

Addendum to Report PDR-CW-03-17

To: Warden Barfoot and Members of Grey County Council
From: Kelly Henderson and Scott Taylor
Meeting Date: August 10, 2017
Subject: **County Official Plan Amendment 42-05-010-OPA-138 – Marvin Martin (Municipality of West Grey)**
Status:

Recommendation

1. **Whereas all written and oral submissions received on Official Plan Amendment Number 138 were considered; the effect of which resulted in additional planning and engineering work being completed and helped to make an informed recommendation and decision;**
2. **Now Therefore Be It Resolved That Addendum to Report PDR-CW-03-17 be received, and that Amendment Number 138 to consider site specific exceptions for lands described as Part Lot 75, Concession B, Geographic Township of Normanby, in the Municipality of West Grey, to allow for a metal fabricating and paint shop by re-designating a portion of the subject lands from the 'Rural' and 'Hazard Lands' designations to the 'Rural with Exceptions', and 'Hazard Lands' designations, be supported, and a by-law to adopt the County Official Plan Amendment be prepared for consideration by County Council.**

Background

The County of Grey has received an application from Marvin Martin to amend the County of Grey Official Plan. The amendment would allow an exception to the 'Rural' designation to permit a 557.4 square metre metal fabricating and paint shop. The proposed shop will provide sandblasting and painting of farm machinery and road trailers to the local agricultural community. The subject lands are located at Part Lot 75, Concession B, Geographic Township of Normanby, in the Municipality of West Grey. The existing 'Hazard Lands' designation on-site would remain unchanged. Through this exception a larger shop would be permitted, than is currently contemplated by the County Plan (i.e. 557.4 m² versus the current 250 m²). The proposed development also

requires a zoning by-law amendment and site plan control application from the Municipality of West Grey.

The subject lands are located on the southern boundaries of West Grey approximately three kilometres west of Mount Forest. The subject property is approximately 11.9 hectares in area and has direct access onto Highway 89. Approximately 0.6 hectares of the property are subject to the official plan, zoning, and site plan applications. A house, barn, and horse-jogging track currently exist on the property, and the proposal would include adding a new building in the southwest portion of the property. An airphoto showing the subject lands and surrounding properties has been included as Map 1, while the proposed site plan is Map 2 below.

