



## Planning Report

**To:** Municipality of Brockton Council

**From:** Monica Walker-Bolton

**Date:** November 29, 2022

**Re:** Zoning By-Law Amendment - Z-2022-098 (Martin)

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### Recommendation:

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

That Committee approve Zoning By-law Amendment Z-2022-098 as attached and the necessary by-law be forwarded to Council for adoption.

### Summary:

The purpose of this application is for a Zoning By-Law Amendment, if approved uses permitted by the Hamlet Commercial Zone (HC) will be allowed on the subject property subject to the provisions of that zone, except that the existing HC-1 special zone will be also amended to recognize the existing lot area and frontage of the subject property.

The proposed zone change will allow a possible future owner of the property more flexibility to establish a new use for the property that will serve the commercial needs of Cargill.

The subject property is located at the corner of Queen Street and Cargill Road in the hamlet of Cargill.

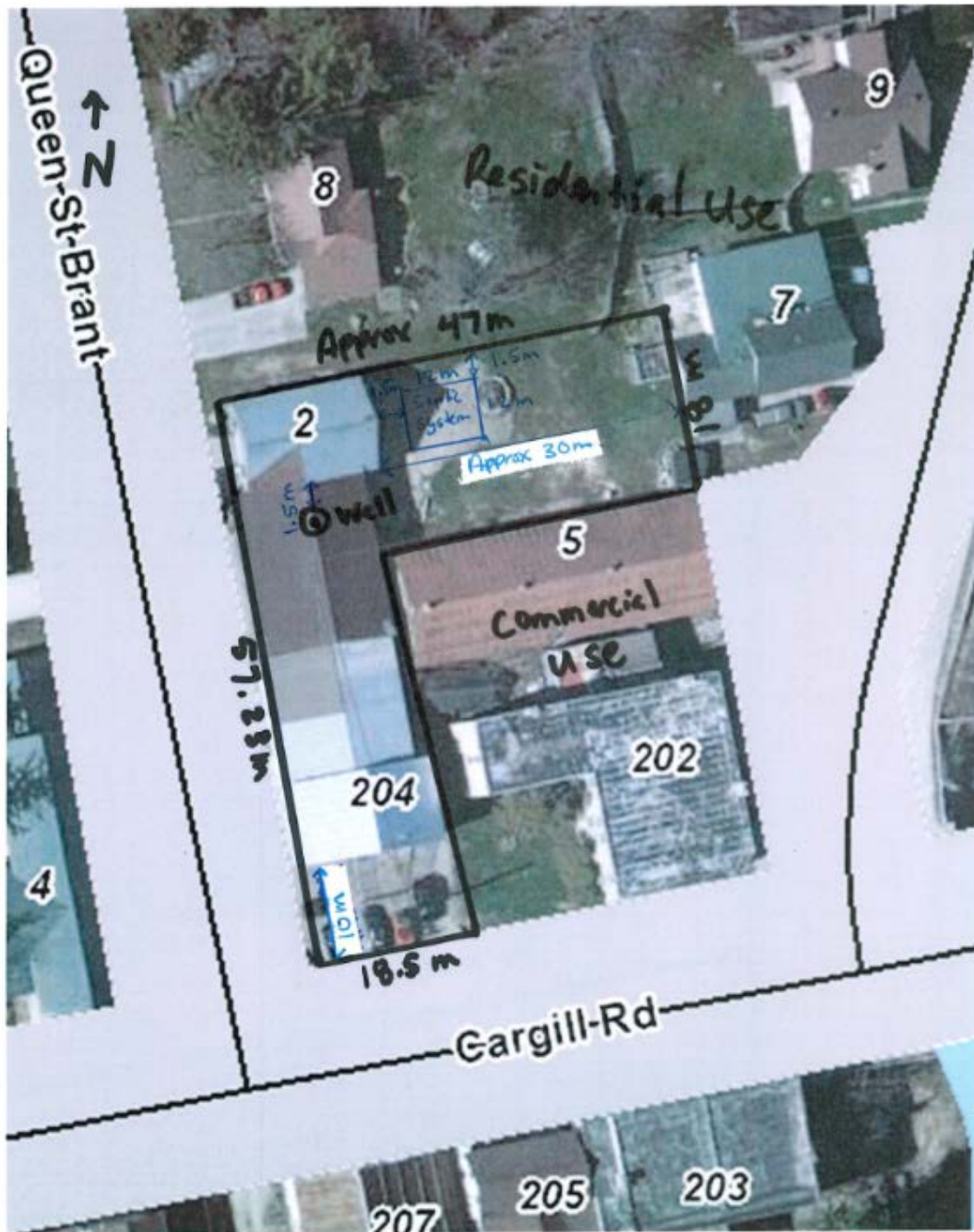
The property is surrounded by residential and commercial uses.

Airphoto



Site Plan

Site Plan  
2 Queen St. Brant, 204 Cargill Rd.



