



Municipality of Brockton Planning Report

Application:	Zoning By-Law Amendment
File Number	Z-70-18.36
Date:	March 12, 2019

To: Mayor Peabody and Council, Municipality of Brockton

From: John Ghent, Planner for the Municipality of Brockton

Subject: Application by Heritage Seniors to develop 6 residential units in Walkerton.

Recommendation:

Subject to the submissions from the Public Meeting, the Bruce County Planning Department recommends:

That the Municipality of Brockton **approve** the proposed Zoning By-law Amendment application submitted by Heritage Seniors Communities for the property at 150 McNab St to develop 6 units, File: Z-70-18.36 and approve the attached site-specific By-law.

Reasons for and Nature of the Application:

The application proposes to rezone the land at 150 McNab St in Walkerton from "Central Business District (C1)" to permit residential, medium density uses. The effect of this zoning amendment will be to permit 6 residential units consisting of 2 blocks (4 townhouse units and 2 semi-detached units). These units would be for rental purposes.

A restaurant (Dairy Queen) is operating on the westerly portion of the lands and the residential dwellings would be an additional use between the restaurant and the Saugeen River.

Location:

The lands proposed to be rezoned are located on McNabb Street, south of Durham Road on the west side of the Saugeen River. The municipal address is 150 McNabb Street.

Site Description:

The land is currently occupied by the Dairy Queen restaurant. The portion of the property proposed for development is 3656 m² in area. Part of the subject land are subject to an easement in favour of the SVCA. A berm and public walking trail are established on this part of the site. The Saugeen River abuts the site to the east. Commercial uses exist to the north and south. A combination of institutional uses (Royal Canadian Legion) and residential uses are on the west side of McNab Street.

Summary:

Under the **Provincial Policy Statement (PPS)**, Settlement Areas are recognized as areas where growth and development will be focused and intensification is encouraged with a mix of housing types and densities. Servicing new development on the basis of full municipal services is preferred.

Flooding in extreme conditions is a concern for development in this area. In this regard the provisions of the Provincial Policy Statement with respect to safe access/ingress has been identified as a concern. Brockton Emergency officials have provided comments indicating that the risk to human life can be appropriately managed with the opportunity for alternate access and by addressing the matter in an update to the Brockton Emergency Response Plan.

Under the **Bruce County Official Plan**, the lands proposed to be developed are designated 'Primary Urban Communities'. These communities will accommodate the largest concentration and widest range of residential housing forms.

Under the **Brockton Official Plan**, the lands are designated Commercial with a special provision that permits medium density residential uses. The lands are also identified as being within the Flood Constraint Area.

The application is consistent with the Provincial Policy Statement and conforms to the County and Brockton Official Plans. The proposed development will support and strengthen the function of the Walkerton community.

Staff support the application and recommend the proposed zoning amendment be approved.

Details of Proposal:

Zoning application - residential:

- A total of 6 units - 4 townhouse units in one block and 2 semi-detached units in a second block.
- Lot area for the land zoned C1, excluding the easement lands: 7679 m²
- Area of site proposed for residential use: 3656 m²
- Density of residential development: 16.4 units per ha
- Height: 1 storey with no basement
- Floor area: 1405 sq ft per unit including garage (not porch)
- Access: two driveways - one for the existing restaurant and one for the proposed residential
- Parking: 2 spaces per unit with 1 in the driveway and 1 in the garage (parking for the restaurant complies with the zoning standard);
- Tenure: rental
- Servicing: municipal water and sewer

The Dairy Queen restaurant would continue to operate from the site. The parking required for the restaurant is 22 spaces and 30 spaces are provided. The proposed residential development would not affect the commercial use.

The 'Environmental Protection (EP)' zone adjacent to the river will remain unchanged.

Agency Circulation:

Bruce Grey Catholic DSB - no comments

Historic Saugeen Metis - no concerns or objections

Brockton - preliminary servicing plan has been provided.

Fire Chief

I have attached the SVCA Flood Contingency Plan and Brockton's Emergency Response Plan (ERP). As discussed, we are in the process of re-writing the ERP and developing specific appendices to that plan. I would also discuss this with David Smith who is Brockton's Community Emergency Measures Coordinator. Emergency services would also have emergency access to this property via the paved path at the rear of the property.