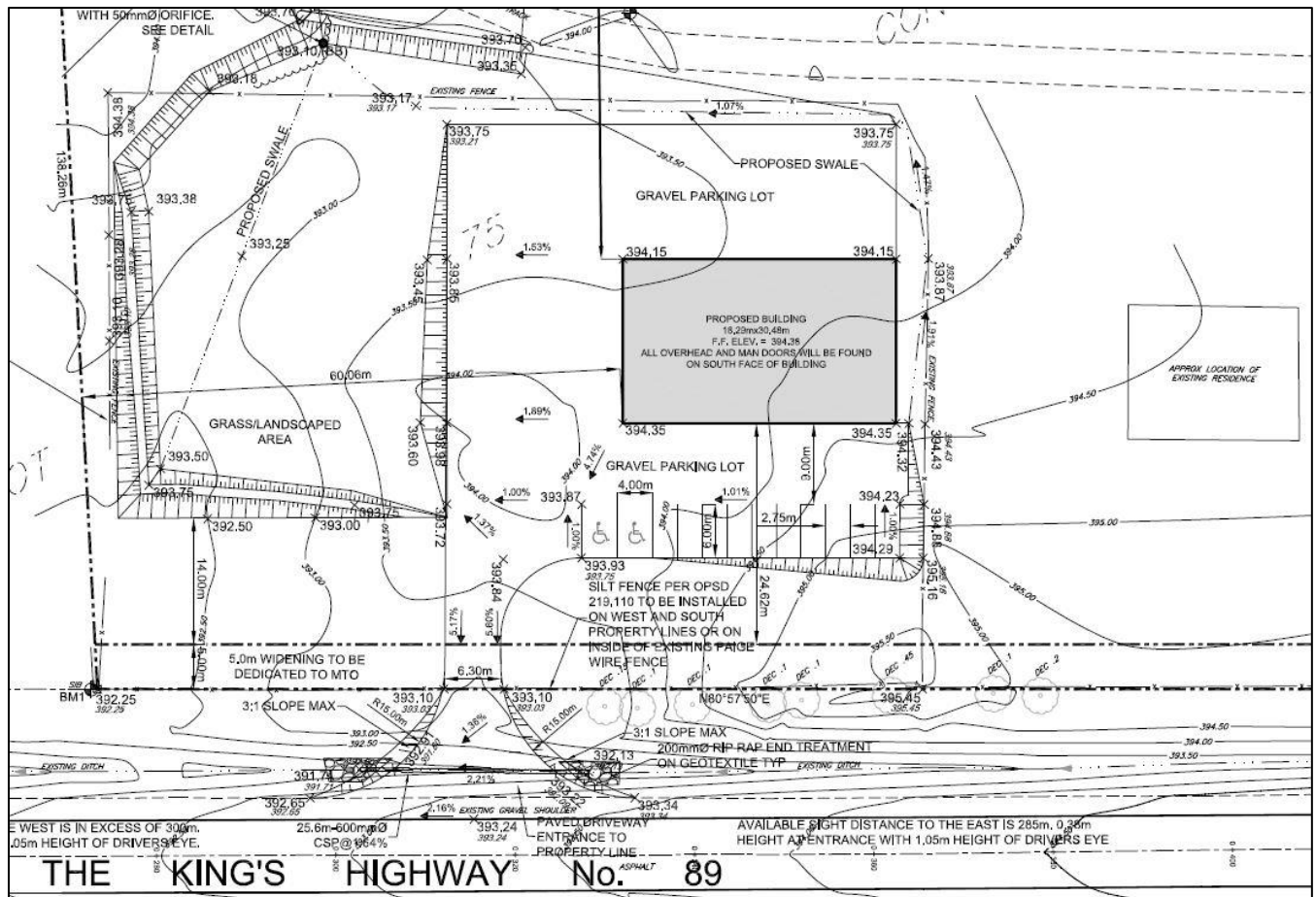


Map 1: Airphoto of the Subject Property and Surrounding Lands

Surrounding the subject lands are a mixture of farm lands and non-farm uses, including some houses and a kennel. The Town of Minto and County of Wellington are directly to the south of this development across Highway 89.

Kristine Loft, of LOFT Planning Inc. has submitted a Planning Justification Report in support of the proposal, and WSP Canada Inc. have prepared the engineering reports and plans. Addendum planning and engineering submissions were received in response to public and agency comments. Copies of all reports, background materials and plans can be found at the below link.

[Link to Marvin Martin Background Materials](#)



Map 2: Proposed Site Plan (Courtesy WSP Canada Inc.)

The Municipality of West Grey and Grey County held a joint public meeting for the planning applications on February 13, 2017.

Public and Agency Comments Received

The County did not receive any written comments from the public on this application. In verbal comments received at the public meeting Lorraine Bain noted that;

'she owns the dog kennel next door. She is not worried about noise but is concerned about fumes. She wants to make sure regulations are in place to make the air quality safe from harmful paint fumes. She also asked if the applicant decided to expand, would they need permission and further development applications. Ms. Bain asked for clarification on the hours of operation, wondering if it would be a 24 hours, 7 days per week operation.'

Comments were received from the following agencies.

County of Wellington

In a letter dated January 5, 2017 the County of Wellington noted the presence of several nearby residences. Wellington County requests that Grey County and the Municipality of West Grey give consideration to compatibility and whether or not sound proofing for the shop is warranted. Otherwise, Wellington County have no concerns.

Historic Saugeen Metis (HSM)

In an email dated January 11, 2017 the HSM noted;

“The Historic Saugeen Metis (HSM) Lands, Resources, and Consultation Department have reviewed the relevant documents and have no objection or opposition to the proposed development, land re-designation, rezoning, land severance, Official Plan and/or Zoning By-law Amendments.”

Town of Minto

In a letter dated January 17, 2017 the Town of Minto noted that they do not object to the proposed zoning and official plan amendments, provided;

“consideration is given to compatibility of surrounding uses including the location of outdoor storage of equipment through location, visual screening or buffering, and the acoustical impact on surrounding uses through buffering or building insulation to minimize impacts on nearby dwellings.”

Bluewater District School Board

In emails dated December 23, 2016, and January 25, 2017, the School Board noted that they have no comments or concerns with this planning application at this time.

Ministry of Transportation (MTO)

The MTO has submitted numerous pieces of correspondence throughout this process. Most recently on July 6, 2017 the MTO noted that their comments and concerns had been addressed. The applicant has agreed to deed 5.0 metres of widening to the Ministry and has initiated the process.

