

**The Corporation of the Township of Tay
Public Meeting of Municipal Council
Draft New Official Plan & Zoning By-law**

**May 16, 2018
6:30 p.m.**

**Municipal Office Council Chambers
Minutes**

Present:

Mayor Scott Warnock
Deputy Mayor David Ritchie
Councillor Jim Crawford
Councillor Sandy Talbot
Councillor Gerard LaChapelle
Councillor Heinrich Naumann (Chair)
Councillor Catherine Root

Staff Present:

Robert Lamb, CAO/Deputy Clerk
Alison Thomas, Clerk
Steven Farquharson, Director of Planning & Development
Liam O'Toole, Planner

Steve Weber, Township Planning Consultant

1. Call to Order

Mayor Warnock called the meeting to order at 6:30 p.m. and passed the meeting over to the Chair of the Planning & Development Committee.

2. Declarations of Interest

None were presented.

The Chair of the Planning & Development Committee announced that this is a Public Meeting of Council held in compliance with By-law No. No. 98-75 and Section 17, 26 and 34 of the Planning Act. The intent of the Public Meeting is to provide the public and agencies and opportunity to provide comments on the draft Official Plan and Zoning By-law.

The Chair advised that all persons will be given the opportunity to ask questions and comment on the proposed draft Official Plan and draft Zoning By-law. Any person who did not receive notice of the public meeting and requires notice of the passage of a By-law regarding the application should leave their name and address on the sign in sheet in the lobby.

The Chair reported that during the Public Meeting, Council will consider and hear comments on the proposed by-laws. This is the opportunity for Council to hear from residents who wish to express their comments and/or concerns on the proposed land use changes. The Chair noted that everyone who wishes to speak and ask a question or comment will be given the opportunity; however, no further opportunity for public comment will be provided.

The Chair advised that in accordance with the Planning Act, if a person or public body does not provide comments at the Public Meeting or a written submission prior to the final Council decision the Local Planning Appeal Tribunal (LPAT) may, on an appeal; dismiss the appeal on the basis that no concerns were raised during the public process. If you have concerns or comments regarding the application they should be expressed this evening.

3. Statement of Public Notice

The Chair then called on the Director of Planning & Development to describe the method by which notice of this meeting was given.

The Director of Planning & Development reported that notice of the Public Meeting in accordance with the Planning Act was published in the Midland Mirror on April 26, 2018, and was posted on the Notice Board in Municipal Building, as well as on the Township website and social media feeds on the same day. Notice was also mailed and emailed to any agencies and individuals who requested notice at the first Public Meeting on April 27, 2016.

4. Correspondence Received

- 4.1 We received correspondence from Enbridge Gas Distribution, dated April 30, 2018 providing no objections to the application.
- 4.2 We received correspondence from L. Juneau, dated May 10, 2018 regarding backyard chickens.
- 4.3 We received correspondence from Candlelight Village, dated May 9, 2018 objecting to the greenlands designation and mapping.
- 4.4 We received correspondence from the Chippewas of Rama First Nation, dated May 10, 2018 providing general comments.
- 4.5 We received correspondence from Dales Consulting, dated May 15, 2018 providing comments and concerns regarding the proposed official plan and zoning by-law as it pertains to their clients properties.

- 4.6 We received correspondence from J. & G. Black, dated May 15, 2018 regarding backyard chickens.
- 4.7 We received correspondence from L. Hamilton, dated May 14, 2018 objecting to the new Official Plan, Zoning By-law and greenlands designation.
- 4.8 We received correspondence from K. Hamilton, dated May 14, 2018 objecting to the new Official Plan, Zoning By-law and greenlands designation.
- 4.9 We received correspondence from E. Fera, dated May 15, 2018 objecting to any change in the current zoning on their property.
- 4.10 We received correspondence from E. Mersereau, dated May 16, 2018 objecting to the new Official Plan, Zoning By-law and greenlands designation.
- 4.11 We received correspondence from B. Willis, dated May 16, 2018 requesting that his existing zoning be maintained.
- 4.12 We received correspondence from D. Whidden, dated May 16, 2018 objecting to the greenlands designations on his two properties.
- 4.13 We received correspondence from K. Self on behalf of Dr. Gibbs, dated June 17, 2016 & May 15, 2018 expressing concerns respecting the proposed designations from Dr. Gibbs' property, specifically the greenlands and Significant Woodlot designations.
- 4.14 We received correspondence from G. French, dated May 16, 2018 regarding a potential Surplus Farm Dwelling Policy and rural zoning issues.