Brockton is proactive in dealing with emergency measures. In the event of a major flooding threat to property or human life, measures would be undertaken to notify and evacuate the affected members of the public. Emergency plans are in place and we are looking into supporting appendices to the plan regarding this type of specific flood location. In my opinion, the flooding risk to human life at this location would be minimal.

SVCA - see attached letter and the following relevant extracts

"... the application is not in conformance with the Provincial Policy Statement safe ingress/egress policies (s.3.1.7b). However, all other requirements under s.3.1 ,

Natural Hazard Policies and s.2.1 Natural Heritage Policies of the PPS can be achieved".

"... where proposed development requires access onto an existing flooded roadway or access to a roadway is subject to flooding, s. 4.7.2 further states that SVCA could support development provided the following is addressed:

- c) Where the affected municipal emergency services provides confirmation that acceptable provisions for emergency ingress/egress, appropriate for the nature of the development and the flood hazard, are available for a site and/or the nature of the development is such that a significant risk to property damage and human health is not created."

Public Comment:

There have been no submissions from the public at the time of preparing this report.

Provincial Interest - Policy Statement or Plans

Under Section 3(5) of the *Planning Act*, development proposals "shall be consistent with" matters of provincial interest as set out in the Provincial Policy Statement (PPS).

The PPS includes towns, villages and hamlets as "settlement areas" and settlement areas are recognized as areas where growth and development will be focused. Land use patterns in settlement areas are based on densities and a mix of land uses which efficiently use land and resources. A range of uses and opportunities for intensification and redevelopment is recognized. Land use patterns are to be based on densities that efficiently use land and resources and which are appropriate for and efficiently use the infrastructure that is available and avoid the need for unjustified or uneconomical expansion (1.1.3. a) 1 and 2).

The PPS has policy that relate to Natural Hazards:

“Development and site alteration shall not be permitted within:

- c) areas that would be rendered inaccessible to people and vehicles during times of flooding hazards, erosion hazards and/or dynamic beach hazards, unless it has been demonstrated that the site has safe access appropriate for the nature of the development and the natural hazard; (s.3.1.1)

Where the *two zone concept for flood plains* is applied, *development and site alteration* may be permitted in the *flood fringe*, subject to appropriate floodproofing to the *flooding hazard* elevation or another *flooding hazard* standard approved by the Minister of Natural Resources. (s.3.1.6)

Further to policy 3.1.6, and except as prohibited in policies 3.1.2 and 3.1.5, *development and site alteration* may be permitted in those portions of *hazardous lands and hazardous sites* where the effects and risk to public safety are minor, could be mitigated in accordance with provincial standards, and where all of the following are demonstrated and achieved:

- a) *development and site alteration* is carried out in accordance with *floodproofing standards, protection works standards, and access standards*;
- b) vehicles and people have a way of safely entering and exiting the area during times of flooding, erosion and other emergencies;
- c) new hazards are not created and existing hazards are not aggravated; and
- d) no adverse environmental impacts will result. (s.3.1.7)”

Comment:

The proposal to develop the subject lands located within the Walkerton community with a medium density residential housing form is consistent with the PPS.

With respect to the concern regarding to safe access, the Fire Chief has advised that in his opinion the risk to human life at this location is minimal. A number of mitigation measures are available including alternate access to the site via the paved pathway at the rear of the property and by way of an update to the Brockton Emergency Response Plan.

An overview of the PPS policies is provided in the appendices.

Bruce County Official Plan

The Bruce County Official Plan designates the subject lands “Primary Urban Communities”. Policies for these Communities seek to encourage and strengthen their historical role. Population growth is directed to these areas. A full range of housing forms is permitted, including detached, semi-detached and duplex residential uses.

Site Plan Control is authorized by the Plan at Section 6.5.2.

Comment:

The proposed development with a townhouse form of housing is in conformity with the Official Plan.

Brockton Official Plan

The lands are primarily designated 'Commercial' in the Brockton Official Plan. The portion of the site adjacent to the Saugeen River is designated 'Environmental Protection'.