Saugeen Conservation Authority (SVCA)

The SVCA have submitted numerous pieces of correspondence throughout this process. Most recently in an email dated July 25, 2017 the SVCA noted they are okay with moving forward with the official plan amendment, with the understanding that some additional details are needed with the site plan control application.

Municipality of West Grey

County and Municipal staff have had numerous conversations before and during the development application process. Following a decision on the County official plan amendment, Municipal Council will be required to render a decision on the local planning applications (zoning amendment and site plan). Municipal staff have noted that they have no concerns with the County official plan amendment proceeding at this stage.

Analysis of Planning Issues

In rendering decisions, planning authorities must have regard to matters of Provincial interest under the *Planning Act* and be consistent with the Provincial Policy Statement (PPS). Decisions within the County must also conform to the County of Grey Official Plan and any local official plans or Provincial plans in force and effect. In this case the Municipality of West Grey Official Plan would not apply to this development, as it only applies to lands in Durham and Neustadt.

Provincial Legislation - The Planning Act

Section 2 of the *Planning Act* provides matters of provincial interest which planning authorities must have regard for in rendering any decision under the Act. Most notable to this proposed official plan amendment are the following clauses, with some staff comments below.

(a) the protection of ecological systems, including natural areas, features and functions,

There are no significant environmental features mapped in the area to be developed on the subject lands. The proposed development site is adjacent to a small pocket of Significant Woodlands, but the proposed development will not impact this feature.

Should the proposed applications be approved, a Ministry of the Environment and Climate Change (MOECC) Environmental Compliance Application under the *Environmental Protection Act* will be required with respect to the paint booth.

(b) the protection of agricultural resources of the Province,

The subject property is designated as Rural on Schedule A to the County Official Plan, and would not qualify as prime agricultural lands. Within the Rural designation, the County Plan supports agricultural-related uses and secondary small-scale commercial / industrial shops. The PPS also permits such uses, which are supportive of the rural economy and service local farmers.

The development will remove approximately 0.6 hectares of pastureland from production. It is also worth noting that the existing property is not farm-sized, as per the County Plan. The proposed building size exceeds the size of the County's small-scale

definition, but efforts have been made to minimize impacts on agriculture and surrounding land uses. Through the site plan control application, it will be ensured that technical matters and mitigation measures are in place.

(c) the conservation and management of natural resources and the mineral resource base;

The subject property is designated as 'Aggregate Resource Area' on Schedule B to the County Official Plan. The subject lands already have a house and barn on them, and the inclusion of a shop should have no additional deleterious effects on sand and gravel resources in the area.

(f) the adequate provision and efficient use of communication, transportation, sewage and water services and waste management systems;

The provision of effective water, wastewater, and communication systems has not been questioned for this application. The proposed shop will not be a heavy water or wastewater user, and will be able to utilize private services in this regard.

As noted above, MTO is now satisfied with respect to the transportation aspects of this development. SVCA is now satisfied in principle with respect to the stormwater management aspects, subject to some additional details at the site plan stage.

(h) the orderly development of safe and healthy communities,

The subject lands are located in the rural area, on a Provincial Highway. The proposed shop will serve local farmers, and others from further afield. As noted above, both the PPS and the County Plan encourage this type of business in rural and agricultural areas. Within the PPS the proposed use could be considered either an agriculture-related use or an on-farm diversified use. Within the *Guidelines on Permitted Uses in Ontario's Prime Agricultural Areas* document 'equipment repair' is listed in both categories.

(k) the adequate provision of employment opportunities,

The proposed development would provide some new employment, but it would not be considered a major employment generator. Initially the proposed use would primarily employ the proprietor, but additional labour may also be needed.

(o) the protection of public health and safety,

Some of the questions raised at the public meeting stemmed from concerns over potential hours of operation and possible paint fumes / contaminants. The applicant has noted that the operation will not run 24 hours a day, 7 days a week. The hours of

operation will be a standard Monday – Friday, most likely 8:00 a.m. – 6:00 p.m. with the occasional ½ day on Saturdays.

With respect to the paint fumes, the paint booth will require a MOECC Environmental Compliance Application. Since the public meeting the applicant's planner has also confirmed that the following;

“the system will be filtered and an exhaust would be at the north east corner of the building, and all venting would be through the roof, and not via any wall openings. This is both furthest away from neighbours, and would project emissions, versus a side wall venting system.”

