit or quarry operations are separated by a County or Municipal road, the feasibility of allowing the producers to temporarily re-route and then replace the road at a lower elevation may be considered to enable operators to remove viable material between the operations. An agreement may be needed to address timing, re-construction, and compensation for the materials under the road.

### ***Develop Grey – Policy Highlights***

Develop Grey focuses on our settlement areas, where the majority of population growth, essential services, and businesses are located. To remain competitive in a global marketplace, we need to show excellence when promoting Grey as a place for supportive business development. The following are highlights of the proposed policies under Develop Grey:

- Combined Tertiary Settlement Areas with Secondary Settlement Areas, now only have Primary and Secondary Settlement Areas;
- Generally the Settlement Area policies have remained the same, however there is more wording in regards to healthy communities and active transportation;
- Intensification targets;
  - 15% for Hanover and Owen Sound

- 10% for other Primary Settlement Areas
- 5% for Secondary Settlement Areas
- Policies within the Inland Lakes and Shoreline Areas and Recreation Resort Areas have remained unchanged;
- Sunset Strip has become its own designation;
- Permitted uses in the Sunset Strip will be similar to what has been contemplated within recent Official Plan Amendments, i.e. retail warehouses, vehicle repair shops, commercial operations beyond a certain size, etc.;
- The business park north of Mount Forest has its own designation, Industrial Business Park (West Grey);
- The one-off Space Extensive Commercial and Industrial Areas will remain the same, however both the Space Extensive Commercial and Industrial designations will be combined into a single designation,
- The Space Extensive Commercial and Industrial designation will continue to apply to those areas previously designated and approved for such development. Permitted uses to consider would be: transport terminals, dry manufacturing plants, body shop etc.;
- Growing our Economy, we have created a larger economic section than in our previous plan, which encourages economic development in order for our member municipalities to prosper;
- Most of the employment will still be directed towards Settlement Areas, however there are policies based around countryside employment opportunities and home business opportunities;
- Countryside employment: The main employment generator in the rural areas will be resource based industries such as agriculture, aggregate operations, forestry and on-farm diversified uses;
- Home business: Grey County promotes the trend towards more home based businesses and will facilitate new home business through planning policy.

### ***Natural Grey – Policy Highlights***

Natural Grey focuses on Grey County's scenic and naturally beautiful environment. We are lucky to live in such an environmentally rich area. With this, we need to maintain a delicate balance of promoting and protecting these spaces. The following are some highlights of the proposed policies under Natural Grey:

- Natural heritage setbacks (adjacent lands) are changing based on the updates to the Province's Natural Heritage Reference Manual,
- Change of names of some areas: Karst (from Special Policy Area), Other Wetlands (from Other Identified Wetlands)

- Updated Significant Woodlands mapping, and added mapping for cores, linkages and significant valleylands
- Scoped Environmental Impact Study (EIS) requirements are provided for minor developments
- General recreation and tourism policies
- General parks policies
- Parkland dedication policy updates (Planning Act updates)
- General climate change policies

## **Core Areas and Linkages**

- Inclusion of policies that relate to the Core Areas and linkages as introduced in Green in Grey, which include permitted uses, stewardship policies, and exemptions within these features.
- Compatible recreation is defined and permitted within certain natural features.
- Include cores and linkages mapping as a new schedule.

## **Significant Valleylands**

- Introduction of mapping of Significant Valleylands as identified through Green in Grey. The County and Provincial Policy Statement already had Significant Valleylands policies, but we had not previously mapped the features.
- The criteria for significance and protection included the need for 200 metre wide corridors.
- Removed significant valleylands within settlement areas.

## **Wildland Fire**

- Development shall generally be directed to areas outside of lands that are unsafe for development due to the presence of hazardous forest types for wildland fire.
- Development may however be permitted in lands with hazardous forest types for wildland fire where the risk is mitigated in accordance with the wildland fire assessment and mitigation standards.

## **Fish Habitat**

- Healthy aquatic communities are generally a good indicator of environmental health. It is the County's intention to encourage improvement of productive capacity of this habitat. The extent and significance of fish habitat shall be determined in consultation with the Ministry of Natural Resources and Forestry, the conservation authority having jurisdiction over the area, and Fisheries and Oceans Canada.
- Development and site alteration shall not be permitted in fish habitat except in accordance with relevant provincial and federal requirements.

- No development shall be permitted within 30 metres of the banks of a stream, river, or lake unless an Environmental Impact Study concludes setbacks may be reduced and/or where it has been determined by the appropriate Conservation Authority these setbacks may be reduced. Landowners are encouraged to forest the areas within 30 metres of any stream to maintain and improve fish habitat, ecological function of the stream and to increase natural connections.

## **Parks and Open Space and Climate Change**

- Parks and open spaces shall be utilized to increase tree canopy and woodland cover in the County and assist in mitigating and adapting to climate change.
- Ensure infrastructure is constructed, maintained and upgraded as necessary to be sustainable and capable of mitigating impacts of climate change.
- Green technologies and construction methods will be used whenever possible and feasible to develop new, and replace old, civic infrastructure. Civic infrastructure will be developed to be environmentally sustainable, assist with climate change adaptation, and lessen environmental impact.
- The County will prepare a *climate change adaptation strategy* to plan for resiliency, adaptation, and mitigation actions.
- Monitor the potential impacts of climate change to maintain the integrity and resiliency of the Natural Heritage System and adjust management activities accordingly.
- Consider the potential impacts of climate change that may result in an increase of the risk associated with natural hazards.

## ***Live Grey – Proposed Policy Highlights***

Live Grey captures some of the key areas that influence living standards and quality of life in Grey County. There are many factors that can lead to someone feeling included, healthy, culturally interested and supported by their community. The following are some highlights of the new policies being proposed under Live Grey:

- Sharing the *Healthy Development Checklist* created in partnership with the Grey Bruce Health Unit and developers to address healthy community design, including public health and safety needs;
- Providing housing opportunities to moderate and lower income households. The County would like to achieve a minimum target of 30% of new housing, or units created by conversion, to be affordable in each member municipality. Local municipalities will be encouraged to set a minimum target similar to the County for affordable units;
- The County will encourage local official plans to require a minimum of 30% of all new total residential development within Primary Settlement Areas to be medium and high density;
- Direct new social housing units towards designated Primary Settlement Areas to ensure residents live close to essential services and supports, promoting the flexibility and ease in carrying out a healthy lifestyle;

- The County is generally permissive of second units provided development meets zoning provisions outlined by the local municipalities. In settlement areas without full municipal services, a review of well water records or septic system details, by the designated authorities, may be necessary prior to granting a building permit;
- County planning staff will consider low-density housing options for aging populations in rural areas, provided servicing requirements can be met as outlined in Section 8.9.1 and safe roadway access can be maintained year-round
- Housing ownership affordability can be defined as housing where the purchase price is at least 10 percent below the average purchase price of a resale unit in Grey County or annual housing expenses do not exceed 30% of gross household income.
- Encourage local municipalities to create a *Parks and Recreation Master Plan* to introduce ways that the County can connect members of the community to recreational activities and sports. This can help promote healthier communities.
- Ensure cultural events and recreational activities are held in accessible venues or environments.
- Continue work towards creating a climate change action plan that will coordinate County efforts to encourage resilient, sustainable development and mitigate climate change effects within our communities. Encourage local municipalities to consider participation in Partners for Climate Protection.
- The County encourages local municipalities to implement public engagement strategies for planning matters where they are the approval authority.

### ***Move Grey – Policy Highlights***

Move Grey considers how we move people, goods, information, and services into, out of and through the County. It is critical we have transportation, services, and technology in place to support the needs of those in Grey County. What follows are the policy highlights under Move Grey:

### **General Transportation Policies**

- Complete Transportation System (CTS) and elements of the CTS
- Prioritization should be given to pedestrians, transit, cyclists and the movement of goods over those of single occupant vehicles
- Emergency Detour Routes
- Required number of accesses for new developments
- Complete Streets policies
- New development will be designed to integrate with the complete transportation system

### **Road Policies**

- Provincial Highway policies are similar to current Official Plan
- County Roads

- Functional classification of County Roads – County Arterial, County Collector and County Local Road
- Accommodating a variety of transportation modes on County Roads
- Right of way widths/road widening policies
- Paved shoulders on most/all County Roads
- Improving pedestrian safety for County Roads in settlement areas/built-up areas
- Potential planned County Road corridors
- Setbacks from County Roads
- Connecting Links

## **Transit Policies**

- Develop a County-wide transit system
- New development must include age-friendly and transit supportive design elements
- Encourage growth and development, land use patterns, densities and mix of land uses within settlement areas along existing or future transit corridors
- Maintain and improve inter-community transit and transit links outside of Grey

## **Airports**

- Controlling development in the vicinity of airports to reduce the potential for land use conflicts
- Recognizing that Wiarton-Keppel Airport is federally regulated
- Encourage opportunities to better utilize airports

## **Ports/Harbours/Marinas**

- Encouraging the retention and promotion of the Owen Sound Port and other harbours and marinas
- Encouraging further efforts to attract more ships to utilize the Owen Sound Port
- Encourage continued operation of the other harbours and marinas
- Planning for land uses in the vicinity of ports, harbours and marinas

## **Rail Corridors**

- Preserving the County CP Rail Trail
- Utilizing County CP Rail Trail as a utility corridor
- Encouraging the conversion of abandoned railway corridors for trails

## **Services**

- Primarily the same as the current Official Plan policies, including servicing hierarchy

- Remove the five lot limit and instead require servicing options study
- Encouraging local municipality to work together to provide municipal sewer and water services
- Considering new innovative systems and servicing technology
- New direction on stormwater management as it pertains to design and climate change
- Most utility policies are similar to what exists in the current Official Plan
- Support the provision of high quality telecommunications services throughout the County – broadband/fibre and cellular service
- Fibre or conduit for future fibre installations should be included in all new developments
- When reconstructing County roads or the CP Rail Trail, the County will consider installing fibre or conduit for future fibre in order to connect with the overall fibre network. A fibre/conduit specification will be developed in consultation with SWIFT along with an ownership model.
- Discouraging lot creation for telecommunication towers
- Encouraging municipalities to develop local telecommunication tower siting protocols

## **Other Technological Considerations**

- Charging stations
- Future transportation options – drones, driverless vehicles, car-pooling and car-sharing, shared economy, bike sharing

## **Managing our Waste**

- Encourage local municipalities to promote mandatory waste diversion programs
- Encourage strategies that reduce potential waste
- Encourage the consideration of new waste management technologies
- Handling of food waste
- Abandoned Landfill Sites have been classified into three categories based on the Historic Landfill Study
  - Cleared Sites
  - D-4 Recommended to Clear Site
  - Previously Evaluated Sites
- Encouraging local municipalities to complete a D-4 study for those sites still requiring a D-4 to clear

## **Protecting Our Drinking Water**

- Commercial water taking policies – similar to what exists in the current Official Plan



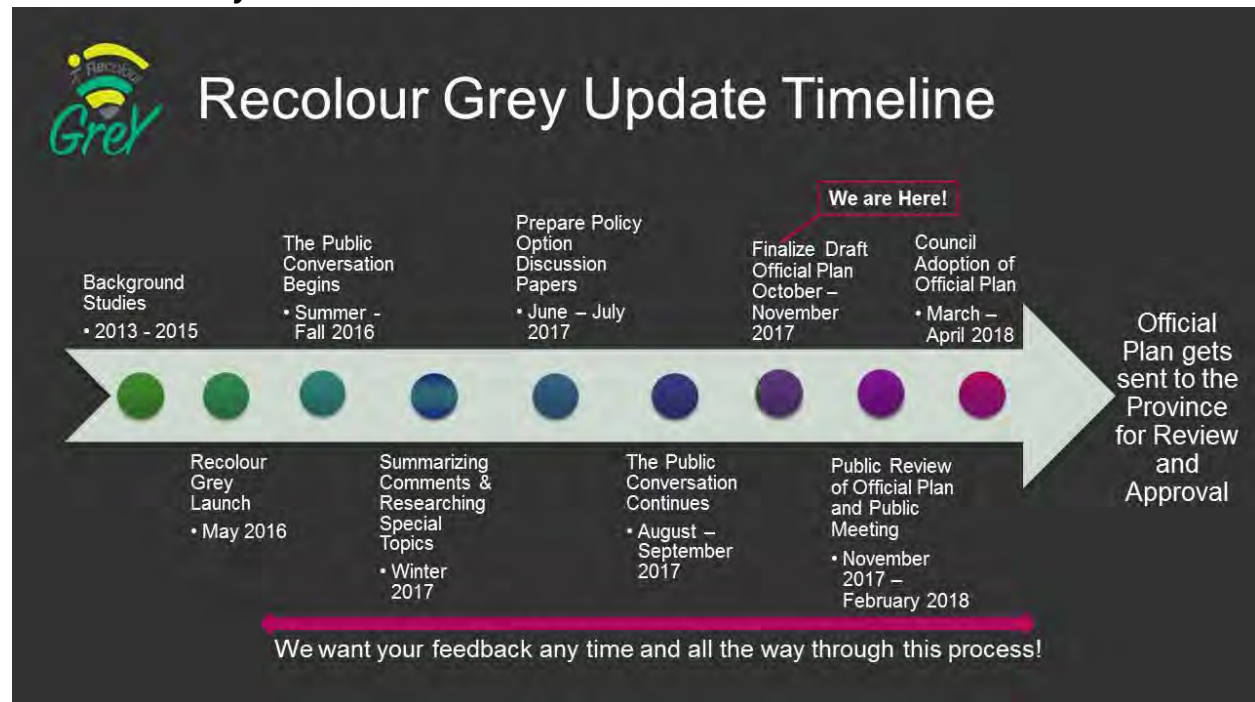
- New policies to incorporate Sourcewater Protection Plan Policies

## Mapping Changes

The following are mapping changes that have made to the schedules and appendices of the new draft Official Plan:

- Significant Woodlands being updated using 2015 Air Photos and other data sources
- Combining Tertiary Settlement Areas into Secondary Settlement Areas
- Cores and Linkages – Natural Heritage Systems Study Mapping
- Updated Wellhead Protection Areas and Intake Protection Zones
- Updated Hazard Lands data (using most current layers from CA's)
- Updated NEP data based on 2017 NEP
- Adding Significant Valleylands
- Functional Classification of Roads
- Potential Planned County Road Corridors
- Combined Space Extensive Commercial and Industrial
- Updated Landfills Mapping – Historic Landfill Study
- Most current provincial data – ANSI's, PSW's, Licensed Pits and Quarries, Other Wetlands, etc.

## Recolour Grey Timeline



## Financial/Staffing/Legal/Information Technology Considerations

A significant amount of staff resources has gone into Recolour Grey. The work has been a true team effort with all planning staff being involved in the community engagement process as well as developing the draft of the new Official Plan. The work has been truly rewarding and we have learned a lot from the many conversations we have had with community members. We look forward to further conversations with the community following the release of the draft of the Official Plan.

## Link to Strategic Goals/Priorities

One of the Strategic Initiatives identified in the Corporate Strategic Plan is to update the County Official Plan and implement policies to meet needs over the next 20 years. The draft of the new Official Plan has been designed to address this strategic initiative.

## Attachments and Background Information

[Draft New Official Plan](#)

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

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

[Draft Secondary Schedules](#)

### *Additional Background Information*

[Recolour Grey Workshop Comment Summary Report](#)

[Recolour Grey Workshop Comment Summary](#)

['What We've Heard Summary Report'](#)

[Cultivate Grey Discussion Paper](#)

[Develop Grey Discussion Paper](#)

[Natural Grey Discussion Paper](#)

[Live Grey Discussion Paper](#)

[Move Grey Discussion Paper](#)

Respectfully submitted by,

County Planning Staff

Director Sign Off: *Randy Scherzer*

What would you like your community to look like in the next 5, 10, or 20 years?

What do you like about your community? What is missing?

I would like my community to have more opportunities a newer sport equipment and green land. I like that I can try and not be harshy judge. I fell like its missing a little more infuse structure(dabs).

Additional comments:

None

Response by \_\_\_\_\_

679 # Entered in Spreadsheet

☒ Summarized (comment chart)

Name (optional)

Phone/email (optional)

**Lacey-Avon,Stephanie**

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**From:** [REDACTED]  
**Sent:** Tuesday, January 23, 2018 2:20 PM  
**To:** ReColour Grey  
**Subject:** ReColour Grey Comments - organic waste disposal

Dear ReColour Grey,

In reviewing your draft plan, I notice there is no mention of facilitating collaborative initiatives for organic waste disposal within the County.

The City of Owen Sound is the largest source of organic household waste in Grey County; yet they have no program (ie. green bin recycling) to divert organics from landfills. On the other hand, Chatsworth has funded a bio-digester facility for that purpose, but it was then shut down due to the lack of sufficient raw materials to make the program economically viable.

The current piecemeal approach needs to be reexamined to find new solutions for returning household organics to the ecosystem in a ecologically safe manner. Transporting this "waste" out of the county for disposal in landfills is neither efficient nor environmentally sustainable.

ReColour Grey is in a unique position to identity this as an issue and establish steps to facilitate the dialogue and collaboration between lower-tier governmental units. The county needs to seek broader sustainable solutions for household organic waste.

Regards,

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April 23, 2018

Mr. Scott Taylor  
Senior Planner  
Grey County  
595 9<sup>th</sup> Avenue East  
N4K 3E3

Via email: [scott.taylor@grey.ca](mailto:scott.taylor@grey.ca)

**RE: Grey County Official Plan Review – November 23, 2017 Draft  
Implications for Electricity Generation Facilities and Transmission and  
Distribution Systems**

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Fotenn Planning + Design, on behalf of Infrastructure Ontario (IO) and Hydro One Networks Inc. (HONI), has reviewed the Grey County draft Official Plan, dated November 23, 2017. Infrastructure Ontario is the strategic manager of the provincial government's real property, which includes hydro corridor lands, and has a mandate of maintaining and optimizing value of the portfolio.

This review of the Draft Official Plan takes direction from the Provincial Policy Statement (PPS) (effective April 30, 2014) as it relates to electricity transmission and distribution facilities. In particular, PPS Section 1.6 provides specific direction for municipalities to maintain the primacy of hydro corridor lands for the transmission and distribution of electricity throughout the province. The relevant PPS Sections include:

***1.6.1 Infrastructure, electricity generation facilities and transmission and distribution systems, and public service facilities shall be provided in a coordinated, efficient and cost-effective manner that considers impacts from climate change while accommodating projected needs.***

***Planning for infrastructure, electricity generation facilities and transmission and distribution systems, and public service facilities shall be coordinated and integrated with land use planning so that they are:***

- a) financially viable over their life cycle, which may be demonstrated through asset management planning; and*
- b) available to meet current and projected needs.*

**1.6.8.3** *Planning authorities shall not permit development in planned corridors that could preclude or negatively affect the use of the corridor for the purpose(s) for which it was identified.*

*New development proposed on adjacent lands to existing or planned corridors and transportation facilities should be compatible with, and supportive of, the long-term purposes of the corridor and should be designed to avoid, mitigate or minimize negative impacts on and from the corridor and transportation facilities.*

**1.6.11.1** *Planning authorities should provide opportunities for the development of energy supply including electricity generation facilities and transmission and distribution systems, to accommodate current and projected needs.*

## **Concerns**

### **1. Terminology**

We request a consistent approach to defining hydro corridors and electricity infrastructure facilities throughout the province. Accordingly, it is requested that the following language be considered for use throughout the Official Plan, including in the definitions of “Infrastructure” and “Utilities.”

- All reference to corridors used for the transmission and distribution of electricity should be referred to as “hydro corridors”
- All references to electricity infrastructure and facilities should be referred to as “electricity generation facilities and transmission and distribution systems.”

### **2. Section 10.5.1: Transportation & Utility Systems**

Subsection (1) currently states that “electrical and other services will be placed underground wherever possible.”

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**Requested Change**

We request that this wording be amended to “Municipal electricity distribution infrastructure and other services will be placed underground wherever possible, at the cost of the development proponent.”

Infrastructure Ontario and HONI do not want to be responsible for the costs associated with burying wires / cables for local electricity distribution providers. Please note that the burial of wires for electricity transmission purposes is not feasible.

**3. Section 8.9.3: Utilities**

Subsection (11) states:

“Secondary uses within utility corridors should be considered where possible and well-suited with surrounding land uses, and subject to the approval from the utility company. Such secondary uses as agriculture, parks and open spaces, trails, community gardens, other utilities, parking areas and outdoor storage are encouraged on utility corridor lands. Corridors may also serve to provide separations between incompatible uses.”

**Requested Change**

We request that this policy be revised as follows:

“Secondary uses, such as active and passive recreation, agriculture, community gardens, other utilities and uses such as parking lots and outdoor storage that are accessory to adjacent land uses, are encouraged on hydro corridor lands, where compatible with surrounding land uses. However, a proponent should be aware of the primacy of the electricity transmission and distribution facilities and that secondary uses require technical approval from Hydro One Networks Inc.”

The additional wording is requested to provide flexibility for future uses on hydro corridor lands. The inclusion of this policy offers clarity with respect to the types of secondary uses that are possible on hydro corridor lands, in accordance with the Provincial Secondary Land Use Program. Having these policies in place will also streamline the number of

municipal planning approvals that a proponent must seek when they apply to HONI / IO for a secondary use.

We would request that this letter be included as part of the record of submissions for the Official Plan Review and that we be notified of any decisions regarding these matters.

Contact information is as follows:

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Planner  
Infrastructure Ontario  
1 Dundas St. W., Suite 2000  
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posen@fotenn.com

We thank Staff for considering our comments and recommendations. Please contact us if you have any questions.

Sincerely,



Tate Kelly, MCIP RPP  
Planner

cc. Patrick Grace, IO  
Enza Cancilla, HONI  
Jaime Posen, Fotenn



Meeting Monday February 12 at 10:00 am. Owen Sound

Blue Mountain Watershed Trust and County Planning staff

Regarding the new draft Official Plan "Recolour Grey".

### **A G E N D A**

Interested in two sections of the OP for now; - 6. Natural Grey and 3.6 Aggregate Resources

Background: A number of us attended the "Green In Grey". Natural Heritage study process 2016 - 2017 so we are interested in what changes are in the OP as a result of the Study recommendations.