The Official Plan shows the lands be outside of the 100 year Flood Line but would be affected by a Hurricane Hazel Flood Event. This area is known as the Flood Fringe Constraint Area. Development is permitted provided that sufficient flood proofing measures and/or flood damage reduction measures, are incorporated into the building/structure to the satisfaction and approval of the Saugeen Valley Conservation Authority.

The following OP flood policy relates to the subject land:

"The Flood Fringe Constraint Areas shown on Schedule "A" Land Use Plan, apply to all lands within the Hurricane Hazel Flood Event Standard between the limit of the Environmental Protection designation and the Hurricane Hazel Flood Event Standard for the Saugeen River and Silver Creek.

Development in the flood fringe may be permitted by this Plan but does not imply that the flood risk is completely absent. Development could still experience flood damage and disruption from major flood events despite flood control dykes and flood proofing measures, with resulting consequences for landowners (s.3.7.7)"

The lands are subject to a special provision in the Official Plan which states the following:

Heritage Senior's Communities

3.3.5.3 Notwithstanding the policies of [Section 3.3](#) Commercial and [3.7.7](#) Flood Fringe Constraint Areas, the following provisions apply to the lands identified as Site Specific Policy Area 3.3.5.3 on Schedule 'A' - General Land Use Plan:

- i) In addition to those uses permitted in the Commercial designation medium and/or high density residential uses, developed as a stand- alone use(s) or as part of a mixed-use development shall also be permitted.
- ii) Medium and/or high density residential uses shall satisfy the urban design guidelines and parking requirements of this Plan.
- iii) All other applicable policies of [Section 3.3](#) Commercial and [3.7.7](#) Flood Fringe Constraint Area shall apply.

Comment:

The proposed development of townhouse and semi-detached units is in accord with the site specific provision of the Brockton Official Plan.

Local Planning Documents - Zoning:

The lands proposed to be developed are currently zoned 'Central Business District Commercial - C1'. This zone permits a full range of commercial uses and detached dwelling but does not permit townhouses or semi-detached dwellings.

To facilitate the proposed development, the lands proposed for the mixed use, commercial and residential use, would be rezoned to a site specific commercial (C1-7) zone that permits both the commercial use and the proposed residential use and establishes appropriate development

regulations for the residential use. The Zoning By-law requires 2 parking spaces per unit. The proposed development is in compliance with this standard.

Planning Comment / Analysis:

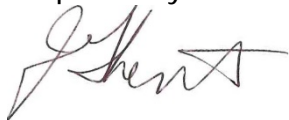
The proposed townhouse development will introduce a rental housing form that adds to the supply and diversity of housing in Walkerton. The modest sized, single-floor units will be particularly suitable for seniors and will accommodate a range of life styles. This residential development is a form of intensification that will support the Walkerton Downtown Core commercial area.

It is noted that the development will be subject to Site Plan Control as a Site Plan Control By-law applies to the Walkerton urban area. The Site Plan approval process may deal with issues related to grading, drainage and storm water management, appropriate buffering from the adjacent commercial use and parking areas and pedestrian connections to the public street.

The zoning amendment application is consistent with the Provincial Policy Statement, and conforms to both the Bruce County Official Plan and the Brockton Official Plan. The amending by-law attached to this report would permit the proposed residential use of 6 units and establishes appropriate regulations similar to the standards that apply to the Residential R2 provisions.

Staff recommend approval of the zoning amendment application and the associated amending by-law.