Doors and openings on the building will also be oriented away from the neighbours to further mitigate any potential noise impacts. The closest neighbour noted that they were not worried about the noise, but orienting doors in this manner is still a relevant best practice.

(p) the appropriate location of growth and development.

As noted above, the subject lands are within the Rural designation, which does permit agriculture-related uses such as this. The proposed expansion would service local farmers.

Although the proposed expansion is a permitted use in the Rural designation, the County cannot ignore the existing neighbours and residential development. Mitigation measures, as discussed above, are being applied through the site plan to minimize any impacts on neighbours. Additional screening in terms of fencing or vegetative cover could also be applied at the site plan stage, to further buffer the development from neighbours.

Subject to appropriate mitigation measures on the site plan, the proposed official plan amendment has regard for matters of Provincial interest under the *Planning Act*.

Provincial Policy Statement (PPS 2014)

Section 1.3 of the PPS speaks to promoting economic development and competitiveness.

Section 2.3.3 of the PPS contains policies on the permitted uses in prime agricultural areas. Although the proposed use is not in a prime agricultural area, this section of the PPS offers clear guidance that is also applicable to rural areas. The proposed use could qualify as an 'agriculture-related use' or an 'on-farm diversified use' if equipment repair remains the primary business, and is permitted by the PPS. The Province has released a companion guide to the PPS, the *Guidelines on Permitted Uses in Ontario's*

Prime Agricultural Areas, which gives further guidance on agriculture-related uses and on-farm diversified uses. Within this guide, it notes that no size limitations are to be placed on agriculture-related uses, as they service the agricultural community and are required in close proximity to farms. Municipalities are however expected to place size limitations on on-farm diversified uses. County staff see the proposed use more akin to an on-farm diversified use, and therefore see merit in having a maximum size limitation on the business. Having this as an on-farm diversified use also leaves flexibility in case the shop should be fabricating materials, which are not directly agriculture-related. In either case, mitigation measures can still be attached to the operations, to minimize impacts on neighbours.

Sections 1.1.4 and 1.1.5 of the PPS promote economic opportunities in rural areas that can be sustained by rural service levels. The proposed development can be adequately serviced on-site.

Section 1.1.5.9 of the PPS requires Minimum Distance Separation (MDS) formulae to be met. MDS setback can be met for the proposed use, and all required setbacks have been exceeded.

Section 2.1 of the PPS requires the protection of significant natural heritage features across the Province. As noted above, there would not appear to be any impacts on significant environmental features as a result of these applications.

The proposed official plan amendment is generally consistent with the PPS.

County of Grey Official Plan

All new development proposals within the County must conform to the purposes and policies of the Official Plan. The requirements for official plan amendments are outlined in section 6.3 of the County Plan, while the detailed Rural policies are found at section 2.3 of the Plan.

As noted above, the subject lands are currently designated as Rural and Hazard Lands on Schedule A to the County Plan. The proposed development will be outside of the Hazard Lands section of the property. Section 2.3.2 of the Plan does permit small-scale commercial / industrial uses in the Rural designation. The limitations on small-scale development set a building limit of 250 m² in area for the business, when the property is less than 20 hectares in size. Should this amendment be approved it would increase the size limit to 557.4 m², with an outdoor storage space of 442.6 m². On Rural lots greater than 20 hectares, the County Plan would permit this use without the need for an amendment. For those lots 20 hectares or greater a maximum of 750 m² of building area is permitted, with up to 500 m² in outdoor storage space. For lots less than 20 hectares 250 m² of building area is permitted, with up to 750 m² in outdoor storage

space. In the case of the proposed shop they will be increasing the building area, but reducing the total maximum outdoor storage space.

The intent of this small-scale building size policy was to 'reward' farm-sized parcels by having a larger business size, while still allowing for some businesses on smaller parcels. It was also intended to ensure that large shops did not overwhelm residential sized parcels across the countryside. In this case, the subject lands are 11.91 hectares in area, which means they do not meet the minimum farm size of 20 hectares in the Rural designation, but would also not be considered a residential sized parcel. More likely this sized parcel is a 'hobby farm' sized parcel. In this case a shop of 557 m² should adequately fit on this site without overwhelming the smaller parcel size, or being too close to neighbours.

Section 5 of the County Plan deals with transportation matters, and it has been discussed above. General land use compatibility to the neighbouring residential uses is also a key consideration. This matter was reviewed earlier in the report, and will be further captured through measures contained on the future site plan application.