5. Presentation & Background Report by Township Staff and Consultant

- 5.1 Report No. PD-2018-24 from the Director of Planning and Development – Re: Official Plan and Zoning By-law Summary Report.

The Director of Planning & Development advised that this is the second statutory public meeting with the first being held in 2016; however, due to changes in provincial legislation and the approval of the County of Simcoe Official Plan, it was appropriate to hold a second meeting. In addition, he advised that since 2016, as a result of the provincial and county changes, the draft documents have been amended to bring them into compliance, as required.

Mr. Steve Wever, GSP Group Inc., provided an overview of the draft Official Plan and Zoning By-law, as detailed in his PowerPoint presentation. He provided an overview of Official Plan and Zoning By-law review process and detailed the new planning legislation that has impacted the review.

Mr. Wever noted that the final draft of the Zoning By-law may not be completed until Council, and then County Council approves the new Official Plan which is not anticipated until 2019. Once the new Official Plan is approved, a further public meeting will be held on the Zoning By-law prior to the final draft being presented to Council.

Mr. Wever reviewed the draft Official Plan (OP) highlighting numerous key changes. He noted that the new OP plans for the Township's allocated population and employment growth through to 2031; however, that the forecast does not limit growth, only how much land may be designated for development. As it pertains to future growth, the County will be assigning population and employment through to 2041 through the County's Municipal Comprehensive Review (MCR).

Mr. Wever noted that settlement area and growth management policies have been updated to conform to the Provincial 2017 Growth Plan. He further detailed the new Natural Heritage System policies, mapping and terminology, as established by the Province that the Township must conform to in the new OP. Mr. Wever highlighted that in recognition of the significant areas covered under the new mapping that the Township would be developing a new pre-application consultation or review that would determine if a property owner actually needs to complete an Environmental Impact Study (EIS) prior to building or developing on an identified property.

Mr. Wever detailed the new County of Simcoe Greenlands designation and mapping, noting that the Township must bring the OP into conformity with the County's OP as part of this review. He advised that the new Provincial and County mapping does not extend into the settlement areas and reviewed how the mapping was established within each areas. He further reported that even if there is a Greenlands designation on a currently developed property, owners will still be able to renovate or expand; however, it is vacant lands that will require an EIS and a zoning by-law amendment to permit development.

Mr. Wever highlighted the new policies related resource management and outlined the new Provincial agricultural land mapping that the Township must conform to. In addition, he noted that the new OP implements updated Source Water Protection policies based on comments provided by the County and SSEA. Mr. Wever further detailed the revised policies respecting surplus farm dwellings.

Mr. Wever provided a brief overview of the draft Zoning By-law highlighting that numerous definitions have been updated or added with clarification provided on the zoning of accessory buildings and structures. In addition, the draft Zoning By-law updates regulations respecting boathouses, home occupations, and kennels. He further noted that the zoning map schedules are to include any site-specific zones and exceptions that have occurred since 2000. In conclusion, Mr. Wever outlined the next steps in the review process.

The Director commented that staff is planning on bringing the draft OP to the June meeting cycle for adoption. He noted that the draft Zoning By-law will follow once the OP is approved in case there are changes made as a result of the County's adoption of the OP.

Moved By: Councillor Sandy Talbot

Seconded By: Councillor Jim Crawford

That Staff Report No. PD-2018-24 for the Official Plan and Zoning By-law Summary Report prepared by GSP Group, Planning Consultants for the Township of Tay be received for information.