#### OP section 6 Natural heritage:

1. Please show us the Core area and linkages on Schedule C (*we have requested to purchase some of the (map prints) schedules. Hopefully we will have them at the meeting.*)
2. Please walk us thru the policies in sections 6.1) and 6.2). Have a couple of questions; ie; Development prohibited in Linkage except new aggregate extraction. Why? New one prohibited in Core areas.
3. The Policy Highlights in Nov 23 mentions that Natural heritage setbacks (adjacent lands) are changing based on the updates to the N H Reference Manual. Is that the list on p 85 of the OP? Which ones are larger now?
4. Is there anything else in the OP from Green in Grey NHS that we should be aware of?
5. In 6.4 Wetlands can you show us the PSW's on Schedule A specifically in our area. Are they more accurately mapped now?
6. Can you show us the updated Significant Woodland and Significant Valleyland designations (in our area) on our maps?
7. Want to talk about the Scoped EIS requirements. What section of the OP? We would like peer reviews done by the CA's.
8. Please show us the Karst and ANSI designations on our map schedules in our area.
- 9.
- 10.

#### OP section 3.6 Aggregate Resources Areas:

1. Help us review the Aggregate Resource areas on our print of Schedule B in our area.
2. (From Nov 23 staff report); 300 m buffer applies to pits/quarries but not ARA s . How come?
3. Encouraging comprehensive rehabilitation. What policies in OP ?
4. Please explain "encourage max disturbed areas for progressive rehabilitation" ? What policy numbers?
5. Haul route guidance. Is that policy 3.6.5.2)?

6. The 2 new policies dealing with quarries that may abut one another. Is that 3.6.4.3)? Please explain how it works.
7. 3.6.4.4) following reports required to support a new quarry has nothing about rehabilitation?
8. In 3.6.2.4 no OPA within ARAs. Why not? In 5) an OPA required for all proposed quarry (outside of ARAs). Can you show examples on our copy of Schedule B.
9. In 3.6.4.5) how come an EIS not required in a Karst area?
10. PLEASE SEE COMMENTS QUESTIONS FROM WENDY SMEH.

Is there any other section(S) that BMWTF should be looking at?

- 1.

From Wendy Smeh : \_\_\_\_\_ Feb 11, 2018

I have a few comments about the Aggregate section of the draft OP, as well as other comments, as follows:

- When outlining rehabilitation, the OP uses wording such as 'encourages' rehabilitation. I haven't read the entire document, but this type of wording doesn't usually have a lot of meaning. Clarification would be useful. Is that just a way to leave the matter to a more specific document?

I looked at the PPS and it lists the following regarding rehabilitation. The wording is similar but slightly stronger. The PPS is more applicable than the OP right? And the Aggregate Resources Act would be more applicable than the PPS? Below is the PPS reference.

**2.5.3 Rehabilitation** *2.5.3.1 Progressive and final rehabilitation shall be required to accommodate subsequent land uses, to promote land use compatibility, to recognize the interim nature of extraction, and to mitigate negative impacts to the extent possible. Final rehabilitation shall take surrounding land use and approved land use designations into consideration.*

*2.5.3.2 Comprehensive rehabilitation planning is encouraged where there is a concentration of mineral aggregate operations.*

*2.5.3.3 In parts of the Province not designated under the Aggregate Resources Act, rehabilitation standards that are compatible with those under the Act should be adopted for extraction operations on private lands.*

- I have a hard time looking at Schedule B on my little laptop but I would like to look at the land use types around the ARA's once you get the Schedule and land use maps. The land use type cannot impact PSW but there could be non-PSW that it would impact with no more than a zoning permit change. For Instance, Section 6, Natural Grey, notes that Species at Risk have not been mapped.
- On a separate note, I noticed that Section 6 also outlines set back distances to natural features. Many setbacks are listed as 120m, however, distance to fish habitat is 30m which we have found is typical. Do you think it would be worth questioning why fish habitat is not considered as important for setbacks as the other features? An increase in this setback would go a long way for the protection of local watersheds. The OP notes that the setbacks come from the Natural Heritage Reference Manual but it wouldn't hurt to note disagreement to the setback.

I also looked at the NEP section. It goes over what is said in the NEP and covers County specific information. It notes that where a conflict with the development criteria occurs between the two documents, the NEP takes precedence.

February 15, 2018

Mr. Randy Scherzer  
Director of Planning  
Grey County  
595 9th Avenue East  
Owen Sound, ON  
N4K 3E3

**Re: Recolour Grey – Draft County Official Plan Comments**

Dear Randy:

Thank you for the opportunity to comment on the draft County Official Plan (the plan) and to be able to meet with you and planning staff in person on February 16 to discuss our comments and concerns.

In reviewing the draft plan, the Town of Hanover is concerned that there is an imbalance that exists within the plan. It is apparent that the County places a premium on growth, specifically growth in Primary Settlement Areas. This is reinforced by the policies contained in the Provincial Policy Statement. While there are many sections in the plan that specifically mention the importance of Primary Settlement Areas and their influence on job and wealth creation within the County, virtually no definitive measures exist as to how Primary Settlement Areas will be allowed to be maintained or enhanced. The plan, as it exists, serves to restrict growth to within existing boundaries by not identifying specific measures to ensure growth areas are allowed to grow. On the other hand, rural areas and green spaces seems to have many specific protectionist clauses and rules.

As you are aware, Hanover is an important regional employer and service provider to both Grey County and Bruce County. While Hanover currently has 8.2% of Grey County's residential population (2016 census), the Town's share of the County's jobs is 15.2%. Hanover is the second largest employment provider within the County, next to Owen Sound, with a total of 6,688 jobs, an increase of 3.2% from 2014. All this while occupying only 0.217% of Grey County's land mass!

In order for Hanover to continue to grow and be a competitive urban settlement area within Grey County and beyond (Bruce, Wellington, Huron, and Dufferin Counties), it is important to ensure an adequate supply of land is available for all land needs at least to a 20 year planning horizon. This land is required to ensure continued commercial and employment growth in both Hanover and Grey County.

With steady growth within our currently defined boundaries, Hanover will run out of developable land in the foreseeable future. To maintain Hanover's position as a regional employer and service provider and ensure our future viability and vitality, future growth must be accommodated outside of the current settlement boundary. In fact, we are already seeing the negative implications of this land shortage. Over the years, many opportunities for industrial and commercial growth have by-passed Hanover due to insufficient lands or excessively expensive lands (due to short supply) available for such development. Examples include K-Mart, Home Depot, Canadian Tire (several attempts to develop prior to current location), Wal-Mart (2 attempts prior to current location), Trillium Insurance, two auto parts plants (80-150 employees each), Days Inn, and Holiday Inn.

To assist the County in understanding our concerns with the draft plan, we have produced a document with several sections extracted from the plan that relate to the importance the County and PPS appears to place on Primary Settlement Areas. We have circulated this document to members of Hanover's council, management team, Planning Advisory Committee, Committee of Adjustment, and Economic Development Committee for their review and comment. Attached is a consolidation of those comments as they pertain to Hanover's largest challenge, the lack of developable land.

We trust you and the County's planning team and County council will consider our comments seriously. We also anticipate that a response will be forthcoming outlining that the County has acknowledged and considered our comments, and further that, the County is prepared to work with Hanover and other Primary Settlement Areas in finding a long term solution to this critical issue.

We thank you in advance and look forward to continuing this discussion.  
Sincerely,



Sue Paterson  
Mayor

Phone: 519.364.2780 x 1230  
Email: [spaterson@hanover.ca](mailto:spaterson@hanover.ca)

attachments

cc: Hanover Council  
Hanover Planning Advisory Committee  
Hanover Committee of Adjustment  
Hanover Economic Development Committee

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7	1.2	The plan is a guiding document for directing growth for the next 20 years. It represents an important shift in shaping Grey County towards a more balanced community structure.	<p>What are we shifting “from” and “towards”? <b>‘Balanced community structure’</b> sounds like a great concept but what is meant by “balanced” because this plan is clearly out of balance and does not contain provisions for balance. Are we referring to a balance of ex. residential, commercial, agricultural, commercial &amp; industrial within each member municipality or within the context of the County as a whole? If it is within the context of the County as a whole, then, what will Hanover’s role be in the balanced community structure? Given the role Hanover has played in the past and likely in the future, we will remain a regional hub for services, shopping, jobs and entertainment. We will also remain attractive to families and individuals who want to live close to those above-mentioned attributes. In the absence of a proper plan for land needs, Hanover will not be able to continue its historic role in the balanced community structure.</p> <p>Hanover’s land mass is 0.217% of the County’s. Owen Sound’s is 0.532%. In comparison to all other Grey County municipalities, the land mass of the 2 Primary Settlements Areas is clearly out of balance with the rest of the County. There is room for settlement areas to grow without significantly impacting neighbouring communities.</p>
9	1.4	<p><b>Overview of Grey County</b></p> <p>It is important that this plan responds to Grey County’s new and changing context. This Plan is designed to address and plan for what we will face in the years ahead.</p>	<p>There is no question that over the next 20 years (the period covered by this new plan) our community demographics will be materially different than they are today. Many of our senior citizens will have moved on. Technology will change the way we live, work and play. For sure, the population count and cultural demographics will be radically different than it is today. Our population will grow, but not by birth rates, rather, by immigration –either international, within Canada or both.</p> <p>Hanover is anticipated to be out of developable / employment land in the foreseeable future. We are going to</p>

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			need room for housing, commercial and industrial needs. This plan does not provide clear direction on how settlement areas can be expanded.
10	1.4.1.5)	<p><b>Our Opportunities</b></p> <p><b>5) How can we manage future growth and still protect our farmland?</b></p> <p>In order to protect our farmland, we need to direct most of our development growth to our settlement areas. It will be essential to ensure we promote compact growth that will enable Grey's communities to save money on infrastructure costs and operating costs.</p>	<p>Clearly Hanover is an important settlement area in the County of Grey. We host the second largest population in the County. Many seniors in the region sell their homes and move to Hanover to be closer to services here. The recreational, cultural and social options are important to the people regionally. The farmers in our region depend on the vital offerings Hanover has. Hanover's land area could be doubled (not suggesting it be doubled) and have negligible impact on the County's farmlands and green space. Arguably, a plan to expand existing settlement areas (such as Hanover) will play an important role in protecting our valuable farmlands. Both sides are important. Farmers feed urban areas and urban areas are the market for farm products. There has to be a give and take on the farmland issue, so that existing settlement areas can grow and subsequently protect the farmlands.</p> <p>The plan needs to be careful that it does not stifle growth while promoting compact growth. Saving money on infrastructure and operating costs is an issue for the municipality, not the County.</p>
14	2	<p><b>Managing Our Growth</b></p> <p>How and where we grow is an important consideration for this Plan.</p> <p>This Plan continues to encourage the majority of growth within our settlement areas.</p> <p>The Provincial Policy Statement requires that the County, in consultation with local municipalities;</p> <ul style="list-style-type: none"> <li>• identify, coordinate and allocate population, housing and employment projections for local municipalities;</li> <li>• identify areas where growth will be directed;</li> <li>• identify targets for intensification and redevelopment within each local municipality including minimum targets</li> </ul>	<p>This is an important section and Section 1.3.1 of the PPS is clear. This suggests that Hanover is a prime target for growth and the County needs to do more to promote economic development and competitiveness in Hanover. Hanover is an important settlement area and it requires careful consideration. This plan, in fact, does little to encourage or facilitate growth in settlement areas. The County has done little to consult with Hanover in facilitating this growth and how Hanover is expected to deal with it.</p> <p>We can plan for the growth that will happen or simply let it happen organically. The County has an important role to</p>

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		<p>that should be met before expansion of the boundaries of settlement areas can be considered; and</p> <ul style="list-style-type: none"> <li>identify and provide policy direction for the local municipalities on matters that cross municipal boundaries.</li> </ul> <p>What this means is that the County must determine how much each local municipality will grow by and identify where this growth should go.</p>	<p>play in helping member municipalities to see the big picture and to get over petty political boundary spats. If our region is to prosper we must remove the barriers to growth. The County needs to say to the world that we have a plan that is sensible for a County to have it all - we will have jobs and a skilled workforce - we will have a good mix of housing to meet the varying needs of our residents – we will have a good supply of industrial, commercial and institutional lands - we will have a plan for the preservation of our precious farmlands - we will have member municipalities who have a clear vision of their role in the broader plan - we will have the guts to make difficult decisions that remove barriers to what we are planning to do.</p> <p><u>All</u> the bullets in this area are important. The big question should be: “if there were no barriers, what is the ideal role Hanover would play in the future of Grey County? How could we best position Hanover to play the role it needs to play in the County’s <i>balanced community structure</i>?”</p>
15	2.1	<p><b>Growth Projections</b></p> <p>The projections also help us determine whether additional lands are required to be identified as a Settlement Area Land Use Type to accommodate the projected growth and what housing will be required to ensure people have a place to live.</p>	<p>Table 2 understates Hanover’s employment for 2016 by 498 jobs or 8%. There will be 100 additional jobs in Hanover in 2018 alone based on a recent announcement. As a result, the housing unit forecast has also been underestimated. The land challenge has been underestimated and it is already evident.</p> <p>It is time for us to have a serious conversation about establishing “buffer zones” or “future expansion zones”. In other words, lets establish a reasonable distance (beyond existing boundaries) within which we will establish policies and principles to make future growth far less painful than it is today.</p>
17	2.1	<p><b>Growth Projections</b></p> <p>Boundary adjustments to any Community Land Use Types (designated growth areas) or the conversion of employment areas can only be considered if a</p>	<p>We agree. This requirement has been met. A comprehensive review was completed in 2010 and a commercial policy review in 2015. The commercial policy review showing market support for additional retail and</p>



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		comprehensive review is completed. A comprehensive review looks at whether additional land is required to accommodate the projected growth. If additional land is required, it looks at all the lands surrounding the existing Settlement Area Land Use Type to determine the best location for future growth. There are a number of matters that need to be considered as part of a comprehensive review which are outlined under Section 4.4.2 of this Plan. It will be important to continue to monitor growth patterns and trends to make sure we have enough designated land use types available to accommodate any new growth.	service commercial space in Hanover was derived from a combination of population growth in Hanover, population growth in the secondary study area, real growth in expenditures, and recapture of outflow spending captures by stores located outside of Hanover. Growth in the Hanover trade area generates demand and opportunity for additional retail and service commercial space in future years. There is an opportunity for 309,000 sf of additional retail and service commercial space in Hanover to the year 2036. An additional 45.2 hectares (111.8 acres) of land is required in Hanover to accommodate the forecast demand for commercial space to 2036.
18	2.1	<b>Growth Projections</b> Growth projections are not considered a limitation by which municipalities are constrained, and they may look to expand their settlement boundaries, provided adequate justification for doing so is accepted by the County.	<p>We agree. Details are in Section 1.1.3.8 of the PPS. Consider that Hanover currently has 257.7 acres of developable commercial designated lands (excluding 10 acres of undevelopable designated land) as identified by the Town Official Plan. With the expected demand for developable commercial land, the commercial land surplus/deficit is established. Based on the analysis, Hanover had a deficit of 13.4 hectares (33.1 acres) of commercial land in 2014. With the addition of the 25.25 hectares brought in by OPA 122, Hanover should have a reasonable balance between the supply and demand of designated commercial land to 2021. However, OPA 122 itself will not satisfy the longer term demand for commercial designated land in Hanover. To anticipate the future economic opportunities that will be generated by the Hanover market, additional commercial land will be required long before 2026. The longer term need for commercial land beyond 2021 cannot be accommodated within the current supply of designated commercial land.</p> <p>The County's growth projections and process by MGP has not helped Hanover with the required boundary changes. A much larger land mass is required so that Hanover can prepare an adequate settlement area that will allow</p>

**Town of Hanover**  
**Review of 'Draft' County Official Plan (dated November 23, 2017)**

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			flexibility in infrastructure, uses, availability and cost of lands, and to provide the lands needed to create a healthy Official Plan.
31	3.2.2.	Nothing within this Plan must be in conflict with the Nutrient Management Act or with carrying <b>out</b> normal farm practices on existing farm operations.	Typographical error
57	4.1	<b>Growing Our Economy</b> While the Official Plan cannot itself create development or job opportunities, it can have a positive attitude towards sustainable development and ensure that sufficient lands and supportive policies are in place to create an investment-ready environment across the County.	We agree. Hanover is one of the County's 2 primary settlement areas. Although the OP cannot itself create development or job opportunities, it does not have a positive attitude towards sustainable development. In fact, the plan's attitude stifles growth as its policies are not supportive of ensuring there are sufficient lands available for development in Primary Settlement Areas, such as Hanover.
58	4.2.5)	<b>Economic Objectives:</b> Ensure available lands, services and zoning policies are in place to attract a wide range of investment and businesses.	We agree. Hanover has no land readily available only a few properties along the northern boundary of Hanover that are not on municipal water and sewer. Hanover has sufficient capacity and is well positioned to expand its services well outside its current boundaries, particularly to the east and possibly to the north.
58	4.2.1.	<b>Encouraging Economic Growth</b> 1) The County will work with local municipalities to ensure that the physical needs of businesses are addressed, which include ensuring that: c) Industrial areas are designed in a way so that future development lands can support expansions, have access to major transportation routes, and have full services including gas, telecommunication and broadband.	We agree. Hanover's industrial area is fully serviced. What it doesn't have is the ability to expand because of the various forms of opposition. If the County truly wants to encourage economic growth, it would facilitate growth, including having dispute resolution mechanisms in place.
59	4.2.2	<b>Supply of Lands:</b> 1) Grey County will ensure that sufficient land is designated and available to accommodate an appropriate range and mix of employment opportunities (including industrial, commercial, and institutional uses) and that the supply is adequate to meet future demand while ensuring a competitive supply.	<u>This is Great!</u> Section 1.2.1 of the PPS ensure that the County has the authority to work with municipalities in managing and/or promoting growth and development. Adequate expansion to the east will promote economic development and competitiveness, will be available for a mix and range of uses, will provide suitably located and sized parcels for development of future businesses, will project and enhance the downtown area and main street for

Page #	Section #	Text	Comments
			existing and future businesses, will take into account the future needs of the town, and will preserve land for current and future needs. What is Grey County's plan for ensuring sufficient land is available in Hanover?
60	4.2.4	<p><b>Variety of Employment:</b></p> <p>1) The County will encourage a variety of employment opportunities in a variety of locations. Opportunities for industrial, commercial, and recreational activities will be supported in appropriate locations. The majority of opportunities will occur in settlement areas where full municipal services are available.</p> <p>2) Land shall be set aside in community areas to provide employment opportunities which will keep pace with residential growth.</p>	<p>Not only is Hanover's commercial and industrial land in short supply, but its residential land will soon be as well. There are currently 6 residential areas representing over 300 housing units. Pressure on available residential lands are driving up lot prices resulting in fewer opportunities for affordable housing.</p> <p>Suggest amending the wording to "<i>The majority of opportunities will occur in <u>primary</u> settlement areas where full municipal services are available.</i>"</p>
62/63	4.3	<p><b>Settlement Area Land Use Types</b></p> <p>The protection of existing investments in infrastructure by maximizing their use, where possible, is desired. This is why the policies of this Plan position settlement areas as the focus of urban growth and encourage appropriate development in all municipalities; that is development which does not negatively impact on the natural resources and is compatible with surrounding land uses.</p> <p>The vitality of settlement areas is critical to the long-term economic prosperity of our communities. Development pressures and land use change will vary across the County. It is in the interest of all communities to use land and resources wisely, to promote efficient development patterns, protect resources, promote green spaces, ensure the effective use of infrastructure and public service facilities and minimize unnecessary public expenditures.</p> <p>In most cases, there is sufficient approved, planned and potential unit supply and employment areas supply to accommodate the growth projections without the need for any settlement area boundary expansions. Settlement Area</p>	<p>The County's OP states "<i>In most cases, there is sufficient approved, planned and potential unit supply and employment areas supply to accommodate the growth projections without the need for any settlement area boundary expansions.</i>" Hanover is clearly the exception.</p> <p>Hanover completed a Commercial Policy Review in 2015 that clearly indicated the need for additional commercial land. The cost of this study was over \$40,000. The Town's Comprehensive Review completed in 2010 was the product of provincial staff and County interference that resulted with both the Province and the County satisfied, but Hanover Council and staff agreed that the IBI Report fell well short of what lands are required to sustain a good settlement area that has room for growth.</p> <p>We need to get beyond saying that a comprehensive review will be required prior to settlement area boundary expansion. The OP should anticipate future growth and pave the way for that growth to happen with as little red tape as possible. Each time the OP is reviewed, the existing boundaries should be reconsidered.</p>

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		<p>policies nonetheless specify requirements for consideration of boundary expansions should circumstances change. A comprehensive review will be required prior to a settlement area boundary expansion. The majority of growth will be directed to settlement areas. Development within settlement areas, will occur on full municipal services, where available. For the purposes of this Plan, the following settlement areas have been identified:</p> <ul style="list-style-type: none"> <li>Primary and Secondary Settlement Areas; <ul style="list-style-type: none"> <li>a) <b>Primary Settlement Areas</b> – larger settlements with full municipal servicing, and a wide range of uses, services and amenities are intended to be the primary target for residential and non-residential growth;</li> </ul> </li> </ul>	<p>Does Hanover need to complete another comprehensive review to justify what we already know? Hanover would agree to another comprehensive review but it would require a new 'terms of reference' that would create the settlement area Hanover and area requires. There needs to be a clear path forward as to how Hanover's growth and boundary expansion will be managed.</p> <p>Hanover meets the definition of "primary settlement area" in every respect. How is the County ensuring growth is being directed to settlement areas?</p>
63	4.3	<p><b>Table 7: Distribution of the County's Settlement Areas</b>  <b>Primary Settlement Area</b>  Hanover/West Grey (3j and 3k)</p>	<p>The County approved the Hanover/West Grey Secondary Plan as an opportunity for urban development on lands located adjacent to the designated Primary Settlement Area of Hanover. It has been demonstrated that a sufficient supply of land does not exist within Hanover to meet the long-term (i.e. 20 year) demand for certain land use activities, specifically commercial and open space.</p> <p>This Secondary Plan has not generated any interest from developers due to the multiple government approvals required.</p>
65	4.4.	<p><b>General Policies Affecting Settlement Area Land Use Types</b></p> <p>4) Local official plans and/or secondary plans should allocate land use types or sufficient land area to accommodate development potential for a minimum of ten years to a maximum of 20 years.</p>	<p>4) Hanover's OP was approved by the County in 2016. It contains all the policies required regarding the efficient allocation of land, including a minimum 10 years supply of land designated for residential development. No such provision is in place for commercial lands as the commercial review indicates Hanover is already in a deficit position. The policies in Hanover's OP and the need for expanded boundaries are supported by our Comprehensive Zoning By-law, Town of Hanover Strategic Plan, Economic</p>

