



Corporation of the Municipality of South Huron
Minutes-Public Meeting

Monday, January 7, 2019, 6:00 p.m.
Council Chambers - Olde Town Hall

Members Present: George Finch, Mayor
Jim Dietrich, Deputy Mayor
Dianne Faubert, Councillor - Ward 1
Marissa Vaughan, Councillor - Ward 1
Aaron Neeb, Councillor - Ward 2
Barb Willard, Councillor - Ward 2
Ted Oke - Councillor - Ward 3

Staff Present: Dan Best, Chief Administrative Officer/Deputy Clerk
Sandy Becker, Director of Financial Services
Rebekah Msuya-Collison, Clerk

Others Present: Sarah Smith, Huron County Planner

1. Call to Order

Mayor Finch called the Public meeting to order at 6:02 p.m.

2. Disclosure of Pecuniary Interest

None.

3. Purpose of Public Meeting

The Clerk reviewed the purpose of this Public Meeting of the Council of the Corporation of the Municipality of South Huron is to review two applications proposing amendments to By-Law 69-2018, South Huron Comprehensive Zoning By-Law and to consider a proposed Official Plan Amendment. The purpose of this Public Meeting is to allow interested members of the public the opportunity to ask questions or offer comments with regard to the proposed amendments.

She advised that Council will not make a decision on the Zoning By-Laws or Official Plan amendment at this Public Meeting but based on the recommendations and information received at this Public Meeting, these By-Law amendments will be presented for approval at a regular Council meeting.

The Clerk noted that there is a Public Registry located on the table by the door and if any member of the public would like to be notified in writing of the decision on these applications they are to provide their name and mailing address on the registry. A person or public body may appeal the decision if they have made an oral submission at this public meeting or a written submission to Council prior to the passing of the By-laws.

4. Application for Official Plan Amendment OPA #14 and Rezoning D14-14-2018 Kints

4.1 Application

4.1.1 Engineering Report

4.1.2 Planning Justification Report

4.1.3 Analysis of Well Yield Potential

4.2 Sarah Smith, Huron County Planner - Report D14-14-2018

Planner Smith reviewed her report and outlined the reasons for the recommendation that South Huron Council refuse to adopt the Official Plan Amendment and deny the Zoning By-law Amendment application as submitted. These reasons are outlined as follows:

1. Development of a strip of residences in the South Huron prime agricultural area and Recreational designation is not consistent with the Provincial Policy Statement (PPS), and does not conform with the Huron County Official Plan or South Huron Official Plan;
2. Approval of this application would direct development away from Exeter and other South Huron Settlement areas, resulting in less efficient use of significant infrastructural investment made in the Municipality as this development is proposed on individual private services;
3. The request for a Special Policy Area is not warranted and these lands and should be protected for Recreational purposes as they have been designated for in the South Huron Official Plan.
4. There was a previous decision of South Huron Council to prohibit residential strip development in this location.

Motion: PL#001-2019

Moved: T. Oke

Seconded: J. Dietrich

That South Huron Council receives the report from S. Smith, Huron County Planner re: Official Plan Amendment D09-OPA 14 and Zoning By-Law Amendment D14-Z14-2018.

Disposition: Carried

4.3 Written Comments Received

4.3.1 John and Laurel Miner

4.4 Comments-Council; Public in Attendance

Jay McGuffen and Dan McGuffen of Monteith Brown Planning Consultants advised that they have been working with Mr. Kints through the submission process.

Mr. McGuffen outlined that the PPS does not address development on existing lots of record in prime agricultural areas and are not prohibited outright from being developed. He added that South Huron OP (Section 4.4.3) explicitly recognizes such “lots of record” and permits their development for residential purposes. He advised that the OPA application was filed because the applicable policy dealing with existing lots is addressed only for lands designated ‘Agriculture’ and not for lands designated ‘Recreational’. He noted that the distinction between existing lots and the creation of new lots are two separate elements under the PPS and that there is no argument that new lots could not be created.

