



Planning Report

To: Municipality of Brockton Council

From: Julie Steeper, Planner

Date: November 29, 2022

Re: Zoning Bylaw Amendment Application - Z-2022-041 (Hickey)

Recommendation:

Subject to a review of submissions arising from the public meeting:

That Council approve Zoning By-law Amendment Z-2022-041 as attached and the necessary by-law be forwarded to Council for adoption.

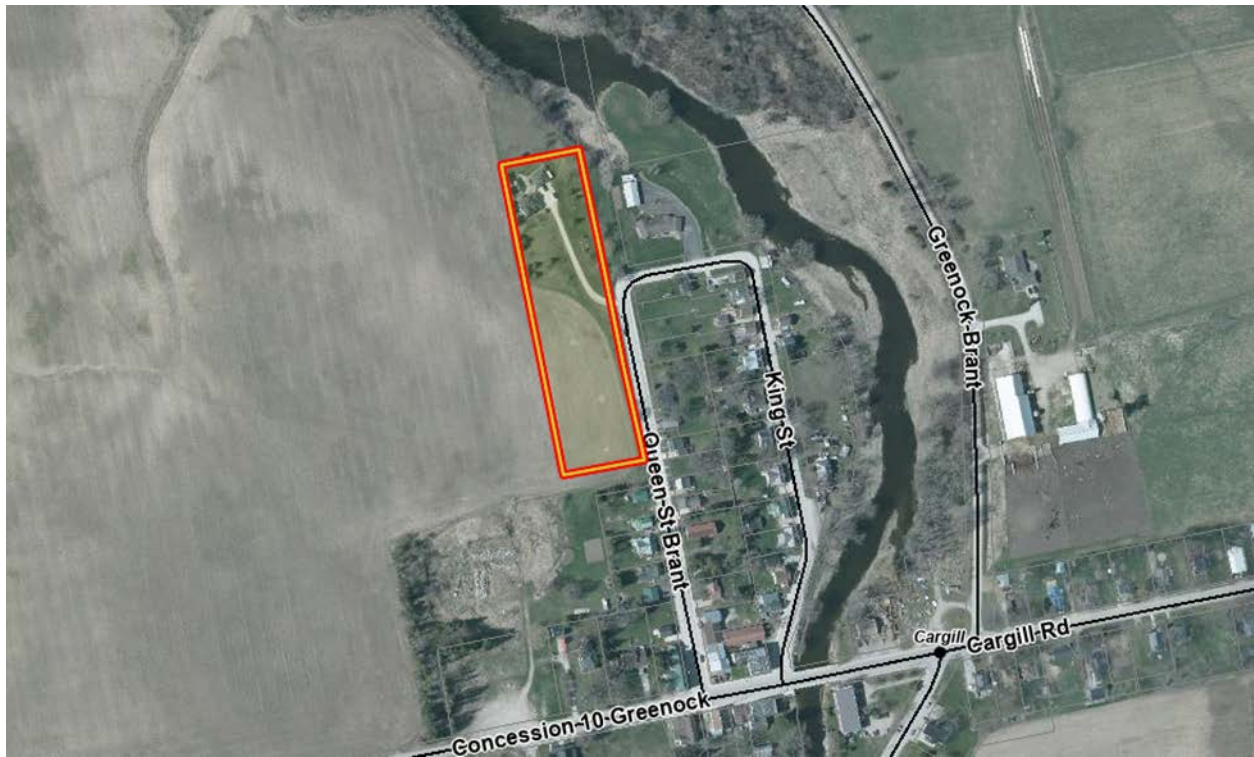
Summary:

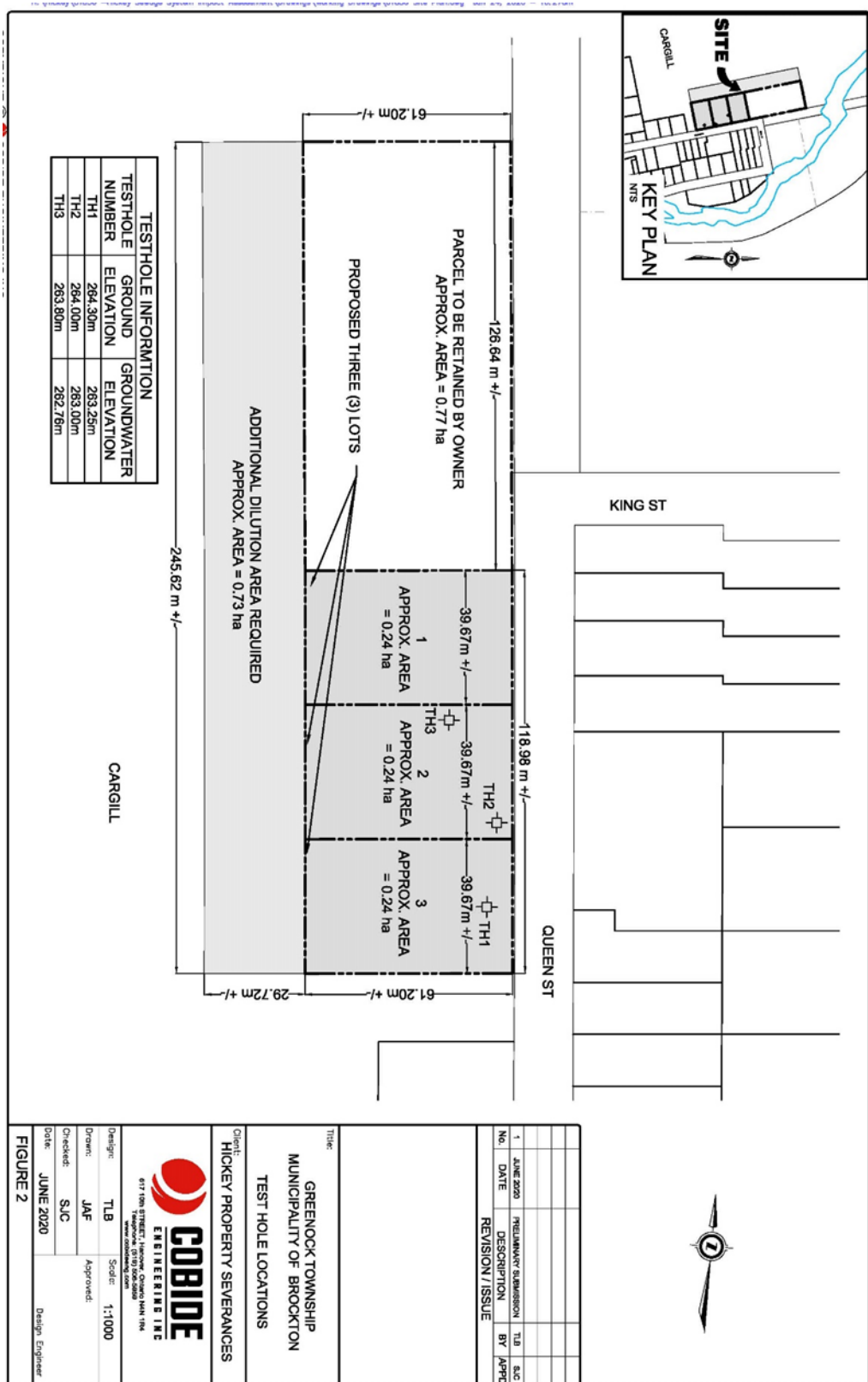
The purpose of the application is to sever three residential lots with frontage along Queen Street. A Zoning By-law Amendment is required to rezone the subject property from Hamlet Industrial (HI) to Hamlet Residential (HR) and Hamlet Residential Special (HR-14). The Hamlet Residential Special Zone would address the reduced lot frontages and lot sizes for the proposed severed lots. If approved, the effect of the application would facilitate the creation of 3 residential lots 0.24 ha in size. An easement is proposed across 14 Concession 10 Greenock 29.7m X 245.62m in size. The easement is required to address the additional dilution area required for the proposed septic systems.

The related consent files (B-2022-041, B-2022-042, B-2022-043, B-2022-102) will be considered by the County at a later date.

the property is located south of Bruce Road 15, west of Bruce Road 3, east of Bruce Road 20, and is within the hamlet of Cargil. The subject site is surrounded by residential uses and agricultural lands

Airphoto





Planning Analysis:

The following section provides an overview of the planning considerations that were factored into the staff recommendation for this application, including relevant agency comments (attached), and planning policy sections.

Lot Size, Lot Frontage, and Septic Servicing

The subject lands are designated Hamlet Community in the Bruce County Official Plan and the Plan allows for lot creation on private septic with proposed lot areas of less than 4047 square meters but requires a submission of a nitrate study. The purpose is to ensure that no development proposal shall result in a nitrate concentration of more than 10mg/L of nitrate at each new property boundary. A Sewage System Impact Assessment was submitted with the subject application and addressed the matters as prescribed in the *D-5-4 Technical Guideline for Individual On-Site Sewage Systems: Water Quality Impact Risk Assessment of the Ministry of Environment*. The proposed severed lots meet the policy requirements with a proposed easement. The easement effectively increases the size of the lot to provide for greater dilution of wastewater before it reaches the 'downgradient property boundary.'