Page #	Section #	Text	Comments												
		<p>7) Development of land use patterns of an urban nature will not be permitted in areas adjacent to a Settlement Area land use type without the expansion of a settlement area boundary. Expansion of a settlement area on partial services and private services will be discouraged.</p>	<p>Development Strategic Plan, Downtown Community Improvement Plan, Parks, Recreation &amp; Culture Master Plan, among others.</p> <p>Considering that 70% of the users of our services offered (including jobs) are utilized by citizens who reside outside of Hanover’s boundaries, it is reasonable to conclude that Hanover’s boundary definitely need to be enlarged so that more of these citizens can live inside our boundaries in an affordable manner.</p> <p>7) Hanover is not only short of commercial land, but residential as well. Pressure is mounting for development of an urban nature to the east of Hanover. Hanover has been approached by property owners to the west boundary and they also would like to see Hanover expand their boundaries to the west. We agree that a boundary expansion is the best solution.</p>												
67	4.4.1	<p><b>Intensification:</b> <b>Table 8: Minimum Targets for Residential Intensification</b></p> <table><tr><td colspan="4">Minimum Targets for Residential Intensification</td></tr><tr><td>Municipality</td><td>Primary Settlement Area</td><td>Secondary Settlement Area</td><td></td></tr><tr><td>Hanover</td><td>15%</td><td>N/A</td><td></td></tr></table>	Minimum Targets for Residential Intensification				Municipality	Primary Settlement Area	Secondary Settlement Area		Hanover	15%	N/A		<p>Based on understated employment forecasts, and hence, household growth projections, for Hanover (see comments for section 2.1), these residential intensification targets should be even higher.</p> <p>If the Town is to follow these policies, the development will never materialize because there clearly is a larger interest that is being ignored.</p>
Minimum Targets for Residential Intensification															
Municipality	Primary Settlement Area	Secondary Settlement Area													
Hanover	15%	N/A													
68-70	4.4.2	<p><b>Settlement Area Expansions (Comprehensive Reviews):</b></p> <p>1) Settlement area boundary expansions must be permitted only through an amendment to the County Official Plan, or a County approved Secondary Plan that addresses the following comprehensive review requirements:</p> <p>a) demonstration that sufficient opportunities for growth are not available through intensification, redevelopment and in designated growth areas to accommodate projected needs over the identified planning horizon:</p>	<p>The PPS states that “<i>settlement areas shall be the focus of growth and their vitality and regeneration shall be promoted.</i>”</p> <p>Section 1.2.4 of the PPS states “<i>Where planning is conducted by an upper-tier municipality, the upper-tier municipality in consultation with lower-tier municipalities shall identify and provide policy direction for the lower-tier municipalities on matters that cross municipal boundaries.</i>”</p>												

Page #	Section #	Text	Comments
		<p>b) the infrastructure and public service facilities which are planned or available are suitable for the development over the long term, are financially viable over their life cycle, and protect public health and safety and the natural environment;</p> <p>c) expansion will be considered primarily in the Rural land use type; and where it can be demonstrated that no alternative exists, expansion into other land use types may be permitted. No expansion will be permitted into Special Agricultural areas. In the case of Agricultural areas, it must be demonstrated that there are no reasonable alternatives which would avoid prime agricultural areas, and no alternatives exist on lower priority agricultural lands;</p> <p>d) demonstration of the ability of the area to service the proposed development area;</p> <p>e) impacts on agricultural operations adjacent or close to settlement area expansions are mitigated to the extent feasible. It must be ensured that MDS is met;</p> <p>f) impacts on licensed aggregate operations, and Aggregate Resource Areas are mitigated to the extent feasible;</p> <p>g) impacts on the Natural Environment as defined in Section 6 of this Plan are minimized;</p> <p>h) that growth can be accommodated without unacceptable impacts on the natural environment, surrounding land uses and within the constraints imposed by servicing;</p> <p>i) that cross jurisdictional issues are considered, where cross jurisdictional is interpreted to mean neighbouring municipalities both within Grey County, as well as neighbouring counties.</p> <p>2) Where settlement area boundary expansions are needed to meet projected development needs as outlined above, the decision on direction or location of settlement area expansions must be based on:</p>	<p>Section 1.7 of the PPS Long-Term Economic Prosperity is also clear. The criteria for support long-term economic prosperity are most available in primary settlement areas.</p> <p>A boundary expansion of the Town of Hanover is justified as it would meet the comprehensive review provisions of the County OP as well as the PPS. If Hanover has to complete an additional comprehensive review and it again indicates that a boundary expansion is justified/required and that all the servicing requirements can be met, what would be Hanover's next steps? What will be the County's position in assisting Hanover in advancing its boundary expansion needs?</p> <p>The Ministry of Agriculture, Food &amp; Rural Affairs has identified the land that surrounds Hanover as a Class 3 Rating on the CLI Agricultural Capacity Mapping. As proposed expansion areas to the east do not consist of Class 1 Class 2 Prime Agricultural lands, and as no other lands surrounding the Town of Hanover with a lower class agricultural rating are available or appropriate for the future growth of the Town, the expansion to the east is appropriate.</p> <p>When neighbours disagree, as seems to be the case, the County needs to help so that sensible growth can continue.</p> <p>As stated earlier, these 'terms of references' or reasons for boundary adjustments are too narrow in scope to justify any growth anywhere in the Province. They need to be rewritten to allow for a proper settlement area to be created and for good overall planning to happen within these new boundaries. On the surface, it appears that Provincial and County staff together with County Council want to stymie settlement area expansions and growth.</p>

Page #	Section #	Text	Comments
		<p>a) an analysis of servicing and transportation facilities, ensuring the efficient use and expansion of servicing infrastructure including sidewalks, trails and transit;</p> <p>b) agricultural land quality, directing growth to areas of lower land quality where feasible;</p> <p>c) protecting natural features and ecological functions within the natural heritage system;</p> <p>d) avoiding hazardous lands and hazardous sites;</p> <p>e) expansion into specialty crop lands is not permitted;</p> <p>f) ensuring that aggregate and agricultural resource development potential is not compromised by the expansion; and</p> <p>g) conservation of significant built heritage resources, significant heritage landscapes and significant archaeological resources, all in keeping with the policies of this Plan.</p> <p>3) Local municipalities will work with the County to manage the land inventory within settlements across the County to include sufficient land for residential, commercial, industrial, institutional, and recreational growth for a period of up to 20 years, including opportunities for intensification, redevelopment, and future growth areas. The timing and availability of municipal water services and sanitary sewage treatment capacity to service up to the 20 year growth projection must be considered and may require phasing of the development in accordance with service availability.</p>	
70-71	4.5	<p><b>Primary Settlement Areas</b></p> <p>Primary Settlement areas are settlement areas suitable for high intensification targets, public transit services, and have full municipal services. Municipalities with primary settlement areas will, in their official plans, identify and plan for intensification within these areas.</p> <p>1) Primary Settlement Areas as identified in Table 7 and shown on Schedule A of this Plan include existing major urban settlement areas on full municipal services.</p>	

Page #	Section #	Text	Comments
		<p>2) Land Use policies and development standards in areas designated Primary Settlement Areas will be in accordance with local Official Plans and/or Secondary Plans.</p> <p>3) This Official Plan promotes the development of Primary Settlement Area land use types for a full range of residential, commercial, industrial, recreational, and institutional land uses. These areas will be the focus of the majority of growth within the County. Lands may be designated to accommodate the growth projected in Tables 1, 2, and 3 of this Plan.</p> <p>4) Where there are existing partially serviced or non-serviced areas in Primary Settlement Areas, development must proceed in accordance with approved local official plans or official plan amendment policies.</p> <p>5) For the City of Owen Sound and the Town of Hanover, it is recommended that a minimum development density of 25 units per net hectare will be achieved for new development. For all other Primary Settlement Areas, a minimum development density of 20 units per net hectare will be achieved for new development.</p> <p>6) Intensification opportunities are strongly encouraged within Primary Settlement Areas. Municipalities must develop and adopt intensification strategies to ensure that the Residential Intensification Targets identified in Section 4.4.1 of the Official Plan are met. Intensification strategies in Primary Settlement Areas should consider:</p> <ul style="list-style-type: none"> <li>a) brownfield redevelopment;</li> <li>b) enabling 'as-of-right' permissions for second units in dwellings in residential areas and residential over retail;</li> <li>c) the development of vacant and/or underutilized lots within previously developed areas; and</li> <li>d) the expansion or conversion of existing buildings.</li> </ul>	<p>3) The County OP reiterates that primary settlement areas will be the focus of the majority of growth within the County; however, they need to let it happen without putting road blocks up that deter development.</p> <p>5) A higher density provision for Hanover and a higher residential intensity target suggests that the County is well aware of the shortage of lands in Hanover.</p> <p>6) Hanover's OP contains all the intensification language and land use policies required as per the County's OP and the PPS. Recently approved plans of subdivision achieve the 25 units per hectare requirements.</p>
71-72	4.5.1	<p><b>Existing Exceptions</b></p> <p>3) Lands identified as Future Secondary Plan Area on Schedule A – Map 3 and Secondary Schedule Map 3j and described as Part Lots 8, 9, 10, 11, 12, 13 and 14,</p>	<p>The County approved the Hanover/West Grey Secondary Plan again suggesting it is fully aware of the land shortage issues being faced by Hanover.</p>



Page #	Section #	Text	Comments
		<p>Concession 1 South of the Durham Road (SDR), Geographic Township of Bentinck, Municipality of West Grey shall be utilized primarily for uses existing as of the date of adoption of Official Plan Amendment No. 80 to the County of Grey Official Plan (March 3, 2009).</p> <p>A secondary plan entitled "Hanover / West Grey Secondary Plan" exists on the adjacent lands described as Part Lots 8, 9, 10, 11, 12, 13 and 14, Concession 1 South of the Durham Road (SDR), Geographic Township of Bentinck, Municipality of West Grey, as shown on Schedule A – Map 3, Secondary Schedule Map 3j, Secondary Schedule Map 3k. The policies for this Secondary Plan are found in section 11 of the Official Plan.</p> <p>An expansion of this existing secondary plan onto lands identified as Future Secondary Plan Area shall only be permitted where it has been demonstrated that:</p> <ul style="list-style-type: none"> <li>a) the lands designated for new development, by land use type, shall not exceed the growth requirements of the Town of Hanover and the existing "Hanover / West Grey Secondary Plan" area for a 20 year planning horizon;</li> <li>b) any lands to be added to the "Hanover / West Grey Secondary Plan" shall not be designated or zoned for development purposes;</li> <li>c) a phasing plan has been established for new development, including future road and infrastructure;</li> <li>d) the subject lands can be serviced by municipal water and municipal sewer services within the planning horizon;</li> <li>e) the subject land uses cannot first be accommodated within the Town of Hanover or the Hanover / West Grey Secondary Plan through redevelopment or intensification of their existing land supply;</li> <li>f) impacts on agricultural operations adjacent or close to the Future Secondary Plan Area are mitigated to the extent possible, consistent with the Provincial Policy Statement;</li> </ul> <p>and,</p>	<p>These special rules govern the only area Hanover has to grow. The lack of developable lands within Hanover's boundaries serves to increase the value of lands to the east which is counterproductive to further development. Negotiating with our neighbours has not proven to be productive. Growth will not be possible with these conditions imposed. Perhaps that is why the County is inserting them in the plan?</p>

**Town of Hanover**  
**Review of 'Draft' County Official Plan (dated November 23, 2017)**

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		<p>g) impacts on the Natural Environment are minimized, consistent with the Provincial Policy Statement.</p> <p>In determining the amount of land to be designated for future development and included within the secondary plan expansion area, the supply and growth in the Town of Hanover shall be assessed. An update to the Comprehensive Review conducted for the existing Hanover / West Grey Secondary Plan, or a new Comprehensive Review, shall be required prior to the expansion of the existing secondary plan area.</p> <p>Notwithstanding the above, lands which are outside of the Primary Settlement Area, Hanover / West Grey Secondary Plan area or the Future Secondary Plan Area may be considered for growth, provided a Comprehensive Review has been completed and that the above-noted criteria have been met through the secondary plan process.</p>	
104-105	7.1.1	<p><b>Affordable Housing</b></p> <p>The County supports...</p>	<p>A mix that includes affordable housing will not be built unless our policies dictate that a certain percentage of affordable housing units be built as part of new developments. This will continue to be a challenge as land shortages lead to increased land prices and developers simply cannot afford to build affordable housing.</p>
106	7.1.3	<p><b>Social and Special Needs Housing</b></p> <p>Grey County is primarily responsible for supplying, maintaining, and administering social and special needs housing. There is a recognized need for the County to take leadership in ensuring Social housing needs are met. The County will actively look to:</p> <ul style="list-style-type: none"> <li>• direct new social housing units towards designated Primary Settlement Areas to ensure residents live close to essential services and supports, promoting the flexibility and ease in carrying out a healthy lifestyle;</li> <li>• consider the different existing and future housing needs of each local municipality separately, and recognize that new social housing units should be targeted</li> </ul>	<p>These guidelines describe Hanover and Hanover should be considered a priority settlement area for new social housing units. Grey County and economic developers in the region are putting a heavy emphasis on newcomer attraction. These will likely be immigrants. Immigrants will be settling in our primary settlement areas mainly for the amenities we provide and better opportunities for developing their own cultural groups and resources. Hanover will be one of those preferred locational choices, in addition to Owen Sound, versus the rural areas.</p>

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		<p>towards certain municipalities, as assessed through one or a combination of the following criteria:</p> <ul style="list-style-type: none"> <li>a) those municipalities with the largest affordable housing supply shortages;</li> <li>b) those municipalities that already possess the services and amenities necessary for supporting residents of social and special housing units;</li> <li>c) those municipalities with existing low ratios of social housing units compared to the County average and;</li> <li>d) those municipalities that are forecast to experience the greatest amount of population and housing growth.</li> </ul> <ul style="list-style-type: none"> <li>• increase the supply of social and special needs housing units that are reflective of existing waiting list and trends in new applications, with an appropriate mix of 1, 2, and 3 bedroom units, targeting seniors, young adults, families, and single adults;</li> </ul>	
152	9.2	<p><b>Following the Plan</b></p> <p>8) The function of this Official Plan is to provide numerous options for implementation and includes but is not limited to:</p> <p>b) The County Plan will function as the document to provide joint planning among two or more municipalities, or by the development of local secondary plans as an amendment to this Plan;</p>	<p>This is a nice statement but how does it function in reality? The past has demonstrated that joint plans do not work with two or more governments involved. The OP in itself will not provide joint planning between municipalities without the County facilitating such discussions.</p>
153-154	9.3	<p><b>Making Changes to the Plan</b></p> <p>2) In considering a change to this Plan, the County will be guided by the basic intent of this Plan and by provincial policies along with:</p> <p>d) The impact of the proposed change on the County's and local Municipalities' ability to achieve the principles and policies expressed in this Plan, the local official plan, or on other County or municipal policies, programs and interests;</p> <p>3) It is intended that Council will regularly review this Plan and its continuing validity in light of:</p>	<p>We agree. As the plan stands, it needs to be changed now to identify the impacts of not allowing Hanover to grow and expand its boundaries.</p>

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**Review of 'Draft' County Official Plan (dated November 23, 2017)**

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		c) The need to maintain a supply of land for development in various land use types to meet the needs of the County.	
154-155	9.4	<b>Monitoring the Plan</b> 2) Data collection will have consideration for: a) Land utilization including the supply of occupied and vacant residential, commercial and industrial land (to be done on an annual basis); c) The range and market value of housing types, including the percent of affordable housing measured in relation to the benchmark set out in Section 7.1 of this Plan (to be done on an annual basis); i) The number of building permits issued per year by municipalities and the number of lots created per year in each municipality (to be done on an annual basis). k) Development density within Primary Settlement Areas (to be done on an annual basis in consultation with local municipalities);	The County OP defines “affordable housing” as the least expensive of the following: housing where the purchase price is at least 10% below the average purchase price of a resale unit in Grey County or annual housing expenses do not exceed 30% of gross household income.” There are 6 new housing developments on the go in Hanover representing over 300 housing units. None of these units can be considered “affordable housing.” The County and local OP’s need to better define “affordable housing.”
170	9.18	<b>Definitions:</b> COMPREHENSIVE REVIEW for the purposes of settlement area boundary expansion or employment area re-designation, means an official plan review which is initiated by the County or Local Municipality, or an official plan amendment which is initiated or adopted by the County or Local Municipality, which: 1) is based on a review of population and growth projections and which reflect projections and allocations by upper-tier municipalities and provincial plans, where applicable; considers alternative directions for growth; and determines how best to accommodate this growth while protecting provincial interests; 2) utilizes opportunities to accommodate projected growth through intensification and redevelopment; 3) confirms that the lands to be developed do not comprise Special Agriculture lands designated on Schedule A of this Plan;	Are the rules for comprehensive reviews consistent for all municipalities? Three page reviews vs \$40,000 studies?  See earlier comments for Comprehensive Reviews.

**Town of Hanover**  
**Review of 'Draft' County Official Plan (dated November 23, 2017)**

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		4) is integrated with planning for infrastructure and public service facilities; and 5) considers cross-jurisdictional issues	
172	9.18	<b>Definitions:</b> EMPLOYMENT AREAS means those areas designated in the County or Local official plans for clusters of business and economic activities including, but not limited to, manufacturing, warehousing, offices, and associated retail and ancillary facilities.	This definition defines Hanover.
205-210	11	<b>Hanover/West Grey Secondary Plan</b> <b>11.1 Purpose</b> The purpose of the Hanover / West Grey Secondary Plan is to provide an opportunity for urban development on lands located adjacent to the designated Primary Settlement Area of Hanover. It has been demonstrated that a sufficient supply of land does not exist within Hanover to meet the long-term (i.e. 20 year) demand for certain land use activities, specifically commercial and open space.  <b>11.2 Objectives</b> The objectives of this Secondary Plan are as follows: 1) To provide for an adequate supply of land that cannot otherwise be provided within the Primary Settlement Area of Hanover in order to meet the long-term demand for commercial land and open space land within the urban centre. 2) To ensure that development within the Secondary Plan area is consistent with the goals, objectives and policies of the Town of Hanover Official Plan. 3) To ensure that new development within the Secondary Plan area is serviced with municipal water and sanitary sewers. 4) To ensure that new development within the Secondary Plan area is serviced by a transportation system that provides for the safe and efficient movement of vehicular traffic within the Secondary Plan area and adjacent areas.	This Secondary Plan is now 3 years old and has been discussed with developers with no action taken place. The primary reason is too many approvals being required and the three government levels to be negotiated with. County of Grey, Municipality of West Grey and Town of Hanover.