Respectfully submitted,

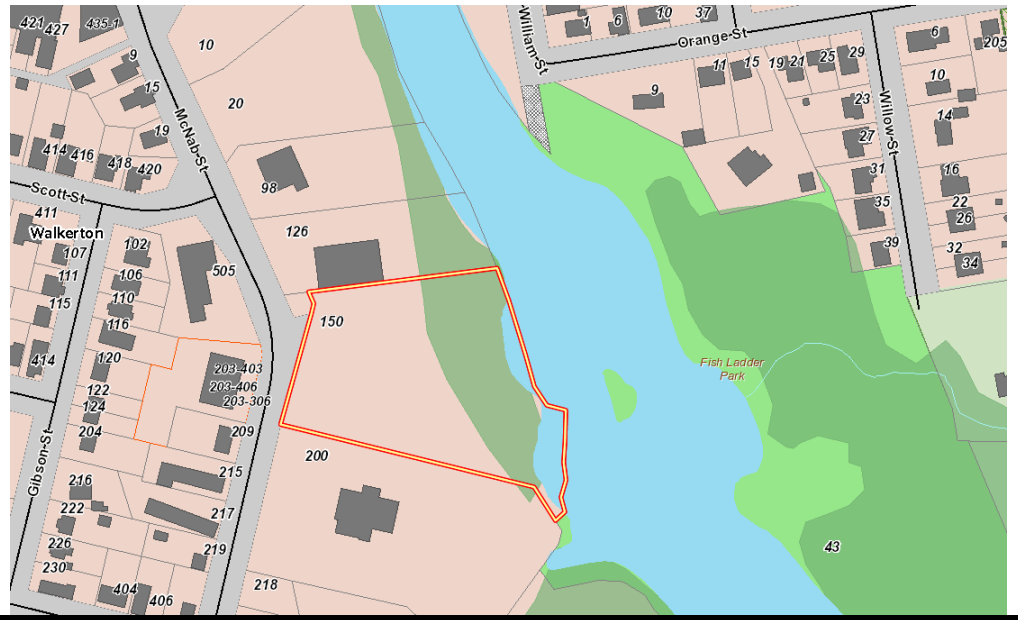


John Ghent, RPP
Planner, County of Bruce Planning and Development Department

Appendix 1 - Context

Development Proposal Zoning By-law Amendment	The purpose of the application is to change the zoning from Commercial (C1) to Residential (R3) to permit six (6) townhouse units.
Related File(s)	None
Owner	Heritage Seniors Communities Inc.
Agent	Cobide Engineering Inc. c/o Stephen Cobean
Legal Description	Pt Lot 24, N Cayley St, Plan 7; Part Lots 52 and 53 and River Bed, Plan 7; (Parts 2, 3, 10, 11, 14 and 15, Plan 3R-7946), Geographic Town of Walkerton, Municipality of Brockton
Municipal Address	150 McNab Street
Lot Dimensions	Entire Parcel
Lot Frontage	+/-70.80 m (232.3 ft)
Lot Depth	+/- 153.87 m (504.8 ft)
Lot Area	+/- 7679 sq. m. (82,658.7 square feet)
Existing Use	Commercial (restaurant)
Proposed Use	Medium Density Residential in addition to the existing restaurant / drive-through restaurant
Structures Existing	One building existing
Structures Proposed	6 townhouse units (1 storey)
Existing Servicing	Municipal water and municipal sewers
Proposed Servicing	No changes
Access	McNab Street, a year-round municipal road And Right-Of-Way
County Official Plan	Primary Urban Communities
Local Official Plan	Commercial with Exceptions (Section 3.3.5.3), which permits medium and high density residential uses
Zoning By-law	Central Business District (C1) and 'Environmental Protection (EP)', with Saugeen River Overlay, Municipality of Brockton By-law 2013-026.
Proposed Zoning By-law	'Central Business District (C1) and 'Urban Residential 3 (R3)'. The 'Environmental Protection (EP)' zone will remain unchanged.
Surrounding Land Uses	Commercial (North); Environmental Protection (E); Institutional /Public Use Holding (South) and Residential (West)