The lands that are subject to the easement are used for agricultural purposes and are located outside of the settlement area boundary. The easement would prevent any uses from being established that would impact the function of this nitrogen loading area and protect against location of incompatible uses (like a drinking water source) within the area. There is no impact to the ability of agricultural uses to continue in the area.

The subject land is currently zoned Hamlet Industrial (HI) in the Municipality of Brockton Zoning By-law. The purpose of the application would rezone the property from its current zone to Hamlet Residential (HR) and Hamlet Residential Special (HR-14). The proposed 3 residential lots are considered undersized and require a reduced lot frontage. The minimum lot size is 0.5 ha and the minimum lot frontage is 50 meters in the Hamlet Residential Zone. The intent of the minimum lot area is to ensure there is a large enough building envelope on the site to accommodate a residential dwelling and septic system. The minimum lot size also helps to ensure that the sizes of lots are similar and conform to area. In this case, there are lots in this area that are smaller or similar in size to the proposed lot. Lot frontage helps ensure there is suitable access and a reasonable space for a buildable area. The new frontage would still fulfil this purpose and is considered adequate.

The proposed lots are in keeping with the lot area, frontage, and density pattern of the surrounding area.

Archaeological Potential

The subject property is considered to have high archeological potential due the Teeswater River that runs in proximity to the property. In review it was determined that an Archaeological Assessment was required to facilitate the application.

The County Official Plan identifies that development on lands containing possible archaeological resources or areas of archaeological potential, should occur in such a manner

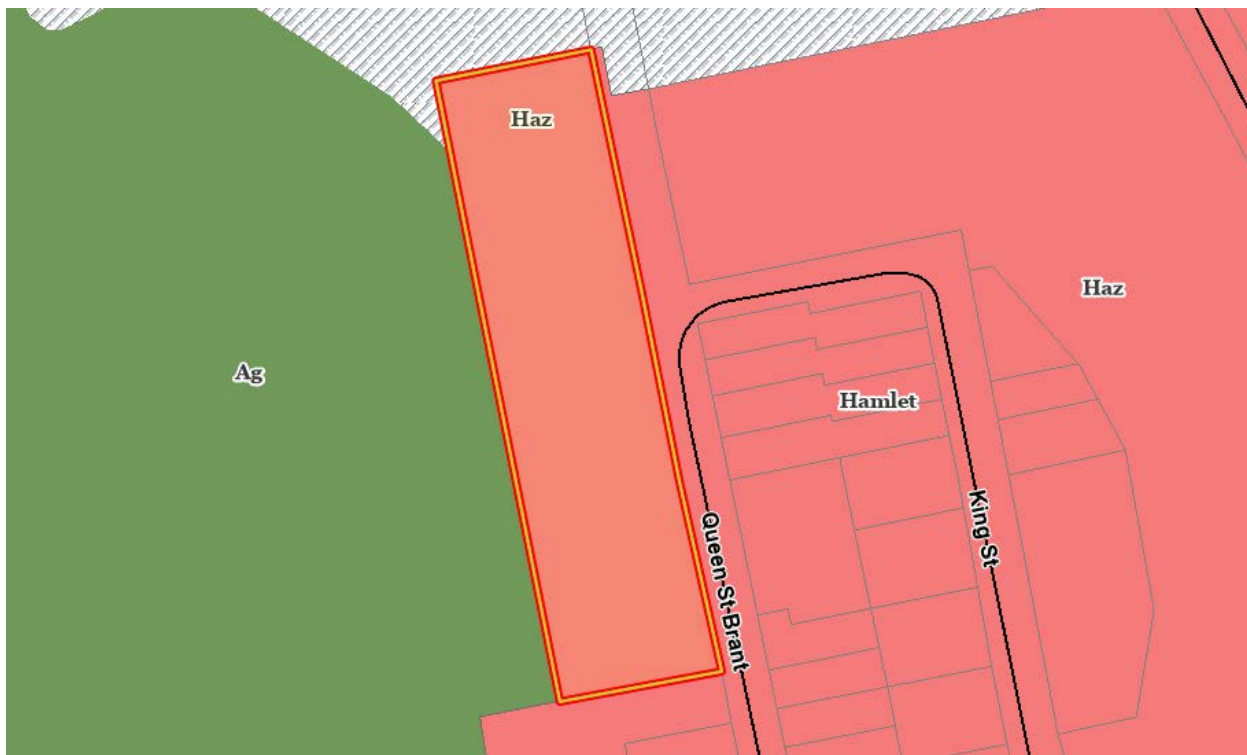
as to avoid destruction or alteration of these resources. Where this is not possible, the development proponent shall conserve the resources through removal and documentation in accordance with the Ontario Heritage Act.