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		<p><b>11.3 Secondary Plan Boundaries</b> The outer boundary of the Secondary Plan is shown on Schedule A Map 3 and Secondary Schedule Map 3j, both as amended. Alterations to this exterior boundary will require an amendment to the County of Grey Official Plan supported by justification addressing the County of Grey Official Plan policies of Sections 4.4.2 and 4.5.1(3) and the Provincial Policy Statement.</p> <p><b>11.4 Specific Land Use Designation Boundaries</b> The lands within the boundary of the Secondary Plan are designated either 'Highway Commercial' or 'Open Space' on Secondary Schedule Map 3k. Alterations to the internal boundaries between these land use types will require an amendment to the County of Grey Official Plan, except where such alteration represents a minor adjustment. An amendment to the County Official Plan shall only be considered where the alteration to the internal boundaries can be justified.</p> <p><b>11.5 Highway Commercial</b> 1) Permitted Uses The 'Highway Commercial' designation is intended to provide opportunities for new commercial uses which are not suited to locate within the downtown of Hanover due to their size and/or nature, and which do not compete on a functional basis with Hanover's downtown. Permitted uses shall include, but are not limited to: automotive uses; restaurants; motels; hotels; bulk sales establishments; garden centres; theatres; places of entertainment; and, building supply outlets, grocery stores, wholesale outlets, pharmacies, retail stores, or combination thereof, provided such uses occupy a minimum of 929 square metres of floor area and agricultural uses existing at</p>	

Page #	Section #	Text	Comments
		<p>the time of the approval of Official Plan Amendment 122 dated September 9, 2015.</p> <p>2) General Policies</p> <p>a) The lands designated 'Highway Commercial' shall be zoned with a "h" (holding) suffix in the implementing amendment to the Municipality of West Grey Comprehensive Zoning By-law. The "h" suffix shall not be removed until all servicing issues have been addressed and a Site Plan Agreement has been registered on title. In addition, where the proposed development involves a building supply outlet, grocery store, pharmacy, retail store or other store representing a combination thereof, and such development occupies a floor area exceeding 2787 square metres, the "h" suffix shall not be removed until a retail market study justifying the need for the additional floor space based on the type of the commercial use within the Town of Hanover and this Secondary Plan Area has been prepared to the satisfaction of the Municipality of West Grey in consultation with the Town of Hanover. The "h" suffix is not applicable to permitted agricultural uses.</p> <p>b) Proposals for new development shall be subject to a Site Plan Control Agreement involving the property owner and the Municipality of West Grey.</p> <p>c) The creation of new lots along the east side of Grey Road 28 shall be strongly discouraged, and conversely, land consolidation involving the existing lots along the east side of Grey Road 28 shall be encouraged, in order to promote the best and efficient use of the lands and safe traffic patterns.</p> <p>d) Lot creation, where permitted, shall be considered in accordance with Section 9.12 Lot Creation of the County of Grey Official Plan.</p> <p>e) The utilization of <u>mutual entrances</u> will be required along the east side of Grey Road 28. Development and re-development of these lands shall require the entrances to be constructed in the locations shown on Schedule 3k. All</p>	<p>The County's new policy seems to be no more mutual entrances.</p>

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		<p>Site Plan Agreements involving these lands shall require the approval of the County of Grey Transportation Services Department. Should land consolidation occur and/or other situations arise where it is more desirable from the County's perspective to construct an entrance in a different location than shown on Schedule 3k, such entrance may be considered without an amendment to Schedule 3k provided the entrance location and the entire Site Plan is satisfactory to the County of Grey Transportation Services Department.</p> <p>f) It is the intent of this Secondary Plan for all development along the west side of Grey Road 28 to gain its access from an internal road in order to eliminate entrances onto the County Road. Consideration for direct access onto Grey Road 28 may be considered where there is no internal road access and the entrance conforms to the County of Grey Transportation Services Department requirements.</p> <p>g) All developments may be subjected to the completion of a Traffic Impact Study and a subsequent peer review. All road modifications as recommended in the Traffic Impact Study shall be the responsibility of the developer.</p> <p>h) The minimum standards for 'Highway Commercial' development pertaining to, among other things, lot area, lot frontage, parking, lot coverage, outdoor storage, and open space, shall be included in the Comprehensive Zoning By-law for the Municipality of West Grey.</p> <p>i) Outdoor storage should be located to the rear of the main building or in an area of the lot where such storage is substantially screened from public view and where such storage will have the least impact on the adjacent land uses.</p> <p>j) Outdoor lighting shall direct light away from adjacent streets and properties.</p>	



Page #	Section #	Text	Comments
		<p>k) Adequate buffers between Highway Commercial development and adjacent non-commercial uses shall be provided in order to minimize potential land use conflicts.</p> <p>l) Re-development of the existing developed lots shall be subject to the policies of this Secondary Plan.</p> <p>m) All relevant policies of the County of Grey Official Plan shall apply to all land located within this Secondary Plan area. In the event of a conflict between the County Official Plan and this Secondary Plan, the most stringent policy shall apply.</p> <p>n) Notwithstanding section 11.5(1) and 11.5(2) to this Plan, existing uses, which were legally established prior to the approval of Official Plan Amendment # 122 dated September 9, 2015, shall be permitted to continue to be used for such purposes,. No expansions will be permitted to livestock agricultural uses within these lands.</p> <p><b>11.6 Open Space</b></p> <p>1) Permitted Uses</p> <p>The 'Open Space' designation is intended to provide opportunities for active and recreation activities. Permitted uses shall be various forms of public and private open space including parks, playgrounds, picnic areas, sports fields, tennis courts, community trails and other recreational facilities and agricultural uses existing at the time of the approval of Official Plan Amendment 122 dated September 9, 2015.</p> <p>2) General Policies</p> <p>a) The establishment of open space activities shall be encouraged to locate adjacent to elementary and secondary school sites where possible.</p> <p>b) The development of open space activities shall take into consideration the Parks and Recreation Master Plan for the Town of Hanover.</p> <p>c) Proposals for new development may be subject to a Site Plan Control Agreement.</p>	

Page #	Section #	Text	Comments
		<p>d) Notwithstanding section 11.6(1) and 11.6(2) to this Plan, existing uses, which were legally established prior to the adoption of Official Plan Amendment # 122, dated September 9, 2015 shall be permitted to continue to be used for such purposes. No expansions will be permitted to livestock agricultural uses within these lands.</p> <p><b>11.7 Municipal Servicing</b></p> <p>1) All new development and re-development of land within the Secondary Plan area shall be serviced with municipal water and sanitary sewers.</p> <p>2) Financial and other arrangements regarding the extension of such services will be determined through discussions involving the Municipality of West Grey and the Town of Hanover. The details of such arrangements will likely be carried forward into the individual Site Plan Control Agreements involving the owners of the respective properties.</p> <p>3) Minor changes to the existing developed properties may be permitted utilizing the existing private or partial services until such time as the municipal services are available.</p> <p>4) The required site plans for all new development and re-development of land shall include provisions for stormwater management. The County of Grey Transportation Services Department may be involved in the review of the site plan and may be a party in the Site Plan Control Agreement.</p> <p>5) The extension of municipal water and sanitary sewers shall generally be in accordance with Secondary Schedule Map 3k and to the satisfaction of the Town of Hanover and Municipality of West Grey.</p> <p><b>11.8 Transportation</b></p> <p>1) The policies of Section 11.5(2) shall apply.</p> <p>2) Sidewalks shall be required along one side of all new roads where deemed appropriate by the Town of Hanover and Municipality of West Grey.</p>	

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		<p>3) The visual impact of a development along a County Road shall be addressed in order to promote beautification along the main thoroughfares of Hanover and surrounding area.</p> <p>4) The construction of new municipal arterial/collector roads crossing generally in the area of the easterly Hanover-West Grey municipal boundary between the northerly limit of Grey Road 4 and the southerly limit of Knappville Road may be required. The alignment, design and need for any new municipal arterial/collector roads within those limits will be determined by a Class Environmental Assessment Act and the goal of minimizing any impact on existing agricultural operations shall be a significant consideration. An amendment to his Plan will not be required for the identification or construction of any new municipal arterial/collector roads approved pursuant to the Class Environmental Assessment.</p> <p><b>11.9 Existing Land Uses</b> The Secondary Plan is intended to provide opportunities to private land owners to develop their respective properties. Notwithstanding the land use types shown on Secondary Schedule Map 3k existing uses, which were legally established prior to the approval of Official Plan Amendment 122 dated September 9, 2015 shall be permitted to continue to be used for such purposes.</p>	



March 27, 2018

Mr. Randy Scherzer, MCIP RPP  
Planning Director  
County of Grey  
595 9th Avenue East  
Owen Sound, ON  
N4K 3E3

Dear Mr. Scherzer:

**RE: Grey County Draft Official Plan  
Royalton Homes  
West Side County Rd 21, Pt Lt 17, Con 1**

Thank you for meeting on this matter at your offices on February 6, 2018 to review the November 23, 2017 version of the "Recolour Grey Draft County Official Plan". This is a follow up letter to that meeting and the Public Meeting held March 27, 2018 and is submitted on behalf of our client Royalton Homes Inc.

### Location

The subject lands have about a 300m frontage along the west side of County Road 21 and comprise about 21ha. The lands are located north of the Scandinave Spa lands and south of the 13<sup>th</sup> fairway of the Monterra Golf Course.

### Town of The Blue Mountains Official Plan

Schedule 'A-5' to the 2016 local Official Plan designates the lands as "Residential Recreational Area" for the most part. A smaller area in the south-east quadrant is designated "Hazard". See below.

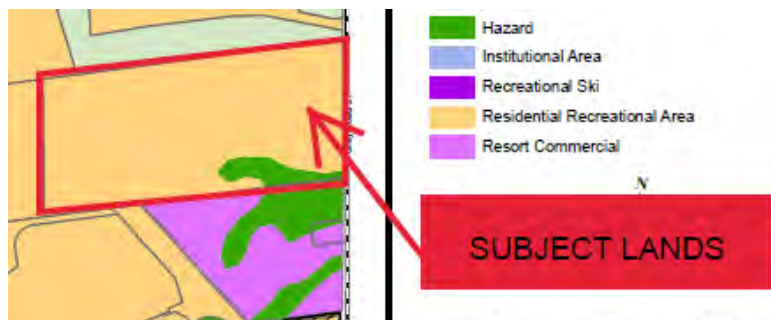


Fig. 1, Local Official Plan, Land Use

Appendix 1, Constraint Mapping, to the Local Official Plan identifies "Significant Woodland" and "Stream/River" as constraint considerations on the subject lands. See Fig 2, below.

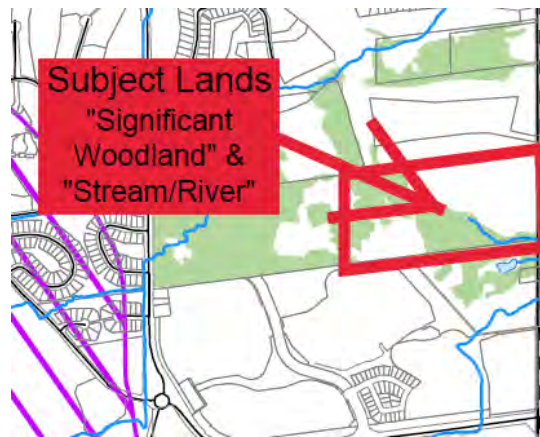


Fig. 2, Local Official Plan, Constraints

Our records show that in earlier versions of the drafts to the 2016 Local Official Plan, similar constraints had been identified on the Windfall property, (development lands situated to south) and were removed. I believe the rationale behind removal was that fact that the lands were draft approved and zoned for development. However, lands immediately to the west (Second Nature development) have a similar status as to that of Windfall, but the constraints remain (both areas shown in Fig. 2, above).

#### County of Grey Official Plan (Office Consolidation)

Schedule A, Land Use Designations, Map 2 shows the subject lands as being within the "Recreational Resort Area" designation. Appendix B, Constraint Mapping Map 2 identifies a "Significant Woodlands" constraint on the subject lands (Fig. 3, below).

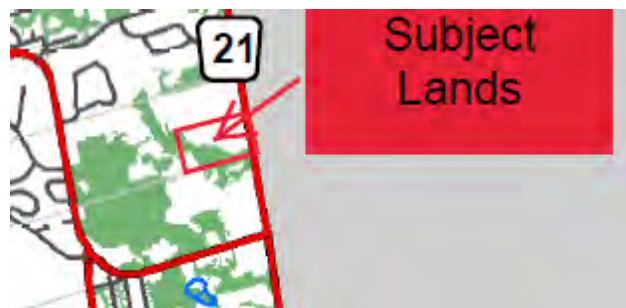


Fig. 3, Existing Official Plan Constraint Map 2

## County of Grey Draft Official Plan

The current review of the County Official Plan resulted in a Draft issued in November 2017. Schedule A, Land Use Types, Map 2 shows the subject lands as being located in the "Recreational Resort Area" designation. The Draft Official Plan notes that this designation "applies to settlement areas ... consisting of a defined development area, specific recreational amenities, residential development and serviced with full municipal services" (S.4.8).

In the Draft Official Plan, Appendix B, Constraint Mapping, Map 2 (see excerpt, Fig. 4, below) identifies "Other Wetlands" and "Significant Woodlands"



Fig.4, Draft Official Plan Constraint Map 2

## Comments

The local Official Plan, approved by the County in 2016, anticipates and encourages development of the subject lands. Environmental Constraints in the approved local Official Plan identify "Significant Woodlands" and "Stream/River" as potential constraints. It is understood that these potential constraints will be examined and defined in detail as part of the development review process that the Owner will undertake in the near future.

The subject lands are clearly situated in one of the County's most desirable settlement areas, (and probably one of the fastest growing areas). Both the existing Official Plan and the Draft Official Plan provide policy direction acknowledging that the area within which the subject land lie is provided with full municipal services and therefore should be a focus of growth.

The introduction of a new constraint "Other Wetland" in the County Draft Official Plan bears little relationship to the existing constraint identified in the approved local Official Plan in terms of location and extent. Section 6.4.2 to the Draft Official Plan does not make any clear policy distinction between "Other Wetland" and "Wetlands". This is not addressed in the Definitions section to the Draft Official Plan.

We request that term "Other Wetland" be appropriately defined in the Draft Official Plan. In addition, identification of this type of land use on the subject lands should at the most and at this scale, reflect the location and extent of the "Stream/River" constraint area identified in the local Official Plan as approved by the County in 2016.

With regards to the "Significant Woodlands" constraint, we understand that others may be commenting on the appropriateness of having such a constraint within any of the Settlement Areas. We note that in this particular location, the County continues to identify such constraints on lands that are already draft approved and zoned for development (noting Second Nature and Windfall as particular examples). Such identification ignores the development approvals in place that enable development. Consideration of removing this type of constrain identification is supported.

Thank you for the opportunity to review the draft Official Plan and to relay our preliminary comments. We look forward to continued involvement in the draft Official Plan review process.

Yours Truly,



Travis & Associates  
Colin Travis, MCIP RPP

Cc: Royalton Homes Inc.



March 27, 2018

Mr. Randy Scherzer, MCIP RPP  
Planning Director  
County of Grey  
595 9th Avenue East  
Owen Sound, ON  
N4K 3E3

Dear Mr. Scherzer:

**RE:     Grey County Draft Official Plan  
        Windfall Town of The Blue Mountains  
        Your File: 42T-2010-03**

Thank you for meeting on this matter at your offices on February 6, 2018 to review the November 23, 2017 version of the "Recolour Grey Draft County Official Plan". Please accept this letter as a response to some parts of this document on behalf of Windfall GP Inc. (Windfall).

## Background

Your files will show that Windfall is a comprehensively designed recreationally oriented residential community in the Town of The Blue Mountains. The original approvals include County approval of Local Official Plan Amendment No 27 on October 11, 2011 and, subdivision Draft Approval on November 15, 2011. These approvals accounted for plans to develop 609 dwelling units over 6 phases. In addition to residential land uses, the approved plans provide for substantial public and private open space uses, environmental protection areas and a variety of public car and trail right of ways. The County has reviewed and approved three minor redline revisions to the approved Draft Plan, the latest being on October 20, 2016.

Windfall is now well advanced with construction of Phase 2C and, have applications with the Town of The Blue Mountains for Phase 3.

## Comments on the Draft Official Plan

Overall, the continuation of essential land use policies that encourage and enable residential development in the Blue Mountains is acknowledged. The provision of public services such as roads, water and sewer are important elements in fundamental infrastructure requirements. The following are some preliminary comments on the November 2017 Draft Official Plan;

1. In the current Official Plan the planning land use structure is identified according to "Land Use Designations" (Section 2). The Draft Official Plan is proposing a departure in this nomenclature



to introduce a new term, "Land Use Types". The necessity for this change is unclear and the introduction of same is concerning. As a land use tool, the County Official Plan would ideally continue with policy tool terms that align with standard land use planning reference protocols. For example, the Niagara Escarpment Plan uses the term "Designations" and Local Official Plans use the term "Designations". The existing County Official Plan uses the term "Designation". In the Draft Official Plan, Section 10 refers to "Land Use Types" while Section 11 refers to "Land Use Designations". In the preparation of Planning Reports and in referring to land uses, it is preferable to retain current, standardized nomenclature for land use policy documents such as Official Plans. Without a review of the supporting evidence, the introduction of new terminology for the same tool is unnecessary and potentially confusing to the general public.

2. The subject lands are within the proposed Land Use Type "Recreational Resort Area" in Schedule A, Land Use Types, Map 2. This "designation" is the same as the "Recreational Resort Area" land use in the existing Official Plan, Schedule A, Land Use Designations, Map 2.
3. Section 4.8 to the Draft Official Plan more or less repeat the "Recreational Resort Area" policies provided in Section 2.6.7 in the current Official Plan. In this case, no concerns are raised.
4. Section 8.4 provides policies supporting the "Active Transportation" land use planning principles. The approved Windfall subdivision plan provides ample opportunity for pedestrian movement, trail connectivity and cycling infrastructure. Application of the same design approaches and connectivity opportunities with adjacent developments is supported by Windfall.
5. Appendix B, Constraint Mapping, Map 2 in the Draft Official Plan identifies "Other Wetlands" and "Significant Woodlands" as constraints on the westerly sector of the subject lands. We ask that these constraints be removed on the basis that there are no wetlands or woodlands in the west sector. As established under "Background", above, the subject lands have established approvals for residential subdivision development and such development predominates the west sector. The approvals granted by the County were based on accepted and peer reviewed environmental studies. As a long term planning land use tool, it is important that the draft Appendix B, Constraint Mapping, Map 2 in the draft Official Plan be updated to reflect the approved land use and fact that there is no "other Wetland" or "significant Woodlands" in the west sector.

Thank you for the opportunity to review the draft Official Plan and to relay our preliminary comments. We look forward to continued involvement in the draft Official Plan review process.

Yours Truly,



Travis & Associates  
Colin Travis, MCIP RPP

Cc: Ryan McGonigle, Windfall

## Scribner, Monica

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**From:** Taylor,Scott <Scott.Taylor@grey.ca>  
**Sent:** Thursday, March 29, 2018 10:30 AM  
**To:** Scherzer, Randy; Lacey-Avon,Stephanie  
**Subject:** FW: Official Plan Update Comments

**Importance:** High

FYI

### Scott Taylor

*Senior Planner*

Phone: +1 519-372-0219 ext. 1238



---

**From:** Robert Voigt [REDACTED]  
**Sent:** Thursday, March 29, 2018 9:33 AM  
**To:** Taylor,Scott  
**Cc:** Andrew Pascuzzo  
**Subject:** Official Plan Update Comments  
**Importance:** High

Good morning Mr. Taylor,

As per the call for public comments relating to the County's Official Plan we are submitting the following recommendations. Parkbridge Lifestyle Communities Inc. has a significant interest in the continued success of the County and its many municipalities. As both developers, and stewards of the neighbourhoods we create, Parkbridge is a valued member and partner in the communities in which we are located. We are proud to include two locations in Grey County as part of our growing success in providing attainable home ownership, and foresee continued success in this special region of Ontario.

Therefore, we are providing the following list of Official Plan policy direction recommendations that we feel will benefit the communities, businesses and natural environment of Grey County. These policy recommendations could help support the long-term success of the County by facilitating the continued evolution and development of vibrant, attractive, and healthy communities.

We are listing these recommendations in no particular order, and it is expected that the skilled planning staff of the County will integrate them in the most appropriate sub-sections of the Official Plan to maximize their effectiveness. We submit these for your consideration as you undertake the important work of updating the Official Plan, and would be happy to provide further detail or insights as might be helpful for this project.

**A)** In terms of policy that could clarify the structure for evaluating and supporting resource based recreational uses and development we recommend the following language additions to the Official Plan:

- I. Resource based recreational development must be located and have clear and distinct urban design characteristics that maximize the benefits of the site's unique and/or significant resources such as inland lakes, shorelines, and land form features; additionally, this type of development must provide opportunities for increasing and/or enhancing current public access to these natural resources and also facilitate effective stewardship of these features for the continued benefit of future generations.
- II. Resource based recreational development should include a combination of the following characteristics:
  - a. mix of land uses that support a diversity of uses and opportunities such as residential and commercial activities;
  - b. a built form that integrates and/or establishes lifestyle and/or cultural elements for the public within the development; and when practical, building on those existing within the County (such as the Georgian Trail; built form and programming opportunities for cultural events; cultural landscapes; and, active outdoor recreation facilities);
  - c. a built environment that provides meaningful visual and physical access to nature throughout the site;
  - d. where viable, integrating low impact development techniques for the land use planning, urban design, and engineering approaches to manage stormwater, through site arrangement and design, green infrastructure, and on-site naturalized features; and,
  - e. provide onsite public educational/interpretive information about the location's unique natural resource.

**B)** This second set of recommendations are focused on policies that help achieve greater amounts of attainable/affordable housing throughout the County:

- I. The County will support, promote, and facilitate the creation of attainable/affordable housing throughout the county and within municipalities through the use of all available planning tools such as community improvement plans, development permit systems, supportive zoning by-laws, and strategic reductions of development fees.
- II. Municipalities should improve their preparedness for supporting the development of attainable housing by including provisions for using all available planning tools in their Official Plans, so that they can be implemented when needed in the future, without requiring further municipal Official Plan changes.
- III. The County will facilitate the creation of attainable housing by giving first priority on the sale of surplus County owned lands to public, non-profit, and private entities that can exhibit the ability to provide, through any combination of a) design, b) form of development, c) tenure, and d) management, attainable/affordable housing that is a minimum of 25% below the cost for similar housing forms offered at free hold full market value.

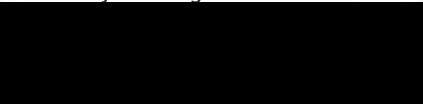
- IV. Municipalities within the County should develop policies and practices to facilitate the creation of attainable housing that give first priority on the sale of surplus municipally owned lands to public, non-profit, and private entities that can exhibit the ability to provide, through any combination of a) design, b) form of development, c) tenure, and d) management, attainable/affordable housing that is a minimum of 25% below the cost for similar housing forms offered at free hold full market value.
- V. Zoning by-laws should be updated to improve the ability to create attainable/affordable housing throughout the county by broadening definitions of allowable forms of housing and increased densities within residential and mixed-use designations; and, implementing inclusionary zoning provisions.

Thank you for accepting these recommendations, and please feel free to contact me directly, or Mr. Andrew Pascuzzo, Planner of D.C. Slade Consultants Inc. if you would like additional information.

Sincerely,

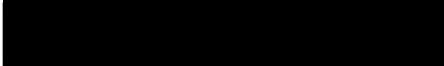


**Robert Voigt** RPP MCIP  
*Director of Planning*



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**Parkbridge Lifestyle Communities Inc.**



[www.parkbridge.com](http://www.parkbridge.com)

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**Township of Southgate  
Economic Development Office**

80 Proton St. N.  
Dundalk, ON N0C 1B0



**Phone:** 519-377-5057  
**Toll Free:** 1-888-560-6607  
**Web:** [www.southgate.ca](http://www.southgate.ca)

To: Clint Stredwick, Planner

From: Glenn Walker, EDO

RE: COMMENTS ON GREY COUNTY OFFICIAL PLAN

Hi Clint:

Here are a few things that Economic Development had concerns or questions on the County Official Plan Draft:

Pg. 16: The growth projections for population, employment and households are too low for Southgate. We could reach the 20 year projections in the draft for Southgate in 5 to 10 years.

Pg. 23: Why are Residential uses associated with farming are listed as Primary Uses, houses are not farms, but they are Agricultural-related Uses?

This has interesting implications for severing surplus houses off lots of agricultural land where the houses are not needed). Last thing we need is more estate residential type of uses in agricultural areas and this is one of the things are planners are trying to restrict in agricultural areas? Using them as Bed & Breakfasts such as on the Lewis farm in Holstein is an interesting option for surplus houses? Or they could be places to farm labour? Or retirement houses for Mennonites?