Carried.

6. Questions & Clarification Period - Public

The Chair inquired if there were any questions from the audience in regards to this matter.

Mr. Kennedy Self representing Dr. Gibbs, 42 Balsam St, Uxbridge, spoke to his correspondence and spoke to his client's concerns respecting the proposed designation of his lands as a combination of Rural, Greenlands, with portions identified as Significant Woodlands. He noted that his client would like to develop housing along each side of Osborne Street, and that based on their investigations pending the conclusion of an EIS the development would still be possible. In conclusion, he requested that the lands be held from any change in designation until they have the opportunity to finalize a preliminary engineering for the lot pattern along Osborne Street.

Mr. Wever acknowledged receipt of his 2016 & 2018 correspondence, noting that a response to the 2016 comments is within the meeting agenda. He noted that it is the County who has designated the lands as greenlands and the Township is required to conform. As a result, the greenlands designation prohibits future multi-lot development.

The Director noted that Mr. Self's comments were compiled and that staff have been in discussion with the landowner over the last few years, as other applications have come forward for lot boundary adjustments. The Director further commented stating that since the first comments from Mr. Self were received in 2016 significant policy changes occurred at the Provincial and County level, which was the

reasoning for compiling them and outlined in the staff report as part of this public meeting, instead of commenting under the old policies.

Mr. Barry Norris, 30 Bayway Rd, objected to the designation of his property from rural residential to greenlands and stated that in his opinion the new draft is even worse than 2016. He commented that he would not recommend new OP as it means no new development in Tay. Mr. Norris noted that he understands that the Township must meet Provincial legislation, but inquired as to where the compensation package is for the Township and landowners who are not going to be able to build due to the greenlands designation due to the new EIS requirements or affordability. He asked if the Township sent comments to the Province on the Natural Heritage mapping or County. The Director advised that the Township did provide comments and has also been in discussion with the County as to its mapping errors. It is anticipated that the County will now work with municipalities to refine the mapping and present these errors to the Province.

Mrs. Trina McClelland, 1992 Sandhill Rd expressed concern regarding the Township's excessive focus on tourism and believes agriculture has been ignored. She advised that she runs an equestrian facility near Highway 400 and as part of her operations requires the ability to provide 24 hour care to the horses. Unfortunately, the current zoning does not permit her to have a accessory dwelling unit in a detached accessory building for her employees which is required to meet her industry's care and certification standards. Mrs. McClelland requested that the zoning provide a provision to allow accessory dwelling units within detached accessory buildings on agricultural lands.

Mr. Wever advised that the current draft does allow for accessory units provided they are attached to the main dwelling unit. He noted that they can review the draft by-law to see if it would be appropriate in certain zones to allow for detached units.

Mrs. Kristin Hamilton, 59 Long Point Road advised that she believes that there was not sufficient communication of the meeting given its importance. Further to her correspondence, she questioned the mapping as her property is divided with two designations placing her driveway and septic within greenlands. Mrs. Hamilton noted that her neighbours properties are all okay, but not hers, and questioned what she would need to if she wanted to expand due to the split designation.

Mr. Wever advised that the zoning boundary does not change the legal status of her land and existing uses remain permitted. He noted that various permitted uses will be detailed with the OP's policies to allow us of the lands. Mr. Wever further noted that if the expanded portions were within the designated greenlands that they are working with the

Township to develop a screening process that may eliminate the need for an EIS on the property, depending on the scope of development.

Mrs. Victoria Reaume, 22 Old Cottage Lane inquired as to how long the OP is expected to plan for. In addition, she noted that growth and development have only been allocated to large urban settlement areas with full servicing, and inquired as to whether or not the main issue is the lack of sewers in Waubaushene that limits growth. She further inquired as to if there has been any discussion respecting the installation of sewers to Waubaushene and if that would be considered in the future to allow equal growth across communities. Mrs. Reaume inquired as to whether or not the new zoning by-law would set out regulations for marihuana due to the upcoming federal legislation and the need to set out rules for these operations to protect residential uses.