For this project, a Stage 1 and 2 Archaeological Assessment was prepared in support of the subject applications as the lands fall within an area of moderate to high archaeological potential. No archaeological resources were identified in the study area during the Stage 2 assessment. The report concluded that no further assessment was required.

Appendices

- County Official Plan Map
- Local Zoning Map
- List of Supporting Documents and Studies
- Agency Comments
- Public Notice

County Official Plan Map (Designated Hamlet Community)



Local Zoning Map (Zoned Hamlet Industrial 'HI', Environmental Protection 'EP')



List of Supporting Documents and Studies

- Hydrogeological Evaluation & Nitrate Impact Study provided by Cobide Engineering Inc.
- Archaeological Assessment provided by Detritus Consulting Ltd.

Agency Comments

Municipality of Brockton: Lot grading and Drainage plan to be required as part of building permit application.

Bruce- Grey Catholic District School Board: No comments.

Hydro One: We have reviewed the documents concerning the noted Plan and have no comments or concerns at this time.

Saugeen Ojibway Nation (SON): In future, Detritus should contact SON prior to conducting the archaeological assessment, so that we can consult and deploy archaeology monitors for any archaeological fieldwork being undertaken in the Territory. We have no further comments on this project at this time. If any archaeological resources are revealed in future, please contact SON immediately.

Historic Saugeen Métis (HSM): The Historic Saugeen Métis (HSM) Lands, Resources and

Consultation Department has reviewed the relevant documents and have no objection or opposition to the proposed Zoning By-law Amendment and Land Severance(s) as presented.

Saugeen Valley Conservation Authority: The proposed applications are acceptable to SVCA staff. and is provided in full below.

SENT ELECTRONICALLY ONLY (jsteeper@brucecounty.on.ca and bcplwa@brucecounty.on.ca)

October 26, 2022

County of Bruce Planning & Development Department
30 Park Street
Walkerton, Ontario N0G 2V0

ATTENTION: Julie Steeper, Planner, Bruce County

Dear Ms. Steeper,

RE: Consents and Zoning By-law Amendment: B-2022-041, B-2022-042, B-2022-043, B-2022-102 and
& Z-2022-041
31 QUEEN ST BRANT
CON A PT LOTS 24 & 25 RP; 3R6384 PART 1
Roll No.: 410431000237310
Geographic Township of Brant
Municipality of Brockton (Hickey)

Saugeen Valley Conservation Authority (SVCA) staff has reviewed the above-noted applications as per our delegated responsibility from the Province to represent provincial interests regarding natural hazards identified in Section 3.1 of the Provincial Policy Statement (PPS, 2020) and as a regulatory authority under Ontario Regulation 169/06 (SVCA's Development, Interference with Wetlands, and Alterations to Shorelines and Watercourses Regulation). SVCA staff has also provided comments as per our Memorandum of Agreement (MOA), dated September 2019, with the County of Bruce representing natural hazards, natural heritage, and water resources; and the application has also been reviewed through our role as a public body under the *Planning Act* as per our Conservation Authority Member approved Environmental Planning and Regulations Policies Manual, amended October 16, 2018.

Purpose

The purpose of the applications is to sever three residential lots with frontage along Queen Street. A Zoning By-law Amendment is required to rezone the lots from Hamlet Industrial (HI) to Hamlet Residential (HR) and to address the reduced lot frontages and lot sizes. If approved, the effect of the applications would facilitate the creation of 3 residential lots 0.24 ha in size. An easement is proposed across 14 Concession 10 Greenock 29.7m X 245.62m in size. The easement is required to address the additional dilution area required for the proposed septic systems.

The following submitted documents have been reviewed in relation to these applications:

- 1) Application for Zoning-By Law Amendment and Site Plan dated April 4, 2022.
- 2) Request for Agency Comments dated October 14, 2022.

Recommendation

The proposed applications are acceptable to SVCA staff. We elaborate in the following paragraphs.