Pg.23: There are lots of farms with secondary uses which help the farmers survive. I believe there are a wide variety of uses such as building contractors, roofers, heating and cooling, bicycle repair, sewing shops, bed and breakfasts, etc. Most of these uses are not listed in Table 5.

Pg. 23: Are Kennels really a "Home occupation" in Table 5. They should be listed somewhere in the listings, but are they really a home occupation. Would all these Home Occupations be allowed in Primary Settlement Residential areas if they are listed as a Home Occupation? Should there be separate definitions of Urban Home Occupations and Rural Home Occupations with a list of different uses? In the definitions on pg. 176 they are listed together, but not defined. Also see my comments on pg. 176.

Pg. 24: c) OPA#92 Is this Golden Ontario? There is no reference to this as indicated on Schedule A – Map 2. There does not appear to be an easy way to look up this OPA in the new or current OP? Is it listed somewhere in the OP texts, schedules or maps, etc.?

Pg. 25: 3.2.2 1) a) “forms of agriculture that provide more employment on a per hectare basis” I am not sure the implications of this policy. Most forms of agriculture have fewer employees per hectare over time as they become more efficient and they deal with the lack of affordable agricultural labour. We should not be discouraging efficiency. What is the purpose of this policy?

Pg. 29: 12) what is the basis for the 750 sq. m. building size limit? Does this policy apply only to Agricultural land uses or does it apply to Rural land uses as well? Is there a need to save these rural lands which isn't necessary “good” agricultural land?

Pg. 30: 17) Since Residential uses are primary Agricultural Use, does policy 17 to save historic farm buildings allow these buildings to be converted to residential uses?

Pg. 37: d) There is a Bible camp in Southgate too. Does it need an OPA?

Pg. 46: Section 3.6.2. How do the Aggregate Resource Areas interact with Green linkage policies? What has precedent aggregates resources or green?

Pg. 59: 4.2.3 the conversion of employment lands is not the only conversion issue. The County has a severe shortage of industrial buildings, which is much more of an issue than the shortage of land and there is no mention of conversion of industrial buildings only land.

Pg. 63: Table 7. Conn and Proton Station should be listed to the settlement areas. They are the same size as other rural settlements such as Hopeville, Swinton Park, Varney, Cedarville, Dromore, etc. Just because they are split between 2 municipalities shouldn't impact them as settlements. If splitting is really that important perhaps Owen Sound should be removed as a settlement since it has parts in Owen Sound and Georgian Bluffs and maybe Meaford? I would hope to avoid issues that Misty Meadows had in needing a County OPA to expand/redevelop their building. If they expand in the future are they going to have to go thru this County OP process again?

Pg. 63: I believe that there are 3 main settlement types:

- Primary should apply to urban settlements with services
- Secondary would apply to larger settlements without full services (such as Holstein or Flesherton).

*- exceeding what we would have allowed for - needed OPA*

- Tertiary Settlement Areas that are small and just a collection of houses and may a park, a business or place of worship.

I believe it is confusing to use the term Settlement Area that includes Inland Lakes, Recreational Resort Areas, Sunset Strip Area and an Industrial Business Park as well. That is a first for me, referring to an Industrial Business Park as a "settlement area".

Pg. 64: 4.4 Most of the policies in Section 4.4 really only apply to larger, more urban settlements (Primary and to a lesser degree, Secondary) such as intensification, mixed uses, public services, secondary plans, schools, etc. These policies do not really apply to smaller Tertiary settlements since they are too small for these policies to apply. Perhaps the General Settlement policies section could be largely eliminated. With the policies currently there moved to the appropriate individual Settlement Sections for the 3 types of settlements and the other kind of settlement areas (Inland Lakes, Resorts, Sunset and Business Park).

Pg. 72: Section 4.6 should be split into 2 sections, one for larger unserved Secondary settlements such as Holstein and one for smaller unserved Tertiary settlements such as Hopeville. They could be allowed in Secondary Settlements like Holstein perhaps? There should be separate policies for smaller Tertiary Settlements.

Pg. 75: 4.7 2)

Here are my original comments on Section 4.7 2) because I was confused by the use of the term "Resource Based Recreational Uses" that includes accommodation such as campgrounds, lodges and resorts which is a bit confusing. It wasn't until I read the Definition of Resource Based Recreational Use on pg. 181 that I realized that the Homestead Resort was allowed in the designation.

"I am not sure that the Homestead Resort would be an allowed use in the Inland Lakes and Shoreline Areas designation? Perhaps a resort should be allowed and expansion of the Resort would be allowed. It would be great to get the Resort upgraded and redeveloped to allow hotel type uses, maybe condos or medium density townhouses at the Resort, etc. Would the golf course be allowed? I am not sure if it is in the Inland Lakes designation or in another designation? Are short term accommodation such as cottage rentals allowed?"

After going through the uses allowed in the Inland Lakes and Shoreline Areas designation, I assumed that the Homestead Resort is not an allowed use since it is not a recreational use like a park or recreation facility. It is an

easy mistake to make since recreation doesn't imply "accommodation" like campgrounds, lodges and resorts. Perhaps there is a more accurate term that reflects the uses or perhaps 2 terms could be used such as Resource Based Recreation Uses (recreation & skiing/snowboarding) and Resource Based Accommodation Uses (campgrounds and lodges/resorts).

We have a bible camp in Southgate. It is place of worship or a Resource Based Accommodation Use?

Pg. 76: 4) Perhaps the Homestead Resort property should be re-designated as a Recreational Resort Area given the existing use and the potential for expansion or redevelopment?

Pg. 86: The Natural Heritage Core Areas exceptions: includes "agricultural uses". Does this mean that farmhouses and agricultural labour accommodations and other farm buildings are allowed in Core Areas? Other exemption policies imply that they are restricted? The definition of agricultural uses in the definitions says that agricultural-related accommodation is an agricultural use (pg. 168).

Pg.86: The Natural Heritage Core Area exceptions: includes "existing or expanded mineral aggregate extraction". If new aggregate/mineral operations are not allowed then that means that Natural Heritage is more important and takes precedence over Aggregate/Mineral policies. As a result, how much of the County's aggregate resources are no longer available because they are Natural Heritage now? If these Aggregate/Mineral areas can no longer be developed then should they be removed from the Schedule B map?

Pg. 100: 6.12.1 3) Is it appropriate to have Parkland Dedication policies for industrial development that allow a sensitive use to be located in an employment area? It is my understanding that parkland (i.e., an outdoor recreational use) is usually considered a Sensitive Land Use (although they are not listed in the County's definition on Pg. 182) The Provincial D-1-3 Land Use Compatibility: Definitions indicate that "Certain outdoor recreational uses deemed by a municipality or other level of government to be sensitive (e.g. trailer park, picnic area, etc.)"

Pg. 102: 7.1 Residential intensification is usually only possible where public transit is available to support the density. Local transit is not available in almost all of the settlement areas in Grey County. Should residential intensification be applicable in settlement areas if public transit and other supportive services are not available? It would be difficult to do most of the intensification policies outside of Owen Sound which has the infrastructure and services to accommodate more density.



Pg. 105: i) the Housing First Policy should only apply in designations that allow residential development and not in employment areas.

Pg. 109: 1) Point 6 what is a "food desert"? It is not defined anywhere.

Pg. 109 -110: The Minimize Adverse Effects policy does not define what are "major facilities" are. I believe that "major facilities" are specific uses from the planning document that the original policy came from. A definition of "Major Facilities" should be added to the definitions section or those specific uses should be listed in this policy.

Pg. 113: Under the method of notice under Mail says that "Those **living** within 120 metres of the subject lands...will receive mail notification". There are 3 issues with the notice:

- 1) The circulation is missing the business community entirely since it only mentions residents. To be fair, notifications should be made to all "lands" within 120 metres or something similar.
- 2) The second issue is that in some cases such as the implementation of D-6 or MDS guidelines 120 metres is not a sufficient notification distance if properties impacted by the guidelines 300 to 1000 metres away. There are many examples in Toronto where places of worship and schools were allowed in Employment Areas within 120 metres of heavy industry where the minimum separation distance was 300 metres and the impact area was 1000 metres and the industries were not notified of the change. The industries subsequent operations were impacted by the policies of the MOE which did not apply since the policies only come into effect based on the distance to the nearest sensitive use. The mailing and other notification policies should be revised to have larger circulation areas when D-6 or MDS are being applied.
- 3) The third issue is that most businesses lease their properties or building units. Unlike residents, they are not shown on the assessment roles; only the owner of the property is shown in the roles. In addition, the owners are not required to distribute the notice to their tenants. In some cases, the interest of the property owners and business tenants differ and the owner may support the planning change and the tenants would not support the change, etc.

Pg. 120, plus: Thru out Section 8 Transportation policies, Horse & Buggies need to be added where necessary.

Pg. 121: Point 3 mentions that wayfinding signage is needed only for only pedestrians and cyclists on routes and trails. It may also be worth

mentioning wayfinding signage for motorists, tourism and downtown renewal, etc. should also be mentioned in the OP policies.

Pg. 126: 6 a) I fully support the extension of Grey Rd. 9 into West Grey which would increase traffic through Dundalk and make the road more popular to motorists and tourists.

Pg. 126: 6 b) It is my understanding the Transportation staff have a policy to maintain connections of County roads that cross County boundaries and connect with County roads in adjacent Counties. County Rd 14 runs from Arthur in Wellington County to Grey Rd. 4. County Rd 14 crosses into Grey at Hwy 89 in Conn. Shifting County Rd 14 to Southgate Sideroad. 11 means that County Rd. 14 runs from Arthur to Hwy 89 and stops, it then restarts at the existing Southgate Sideroad 11 and heads north. The shift over Southgate Sideroad 11 disconnects the Grey County Rd. 14 and Wellington County Rd. 14.

Pg. 126: 6 e) The County appears to have some sort of a plan for the Dundalk Industrial Park by-pass. I have not been informed of any plans by the County for an industrial by-pass. I am spending part of my ED budget on a road from the Eco Park to Hwy 10 and it will serve as a downtown Dundalk truck by-pass road. This Township road has achieves similar objectives to the Dundalk Industrial Park by-pass. Perhaps the policy is referring to the road from the Eco Park to Hwy 10? We should clarify what the Dundalk Industrial Park by-pass is referring to?

Pg. 127: 11) The County needs to finish this section which is not complete in the version I am reviewing. The second part of the policy deals with industrial operations and should be a separate paragraph. The policy would appear to focus on aggregate truck traffic and on-farm diversified uses.

Pg. 127: 11) There should be policies in the Official Plan to deal with trucking routes from industrial parks and individual industries on County Roads and how access is provided to Provincial Highways. The road standards to truck routes would be able to accommodate loads. It would appear in Dundalk that there may not be a truck route to the Eco Park until the road to Hwy 10 is built. It was my understanding that trucks are supposed to access the Eco Park via Grey Rd. 8 and Grey Rd. 9 to Ida St. However, I just found out that Grey Rd 8 is a half load road which may not accommodate the full loads of trucks accessing the Eco Park?

Pg. 127-128: 13) Measures to reduce the visual and noise impacts from roadways should refer to adjacent "sensitive land uses" rather than just residential development as the policy states.

Pg. 152: 4) This policy refers to the Minister of Municipal Affairs. Other policy references are to the Minister and Ministry of Municipal Affairs and Housing.

Pg. 176: Home/Rural Occupations. Note that "Home Occupations" is used with an example of uses in the Small Scale On-farm Diversified Use on pgs. 23 and 179. Home/Rural Occupations are permitted in Secondary Settlement Areas (pg. 73) and Inland Lakes and Shoreline Areas (pg. 75). Home/Rural Occupations are not specifically mentioned as being permitted in Primary Settlement Areas (4.5 3) pg. 70). I would likely make sense to have separate definitions for Home Occupations in Settlement Areas and Agricultural/Rural home occupations in non-settlement areas. As an example kennels could be allowed as an Agricultural/Rural Home Occupation in Agricultural and Rural Areas but not in Settlement Areas?

Pg. 181: I find the use of the term "Resource Based Recreational Uses" that includes accommodation such as campgrounds, lodges and resorts a bit confusing. After going through the uses allowed in the Inland Lakes and Shoreline Areas designation. I assumed that the Homestead Resort was not an allowed use since it is not a recreational use like a park or recreation facility. It is an easy mistake to make since Resource Based "Recreation" Uses doesn't imply accommodation like campgrounds, lodges and resorts. Perhaps there is a more accurate term that reflects the uses or perhaps 2 terms could be used such as Resource Based Recreation Uses (recreation & skiing/snowboarding) and Resource Based Accommodation Uses (campgrounds and lodges/resorts)?

Pg. 182: In the Sensitive Land Uses Definition there should be a consideration to refer to the Provinces D-1-3 Land Use Compatibility: Definitions in the D-6 Guidelines in the definitions.

Pg.182: I had an earlier question if a park in a Sensitive Land Use. It is an outdoor recreation space that could be sensitive. Another question is a parking lot or a sidewalk a sensitive use since it is an outdoor use exposed to nearby industry? I think that the uses considered sensitive should be defined. And why are examples used and not a list of uses?

Pg. 182: I believe it is confusing to use the term Settlement Area to include Primary and Secondary Settlements areas, but it also includes Inland Lakes, Recreational Resort Areas, Sunset Strip Area and an Industrial Business Park as well.

In Schedule A: It is a bit confusing not to show lakes and rivers on the maps. I assume that they are part of Hazard Lands? And the map doesn't show local municipal boundaries either.

In Schedule B: Only aggregate and mineral areas are shown. For context it would be easier to figure out where these areas are if additional details were shown like primary settlements, municipal boundaries, lakes and rivers, etc.

In Schedule C Natural Heritage map: It would be appropriate to show settlement areas on the map too. There is a natural heritage linkage that comes very close to Holstein in particular. It would be nice to know where that linkage is.

Schedule C Natural Heritage map: I understand the use of overlays such as Schedule C, but it is difficult to see how the Natural Heritage areas impact communities such as Holstein or Aggregate Resources areas when they are on different map layers. I never got my question to County planners addressed on which is more important the development of aggregates or the protection of natural heritage? I get the impression that Natural Heritage is of higher importance and many aggregate resource areas may not be allowed to be developed in the future.

Schedule C Natural Heritage map: I still have concerns with the interaction of natural heritage and agriculture. Natural Heritage areas and linkages will encourage predators to be closer to farm animals and there are already issues with predators. I have heard that sheep farmers are becoming reluctant to allow sheep to wander the fields grazing because of predators. Who is going to pay for the fencing between agriculture and natural heritage?

I would hope that in the OP interactive mapping you could show the aggregate/mineral and natural heritage areas with other layers so it is easier to see where they are on the ground and how they overlap with each other.

I would hope that the final version of the OP would be primarily web-based. In that case, the defined terms and pop up maps would be available make it easy to navigate the Official Plan. And where there are reference to other sections of the plan there would be links or pop ups available. In other words, the Official Plan would be interactive, doing things to make it user friendly.

**Scribner, Monica**

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Response by \_\_\_\_\_  
729 # Entered in Spreadsheet  
✓ Summarized (comment chart)

**From:** Taylor,Scott  
**Sent:** Friday, November 17, 2017 3:08 PM  
**To:** Scribner, Monica  
**Subject:** RE: Re-colouring Grey

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Hi Monica – yes can you please print (including the linked map) and put the hard copies in the recolour grey file?

Thanks

**Scott Taylor**

*Senior Planner*

Phone: +1 519-372-0219 ext. 1238



---

**From:** Scribner, Monica  
**Sent:** Friday, November 17, 2017 2:56 PM  
**To:** Taylor,Scott  
**Subject:** RE: Re-colouring Grey

Hi Scott  
Do you need me to do anything with this one? ☺ Mon

**Monica Scribner**

*Administrative Assistant - Planning Department*

Phone: +1 519-372-0219 ext. 1232



---

**From:** Taylor,Scott  
**Sent:** Thursday, November 02, 2017 12:37 PM  
**To:** Scribner, Monica; Scherzer, Randy  
**Subject:** Fwd: Re-colouring Grey

FYI  
Sent from my iPhone

Begin forwarded message:

**From:** "Walker, Glenn" <[gwalker@southgate.ca](mailto:gwalker@southgate.ca)>

**Date:** November 2, 2017 at 9:49:20 AM EDT

**To:** "Taylor,Scott" <[Scott.Taylor@grey.ca](mailto:Scott.Taylor@grey.ca)>

**Subject:** Re-colouring Grey

Hi Scott:

I suppose if you show this map Appendix C - Traditional Territories of the Saugeen Ojibway Nations in the County OP, the OP should also somehow accommodate the Six Nations who have territories in the Grand River watershed including Dundalk and I would guess about 5 – 10% of eastern Southgate.

Glenn Walker

Economic Development Officer

Township of Southgate

80 Proton St. N., Dundalk, ON N0C 1B0

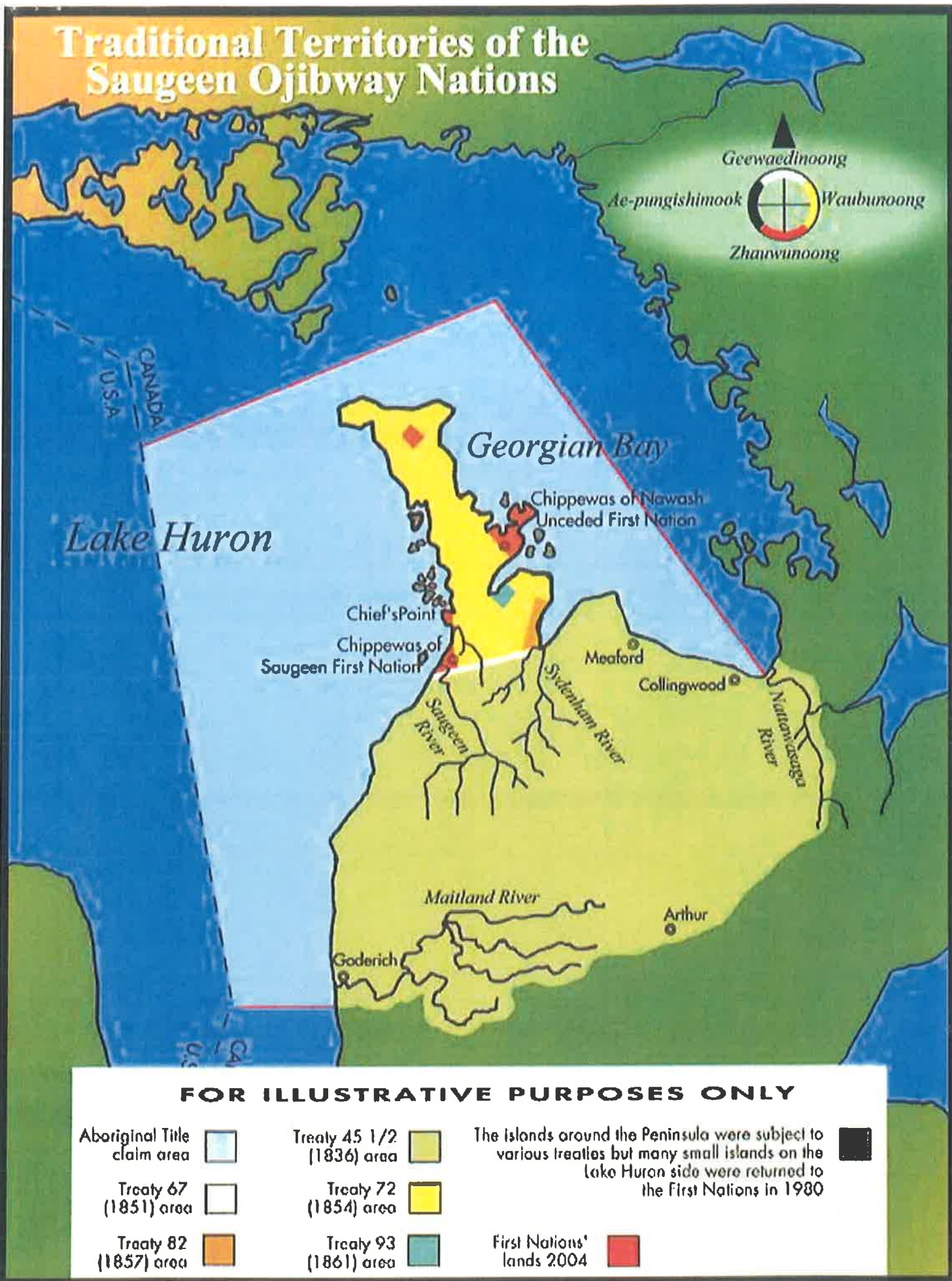
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519-377-5057

Toll Free 1-888-560-6607 ext. 258

[www.southgate.ca/content/economic-development](http://www.southgate.ca/content/economic-development)

# Traditional Territories of the Saugeen Ojibway Nations



## Scribner, Monica

---

**From:** Taylor,Scott  
**Sent:** Thursday, November 02, 2017 12:37 PM  
**To:** Scribner, Monica; Scherzer, Randy  
**Subject:** Fwd: Re-colour grey

FYI

Sent from my iPhone

Begin forwarded message:

**From:** "Walker, Glenn" <[gwalker@southgate.ca](mailto:gwalker@southgate.ca)>  
**Date:** November 2, 2017 at 9:58:10 AM EDT  
**To:** "Taylor,Scott" <[Scott.Taylor@grey.ca](mailto:Scott.Taylor@grey.ca)>  
**Subject:** Re-colour grey

Hi Scott:

Check this out: <http://www.sixnations.ca/LandsResources/cslc23.htm> since it impacts Southgate.