Mr. Wever advised that it is anticipated that the new OP will be reviewed every ten years; however, it is anticipated that that timeline will be shorter due to changes in the County OP. Mr. Wever advised that Provincial Policy requires new development to have full servicing, but areas such as Waubaushene will be still be allowed some in-fill development.

The Chair advised that at this time there have not been discussions respecting the installation of sewers to Waubaushene. The Chief Administrative Officer advised that the Township's Director of Public Works is currently undertaking a master servicing study that will lead servicing planning into the future.

The Director advised that marihuana production facilities are proposed for the industrial zone only and a new definition has been included in the Zoning By-law.

Mark Ford, 50 Long Point Road noted that communication of the public meeting was horrible and commented that information in the tax bill notice would be better. He noted that they are now mapped as greenlands even though all their neighbours are shoreline residential, which makes no sense. Mr. Ford advised that they feel discriminated against and the inclusion of their property, he believes, is outside the intent of the greenlands designation. He remarked that they do not want to have to do an EIS when they wish to develop and inquired as to how Tay compares with respect to designated greenlands in relation to the rest of the County. Mr. Ford further inquired as to the impact of the greenlands designation on property assessment and taxation as many properties will be unable to be developed.

Mr. Wever advised that staff have looked at the mapping since receiving their correspondence and the source is the County's mapping of greenlands and woodlots as the property appears to be wooded. In addition, he commented that the intent is not to create a significant change in land use, and noted that the property is still primarily

shoreline residential; however, that the greenlands overlay acts as a flag for the Township when reviewing applications. Mr. Wever reported that they are working on developing a screening process which will hopefully help strike balance between conforming to meeting County mapping while allowing some flexibility. In addition, he noted that while a full comparison has not been completed, he expects that Tay has a higher percentage of greenlands within the County.

The Township CAO advised that as assessment is handled by MPAC, the change in property designation to greenlands will be an interesting case for them to deal with. At this point, he noted, the impact to taxation is not known.

Kris Menzies, Planner for 2564514 Ontario Ltd. (CIM Development) noted that they would review and provide comments in detail to staff but wanted to provide comments on the draft OP at this time, as detailed in her PowerPoint presentation. In particular, she requested that the Township remove lands that are not part of the Natural Heritage System from the Greenlands designation and requested that as the draft OP goes further than the County OP that the municipality uses the County OP's policies to define the size of wetlands and buffers for their lands.

Mrs. Menzies requested that the Township review its significant woodlot evaluation process and patch sizes. She detailed requested changes to the waste disposal policies as well as requesting the removal of the proposed residential policy requirement that there be 'no negative impact' to surrounding properties as it relates to building height. In addition, she provided further comments on the draft OP Schedule B-2 and requested the creation of two Special Policy Areas: one for Cargill Pier, and one for the remainder of the lands to allow for low density residential with some mixed use. She indicated that this is further information that she will provide to the Township as part of the OP and Zoning By-law review.

Mr. Derek Kennedy, Skyline Developments, 2999 Ogdens Beach Road, spoke to their correspondence that was previously submitted that detailed their concerns.

Mr. Cecil Gratrix, Gratrix Sand & Gravel, 1666 Gratrix Road requested that the property mapping be revised to include the entire business property, as the entire site is licensed for aggregate extraction. Currently, the mapping is only showing the portion currently in use and he requested that this be changed to reflect future use.

Mr. Wever advised that if the entire property is already licensed that its use will be okay in the future.

Dr. Gibbs, 143 Robins Point Road noted that he has not spoken to staff since 2016 and finds the new greenlands designation disconcerting given its impact on his property. He commented that the new designation really limits what can be done on his property and would like the mapping to allow limited development along Osborne Street to develop some lots.

Mrs. Grace Hill McKay, Candlelight Village, spoke to her correspondence and inquired as to how the mapping was done as the mobile home park is fully developed, but is shown as greenlands on the draft OP.