Delegated Responsibility and Advisory Comments

SVCA staff has reviewed the applications through our delegated responsibility from the Province to represent provincial interests regarding natural hazards identified in Section 3.1 of the Provincial Policy Statement (PPS, 2020). We have also reviewed the application through our responsibilities as a service provider to the County of Bruce in that we provide expert advice and technical clearance on *Planning Act* application with regards to natural hazards, natural heritage, and water resources as set out in the PPS, 2020, County Official Plan (OP) and/or local official plans. Comments below only include features/technical requirements affecting the property.

Natural Hazards:

The natural hazard features affecting the property are the flooding and erosion hazards of the Teeswater River. It is SVCA staff's opinion that the Hazard Lands designation as shown on Schedule A to the Bruce County OP and the Environmental Protection (EP) Zone as shown in the Municipality of Brockton Zoning By-law 2013- matches closely with Hazard Lands for the property as mapped by the SVCA.

Provincial Policy Statement – Section 3.1

It is SVCA staff's interpretation that Section 3.1.1 of the PPS, 2020 states, in general, that development shall be directed to areas outside of hazardous lands (flooding hazards, erosion hazards, dynamic beach hazards), and hazardous sites (organic soils, leda clay, unstable bedrock.).

County of Bruce OP Policies

It is SVCA staff's interpretation that Sections 5.8.5.1 and 5.8.8.2 of the County OP do not support new development within lands affected by natural hazards in addition to Section 3.1 of the Provincial Policy Statement concerning development and site alterations in hazardous lands and sites.

The existing building is located outside hazard lands as mapped by the SVCA. As per the site plan provided, future development will also be located outside of the hazard lands and safe access can be provided via Queen Street.

As such, it is SVCA staff's opinion that the applications are consistent with the natural hazard policies of the PPS (2020) and the Bruce County OP.

Natural Heritage:

The natural heritage features affecting the property include adjacent lands to fish habitat, adjacent lands to significant woodlands, adjacent lands to other wetlands, adjacent lands to potential significant wildlife habitat, and adjacent lands to potential Endangered and Threatened species habitat.

Fish Habitat

The Teeswater River is recognized as fish habitat and is adjacent to the property.

Provincial Policy Statement – Section 2.1

It is SVCA staff's interpretation that the PPS does not have policies specific to other wetlands; however, the PPS (2020) generally recognizes other wetlands as natural heritage features.

Bruce County OP Policies

It is SVCA staff's interpretation, s. 4.3.2.1 of the County OP does not permit development within 30 metres to the banks of a cold water stream or 15 metres of a warm water stream; and that landowners are encouraged to forest the area within any stream to maintain and improve fish habitat ecological functions of the stream and to increase natural connections. Furthermore, s. 4.3.3 of the OP requires that an EIS shall be required for development and site alteration proposed within 120 metres of fish habitat

The property features adjacent lands to fish habitat. As per the site plan provided, development will be restricted to previously disturbed lands adjacent to this feature. As such, SVCA staff are of the opinion that the impact to this feature will be negligible and the requirement for an EIS can be waived.

Other Wetlands

Wetlands associated with the Teeswater River are located adjacent to the property.

Provincial Policy Statement – Section 2.1

It is SVCA staff's interpretation that the PPS does not have policies specific to other wetlands; however, the PPS (2020) generally recognizes other wetlands as natural heritage features.

Bruce County OP Policies

Section 4.3.3.3 of the County OP states an EIS shall be prepared prior to any development approvals and any site alteration or development. In considering the loss of functions or features, particularly with regard to wetlands and fish habitat.

The property features adjacent lands to other wetlands. As per the site plan provided, development will be restricted to previously disturbed lands adjacent to this feature. As such, SVCA staff are of the opinion that the impact to this feature will be negligible and the requirement for an EIS can be waived.

Significant Woodland

Although there is no County-wide mapping for significant woodlands, SVCA staff is of the opinion that the woodlands adjacent to the property form part of a larger woodland and therefore may be considered significant woodlands. SVCA staff notes that significant woodlands are not determined based on property boundaries, nor are they considered interrupted by standard road allowances or roadways.

Provincial Policy Statement – Section 2.1

Section 2.1.5 b) of the PPS states that development and site alteration shall not be permitted in significant woodlands unless it has been demonstrated that there will be no negative impacts on the natural features

or their ecological functions; and further that, section 2.1.8 states development and site alteration shall not be permitted on adjacent lands to significant woodlands unless it has been demonstrated that there will be no negative impacts on the natural features or their ecological functions.

Bruce County Official Plan Policies

It is SVCA staff's interpretation that as per Section 4.3.2.6.2 ii) of the Bruce County OP, for municipalities with greater than 30% forest cover, an Environmental Impact Study shall only be required for developments that propose four or more lots in one development, or that involve the removal of more than 1.0 ha of forest cover in a single proposal.