He advises that he does not agree with the County on municipal servicing issues as the lots will be serviced privately as in other non-serviced areas outside of the settlement areas. He noted that the applicant has undertaken studies to supply water and sanitary which show that all of the lots are capable of sustaining and supporting sanitary waste disposal systems and adequate on-site water supply at no financial cost to municipality.

Mr. McGuffen noted that the applicant requested a special policy area as the property is for profit and not expected to be public space as the lands are specifically used for commercial purposes; the golf course. Mr. McGuffen noted that this special area approach has been used when in other jurisdictions that ‘special policy areas’ are typically applied in ‘site-specific’ instances where the application of existing OP policies would not accurately reflect or convey the intent of the Municipality with respect to the future use of the land, such as where the change in land use is

appropriate given the mix of uses already in a particular area. He added that protection of the lands for recreational purposes made no practical sense to the applicant as he has no intention on expanding the existing golf course to incorporate the subject lands and the applicant has no plans to introduce any additional or new recreational uses to the area. He added that reverting a 4 acre parcel to agricultural use would be impractical and inefficient.

Mr. McGuffen acknowledged the previous Council's decision to deny OPA and ZBA applicants in 2014 and the suggestion that the use of the subject lots constitutes a form of "residential strip development" but he added that this is generally associated with regards to the creation of new residential building lots and not existing.

Mr. McGuffen noted that the process of "checker boarding" was a recognized and approved method for creating lots prior to the requirement for additional approvals under the Planning Act and that part-lot control only applies to lands within a registered plan of subdivision. He added that the subject lands are not part of a plan of subdivision and only the 7 existing lots along Morrison Line remain out of the 39 that were created.

Mr. McGuffen added that the subject lots are designated Recreational and that the Recreational designation has only applied to the subject lands since 2014 and that before this, the lands were designated 'Agriculture' where provisions are made for the development of existing lots of record.

He said that the property is a commercial recreation area and that there are no policies that preclude development of residences in these areas. He noted that the Zoning By-Law building and structures accessory uses allows accessory dwelling units in RC3 zone and sets out regulations that provide for residential dwellings in recreational zoning. He submitted that the Planning Act states that if Zoning By-Law is in force and effect then it is deemed to be consistent with the Official Plan.

Dan McGuffen gave a brief outline of other golf course living projects that he has been involved in.

He noted that the current impacts for MDS should be met as the livestock were removed from the barn across the road in 2014 and the current MDS already includes golf course uses which include restaurants and residences already.

Councillor Vaughan asked whether there has been any consideration on moving the driveways from the municipal road as there is a strip of land to

the west between the proposed residences and golf course for an entrance into the community from the golf course. Mr. McGuffen advised that the applicant had considered that and explored a common element condo corporation model. He noted issues with design and streetscape, possible need for noise barrier, complications, cost and co-ordination for condo corporation model, and the possibility of more difficult sales.

Councillor Oke requested confirmation on the dimensions of the lots.

CAO Best advised that he has been involved in discussions between the applicant's planners and County Planning and does not agree with the recommendation brought forward from Huron County Planning and supports the proposed development. He advised that he has concerns with the current RC3 zone description in the zoning by-law and is looking to seek legal counsel as a creative applicant may argue against the intent. CAO Best proposed a secondary report to go to Council.

5. Application for Rezoning D14-18-2018 Borland

5.1 Application

5.2 Sarah Smith, Huron County Planner - Report D14-18-2018

Motion: PL#002-2019

Moved: A. Neeb

Seconded: D. Faubert

That South Huron Council receives the report from S. Smith, Huron County Planner re: Zoning By-Law Amendment D14-Z18-2018.

Disposition: Carried

5.3 Written Comments Received

None.

5.4 Comments - Council; Public in Attendance

None.

6. Close Public Meeting

Motion: PL#003-2019

Moved: J. Dietrich

Seconded: B. Willard

That South Huron Council now closes this Public Meeting at 6:58 p.m. and reconvenes the Regular Council meeting.

Disposition: Carried

George Finch, Mayor

Rebekah Msuya-Collison, Clerk