Mr. Wever advised that the mapping is from the County OP which is based on 2007/2008 mapping; however, noted that existing uses are recognized. He noted that the Township must conform to the Provincial mapping released earlier this year, even though it is recognized that there are errors.

Mr. John Richards, 93 Maskinonge Road inquired as to how the proposed screening process would work (i.e. site visit), and how the necessity of an EIS would be determined. In addition, he noted that the EIS requirement delays building for almost a year so a process needs to be determined that would reduce the time for review. Mr. Richards further noted that the septic process requires revision so that homeowners are informed.

The Chair advised that the screening process is a new concept tonight and that staff is still working out what that process will be.

The Director advised that the screening process in the development stages and the process will be detailed as part of the final report on the OP; however, he noted that it may be implemented more effectively through zoning, rather than the OP.

7. Questions & Clarification Period – Council

The Chair inquired if there were any questions from Council in regards to this matter.

Councillor LaChapelle noted that the greenlands designation bothers him considerably, and that it is the implementation that must be dealt with. Further, he noted that there needs to be a way to deal with homeowners who are affected by the designation in the future as an EIS is costly. With respect to Dr. Gibbs' property, Councillor LaChapelle inquired as to who decides the size of woodlots, and commented that as the balance of the surrounding lands are developed, it would be advantageous to the Township to allow for development along Osborne. Councillor LaChapelle inquired as to why Tay has the highest percentage of greenlands in the County. He noted that he was impressed with the presentation from Mrs. Menzies, and that the Township needs to work with them to enable growth in Tay.

Mayor Warnock commented that he believed the land designation issue respecting Dr. Gibbs' property was resolved years ago; however, rules have changed and the Township must meet the Provincial and County requirements. He further noted that the Township of Ramara has been designated 90% natural heritage. Mayor Warnock extended his appreciation of Mrs. Menzies presentation and noted that he would like to see the project move forward in Port McNicoll. He remarked that the current designation of Candlelight Village is wrong and needs fixing. In conclusion, he advised that he could not support the draft OP at this time, and noted that the Township needs to find a workable solution between Provincial and County conformity requirements and the Township's OP policies.

Deputy Mayor Ritchie thanked those in attendance for their comments and spoke to the ongoing issues with Provincial planning policies and mapping.

Councillor Crawford thanked those in attendance and spoke to the Township's frustration with the mapping. He advised that he does not support the greenlands mapping, noting that his property was marked as greenlands too.

Councillor Talbot thanked those in attendance and commented that there needs to be a way to find a balance and keep the Township 'open for business'.

Councillor Root noted that she understood the changes in planning, empathized with staff for dealing with constant changes in legislation, commented that the screening process is a good suggestion. She requested that Council be informed as to where there is flexibility so that they know what can be loosened. In addition, she inquired as to why or why not detached secondary suites and accessory buildings could not be facilitated on agricultural lands.

Councillor Naumann noted that he does not want to see additional financial burden on property owners that will prevent future growth. He commented that there needs to be a way to encourage people to know about the OP and zoning by-laws. Councillor Naumann advised that the Township needs to look at buffers and lot sizes, noting that the Environmental Protection (EP) designation originally went through homes; however, it evolved through new mapping and applications, and he hopes that this does too. He expressed his support for the proposed screening process. In conclusion, he noted that as a woodlot owner, other owners need to know what impact the greenlands and Natural Heritage mapping will have on them and their forest management plans.

8. Final Statement by the Chair

The Chair advised that in accordance with the *Planning Act*, if a person does not provide comments at the Public Meeting or a written submission prior to the final decision, the Local Planning Appeal Tribunal (LPAT) may, on an appeal, dismiss the appeal on the basis that no concerns were raised during the public process.

9. Adjournment

Moved By: Councillor Sandy Talbot

Seconded By: Councillor Jim Crawford

That this public meeting per the Planning Act adjourn at 9:16 p.m.

Carried.

MAYOR

CLERK