The property features adjacent lands to significant woodlands. As per the site plan provided, development will be restricted to previously disturbed lands adjacent to this feature. As such, SVCA staff are of the opinion that the impact to this feature will be negligible and the requirement for an EIS can be waived.

Habitat of Threatened and/or Endangered Species

It has come to the attention of SVCA staff that habitat of Endangered Species and Threatened Species may be located adjacent to the property.

Provincial Policy Statement – Section 2.1

Section 2.1.7 of the PPS states that development and site alteration shall not be permitted in habitat of endangered species and threatened species, except in accordance with provincial and federal requirements.

Bruce County Official Plan Policies

It is SVCA staff's opinion, section 4.3.2.7 of the County's OP does not permit development within habitat of threatened and endangered species; and that development and site alteration proposed within 50 metres adjacent will not be permitted unless an EIS demonstrates the proposed will not have an impact on the habitat or its ecological functions.

SVCA's role is to identify endangered/threatened species habitat via screening process in consideration of the PPS and local policies but we must direct applicants to Ministry of Environment, Conservation and Parks (MECP) for follow-up. It is the responsibility of the applicant to ensure the endangered species and threatened species policy referred to in the PPS has been appropriately addressed. Please contact the Ministry of Environment, Conservation and Parks (MECP) at SAROntario@ontario.ca for information on how to address this policy.

Significant Wildlife Habitat

While mapping showing significant wildlife habitat is not included in the Bruce County OP, it has come to the attention of SVCA staff that significant wildlife habitat may be located on lands adjacent to the property.

Provincial Policy Statement – Section 2.1

Section 2.1.5 (d) of the Provincial Policy Statement dictates that development and site alteration shall not be permitted in significant wildlife habitat nor shall it be permitted on adjacent lands (Section 2.1.8) to significant wildlife habitat unless it has been evaluated and demonstrated that there will be no negative impacts. While the development proposed may be within significant wildlife habitat, The site features sufficient area outside of the feature for future development on previously disturbed lands on adjacent properties, and SVCA staff are of the opinion that the impact to the habitat will be negligible.

Bruce County Official Plan Policies

In the opinion of SVCA staff, Section 4.3.2.10 of the Bruce County OP states, in part, that development proposed within significant wildlife habitat requires an EIS that demonstrates there will be no negative impact on the feature.

The property features adjacent lands to potential significant wildlife habitat. As per the site plan provided, development will be restricted to previously disturbed lands adjacent to this feature. As such, SVCA staff are of the opinion that the impact to this feature will be negligible and the requirement for an EIS can be waived.

Regarding the above, SVCA staff are of the opinion that the applications are in conformance with the natural heritage policies of the PPS (2020) and the Bruce County OP.

Drinking Water Source Protection

The subject property appears to SVCA staff to not be located within an area that is subject to the local Drinking Water Source Protection Plan. To confirm, please contact Carl Sieder or Karen Gillian (RMO) at RMO@greysauble.on.ca.

Statutory Comments

SVCA staff has reviewed the applications as per our responsibilities as a regulatory authority under Ontario Regulation 169/06 (SVCA's Development, Interference with Wetlands, and Alterations to Shorelines and Watercourses Regulation). This regulation, made under Section 28 of the *Conservation Authorities Act*, enables SVCA to regulate development in or adjacent to river or stream valleys, Great Lakes and inland lake shorelines, watercourses, hazardous lands and wetlands. Subject to the CA Act, development taking place on or adjacent to these lands may require permission from SVCA to confirm that the control of flooding, erosion, dynamic beaches, pollution or the conservation of land are not affected. SVCA also regulates the alteration to or interference in any way with a watercourse or wetland.

The property contains a portion of SVCA Regulated Area in the eastern/northeastern corner. Development and/or site alteration within the SVCA Approximate Regulated Area and/or Approximate Screening Area on the property will require permission from SVCA prior to carrying out the work.

“Development” as defined under the *Conservation Authorities Act* means:

a) *the construction, reconstruction, erection or placing of a building or structure of any kind;*

- b) *any change to a building or structure that would have the effect of altering the use or potential use of the building or structure, increasing the size of the building or structure or increasing the number of dwelling units in the building or structure;*
- c) *site grading; or,*
- d) *the temporary or permanent placing, dumping or removal of any material, originating on the site or elsewhere.*

And;

“Alteration” as per Section 5 of Ontario Regulation 169/06 generally includes the straightening, diverting or interference in any way with a river, creek, stream or watercourse, or the changing or interfering in any way with a wetland.