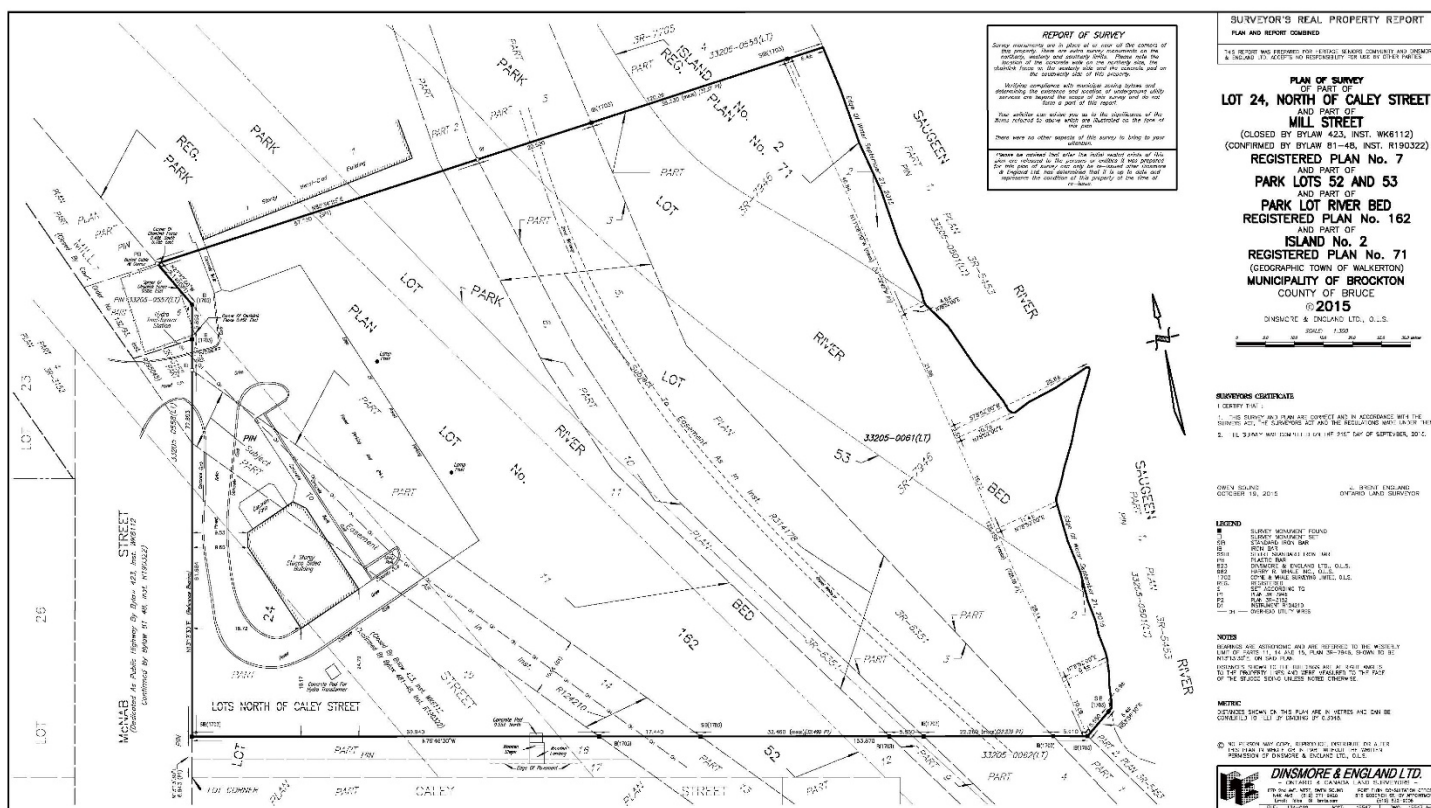
Subject Lands



Easement

An Easement Agreement has been registered to title by Instrument No. 314178. In this easement agreement Parts 5 and 6 of Plan 3R-6351 are included as part of Schedule A, and therefore the content of the agreement is applicable to Parts 5 and 6. In addition, Part 6 of R.P. 3R-6351 is also included in Schedule B of this same easement agreement. Notwithstanding Section 2 of the easement agreement, Section 3 of the agreement pertains to Part 6 of the easement area. Section 3 reads: "The SVCA acknowledges that the lands described in Schedule "B" shall be removed from those lands which are subject to this agreement, subject to formal development proposal being submitted to the SVCA and the proposed developments receiving the approval of the SVCA and that all costs thereof are the responsibility of the Owner."

Based on the easement agreement, there is a possibility to do works within Part 6 of the Flood Control Dyke easement area, subject to the SVCA approvals being granted for the proposed development. It is unlikely that SVCA staff will find it acceptable for new buildings or structures within Part 6. No development will be permitted on Part 5. For further information relating to the Flood Control Dyke easement, Jo-Anne Harbinson, SVCA Manager of Water Resources and Stewardship Services should be contacted. SVCA Planning & Regulations staff will review the development proposal, and if required, will consult with Jo-Anne internally regarding development adjacent to the dyke.