As noted above the Hazard Lands sections of the property are not proposed to change through the subject applications.

Staff are recommending the following wording be considered for the amendment;

18) Notwithstanding the provisions of Section 2.3.2 of this Plan, for those lands described as Part Lot 75, Concession B, Geographic Township of Normanby, in the Municipality of West Grey, and indicated on the attached Schedule 'A', the following shall apply:

- i. In addition to the permitted uses of the Rural designation, a metal fabricating and paint shop, not to exceed 557.4 m² in building size and 442.6 m² in outdoor storage and display, is also a permitted use.

Provided the mitigation measures attached to the site plan are implemented, the proposed official plan amendment would generally conform to the goals and objectives of the County Official Plan.

Financial/Staffing/Legal/Information Technology Considerations

There are no anticipated financial, staffing or legal considerations associated with the proposed official plan amendment, beyond those normally encountered in processing an amendment. The County has collected the requisite application fee and peer review deposit for this application.

Should the application be appealed to the Ontario Municipal Board additional financial, legal, or staff resources may be required.

Link to Strategic Goals/Priorities

Goal 1 of the County Strategic Plan is to 'Grow the Grey County Economy' and Goal 2 is to 'Support Healthy, Connected Communities'. This development will help to support these goals, subject to the mitigation measures attached to the site plan being implemented.

Attachments

[Report PDR-CW-03-17](#)

[Proposed Official Plan Amendment # 138 Text](#)

[Proposed Official Plan Amendment # 138 Land Use Schedule](#)

Respectfully submitted by,

Kelly Henderson, Planner and

Scott Taylor, Senior Planner

Director Sign Off: *Randy Scherzer*



Addendum to Report PDR-CW-03-17 Marvin Martin

42-05-010-OPA-138

County Official Plan Amendment Application

6724 Highway 89

Municipality of West Grey







Grey
County


42-05-010-OPA-138 : Proposed Development

- ▶ The proposed amendment would consider an exception to the 'Rural' designation to permit a 557.4 square metre metal fabricating and paint shop.
- ▶ The proposed shop will provide sandblasting and painting of farm machinery and road trailers to the local agricultural community.
- ▶ Through this exception a larger shop would be permitted, than is currently contemplated by the County Plan (i.e. 557.4 m² versus the current 250 m²).
- ▶ The subject property is approximately 11.9 hectares in area and has direct access onto Highway 89.
- ▶ Surrounding the subject lands are a mixture of farm lands and non-farm uses, including some houses and a kennel.
- ▶ A zoning by-law amendment application has also been submitted to the Municipality of West Grey.

42-05-010-OPA-138: Comments Received

- ▶ The following questions or concerns were raised with respect to the proposed development:
 - Concerns with the paint fumes that may be emitted
 - Questions about hours of operation and surrounding land use considerations
 - Questions about further expansion
 - Concerns with the grading, slope and entrance configuration of the site plan
 - Concerns with the potential Storm Water Management and runoff

42-05-010-OPA-138: Planning Analysis

- ▶ A thorough review of the Planning Act, Provincial Policy Statement, and the County of Grey Official plan has been completed
 - ▶ The proponent, the Municipality, and the County have been working with SVCA staff and the MTO to address the concerns with respect to Storm Water Management, as well as grading, slope and entrance configuration
 - ▶ It would appear that the Storm Water Management issue, grading, slope and entrance configuration has been resolved, provided the further details are incorporated at the site plan stage
 - ▶ Mitigation measures are also being applied at the site plan stage, including orientation of doors and controlling any paint fumes to minimize impact on neighbours (a future Environmental Compliance application will be submitted to the Ministry of the Environment and Climate Change)
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Whereas all written and oral submissions received on Official Plan Amendment Number 138 were considered; the effect of which resulted in additional planning and engineering work being completed and helped to make an informed recommendation and decision;

Now Therefore Be It Resolved That Addendum to Report PDR-CW-03-17 be received, and that Addendum Number 138 to consider site specific exceptions for lands described as Part lot 75, Concession B, Geographic Township of Normanby, in the Municipality of West Grey, to allow for a metal fabricating and paint shop by re-designating a portion of the subject lands from the 'Rural' and 'Hazard Lands' designations to the 'Rural with Exceptions' and 'Hazard Lands' designations, be supported and a by-law to adopt the County Official Plan Amendment be prepared for consideration by County Council.