Glenn Walker  
Economic Development Officer  
Township of Southgate  
80 Proton St. N., Dundalk, ON N0C 1B0  
[gwalker@southgate.ca](mailto:gwalker@southgate.ca)  
519-377-5057  
Toll Free 1-888-560-6607 ext. 258  
[www.southgate.ca/content/economic-development](http://www.southgate.ca/content/economic-development)



### INFORMATION INDEX

#### ▣ Six Nations Land Claim Summaries *(Basis & Allegations)*

- Filed with Specific Claims (29)
- Potential Claims to be researched

### MAPS



### 23. Source of the Grand River

On October 25, 1784, Sir Frederick Haldimand, Captain General and Governor in Chief, issued a Treaty authorizing Six Nations to take possession of and settle upon the Banks of the Grand River. The lands extending for six miles from each side of the river beginning at Lake Erie and extending in that proportion to the head of the Grand River. Wherein, members of Six Nations and their descendants were to enjoy forever. The lands under the Haldimand Treaty consisted of approximately 950,000 acres.

Subsequently on January 14, 1793, Lieutenant Governor John Graves Simcoe issued a Patent which granted to Six Nations forever, "all of that territory of land forming part of the district lately purchased by the Imperial Crown from the Mississauga Nation, beginning at the mouth of the Grand River where it empties itself into Lake Erie, and running along the Banks of the Grand River for a space of six miles on each side of the river, or a space co-extensive therewith", and continuing along the Grand River to a place known by the name of the Forks, and from there along the main stream of the Grand River for the space of six miles on each side of the main stream, or for a space equally extensive therewith. The lands allocated to Six Nations under the Simcoe Patent consist of approximately 675,000 acres being only a portion of the Haldimand Treaty lands of 1784.

### ALLEGATIONS

The Crown failed to grant to Six Nations, by the Simcoe Patent, the lands extending to the head of the Grand River (located north of the present Township of Nichol) in the Township of Melancthon. The lands consisted of approximately 275,000 acres, which Six Nations were entitled to have reserved for them under the Haldimand Treaty.

*\*\*These are brief summaries and they are subject to change as additional research information may be acquired*

**Lacey-Avon,Stephanie**

**From:** [REDACTED]  
**Sent:** Thursday, January 18, 2018 4:29 PM  
**To:** Taylor,Scott  
**Subject:** Re: Draft Official Plan for Grey County

Thanks so much Scott for your lengthy and wonderfully detailed answers to all my questions. You do know your job. Appreciate your passing on my Grey County song, my website and the youtube performance. It can be revised and also it has not been recorded properly. I am offering this free of charge as I believe in promoting Grey - for all it is worth - a treasure chest full of precious gems to me. Will digest all this information and also pass on the flyer to folks that I encounter in my daily life and work.

Kudos to you  
 [REDACTED]

On Thursday, January 18, 2018 3:04 PM, "Taylor,Scott" <Scott.Taylor@grey.ca> wrote:

Hi [REDACTED]

Thanks for taking the time to share your thoughts and comments with us. I apologize for the delay in responding on this matter. We will try to provide some answers below to your questions. We are also happy to arrange a meeting or a phone call to discuss the below matters further, though based on your schedule it appears email may be the easiest form of communication.

*1. Are the restrictions in place still to only allow severances of 100 or larger acreages to only one severance? The practice in the past in Southgate Township allowed a citizen to purchase a 100 (or larger) acre farm with a residence and farm buildings and obtain a severance of a small acreage (perhaps one or two acres as a house envelope) together with the house. Then the citizen was able to sell off the smaller envelope and keep or sell the remaining acreage. This is very lucrative practice for a well connected (council member or relative) to seize an opportunity when a farmer has financial difficulties and is forced to sell. However, this practice is not a well-thought out plan for farming in Grey County.*

Within the County we have three designations across the countryside which permit farming, and some lot creation. Below is a summary of the 3 designations and what can be considered in each of them in the proposed County Plan (Recolour Grey). The caveat to the below is to note that municipalities have the ability to be more restrictive than the County in their local official plans. For example, whereas the County currently allows for 3 total lots in the Rural designation per 40 hectares, the Township of Southgate only allows for 2 total lots in the Rural designation per 40 hectares.

Designation Name	Minimum Farm Size	Farm lot creation possible?	Non-farm lot creation possible?	Lot additions or lot boundary changes possible?	Notes
<b>Agricultural</b>	40 hectares	Yes – provided the severed and retained are each 40	Only for the severance of a surplus farm dwelling	Yes – with adequate justification	Generally the best farm lands in the County, which are still in larger blocks of

		hectares in size, or there's justification for creating a smaller viable farm size	severance (which must be as small as possible to contain the house / garage), where the balance of the land must be zoned for no new dwellings, or for the severance of an agricultural-related use (e.g. a grain elevator).		farmed land.
<b>Rural</b>	20 hectares	Yes – provided the Rural lot density is not exceeded	Yes – residential lots and agricultural-related uses, can be severed, as well as hobby farm sized parcels less than 20 hectares.	Yes	The Rural lot density applies to both farm and non-farm parcels and permits a number of severances based on the original crown survey. E.g. for original township lots of 20 hectares, it's possible to get 1 severance for 2 total lots, whereas for original township lots of 80 hectares it's possible to get 4 severances for 5 total lots.
<b>Special Agriculture</b>	10 hectares of agriculturally productive area	Yes – provided the severed and retained each have 10 hectares of agriculturally productive area	No	Yes – with adequate justification	The Special Agriculture lands are our apple and grape growing areas in Meaford and The Blue Mountains, and the policies are reflective of the micro-climates and smaller lot sizes needed for these specialty crops.

County staff are also aware that the farm community is divided over surplus farm dwelling severances i.e. there are those that find it necessary to expand their operations, and there are those that believe it's not sustainable or could create land use conflicts in the future. The Province currently allows for such lot creation within the Provincial Policy Statement, as does the County of Grey, with some restrictions attached. If you have any further thoughts on this topic we would love to hear them.

*2. What are the zoning requirements now? I am not self-interested at all for my benefit. I personally believe acreages in the rural areas of Grey County should be set at 10 acres plus for hobby*

*farms. This practice will sustain interest in ability to do small scale farming. The practice of severing 1 acre, 2 acre lots for example is not supportive of farming.*

Zoning is actually a responsibility of each of Grey County's nine member municipalities (i.e. they each have their own zoning by-law). Within each of the above three countryside designations (Agricultural, Rural, and Special Agriculture) farming is permitted, on-farm businesses are permitted, houses on existing lots, and in some cases new lots, etc. However, the exact details of what's permitted in each can be found in the municipal zoning by-laws. Two acres lots can be severed in the Rural designation, only where the lot density (see above) has not been exceeded. Generally two acre lots would not be permitted in the Agricultural designation, except in the case of a surplus farm dwelling severance or an agricultural-related use.

*3. Are residential lots NOW BEING LIMITED IN GREY TO ONLY ALLOW DEVELOPMENT AROUND SETTLEMENT AREAS ie. towns, cities, hamlets (that have conveniences and infrastructure there)? We have quite a few little ghost towns in Grey ie, Berkeley, Elmwood, Holland Centre that have next to no businesses there. Are any developers considering these areas?*

I'm not totally sure what is meant by the above comment. As per the answers to questions 1 & 2 above some limited severances can be considered across the countryside. New growth including severances and plans of subdivisions are permitted in our settlement areas including those communities you've listed above. New subdivisions are most common in those communities that have municipal water and sewer services (Dundalk, Durham, Cobble Beach, Hanover, Markdale, Meaford, Neustadt, Owen Sound, Thornbury, Lora Bay, Craigleith/Blue Mountain Resort area). Subdivisions using private wells and septic systems are permitted in those communities without water and sewer services, but cannot be developed at the same density as those with municipal services.

*4. Where are the subdivisions being planned in Grey County? I am specifically interested in hearing about approvals that are process or have been finalized particularly for Durham area.*

New and older subdivisions are being planned for and built in those communities that have municipal water and sewer services (Dundalk, Durham, Cobble Beach, Hanover, Markdale, Meaford, Neustadt, Owen Sound, Thornbury, Lora Bay, Craigleith/Blue Mountain Resort area). With respect to Durham there is one subdivision which has been draft approved in the northwest of the town which will soon be registered. There are also large pockets land in the northeast, and one in the southeast of the town which are designated as residential and may soon see subdivision development.

Active applications which have not yet received draft approval can be found on the County's website at: <https://www.grey.ca/planning-development/planning-applications>

If a developer or landowner is talking about submitting an application, but has not yet submitted this application this is considered confidential, and cannot be released until an application is submitted.

If you want more information on subdivisions in Durham, or have any specific questions please do not hesitate to call or email.

*5 Comment on the website for Grey County. It is a wonderful website. Easy to manoever and read for key elements like new appointees, ie.. Halliday, new initiatives, recreation trails master plan. However, where are the jobs listed for Grey County or other municipalities. This would be valuable and helpful. You talk about all the various positions and names of people involved with incentive programs. However, where do the adults and young people go to look for work.*

*Case in point. I have been an educator in the Toronto Board and the Bluewater Board for 25 years. Also a hay farm owner since 1994. I have never seen postings in Ontario Works, any website or information centre for summer/casual employees nor for business owners to advertise. Many summers I have had to post all over South Grey area to secure workers. Also word of mouth was used. Every summer it has been terrible. No workers interested. Every year it gets worse and worse.*

*This summer, I needed a cleaning lady and a farm manager and was willing to pay \$20 an hour. I posted in late July at Ontario Works and all over various towns and received not ONE CALL. I searched and called all my contacts of over 15 years living in Durham with no luck.*

*It was just happen chance that a neighbour had her son-in-law visiting from Windsor area who was investigating relocating to Grey. He is a multi-skilled individual. I hired him on the spot - 1st at \$13 an hour to check him out - then \$15 an hour. He is a hard worker and he is going to return to Windsor because he is not able to secure regular and reliable work in the area. That is a tragedy.*

Thanks for your kind words on our website. We have also shared these comments with our Economic Development staff who work hard not only to grow employment around the County, but also to make connections between employers and potential employees and vice versa. The County is also hosting a Regional job Fair on February 28<sup>th</sup> (a flyer has been attached). Labour shortage is one of the County's greatest challenges, there are more jobs available than people to fill them. Your neighbor should attend the job fair and connect with The Agency or YMCA Employment Services – both will also be on site at the Job Fair.

Particularly from an agricultural perspective our Economic Development staff have a lot of interesting projects on the go. Based on some of the information you've shared below, some of it may be useful to you, including the Local Agri-Food Strategy (found at: <https://www.grey.ca/economic-development>) and the Agri-Food Sector Asset Map (<https://geo.grey.ca/LaunchPage/greyag.cshtml>)

The most popular job board for the region is with YMCA Employment Services (found at: [http://www.ymcaowensound.on.ca/Job\\_Board/index.cfm?action=list\\_jobs](http://www.ymcaowensound.on.ca/Job_Board/index.cfm?action=list_jobs)). Many businesses also use Indeed (found at: <https://www.indeed.ca/>). Both offer free listing services.

*In closing, I will communicate to Southgate about other areas of concern.*

*There is one last issue. I live on [REDACTED] Over 18 months ago, my neighbours in West Grey spent hours visiting all the residents on both sides of this sideroad, west from Hwy. 6 and east to 2nd line (baseline). They had prepared information sheets and a petition and presented it to West Grey council and Mayor Eccles. IT HAS NOT BEEN ADDRESSED. My neighbour Mr. Jim Kenopic also visited the Township office to inquire. He was not given any satisfaction that our concerns have been heard. NOBODY IN COUNCIL IN WEST GREY LISTENS NOR COMMUNICATES. THEY HAVE TO BE CHASED.*

*Now you have elected an Integrity Commissioner. Where is the transparency, the accountability, the interest? My neighbours are not seeing it!*

*This is the issue:*

*At the junction of Hwy. 6 and Southgate-Glenelg Townline, we want flashing yellow lights and signs on the highway to indicate coming south that there is a left turn lane onto our road going east. Traffic approaching from the south on Hwy. 6 have a lane on the top of the hill which does not align with the left turn lane coming south. The traffic therefore speeds up the hill and doesn't adjust to their lane but*

*travels into the left turn lane (this is especially prevalent and dangerous in wintry conditions where the line markers on the road are not visible). Even when they are visible every resident on the townline has experienced oncoming traffic directly driving head on,*

*The other issue is the difficulty to see the roadway making the left hand turn coming south. The grade of the road, the angle of the turn, the ditches on the south side of the road all are problems. THERE IS LIMITED VISIBILITY,*

*THESE ISSUES NEED TO BE ADDRESSED AND SOMEONE IN GREY COUNTY - because West Grey is doing nothing - needs to take the initiative to make this a project. We all understand that it is an issue involving Southgate, West Grey, Grey County and the Provincial Ministry but no one is doing it.*

We can certainly share your comments and concerns with Southgate, West Grey, and the Ministry of Transportation (MTO). You're not going to love my answer on this one, but Grey County doesn't actually have any authority here, as it's not a County Road (i.e. the County has no say over municipal or provincial roads). That being said, we are happy to share with you contact information of municipal staff as well as MTO staff if you'd like to get in touch further. Or, if you want us to forward on any comments or materials to these parties we are happy to do so.

With respect to the Integrity Commissioner, this is a new process for Grey County. If you would like any further information on this process, the timelines for commencement, or how to file a complaint just let us know, and we can pass along some information.

*With all the meetings, pictures of success stories and celebrations in Grey County when do you get this issues addressed. I have read the Made in Grey Magazine - sounds great but where's the meat, as the saying goes. I see the condiments, maybe even some of the bun but not the meat.*

*I would appreciate your passing this information on to the appropriate departments or councillors. Personally I work from 6 am - 10 pm. have no time for movies, TV. to attend meetings - in essence limited down time. However, this evening I have allotted 3 hours to reading up on Grey, completing a survey for rural transportation (very narrow in its reach and detail) and writing this email.*

*Please contact me by email. Thanks so much for your time and I am hoping assistance.*

*Happy New Year 2018. I love Grey County. Every inch of it I call home. I wrote a song about how important our County is in Ontario. I attach a copy of the lyrics. It is available for view at [laura walker garafraxa cafe youtube](https://www.youtube.com/watch?v=9a8a8a8a8a8). I have been performing it all over for fundraising events like the Women's Centre in Owen Sound, cafes and clubs throughout Grey and Bruce. I also have a website for my businesses [www.phoenixfarm.ca](http://www.phoenixfarm.ca) which praises Grey to the skies.*

We really appreciate you taking time out of your busy schedule to provide us your comments, and complete the rural transportation survey. Thanks also for sharing your song – if you don't mind we would like to share this with our Tourism staff as well. If you have any further questions please do not hesitate to contact us.

Thanks again

**Scott Taylor**

Senior Planner

Phone: +1 519-372-0219 ext. 1238



**From:** [REDACTED]  
**Date:** January 8, 2018 at 10:22:56 PM EST  
**To:** "randy.scherzer@grey.ca" <randy.scherzer@grey.ca>  
**Cc:** [REDACTED]  
**Subject:** Draft Official Plan for Grey County  
**Reply-To:** [REDACTED]

Dear Randy,

Your posting of coloured mapping and a 211 page document is quite a voluminous undertaking and quite costly. However, many of us in Grey work full-time as well as operate farms and perhaps other businesses as well. This leaves very little time to spend sifting through this weighty draft document. I would greatly appreciate some information from yourself or a planner. As a farm owner in Grey since 1994, I am very interested to know the following:

1. Are the restrictions in place still to only allow severances of 100 or larger acreages to only one severance? The practice in the past in Southgate Township allowed a citizen to purchase a 100 (or larger) acre farm with a residence and farm buildings and obtain a severance of a small acreage (perhaps one or two acres as a house envelope) together with the house. Then the citizen was able to sell off the smaller envelope and keep or sell the remaining acreage. This is very lucrative practice for a well connected (council member or relative) to seize an opportunity when a farmer has financial difficulties and is forced to sell. However, this practice is not a well-thought out plan for farming in Grey County.
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In closing, I will communicate to Southgate about other areas of concern.

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Very sincerely,  
[REDACTED]

B.F.A, M.F.A. B.Ed.



✓ Response by scott  
759 # Entered in Spreadsheet  
✓ Summarized (comment chart)

**Lacey-Avon,Stephanie**

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**From:** Taylor,Scott  
**Sent:** Sunday, March 11, 2018 4:08 PM  
**To:** Scherzer, Randy; Lacey-Avon,Stephanie  
**Subject:** FW: official plan

Sorry one more that just came in yesterday.

**Scott Taylor**  
*Senior Planner*  
Phone: +1 519-372-0219 ext. 1238



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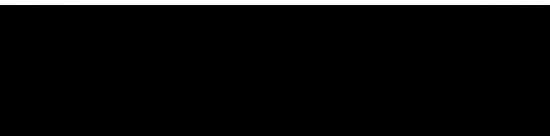
**From:** Andrea Wilson [REDACTED]  
**Sent:** Saturday, March 10, 2018 12:45 PM  
**To:** Recolour Grey  
**Subject:** official plan

Hello,

I have briefly scanned the document, focusing on the culture section in particular. One thing I didn't notice in this location, but it may be elsewhere, was identification of wayfinding and signage for cultural spaces. In Craigleith the Community Centre has a County sign directing people, but there is no County sign for the other cultural resources such as the museum, library and archives (The Craigleith Heritage Depot). It would be wonderful to update and design a system of signage to provide people information and directions to cultural spaces within Grey County, either on roadways or trailways. Even more wonderful would be a sharing of that design set with municipalities for use so there is consistency of wayfinding between county and municipal roadways and trailways. We have a lot of visitors to our site who are often challenged in getting around a rural community and I think a design set of consistent directional signs would be wonderful to incorporate in planning for wayfinding and cultural access.

Sincerely,

Andrea Wilson  
Curator  
Craigleith Heritage Depot  
Blue Mountain Public Library



[www.thebluemountainslibrary.ca](http://www.thebluemountainslibrary.ca)

## Scribner, Monica

---

**From:** Scribner, Monica <monica.scribner@grey.ca>  
**Sent:** Monday, December 11, 2017 11:42 AM  
**To:** [REDACTED] Recolour Grey  
**Cc:** mayormcqueen@greyhighlands.ca; Adams, Rob; deputymayorhalliday@greyhighlands.ca; [REDACTED]  
**Subject:** RE: Draft Official Plan. Why is our area designated as suitable for aggregate/quarries?

Good morning [REDACTED]  
My apologies for not getting back to you sooner.  
Our Planners would love to sit down with you and your neighbours to discuss this further.  
I am starting today to arrange meetings with the public starting February 5 - 16 (excluding Feb 8).  
The meetings will be approximately 1/2 long and would be between 8:30 am to 4:30 pm weekdays.  
Please email me back or call me at the number below and I will make sure we get a date booked to meet with you.  
:) Monica

Monica Scribner  
Administrative Assistant - Planning Department  
Phone: +1 519-372-0219 ext. 1232

-----Original Message-----

**From:** [REDACTED] [mailto:[REDACTED]]  
**Sent:** Tuesday, December 05, 2017 1:32 PM  
**To:** Recolour Grey  
**Cc:** mayormcqueen@greyhighlands.ca; Adams, Rob; deputymayorhalliday@greyhighlands.ca; [REDACTED]  
**Subject:** Draft Official Plan. Why is our area designated as suitable for aggregate/quarries?

Good afternoon,

We are writing to express concerns regarding a portion of the Draft Official Plan. Over four years ago I, with my family, purchased a 100 acre rural residential property in Grey County. In addition to living next to a few small scale farmers, our neighbours include those living in the Irish Lake community and the those living in the suburb of Curley's lake (Heritage Estates). We live on the south east corner of the Artemesia Glenelg Townline and Irish Lake road. Since moving here we have acquired ministry approval for most of our property to come under the managed forest program. The property also has meadows and older forest growth.

Much housing development has occurred in our neighbourhood over the last decade. This area has become more like a neighbourhood community that offers many outdoor recreational opportunities with its lakes, ( Irish Lake is Spring fed, environmentally sensitive and a popular fishing location) rivers, conservation lands and trails. It is not uncommon for tourists to BnB around the lake because of all there is to offer in the way of recreation, attracting skiers and snowmobiles in the winter and water and hiking activists in the warmer months. We estimate well over 200 people now live in the immediate area. Curley's Lake in particular has seen much recent suburb development and school buses have significantly increased their routing here.

It does not make sense to us why most of this growing residential and recreational area that hosts some tourism is (still?) designated for aggregate land use. This area is not suitable for any kind of quarry or commercial activity. Such activity would destroy our quality of life and undermine the ability of much of the land area to be used in the way it has been used and is most suited for ie Recreation, tourism and small scale farming. These land use needs are also in keeping with what the province demands.

Would some of this land area not more appropriately be considered "inland lakes and shoreline" use? We ask that the County reconsider the currently planned designation for this particular area.

We, along with neighbourhood residents, would like an opportunity to meet with County planners to discuss how terribly we could all be impacted should this plan be approved. We are counting on the County to work with us.

Is it possible for us to set up a meeting with the most appropriate representative for this planning?

Respectfully,



# HEMSON

Consulting Ltd.

30 St. Patrick Street, Suite 1000, Toronto, Ontario, Canada M5T 3A3  
Facsimile (416) 595-7144 Telephone (416) 593-5090  
e-mail: hemson@hemson.com

## MEMORANDUM

**To:** Scott Taylor, County of Grey

**From:** Russell Mathew and Lara Nelson

**Date:** December 21, 2017

**Re:** Grey County Growth Management Strategy – Forecast and Land Supply Review and Update

---

Hemson Consulting Ltd. has undertaken a review and update to the population, household and employment forecasts and land supply inventory which provided inputs to the Grey County Growth Management Strategy (GMS) prepared for the County in 2015. The review and update was necessary in order to address the 2016 Census and recent development activity, to confirm the results of the 2015 forecasts and to extend the forecasts to a 2038 horizon which now represents a twenty-year planning period for updating the *Grey County Official Plan*. This memorandum provides the results of the review which concluded the following:

- Based on the Census results, Grey had somewhat fewer residents than were projected for 2016, the County met its housing forecast within a nominal difference, and fell somewhat short in total employment; there was some variation at the member municipal level.
- Some updates were made to the forecast model, which resulted in moderately higher levels of population and housing at a 2036 horizon than was previously forecast; and somewhat lower employment.
- An updated land supply inventory continues to indicate a sufficient amount of designated supply to meet residential growth expectations at a County-wide level.
- It is recommended that the County use the updated forecasts for 2018 to 2038 as a basis for updating the official plan through the *Recolour Grey* process.