Appendix 3 - Provincial Policy Statement 2014

Apply?	Policy Area
X	1.0 Building Strong Communities
X	1.1 Managing and Directing Land Use
X	1.1.3 Settlement Areas
	1.1.4 Rural Areas in Municipalities
	1.1.5 Rural Lands in Municipalities
	1.1.6 Territory Without Municipal Organization
	1.2 Coordination
	1.2.6 Land Use Compatibility
	1.3 Employment
	1.3.2 Employment Areas
x	1.4 Housing
	1.5 Public Spaces, Recreation, Parks, Trails and Open Space
x	1.6 Infrastructure and Public Service Facilities
X	1.6.6 Sewage, Water and Stormwater
	1.6.7 Transportation Systems
	1.6.8 Transportation and Infrastructure Corridors
	1.6.9 Airports, Rail and Marine Facilities
	1.6.10 Waste Management
	1.6.11 Energy Supply
	1.7 Long-Term Economic Prosperity
	1.8 Energy Conservation, Air Quality and Climate Change
	2.0 Wise Use and Management of Resources
	2.1 Natural Heritage
	2.2 Water
	2.3 Agriculture
	2.3.3 Permitted Uses
	2.3.4 Lot Creation and Lot Adjustments
	2.3.5 Removal of Land from Prime Agricultural Areas
	2.3.6 Non-Agricultural Uses in Prime Agricultural Areas
	2.4 Minerals and Petroleum
	2.4.2 Protection of Long-Term Resource Supply
	2.4.3 Rehabilitation
	2.4.4 Extraction in Prime Agricultural Areas
	2.5 Mineral Aggregate Resources
	2.5.2 Protection of Long-Term Resource Supply
	2.5.3 Rehabilitation
	2.5.4 Extraction in Prime Agricultural Areas
	2.5.5 Wayside Pits & Quarries, Portable Asphalt Plants and Portable Concrete Plants
	2.6 Cultural Heritage and Archaeology
	3.0 Protecting Public Health and Safety
	3.1 Natural Hazards
	3.2 Human-made Hazards

Other Provincial Interests

Ministry	Policy	Comment
MMAH	NA	
MCul	NA	
MOE	NA	
MTO	NA	
MNR	NA	
OMAFRA	NA	

County of Bruce Official Plan

4.4.3 Settlement Patterns

5.2.2 General Policies (Primary Urban Communities)

Municipality of Brockton Zoning By-law 2013-26

7.0 Residential

13.0 Commercial

Appendix 4 - SVCA letter



1078 Bruce Road 12, P.O. Box 150, Formosa ON Canada N0G 1W0
Tel 519-367-3040, Fax 519-367-3041, publicinfo@svca.on.ca, www.svca.on.ca

SENT ELECTRONICALLY ONLY (jghent@brucecounty.on.ca)

February 13, 2019

Corporation of the County of Bruce
Planning & Development
30 Park Street
Walkerton, ON
N0G 2V0

ATTENTION: John Ghent, Planner

Dear Mr. Ghent,

RE: Proposed Zoning By-law Amendment Z-70-18.36, Amended SVCA Comments
150 McNab Street
Pt Lot 24, N Cayley St, Plan 7; Part Lots 52 and 53 and River Bed, Plan 7; (Parts 2, 3, 10, 11, 14 and 15,
Plan 3 R-7946)
Geographic Town of Walkerton
Municipality of Brockton (Cobean)

Saugeen Valley Conservation Authority (SVCA) staff has reviewed the proposed Zoning By-law Amendment in accordance with the SVCA's mandate, the SVCA Environmental Planning and Regulations Policies Manual, as amended, October 16, 2018, and the Memorandum of Agreement between the Authority and the County of Bruce relating to Plan Review. Based on staff's review of mapping and aforementioned policies, SVCA staff advises the application is not in conformance with the Provincial Policy Statement (PPS, 2014) safe ingress/egress policies (s. 3.1.7 b). However, all other requirements under s. 3.1, Natural Hazard Policies, and s. 2.1 Natural Heritage Policies of the PPS, 2014 can be achieved.