SVCA Permission for Development or Alteration

The property features a portion of SVCA Regulated Area on the eastern/northeastern corner. As per the site plan provided, the proposed development will not encroach into the regulated area. As such, permission from this office is not required. If development within the SVCA regulated Area is proposed, permission from this office will be required.

Summary

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

The applications are acceptable to SVCA staff.

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

- 1) Consistency with Section 3.1, Natural Hazard policies of the PPS, 2020 has been demonstrated.
- 2) Consistency with Section 2.1, Natural Heritage policies of the PPS, 2020 has been demonstrated; with the exception of the applicant contacting the Ministry of Environment, Conservation and Parks (MECP) regarding the potential for endangered and/or threatened species habitat.
- 3) Consistency with local planning policies for natural hazards and natural heritage has been demonstrated, with the exception of the applicant contacting the Ministry of Environment, Conservation and Parks (MECP) regarding the potential for endangered and/or threatened species habitat.

Please inform this office of any decision made by the Municipality of Brockton and/or the County of Bruce with regards to the applications. We respectfully request to receive a copy of the decisions and notices of any appeals filed. Should you have any questions, please contact the undersigned at m.cook@svca.on.ca.

Sincerely,



Michael Cook
Environmental Planning Technician
Saugeen Conservation

MC/

County of Bruce Planning & Development Department

Consents and Zoning By-law Amendment: B-2022-041, B-2022-042, B-2022-043, B-2022-102 and
& Z-2022-041 (Hickey)

October 26, 2022

Page 7 of 7

cc: Fiona Hamilton, Clerk, Municipality of Brockton (via email)
Dan Gieruszak, SVCA Member representing the Municipality of Brockton (via email)
Dieter Weltz, CBO, Municipality of Brockton (via email)



County of Bruce
Planning & Development Department
30 Park Street, Box 848
Walkerton, ON N0G 2V0
brucecounty.on.ca
226-909-5515