- The County should continue to monitor growth within Grey closely and to undertake another forecast review at such time of the next broader official plan review, or following the next Census year of 2021.

## **1. Background**

Hemson Consulting Ltd. prepared the 2015 Grey County Growth Management Strategy (GMS) as input to updating the *Grey County Official Plan*. The GMS update included population, housing and employment forecasts from 2011 to 2041, with emphasis on the 2016 to 2036 timeframe as this represented a twenty-year land use planning basis for updating the official plan. Local allocations of forecast growth to lower-tier municipalities in Grey and associated land needs analyses were also prepared. The County has since initiated the Official Plan Review, *Recolour Grey* but has yet to adopt an amendment to include the growth projections prepared as part of the GMS study. Given the passage time since the GMS forecasts were prepared, new information has become available regarding the growth outlook in Grey, notably results of the 2016 Census. The County has now retained Hemson to undertake a review and any necessary updates to the GMS forecasts in order to ensure the County includes the most recently available information and most current understanding of the demographic and economic outlook in Grey when updating the official plan. The current GMS update included:

- updating the base data and forecast model to incorporate current information from Statistics Canada, notably from the 2016 Census and Annual Demographic Estimates;
- updated building permit and development application information from Statistics Canada, the County and local municipalities in Grey;
- consultation with County and local municipal staff, to identify any anticipated shifts in development patterns or development pipeline information that may not be clear through the available data;
- review and update of the County land supply information to assess any changes that have occurred since the 2015 GMS update was prepared;
- review and update to the County's population, housing and employment forecasts from a 2016 base to 2041; and,

- interpolation of the forecasts for the 2018 – 2038 period as this now represents the revised twenty-year planning period for updating the *Grey County Official Plan*.

## 2. 2016 Census Results

The 2016 Census results for population and households indicate that Grey has experienced somewhat of an upswing in residential growth in the last five years, relative to the very modest growth which occurred during the prior Census period from 2006 to 2011. The County added nearly 1,300 residents and more than 1,500 households over the 2011 to 2016 period.

Historical Population Growth, 1986 - 2016 County of Grey			
	Census Population	Growth	Compound Annual Growth
1986	74,760	-	-
1991	84,070	9,310	2.4%
1996	87,630	3,560	0.8%
2001	89,090	1,460	0.3%
2006	92,415	3,325	0.7%
2011	92,585	170	0.0%
2016	93,860	1,275	0.3%

Historical Households Growth, 1986 - 2016 County of Grey			
	Occupied Households	Growth	Annual Growth Rate
1986	27,285	-	-
1991	31,325	4,040	2.8%
1996	33,715	2,390	1.5%
2001	35,330	1,615	0.9%
2006	37,165	1,835	1.0%
2011	38,025	860	0.5%
2016	39,565	1,540	0.8%

Source: Statistics Canada.

Housing growth has continued to out-pace growth in population in Grey which means a decline in the average household size or persons per unit (PPU). This relationship between population and housing is the result of the continued aging of the population in the County. The change in the PPU since 2001 is shown in the following table.

Historical Persons Per Unit, 2001 - 2016 County of Grey			
	Household Population	Occupied Households	PPU
2001	87,565	35,330	2.48
2006	90,065	37,165	2.42
2011	90,270	38,025	2.37
2016	91,685	39,565	2.32

Source: Hemson Consulting based on Statistics Canada information. Note: PPU is based on the total household population (excluding non-household population, primarily institutional residents) and occupied households.

A review was also undertaken of the available 2016 Census results for employment which indicate that Grey experienced a continued decline in employment at the county-wide level over the last Census period. At the time of this writing, only total place of work employment data is available; more detailed information on employment by type will be reviewed at such time that the Special Run employment data by NAICS<sup>1</sup> codes becomes available in January 2018.

Historical Employment, 2001- 2016 County of Grey			
	Place of Work Employment	Growth	Annual Growth Rate
2001	39,505	-	-
2006	42,895	3,390	1.7%
2011	42,020	(875)	-0.4%
2016	40,520	(1,500)	-0.7%

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<sup>1</sup> North American Industry Classification

Change in population, housing and employment over the most recent Census period was variable among Grey's local municipalities, as shown in the tables which follow.

Historical Census Population Growth, 2001 - 2016 Grey County by Local Municipality							
Municipality	2001	2006	2011	2016	2001-06	2006-11	2011-16
Blue Mountains	6,120	6,830	6,450	7,030	710	(380)	580
Chatsworth	6,280	6,390	6,440	6,630	110	50	190
Georgian Bluffs	10,130	10,510	10,400	10,480	380	(110)	80
Grey Highlands	9,200	9,480	9,520	9,800	280	40	280
Hanover	6,870	7,150	7,490	7,690	280	340	200
Meaford	10,380	10,950	11,100	10,990	570	150	(110)
Owen Sound	21,460	21,750	21,690	21,340	290	(60)	(350)
Southgate	6,910	7,170	7,190	7,350	260	20	160
West Grey	11,740	12,190	12,290	12,520	450	100	230
<b>County of Grey</b>	<b>89,090</b>	<b>92,420</b>	<b>92,570</b>	<b>93,830</b>	<b>3,330</b>	<b>150</b>	<b>1,260</b>

Historical Occupied Household Growth, 2001 - 2016 Grey County by Local Municipality							
Municipality	2001	2006	2011	2016	2001-06	2006-11	2011-16
Blue Mountains	2,585	2,935	2,845	3,280	350	(90)	435
Chatsworth	2,225	2,370	2,465	2,555	145	95	90
Georgian Bluffs	3,730	4,030	4,090	4,265	300	60	175
Grey Highlands	3,555	3,690	3,745	3,900	135	55	155
Hanover	2,905	3,035	3,170	3,335	130	135	165
Meaford	4,190	4,435	4,635	4,820	245	200	185
Owen Sound	9,200	9,384	9,600	9,630	184	216	30
Southgate	2,425	2,565	2,625	2,710	140	60	85
West Grey	4,505	4,720	4,870	5,080	215	150	210
<b>County of Grey</b>	<b>35,320</b>	<b>37,164</b>	<b>38,045</b>	<b>39,575</b>	<b>1,844</b>	<b>881</b>	<b>1,530</b>

Historical Employment Growth, 2001 - 2016 County of Grey by Local Municipality							
	2001	2006	2011	2016	2001-06	2006-11	2011-16
Blue Mountains	3,190	4,300	4,000	4,040	1,110	(300)	40
Chatsworth	1,400	1,570	1,650	1,630	170	80	(20)
Georgian Bluffs	2,780	2,900	3,010	2,900	120	110	(110)
Grey Highlands	3,870	3,840	3,780	3,650	(30)	(60)	(130)
Hanover	5,270	5,610	6,000	5,740	340	390	(260)
Meaford	3,130	3,680	3,330	3,210	550	(350)	(120)
Owen Sound	14,260	15,620	15,130	14,350	1,360	(490)	(780)
Southgate	1,820	1,560	1,970	1,930	(260)	410	(40)
West Grey	3,780	3,780	3,150	3,080	-	(630)	(70)
<b>County of Grey</b>	<b>39,500</b>	<b>42,860</b>	<b>42,020</b>	<b>40,520</b>	<b>3,360</b>	<b>(840)</b>	<b>(1,500)</b>

### 3. Forecast Comparison

The 2016 Census results for housing, population and employment by local municipality in Grey were compared against the GMS forecasts for 2016 in order to assess the degree to which growth in Grey is on track with the forecasts. This comparison is shown in the following tables. It is noted that the forecast of population is of total population including Census net undercoverage.



Comparison: Total Population Forecast and Census Result, 2016 County of Grey by Local Municipality			
Municipality	2016 Forecast	2016 Census Result	Difference
Blue Mountains	7,010	7,190	180
Chatsworth	6,700	6,790	90
Georgian Bluffs	11,090	10,730	(360)
Grey Highlands	10,040	10,040	0
Hanover	7,800	7,870	70
Meaford	11,530	11,250	(280)
Owen Sound	22,250	21,850	(400)
Southgate	7,560	7,530	(30)
West Grey	12,920	12,820	(100)
<b>County of Grey</b>	<b>96,900</b>	<b>96,070</b>	<b>(830)</b>

\*Forecast is of Total Population Including Census Net Undercoverage.

Comparison: Occupied Households Forecast and Census Result, 2016 County of Grey by Local Municipality			
Municipality	2016 Forecast	2016 Census Result	Difference
Blue Mountains	3,060	3,280	220
Chatsworth	2,550	2,560	10
Georgian Bluffs	4,330	4,270	(60)
Grey Highlands	3,920	3,900	-20
Hanover	3,270	3,340	70
Meaford	4,780	4,820	40
Owen Sound	9,750	9,630	(120)
Southgate	2,740	2,710	(30)
West Grey	5,080	5,080	0
<b>County of Grey</b>	<b>39,480</b>	<b>39,590</b>	<b>110</b>

The results indicate that Grey had 830 fewer residents and 110 more households county-wide, according to the Census, than was projected for 2016. At a county-wide level, this difference suggests that Grey is well on track to meet the longer-term growth expectations, particularly given the observed growth relative to the 2006 to 2011 period. At the local municipal level, the results were more variable although most were within a small margin suggesting the forecasts remain sound.

Comparison: Total Employment Forecast and Census Result, 2016 County of Grey by Local Municipality			
Municipality	2016 Forecast	2016 Census Result	Difference
Blue Mountains	4,170	4,040	(130)
Chatsworth	1,710	1,630	(80)
Georgian Bluffs	3,170	2,900	(270)
Grey Highlands	3,940	3,650	(290)
Hanover	6,190	5,740	(450)
Meaford	3,420	3,210	(210)
Owen Sound	15,500	14,350	(1,150)
Southgate	2,070	1,930	(140)
West Grey	3,300	3,080	(220)
<b>County of Grey</b>	<b>43,470</b>	<b>45,520</b>	<b>2,050</b>

The Counties fell short of projected total employment for 2016 overall, comprised of variable results at the local municipal level.

#### 4. Recent Development Activity

The GMS forecast update included consideration of recent development activity within local municipalities, based on building permit data and consultation with County and local municipal staff regarding pending and known development applications or interests that may affect development patterns in the County. Historical building permit information has been updated to October 2017, shown below.

Historic Residential Building Permits County of Grey by Local Municipality						
Municipality	Number of Residential Building Permits			Share of County Total		
	2006-2010	2011-2014	2015-2017	2006-2010	2011-2014	2015-2017
Blue Mountains	779	251	561	29%	22%	35%
Chatsworth	179	65	88	7%	6%	6%
Georgian Bluffs	218	178	122	8%	15%	8%
Grey Highlands	214	125	116	8%	11%	7%
Hanover	230	64	95	8%	6%	6%
Meaford	308	90	181	11%	8%	11%
Owen Sound	361	122	133	13%	11%	8%
Southgate	194	87	173	7%	8%	11%
West Grey	238	171	127	9%	15%	8%
<b>County of Grey</b>	<b>2,721</b>	<b>1,153</b>	<b>1,596</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>

Information regarding pending development applications or potential shifts in development patterns in the County was also considered based on consultation with County and local municipal staff. In this regard, it is noted that there has been a sizeable increase in residential development approvals and pending applications in the Township of Southgate, and to a lesser extent the Municipality of Grey Highlands. A trend towards increased residential interest is considered in large part due to demand for housing for commuters to the north GTA/H to job opportunities in employment centres such as Peel Region. The community of Southgate in particular, has been experiencing markedly higher residential growth recently, relative to historic trends. While the extent to which this trend will continue over the long-term is unknown, it is important to acknowledge and account for when updating the GMS growth outlook so that the County is appropriately planning for growth, such that market trends and policy objectives for growth management and the development of complete communities are balanced.

## 5. Land Supply Inventory Review

A review and update to the land supply inventory prepared as input to the 2015 GMS was also undertaken in order to identify any changes that have occurred and to confirm the sufficiency of designated supply to accommodate anticipated growth.

<b>2017 Vacant Land Supply</b> <b>(Updated from GMS 2015 as per Municipal Comments)</b> <b>County of Grey by Local Municipality</b>			
<b>Municipality</b>	<b>Total Vacant Land Supply (ha)</b>		
	<b>GMS 2015</b>	<b>Change</b>	<b>Update 2017</b>
Blue Mountains	692	-	692
Chatsworth	78	-	78
Georgian Bluffs	482	(176)	306
Grey Highlands	382	-	382
Hanover	175	(25)	150
Meaford	270	(21)	249
Owen Sound	361	(49)	312
Southgate	119	(6)	112
West Grey	96	-	96
<b>County of Grey</b>	<b>2,655</b>	<b>(277)</b>	<b>2,377</b>

2017 Vacant Land Supply (Updated from GMS 2015 as per Municipal Comments)									
County of Grey by Local Municipality									
Municipality	Residential Vacant Land Supply (ha)			Commercial Vacant Land Supply (ha)			Industrial Vacant Land Supply (ha)		
	GMS 2015	Change	Update 2017	GMS 2015	Change	Update 2017	GMS 2015	Change	Update 2017
Blue Mountains	658	-	658	5	-	5	29	-	29
Chatsworth	77	-	77	0	-	0	-	-	-
Georgian Bluffs	477	(201)	276	5	6	11	-	19	19
Grey Highlands	260	-	260	105	-	105	17	-	17
Hanover	105	(19)	86	19	7	26	51	(13)	38
Meaford	248	(21)	227	3	0	3	20	(0)	20
Owen Sound	200	(38)	162	36	0	36	125	(11)	114
Southgate	95	(6)	89	7	-	7	16	-	16
West Grey	94	-	94	1	-	1	1	-	1
<b>County of Grey</b>	<b>2,214</b>	<b>(285)</b>	<b>1,929</b>	<b>180</b>	<b>13</b>	<b>194</b>	<b>260</b>	<b>(5)</b>	<b>255</b>

Note: Updated land supply based on comments received from Local Municipal Staff.

No input on the land supply was provided from the Town of the Blue Mountains, Township of Chatsworth, Municipality of Grey Highlands or the Municipality of West Grey.

Based on municipal updates received, there are roughly 275 ha less of urban designated land in Grey than was identified in 2015. Overall, there are still nearly 2,000 ha of vacant designated lands for residential development, nearly 200 commercially designated ha, and just over 250 ha of vacant industrial lands. At the County-wide level, this should be more than sufficient to accommodate the growth outlook in Grey, with some variation at the local municipal level.

## 6. Forecast Updates

The forecast model and assumptions were updated to incorporate data from the 2016 Census and Annual Demographic Estimates, including population by age and sex, occupied households, housing by unit type, mobility and migration. As well, recent building permit data and local municipal staff insight to potential shifts in development patterns or forthcoming applications were taken into consideration in updating the growth outlook.

Net in-migration to the County was higher than forecast for the 2011 to 2016 period by an average of roughly 85 persons per year over the five-year period. This, coupled with the higher levels of population and housing growth relative to the prior Census period, has resulted in the forecast results indicating a somewhat higher residential growth outlook to 2041 than was forecast prior, notwithstanding that the County fell marginally short of the forecast at 2016. The higher population growth outlook also positively affects the growth outlook for employment in two ways. Firstly, a higher

population results in more population-related jobs, growth in which occurs primarily in response to a resident population. Secondly, a higher population means a greater labour force pool and more workers, which also has a positive effect on employment prospects over the longer term.

Updated forecasts total population, households and employment have been prepared by five-year intervals corresponding with Census years. Overall, the outlook is for approximately 450 more residents, 550 more households and 1,000 fewer jobs at 2036 County-wide than was anticipated under the 2015 forecasts. There have also been some shifts undertaken to the local growth allocations, based on the updated Census and local municipal information received. The results are shown below.

Local Municipal Shares of County-wide Forecast Housing Growth, 2016-2036 County of Grey by Local Municipality		
Municipality	2015 GMS	2017 Update
Blue Mountains	16%	16%
Chatsworth	5%	4%
Georgian Bluffs	12%	10%
Grey Highlands	12%	14%
Hanover	7%	7%
Meaford	13%	11%
Owen Sound	17%	15%
Southgate	8%	14%
West Grey	11%	11%
<b>County of Grey</b>	<b>100%</b>	<b>100%</b>

Forecast Households Growth, 2016 - 2041 County of Grey by Local Municipality						
	2016	2021	2031	2036	2041	2016-2036
Blue Mountains	3,280	3,550	4,000	4,150	4,270	870
Chatsworth	2,555	2,620	2,720	2,750	2,780	195
Georgian Bluffs	4,265	4,440	4,710	4,790	4,860	525
Grey Highlands	3,900	4,140	4,510	4,620	4,720	720
Hanover	3,335	3,440	3,640	3,710	3,740	375
Meaford	4,820	5,000	5,290	5,380	5,450	560
Owen Sound	9,630	9,840	10,260	10,420	10,530	790
Southgate	2,710	2,960	3,330	3,430	3,530	720
West Grey	5,080	5,270	5,570	5,650	5,730	570
<b>County of Grey</b>	<b>39,575</b>	<b>41,260</b>	<b>44,030</b>	<b>44,900</b>	<b>45,610</b>	<b>5,325</b>

Forecast Total Population (Including Census Net Undercoverage), 2016 - 2041						
County of Grey by Local Municipality						
Municipality	2016	2021	2031	2036	2041	2016-2036
Blue Mountains	7,190	7,840	8,790	9,160	9,440	1,970
Chatsworth	6,790	6,770	7,020	7,130	7,230	340
Georgian Bluffs	10,730	11,110	11,760	12,030	12,250	1,300
Grey Highlands	10,040	10,360	11,280	11,550	11,810	1,510
Hanover	7,870	7,970	8,370	8,570	8,690	700
Meaford	11,250	11,620	12,300	12,590	12,810	1,340
Owen Sound	21,850	22,170	23,150	23,660	24,010	1,810
Southgate	7,530	8,090	9,120	9,480	9,800	1,950
West Grey	12,820	13,140	13,880	14,170	14,430	1,350
<b>County of Grey</b>	<b>96,070</b>	<b>99,070</b>	<b>105,670</b>	<b>108,340</b>	<b>110,470</b>	<b>12,270</b>

Forecast Total Employment Growth, 2016 - 2041						
County of Grey by Local Municipality						
	2016	2021	2031	2036	2041	2016-2036
Blue Mountains	4,040	4,220	4,370	4,470	4,590	430
Chatsworth	1,630	1,660	1,700	1,740	1,800	110
Georgian Bluffs	2,900	3,020	3,110	3,190	3,300	290
Grey Highlands	3,650	3,800	3,910	4,020	4,190	370
Hanover	5,740	5,910	5,950	6,100	6,350	360
Meaford	3,210	3,320	3,410	3,490	3,580	280
Owen Sound	14,350	14,750	14,870	15,230	15,780	880
Southgate	1,930	2,070	2,210	2,290	2,380	360
West Grey	3,080	3,200	3,300	3,400	3,520	320
<b>County of Grey</b>	<b>40,520</b>	<b>41,950</b>	<b>42,830</b>	<b>43,930</b>	<b>45,490</b>	<b>3,400</b>

A review and update to the employment outlook by land-use based employment categories may be prepared at such that the 2016 employment by NAICS special run data becomes available.

## 7. 2018-2038 Forecasts for Updating Grey County Official Plan

The 2017 GMS forecast update results have also been interpolated for the mid-Census years 2018 and 2038 in order to provide an updated twenty-year growth outlook basis for planning for growth and land needs in the County, consistent with Provincial policy direction in this regard. The results are provided below.

Forecast Household Growth, 2018- 2038 County of Grey by Local Municipality				
Municipality	Total Households		2016-2038	
	2018	2038	Net Change	Compound Annual Growth
Blue Mountains	3,320	4,190	870	1.2%
Chatsworth	2,570	2,770	200	0.4%
Georgian Bluffs	4,290	4,810	520	0.6%
Grey Highlands	3,930	4,660	730	0.9%
Hanover	3,350	3,730	380	0.5%
Meaford	4,850	5,400	550	0.5%
Owen Sound	9,660	10,460	800	0.4%
Southgate	2,740	3,470	730	1.2%
West Grey	5,110	5,690	580	0.5%
<b>County of Grey</b>	<b>39,820</b>	<b>45,180</b>	<b>5,360</b>	<b>0.6%</b>

Forecast Total Population Growth, 2018- 2038 County of Grey by Local Municipality				
Municipality	Total Population		2016-2038	
	2018	2038	Net Change	Compound Annual Growth
Blue Mountains	7,280	9,280	2,000	1.2%
Chatsworth	6,790	7,170	380	0.3%
Georgian Bluffs	10,790	12,110	1,320	0.6%
Grey Highlands	10,090	11,650	1,560	0.7%
Hanover	7,880	8,610	730	0.4%
Meaford	11,310	12,670	1,360	0.6%
Owen Sound	21,900	23,800	1,900	0.4%
Southgate	7,620	9,600	1,980	1.2%
West Grey	12,870	14,270	1,400	0.5%
<b>County of Grey</b>	<b>96,530</b>	<b>109,160</b>	<b>12,630</b>	<b>0.6%</b>

Forecast Employment Growth, 2018- 2038 County of Grey by Local Municipality				
Municipality	Total Employment		2016-2038	
	2018	2038	Net Change	Compound Annual Growth
Blue Mountains	4,670	5,090	420	0.4%
Chatsworth	1,340	1,480	140	0.5%
Georgian Bluffs	3,210	3,500	290	0.4%
Grey Highlands	4,130	4,520	390	0.5%
Hanover	4,940	5,400	460	0.4%
Meaford	3,160	3,450	290	0.4%
Owen Sound	14,540	15,900	1,360	0.4%
Southgate	1,630	1,780	150	0.4%
West Grey	3,120	3,400	280	0.4%
<b>County of Grey</b>	<b>40,740</b>	<b>44,520</b>	<b>3,780</b>	<b>0.4%</b>

## **8. Conclusions and Recommendations**

A review and updates to the Grey County long-range forecasts of population, housing and employment and land supply inventory were undertaken to incorporate the results of the 2016 Census and other information that has become available since the last forecast update in 2015. The study has concluded the following.