Plan 237 PT Lot 1, Lot 2

## 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.

### Bruce County Official Plan

The subject property is within the Hamlet of Cargill. Section 5.2.4.2 of the Bruce County Official Plan encourages strengthening the historical role of the Hamlet Communities as local service centres. Hamlets are intended to accommodate a more limited range of residential, economic and social services and facilities than those provided by the Primary or Secondary Urban Communities.

### Natural Heritage & Natural Hazards

The application has been circulated to the Saugeen Valley Conservation Authority (SVCA) for review and comment. Comments were provided to identify that there are no areas of natural hazard on the property, however there are areas of the property regulated by the SVCA.

The SVCA confirms that the application is consistent with Natural Heritage and Natural Hazard policies. 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.

The SVCA recommends consultation with the Ministry of Environment, Conservation and Parks (MECP) prior to any development or site alteration on the property, as the property is adjacent to lands identified as habitat for threatened or endangered species. Since no development or site alteration is proposed for this application, no action is required by the owner at this time.

### Underground Storage of Fuel

A report from Jeffrey Environmental Consultants Inc. indicating that underground fuel storage tanks were removed from the subject property was provided by the applicant. The report indicates that soil sampling was conducted and no further activities were required to address the former storage tanks on site.

### Archaeology

The subject property is identified on Bruce County screening maps as being in an area of high archaeological potential. No new development is proposed associated with the zoning by-law amendment. There has been extensive deep ground disturbance on the property associated with the construction of the buildings and septic system. An archaeological assessment was not required.

## Permitted Uses

The current zoning on the subject property of HC-1 restricts the property to only be used for an “Automobile Sales Establishment” as it existed on the date of passing of the Zoning By-law. No outside storage of vehicles is permitted.

The new proposed HC-1 zone would expand the list of permitted uses to include all the uses permitted in the Hamlet Commercial (HC) zone. This will allow the possibility for the property to be purchased by a new owner who will re-develop the property for a new commercial use to serve the community of Cargill. Permitted uses in the HC zone include a gas station, parking lot, meeting hall, business office, laundromat, or restaurant, along with several other commercial uses.

The Municipality of Brockton recommends that the subject property be subject to a site plan control by-law and that site plan approval be required prior to any new development or change of use on the property.

## Water and Sewer Services

The property is serviced by a private well and septic system. Uses permitted on the subject property such as a laundromat will be limited by the capacity of the existing septic system or a new septic system.

## Appendices

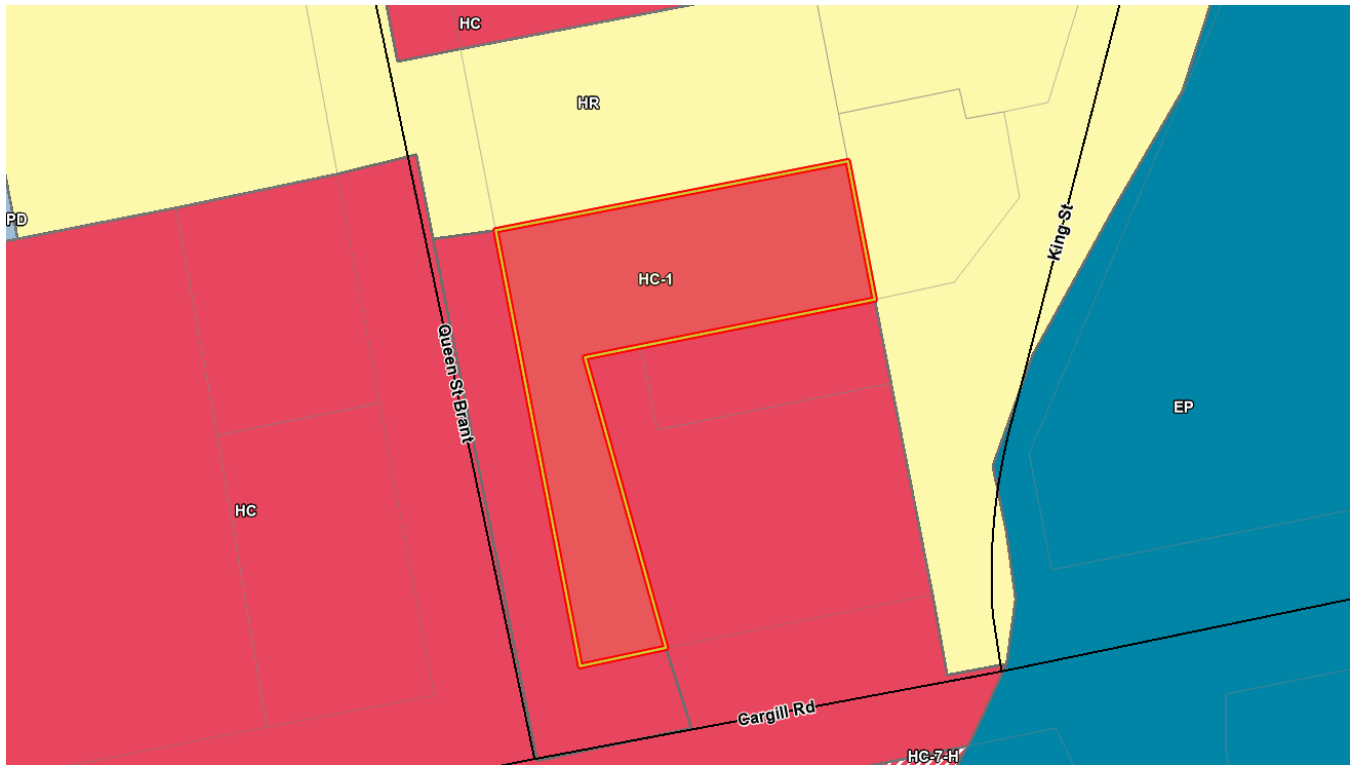
- County Official Plan Map
- Local Zoning Map
- List of Supporting Documents and Studies
- Agency Comments
- Public Notice