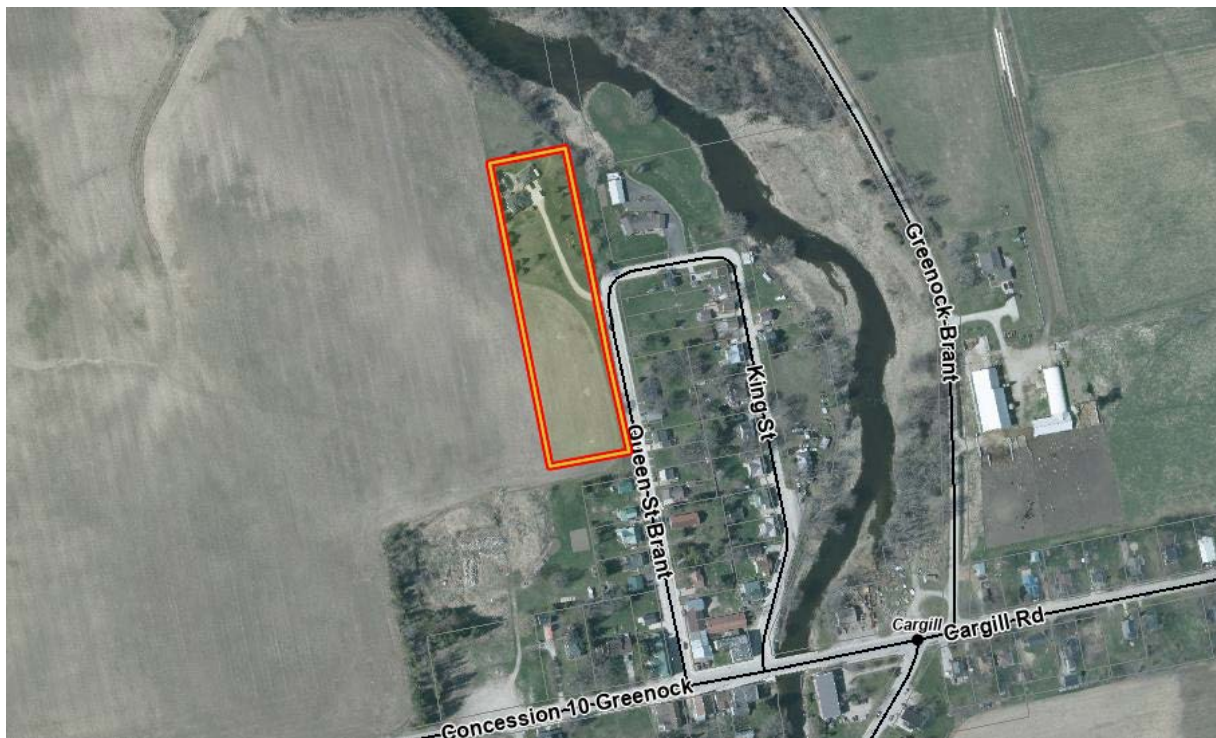
November 7, 2022

File Number: Z-2022-041

Public Meeting Notice

**You're invited: On-line Public Meeting
to consider a Zoning By-law Amendment
Tuesday, November 29th, 2022 at 7:00 pm**

A change is proposed in your neighbourhood: The purpose of the application is to sever three residential lots with frontage along Queen Street. A Zoning By-law Amendment is required to rezone the lots from Hamlet Industrial (HI) to Hamlet Residential (HR) and to address the reduced lot frontages and lot sizes. If approved, the effect of the application would facilitate the creation of 3 residential lots 0.24 ha in size. An easement is proposed across 14 Concession 10 Greenock 29.7m X 245.62m in size. The easement is required to address the additional dilution area required for the proposed septic systems. The related Consent files are B-2022-041, B-2022-042, B-2022-043 & Z-2022-041.



31 QUEEN ST BRANT - CON A PT LOTS 24 & 25 RP;3R6384 PART 1 (Greenock)
Municipality of Brockton, Roll Number 410431000237310

Learn more

You can view limited information about the application at <https://brucecounty.on.ca/living/land-use>. Additional information, including the supporting materials, can be provided upon request by e-mailing bcplwa@brucecounty.on.ca or calling 226-909-5515. Information can also be viewed in person at the County of Bruce Planning Office noted above, between 8:30 a.m. and 4:30 p.m. (Monday to Friday).

The Planner on the file is: Julie Steeper

Have your say

Comments and opinions submitted on these matters, including the originator's name and address, become part of the public record, may be viewed by the general public and may be published in a Planning Report and Council Agenda. Comments received after November 21, 2022 may not be included in the Planning report but will be considered if received prior to a decision being made, and included in the official record on file.

1. Please contact us by email bcplwa@brucecounty.on.ca, mail, or phone (226-909-5515) if you have any questions, concerns or objections about the application.
2. You can participate in the public meeting.

How to access the public meeting

The Municipality of Brockton council meetings are being held in electronic format.

Please click the link below to join the webinar:

<https://us02web.zoom.us/j/83315676261?pwd=Z3IKL25VWVd4aUFsL0pjUFdNOGh0dz09>

Passcode: 569710

Or Telephone:

Dial(for higher quality, dial a number based on your current location):

Canada: +1 438 809 7799 or +1 587 328 1099 or +1 647 374 4685 or +1 647 558 0588 or +1 778 907 2071 or +1 780 666 0144 or +1 204 272 7920

Webinar ID: 833 1567 6261

Passcode: 569710

International numbers available: <https://us02web.zoom.us/j/83315676261?pwd=Z3IKL25VWVd4aUFsL0pjUFdNOGh0dz09>

Please contact the Municipality of Brockton at fhamilton@brockton.ca or 519 881 2223 ext 124 if you have any questions regarding how to participate in the meeting.

Stay in the loop

If you'd like to be notified of the decision of the Municipality of Brockton on the proposed application(s), you must make a written request to the Bruce County Planning Department.

Know your rights

Section 34(11) of the [Planning Act](#) outlines rights of appeal for Zoning By-law Amendment applications. If a person or public body would otherwise have an ability to appeal the decision of the Council of the Municipality of Brockton to the Ontario Land Tribunal but the person or public body does not make oral submissions at a public meeting or make written submissions to the Bruce County Planning Department before the by-law is passed, the person or public body is not entitled to appeal the decision.

If a person or public body does not make oral submissions at a public meeting, or make written submissions to the Bruce County Planning Department before the by-law is passed, the person or public body may not be added as a party to the hearing of an appeal before the Ontario Land Tribunal unless, in the opinion of the Tribunal, there are reasonable grounds to do so.

For more information please visit the Ontario Land Tribunal website at <https://olt.gov.on.ca/appeals-process/>.

Site plan

H:\Hickey\01856 -Hickey Sewage System Impact Assessment\Drawings\Working Drawings\01856 Site Plan.dwg Jun 24, 2020 - 10:27am

COPYRIGHT © COBIDE ENGINEERING INC.