- The County was somewhat ahead of its 2016 projections for housing and population at 2016 and fell short of its employment forecast. There was some variation in this regard at the local municipal level.
- An updated land supply inventory was prepared based local municipal staff input provided. The results indicate nearly 300 fewer ha of vacant urban designated lands in the County than in 2015. At a county-wide level, the supply is sufficient to meet projected growth in Grey to 2038.
- The updated forecasts indicate somewhat higher population and housing in the County at 2036 than was previously forecast. The outlook for employment is somewhat lower than had been previously anticipated although the outlook is still for growth.
- The County is anticipated to add 12,630 residents, 5,360 households, and 3,780 jobs over the 2018 to 2038 planning horizon.

It is recommended that the County incorporate the updated 2018 to 2038 forecasts presented herein through the Recolour Grey official plan update.

The County should continue to continue to closely monitor growth and development in Grey and undertake another forecast review at some point following the 2021 Census.



Occupied Households Growth Comparison County of Grey by Local Municipality								
	2016 Forecast	2016 Census	2016 Difference	2041 Previous	2041 Current	2041 Difference	2016-41 Previous	2016-41 Current
Blue Mountains	3,060	3,280	220	3,970	4,270	300	910	990
Chatsworth	2,550	2,560	10	2,810	2,780	(30)	260	220
Georgian Bluffs	4,330	4,270	(60)	4,970	4,860	(110)	640	590
Grey Highlands	3,920	3,900	(20)	4,590	4,720	130	670	820
Hanover	3,270	3,340	70	3,650	3,740	90	380	400
Meaford	4,780	4,820	40	5,510	5,450	(60)	730	630
Owen Sound	9,750	9,630	(120)	10,740	10,530	(210)	990	900
Southgate	2,740	2,710	(30)	3,160	3,530	370	420	820
West Grey	5,080	5,080	-	5,690	5,730	40	610	650
<b>County of Grey</b>	<b>39,480</b>	<b>39,590</b>	<b>110</b>	<b>45,090</b>	<b>45,610</b>	<b>520</b>	<b>5,610</b>	<b>6,020</b>

Share of County-wide 16-41 growth		
2015 Study	2017 Update	
16%	16%	
5%	4%	
11%	10%	
12%	14%	
7%	7%	
13%	10%	
18%	15%	
7%	14%	
11%	11%	
100%	100%	

Total Population Growth Comparison County of Grey by Local Municipality								
	2016 Forecast	2016 Census	2016 Difference	2041 Previous	2041 Current	2041 Difference	2016-41 Previous	2016-41 Current
Blue Mountains	7,010	7,190	180	8,910	9,440	530	1,900	2,250
Chatsworth	6,700	6,790	90	7,330	7,230	(100)	630	440
Georgian Bluffs	11,090	10,730	(360)	12,630	12,250	(380)	1,540	1,520
Grey Highlands	10,040	10,040	-	11,560	11,810	250	1,520	1,770
Hanover	7,800	7,870	70	8,690	8,690	-	890	820
Meaford	11,530	11,250	(280)	13,150	12,810	(340)	1,620	1,560
Owen Sound	22,250	21,850	(400)	24,460	24,010	(450)	2,210	2,160
Southgate	7,560	7,530	(30)	8,670	9,800	1,130	1,110	2,270
West Grey	12,920	12,820	(100)	14,300	14,430	130	1,380	1,610
<b>County of Grey</b>	<b>96,900</b>	<b>96,070</b>	<b>(830)</b>	<b>109,700</b>	<b>110,470</b>	<b>770</b>	<b>12,800</b>	<b>14,400</b>

Share of County-wide 16-41 growth		
2015 Study	2017 Update	
13%	16%	
4%	3%	
10%	11%	
10%	12%	
6%	6%	
11%	11%	
14%	15%	
8%	16%	
9%	11%	
86%	100%	

March 2, 2018

Mr. Scott Taylor  
Senior Planner  
Grey County  
595 9th Avenue East  
Owen Sound, ON N4K 3E3

By email: [Scott.Taylor@Grey.ca](mailto:Scott.Taylor@Grey.ca)

Dear Scott:

**Comments Re: Grey County Growth Management Strategy – Forecast and Land Supply Review and Update**

Thank you for the opportunity to review and comment on the draft Grey County Growth Management Strategy – Forecast and Land Supply Review and Update as produced by Hemson Consulting Ltd. on January 31, 2018.

Overall, the report is comprehensive and well done. Our comments primarily revolve around the information provided – or not provided – for Hanover and how they affect the overall report and its implications on the county's draft official plan. As you can appreciate, presenting accurate information for our community, and the unique situation it is in, is important to presenting accurate information for the entire county.

Our comments are presented in four main areas: Macro vs Micro Analysis; Employment Forecast; Household Forecast; and Land Supply Inventory. The attached spreadsheet is to be used in conjunction with our comments on Land Supply Inventory. As some of the information on the sheet is internal at this point, please do not share any of the specifics.

Based on our review of the Hemson report and an analysis of Hanover's situation, required revisions to the report will have implications for the county's draft official plan. We would appreciate the opportunity to discuss these further with you.

We sincerely trust that our comments will be given due consideration and that the draft official plan reflect Hanover's unique situation.

Respectfully,



Brian Tocheri  
CAO/Clerk

## **Town of Hanover**

### **Comments Re: Grey County Growth Management Strategy – Forecast and Land Supply Review and Update**

#### **1. Macro vs Micro Analysis**

The Hemson Consulting Ltd. study looked at population, household and employment forecasts and land supply inventory and interpolated results at a County-wide level. No consideration was given to the unique situations that exist within individual municipalities. With respect to land supply inventory, page 10 states, *“At the County-wide level, this should be more than sufficient to accommodate the growth outlook in Grey, with some variation at the local municipal level.”* All of these reported interpretations obscure the unique situation in Hanover and the challenges it faces with a limited supply of developable land.

#### **2. Employment Forecast**

Hemson used employment information from the 2016 Census. The table on page 8. shows an 2016 employment forecast of 6,190 and the 2016 census result of 4,870 jobs in Hanover. The table on page 11. shows employment of 5,740 jobs in 2016.

In 2017, the OMAFRA and Economic Modeling Specialists International (Emsi) produced an Economy Overview for Hanover. The data was generated from StatCan’s National Symmetric Input-Output table, National Household Survey commuting flows, Canadian Business Patterns, and several Emsi in-house data sets. Emsi lists the number of jobs by industry. In 2016, there were 6,688 jobs in Hanover. This represents an increase of 3.2% and 210 jobs.

Other significant job creating opportunities occurring in Hanover include:

- Gateway Casinos just announced an expansion to their facility in Hanover. They estimate another 100 jobs during 2019.
- Exceldor Foods’ new turkey product line is creating 60 new jobs with the potential for 90.
- There were 69 Hanover jobs posted online in December 2017 as reported by the Four County Labour Market Planning Board in its Hiring Trends Report. This is down from 93 in September 2017 suggesting 24 jobs were filled.

#### **3. Household Forecast**

The 2016 census shows 3,340 households in Hanover (the Hemson report is using 3,335 households). Only Blue Mountains had a larger increase than Hanover from the 2016 forecast. The Hemson report projects Hanover’s households will grow to 3,440 households (3.1% or 105 households) by 2021 and 3,640 by 2031.

MPAC shows 3,592 households in Hanover for 2018. These are numbers we know to be accurate. Hanover is already at the number of households Hemson has projected will not be attained until 2031.

Residential building permit data since 2011 indicate that Hanover will continue to have a steady increase in the number of households. Since 2011, 95 single detached and 165 multi-res units have been constructed. Over the past 4 years, an average of 26 units are being built per year. If this growth continues as we expect, Hanover will have 4,059 households by 2036, not 3,710 as forecast by Hemson.

#### 4. Land Supply Inventory

Hemson reports that in 2017 Hanover had 150 hectares of vacant land. This consists of 86 residential, 26 commercial and 38 hectares of industrial land. The 150 hectares of vacant development land was apparently acquired in consultation with Town of Hanover staff.

A Commercial Policy Review completed by Malone Given Parsons Ltd. in 2015, indicates that Hanover only has 14 hectares of vacant designated commercial lands. However, the net unconstrained and developable vacant designated land supply is only 10 hectares. Furthermore, most of these land parcels are of small site sizes, i.e., less than 2 hectares each.

In order to present as accurate of information as possible, we have undertaken a comprehensive review of all commercial, industrial, institutional, Hydro One, future development and residential lands within the corporate boundaries of Hanover. These are shown on the attached spreadsheet as Total Acreage, Total Developable Acreage, and Total Available Lands.

As of March 2018, Hanover has 542.68 acres (219.7 ha) of vacant land. Of this, 191.88 acres (77.7 ha) are Hydro One transmission corridor lands. As a result, the net vacant lands are really 350.8 acres (142.02 ha) which is close to the 150 hectares reported by Hemson.

Upon further examination of the remaining 350.8 acres of vacant land, 75.25 is not developable due to various reasons (hazard lands, topography, soils, proximity to municipal boundaries (farm land), etc.). This leaves 275.55 acres (111.6 ha) of developable land in Hanover.

Of the remaining 275.55 acres (111.6 ha) of developable land, 224.2 acres (90.8 ha) has been developed since 2015, is in various stages of development, is being considered for development (negotiations underway, proposals being developed, etc.), is farmland, or is not being considered for development by the owner.

This leaves the Town of Hanover with 51.33 acres (20.78 ha) of available lands for development. This will be depleted well before the 20 year planning horizon the county's official plan.

#### **Town of Hanover**

#### **Comments Re: Grey County Growth Management Strategy – Forecast and Land Supply Review and Update**

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**Municipality of Meaford**  
21 Trowbridge Street West  
Meaford ON, N4L 1A1  
519-538-1060



March 2<sup>nd</sup>, 2018

County of Grey  
Planning & Development Department  
595 9th Ave East  
Owen Sound Ontario N4K 3E3

**RE: Grey County Growth Management Strategy – Forecast & Land Supply Review & Update**

Please accept the following Staff comments regarding the draft Forecast & Land Supply Review & Update provided for review.

Staff have examined the revised forecast for Household, Population and Employment growth against the 2016 census results provided, as well as the forecasts provided within the initial Growth Management Strategy (2008).

Staff acknowledge that based upon a variety of factors including an unmet 2016 population forecast; additional data regarding Meaford's historical actual growth share within the County, and increased development interest/applications in other areas of the County, the proposed share of County growth allocated to the Municipality of Meaford over the planning horizon is forecast to be approximately 11% vs. the 13% identified within the 2008 Strategy.

Accordingly, this results in decreased forecasts in Household, Population & Employment for the Municipality of Meaford. Comparing 2031 figures from each Strategy, Staff understand the decrease in these forecasts to be approximately 5.5%, 8.9% & 5.3%, respectively, which, after extrapolation to the interim, non-census 2038 year result in forecasts as follows:

	2018	2038	Net Change
Households	4850	5430	580
Population	11240	12470	1230
Employment	3440	<b>3830</b>	390

Staff would note that the Employment forecast within the tables on Page 13 of the Draft Update Document, which is reflected in the table above, is curious to Staff in





## Municipality of Meaford

21 Trowbridge Street West  
Meaford ON, N4L 1A1  
519-538-1060



that it appears to exceed even the adjusted 2041 forecast (3580 positions) that was listed on Page 11 of the document. **Staff question if this represents an error, or if there are additional factors affecting the forecast. Comments are requested from Hemson, in this regard.**

With respect to the decreased share of County growth forecasted for the Municipality, Staff would acknowledge that the 11% share allocated is consistent with the historical actual share that the Municipality has achieved. Staff are cognizant that based upon designated/serviced land availability and the range of development projects presently in consultation/early application stages, there is the potential to exceed the household growth forecasts quite substantially over the 20 year planning horizon, though of course this will be largely market-dependent. A number of projects on some of these same sites were also nearing application in 2007/8, and were pulled back in response to broader economic factors. While the supply-side shortage and substantial upswing in both sales and average sales prices over the last 12-24 months is promising in relation to spurring new development, Staff recognize that it may be beneficial to take a bit of a wait-and-see approach to determine if the recent conditions will persist. **Staff agree with Hemson's recommendation that the County & local municipalities should continue to closely monitor growth and development and undertake another forecast review following the 2021 Census. Staff would add that it would be helpful to complete an updated local-level land *demand* assessment (in addition to supply) at that time as well.**

Thank you for the opportunity to comment on this update, I look forward to obtaining confirmation regarding the Employment forecast numbers, as requested above.

Sincerely,

**Liz Buckton, MCIP, RPP**

Senior Planner

Municipality of Meaford

21 Trowbridge Street West, Meaford

519 538-1060 ext. 1120 | [lbuckton@meaford.ca](mailto:lbuckton@meaford.ca)





December 7, 2017

Scott Taylor  
Senior Planner  
County of Grey  
595 9<sup>th</sup> Ave. E., Owen Sound, ON  
N4K 3E3

Dear Scott:

**RE: County of Grey Growth Management Considerations**

---

This correspondence has been prepared to provide information related to the recent and current levels of development activity by Flato Developments in the Township of Southgate, and specifically in the Settlement Area of Dundalk.

The purpose of this correspondence is to request that the County of Grey and Hemson Consulting use the information contained in this correspondence to adjust the methodology used in the current Growth Management Strategy Update, from that used in 2015.

In preparing this correspondence, the methodology of the 2015 Growth Management Strategy Update that was prepared by Hemson Consulting has been reviewed.

Section III, A, of the 2015 Growth Management Strategy Update establishes the forecast methodology and identifies that the population projections at the County level are based on the standard cohort-survival forecast model.

The 2015 Study recognizes that:

- In-migration is a "Key Forecast Assumption."
- That many young adults leave the County to seek educational opportunities.
- That in-migration will more than compensate for the loss of young adults who leave the area for educational opportunities.
- That in-migration will result in more demand for housing in Grey County.
- The population forecast model calculates future forecasts by taking the current population within age groups, deducting death rates and then adding net migration.
- In the first full paragraph on Page 22, the Report specifically states that "Assumptions about future levels of migration are an important determinant of the forecast."

It would appear that the methodology used in the 2015 Study is appropriate. In the 2017 Study, it is stressed that future levels of in-migration are anticipated to play a pivotal role in the population increase that will occur in Dundalk. The result of high in-migration in Dundalk will be the need to designate additional residential lands in Dundalk.

In projecting population, the 2015 Study used three scenarios. The low, reference and high growth scenario. The key distinction between the scenarios is the level of projected net migration.

The Report does not detail how in-migration rates were calculated.

This correspondence does not request that one scenario be chosen over the other, but rather requests that projections of in-migration be based on factors such as registered lots, draft approved lots and recent unit sales, as it is projected that the new supply of housing in Dundalk will drive in-migration. The recent rates of unit sales in Dundalk provide the evidence to support this projection as the majority of purchasers are from outside the County.

### **In-Migration Levels in Dundalk**

The following information will demonstrate:

- In-migration in Southgate (Dundalk) will be much higher than anticipated by the 2015 Report.
- Housing supply in Dundalk is driving in-migration.
- Additional land will be required in Dundalk to accommodate the increased rates of in-migration.

Since the 2015 Report was prepared, the following has occurred in Dundalk by Flato developments:

- 70 lots have been registered
- An additional 767 lots have been draft approved
- A total of 837 lots have been draft approved and registered
- 62 home sales in December 2015
- 39 home sales in December 2016
- 28 home sales in October of 2017
- 73 home sales in November 2017
- A Total of 202 homes sales between December 2015 and November 2017.

These changes will:

- have a significant impact on the rates of growth in the Settlement Area;
- result in the consumption of designation land in the Settlement Area within the Planning Horizon; and,
- necessitate the need for additional land to be designated.

## Local Growth Allocations

The 2015 Hemson Study provides growth allocations based on a variety of factors including: planning policy, historic growth, market demand, consultation with local municipal and industry stakeholders and the capacity to accommodate growth from both a land supply and servicing perspective.

Based on the amount of approved lots and recent sales, it may be appropriate for a higher percentage of growth to be allocated to the Township of Southgate. This would be another factor in the need to designate additional lands for Residential purposes in the Dundalk Settlement Area.

Table 27 of the 2015 Study provides a Housing Unit forecast to 2036 and 2041. The Table forecasts a requirement for an additional 370 housing units in Southgate Township to 2036. In accordance with the sales information in Dundalk, in the two years since the 2015 Study was completed, there have been sales of 202 units, this represents 54 percent of the 20 year housing forecast/allocation for the Township of Southgate being consumed in two years in one Settlement Area.

Based the additional 837 registered and draft approved lots, and the developers desire to construct 100 units per year (this is consistent with the sales values over the last 2 years), a total of 800-837 units are anticipate to be constructed by 2026.

These growth rates will result in a significant increase in net migration to the Township of Southgate and it is requested that as a part of the 2017 Study, the County and Hemson recognize these higher rates of net migration by providing additional housing allocation to Southgate Township and by providing the opportunity for the designation of additional residential land in the community of Dundalk though a Settlement Area expansion.

Yours truly,

**MHBC**

A handwritten signature in black ink, appearing to read 'J. Robinson', written over the printed name.

Jamie Robinson, BES, MCIP, RPP  
Partner

# MEMO

KITCHENER  
WOODBRIDGE  
LONDON  
KINGSTON  
BARRIE  
BURLINGTON

<b>To:</b>	<b>Scott Taylor</b>
<b>From:</b>	<b>Jamie Robinson</b>
<b>Date:</b>	<b>April 9, 2018</b>
<b>File:</b>	<b>15184P</b>
<b>Subject:</b>	<b>County of Grey Growth Management Strategy – Forecast and Land Supply and Review Update</b>

1. The purpose of this memorandum is to provide comments on the preliminary work that has been completed by Hemson Consulting Ltd. The forecast prepared as part of the Hemson Draft Update is being recommended to be used as the basis for updating the Official Plan.
2. The review and update being conducted by Hemson Consulting Ltd., was necessary in order to extend the forecast to the 2038 horizon (20 year planning period). In doing so the following was considered:
  - a. 2016 Census; and,
  - b. recent development activity;
3. Key conclusions from the initial review are as follows:
  - a. Updates were made to the forecast model which resulted in moderately higher levels of population and housing at the 2036 horizon, than was previously forecast.
  - b. Employment projection levels are lower.
  - c. An updated supply inventory was prepared and indicates that there is a sufficient amount of designated supply to meet residential growth expectations at a County-wide level.
4. As part of the GMS update, Hemson considered the following factors in developing a future supply and demand forecast:
  - a. 2016 Census information;
  - b. updated building permit and development application information;
  - c. consultation with local County and Municipal Staff to identify shifts in development patterns; and
  - d. a review of the County land supply information.

5. The results of the 2016 Census are summarized as follows:

- a. An increase in residential growth activity in the last 5 years.
- b. The County added 1,300 residents and 1,500 households between 2011 and 2016.

It is unique for a jurisdiction to have more households added than residents; however, Grey County is an area with a significant amount of second home development, including a large number of seasonal homes in the Town of Blue Mountains and in shoreline areas of the County.

- 6. The Draft updated to the GMS provides information related to recent development activity, and Hemson has indicated that there is a sizeable increase in residential development approvals and pending applications in the Township of Southgate, and to a lesser extent in the Municipality of Grey Highlands.
- 7. It is indicated in the Draft GMS that this trend appears to have occurred as a result of a demand for housing supply for commuters to job opportunities in the North portion of the GTA, in particular Peel Region.
- 8. The work completed by Hemson indicates that the extent to which the trend of increased residential growth activity in Southgate will continue over the long term is unknown; however, it is appropriate to account for the recent development activity in the GMS Update, so that the County is appropriately planning for growth.
- 9. We agree that the trend information is unknown, however we believe there is a very high likelihood that factors including supply of units in Dundalk (registered and draft approved lots), and the price point of the units in Dundalk will result a continued increase in residential growth in Southgate over the Planning horizon. We recommend that the GMS Update specifically consider and reflect these considerations.
- 10. Although it is not specifically stated in the work completed by Hemson, the current supply of registered and draft approval lots, in combination with a motivated developer and buyer demand, is an excellent indicator as to the projected buildout within planning study horizons.
- 11. The GMS Update contained details on the vacant land supply within the County. In Southgate the Study identifies that there is a vacant land supply of 89 hectares. In reviewing the forecast update undertaken as part of the GMS Update, the supply of residential building lots (including draft approved plans of subdivision) was not a factor used in anticipating future growth rates. The GMS indicates that building permit data and local Municipal Staff insight provided details that relate to potential shifts in development activity and that this information was taken into consideration; however, it appears that historic migration levels for the period of 2011 and 2016 are the primary factor in projecting future growth rates in the County.
- 12. The forecasted household growth rate for Southgate Township is an additional 720 households between 2016 and 2036.
- 13. This projected household growth rate differs significantly from the information MHBC provided as part of a commenting letter in December of 2017 to the County of Grey, which provided details regarding the supply of residential lots in Southgate, and in particular in the community of Dundalk.

14. The Draft updated GMS forecasts an additional 720 units for Southgate to the year 2036. The previous 2015 GMS forecasted 370 units to Southgate to 2036. This is an increase of 350 units.
15. There are a total of 837 lots in Dundalk have been registered or draft approved by Flato
16. Based on the additional 837 registered and draft approved lots, and Flato's desire to construct 100 units per year (this is consistent with sales figures over the last two years and 30 more homes are to close this spring), a total of 800 to 837 units are anticipated to be constructed by 2026.
17. The Flato developments in Dundalk alone, are forecasted to utilize all unit supply for Southgate Township by 2026.
18. In order to Plan to the full planning Horizon of 2038, additional units are required to be allocated to Southgate Township and additional lands are required to be designated for residential purposes to accommodate forecasted growth.
19. While it is detailed in the Hemson Study that the recent development activity and growth rates in Southgate Township have been considered in the draft updated GMS, we feel that additional emphasis should be placed on the supply of draft approved and registered lots in Dundalk, and building permit and sales activity of the last two years.
20. Based on the sales and building permit activity over the past two years, there is a clear link between the recent registration of lots and demand activity for these units.

Jamie Robinson, BES, MCIP, RPP  
Partner