County Official Plan Map (Designated Hamlet Communities)



## Local Zoning Map (Zoned HC-1 Hamlet Commercial -Special Provisions)



## List of Supporting Documents and Studies

- Jeffrey Environmental Consultants Inc. Report

## Agency Comments

Bruce-Grey Catholic District School Board: No comments.

Historic Saugeen Métis: No objection or opposition.

Hydro One: Hydro One request that if this customer requires any service upgrades or modifications as part of this Zoning By-Law Amendment that they contact Hydro One's Woodstock Field Business Center at 1-800-957-7756 to request any changes required.

Municipality of Brockton: In consideration for the removal of restrictions on permitted uses, Municipal staff would request that the subject property be designated as an area of Site Plan Control and that a site plan control agreement be obtained prior to any change in use of the property.

Saugeen Ojibway Nation: Saugeen Ojibway Nation's Environment Office does not have the resources to engage in consultation. No further comments on this project.

Saugeen Valley Conservation Authority: Provided in full below.

SENT ELECTRONICALLY ONLY ([mwalkerbolton@brucecounty.on.ca](mailto:mwalkerbolton@brucecounty.on.ca) and [bcplwa@brucecounty.on.ca](mailto:bcplwa@brucecounty.on.ca))

October 31, 2022

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

ATTENTION: Monica Walker Bolton, Planner, Bruce County

Dear Ms. Walker Bolton,

RE: Zoning By-law Amendment: Z-2022-098  
204 CARGILL RD / 2 QUEEN ST BRANT  
PLAN 237 PT LOT 1 LOT 2  
Roll No.: 410434000404300  
Geographic Township of Brant  
Municipality of Brockton

(Martin)

Saugeen Valley Conservation Authority (SVCA) staff has reviewed the above-noted application 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 this application is for a Zoning By-Law Amendment, if approved uses permitted by the Hamlet Commercial Zone (HC) will be permitted on the subject property subject to the provisions of that zone, except that the existing HC-1 special zone will be also amended to recognize the existing lot area and frontage of the subject property.

The following submitted documents have been reviewed in relation to this application:

- 1) Application for Zoning-By Law Amendment and Site Plan dated August 26, 2022.
- 2) Request for Agency Comments dated October 14, 2022.
- 3) Environmental Consultant Report submitted by Jeffrey Environmental Consultants dated September 6, 2012.



### **Recommendation**

The proposed application is acceptable to SVCA staff. We elaborate in the following paragraphs.

### **Delegated Responsibility and Advisory Comments**

SVCA staff has reviewed the application 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:**

Based on SVCA staff's desktop review of the application, the property does not contain any natural hazards, but does contain SVCA regulated area.

#### **Natural Heritage:**

Based on SVCA staff's desktop review of the application, it is our opinion that 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 application is 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](mailto:RMO@greysauble.on.ca).

### **Statutory Comments**

**SVCA staff has reviewed the application 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 small portion of SVCA Regulated Area in the eastern/southeastern 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 small portion of SVCA Regulated Area on the eastern/southeastern 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 planned, permission from this office will be required.

### **Summary**

SVCA staff has reviewed the application 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 application is 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 application. 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](mailto:m.cook@svca.on.ca).

Sincerely,



Michael Cook  
Environmental Planning Technician  
Saugeen Conservation

MC/

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-2022-098:

## Public Meeting Notice

You're invited:

**On-line Public Meeting  
to consider a Zoning By-law Amendment  
Tuesday, November 29<sup>th</sup>, 2022 at 7:00 pm**

A change is proposed in your neighbourhood: The purpose of this application is for a Zoning By-Law Amendment, if approved uses permitted by the Hamlet Commercial Zone (HC) will be permitted on the subject property subject to the provisions of that zone, except that the existing HC-1 special zone will be also amended to recognize the existing lot area and frontage of the subject property.



204 CARGILL RD / 2 QUEEN ST BRANT – PLAN 237 PT LOT 1 LOT 2 (Brant)  
Municipality of Brockton, Roll Number 410434000404300



## 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](mailto: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: Monica Walker Bolton

## 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](mailto: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](mailto: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

Site Plan  
2 Queen St. Brant, 204 Cargill Rd.



Plan 237 PT Lot 1, Lot 2