The property is currently zoned Central Business District (C1) and Environmental Protection (EP), with Flood Fringe Overlay. It is staff's understanding the purpose of the application is to rezone the subject lands from Commercial (C1) to Residential (R3) to permit six (6) townhouse units. The EP zone will remain unchanged.

Natural Hazards

The subject property is entirely within the Hurricane Hazel Flood Event Standard Floodplain, as per the Town of Walkerton Floodplain Mapping, 2009. As indicated in the Walkerton Community Official Plan, the property is within the Flood Fringe Constraint Area (FFCA), and according to the Municipality of Brockton Zoning By-law, the property is within the Flood Fringe Overlay area, and therefore, a Two Zone concept for floodplain management is applied.



Watershed Member Municipalities
Municipality of Arran-Elderslie, Municipality of Brockton, Township of Chatsworth, Municipality of Grey Highlands,
Town of Hanover, Township of Howick, Municipality of Morris-Turnberry, Municipality of South Bruce,
Township of Huron-Kinloss, Municipality of Kincardine, Town of Minto, Township of Wellington North,
Town of Saugeen Shores, Township of Southgate, Municipality of West Grey

Pursuant to Walkerton Community's Official Plan, s. 3.7.7 and s. 3.7.7.1 development is permitted within the FFCA subject to floodproofing to the regional floodplain (Hurricane Hazel Flood Event) elevation.

The above-noted Walkerton Community Official Plan policies are in general conformance with Natural Hazard Policies, s. 3.1 of the Provincial Policy Statement (PPS), 2014, specifically s. 3.1.6. However, the application does not conform to s. 3.1.7 b) of the PPS, which does not support development where vehicles and people do not have a way of safely entering and exiting the area during times of flooding, erosion and other emergencies. Based on staff's review of mapping, it appears access via McNab Street may be subject to approximately +/-1.0 metres of flooding during a regional storm event and is therefore not considered safe based on Ministry of Natural Resources and Forestry (MNRF) technical standards for safe access. As per the MNRF, ingress/egress for new buildings should be such that vehicular and pedestrian movement is not prevented during times of flooding. The highest priorities for access to emergency vehicles should be given to police, ambulance and fire services, especially where evacuation is a distinct possibility in areas surrounded by flooding (as is the case with the subject property). The MNRF recommends agencies involved in local emergencies should be consulted regarding the adequacy of access.

No other natural hazard features affect the subject property.

Natural Heritage

According to Schedule 'C' – Natural Heritage System of the Walkerton Community OP, there are natural heritage features and areas affecting the subject property. In the opinion of SVCA staff, the natural heritage features and areas affecting the property include fish habitat, and potentially the habitat of endangered species and threatened species.

Fish Habitat

The subject property abuts the Main Saugeen River, which SVCA staff considers fish habitat. However, development is proposed approximately 60 metres from the river and is intercepted by the recreation trail / flood control dyke, which will not be interfered with as part of the development. Section 2.1.8 of the Provincial Policy Statement (PPS 2014) indicates that, among other things, development and site alteration shall not be permitted on the adjacent lands of fish habitat unless the ecological function of the adjacent lands has been evaluated and it has been demonstrated that there will be no negative impacts on fish habitat or on their ecological functions. Section 3.7.6 d) of the Walkerton Community OP allows the waiving of an Environmental Impact Study (EIS) upon the recommendation of the SVCA. In the opinion of SVCA staff, the negative impacts to fish habitat, as a result of this proposal will be negligible, provided appropriate mitigation measures are used before and after construction to control sediment. As such, SVCA staff are not recommending the preparation of an EIS at this time to address fish habitat.

Significant Habitat of Endangered Species and Threatened Species

It has come to the attention of SVCA staff that habitat of endangered species and threatened species may be located on, or within lands adjacent to the property. Section 2.1.7 of the Provincial Policy Statement (PPS, 2014) indicates 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. It is the responsibility of the owner to ensure that endangered species and threatened species policy referred to in the PPS is appropriately addressed. Please contact the Ministry of Natural Resources and Forestry (MNRF) for information on how to address this policy.

SVCA Regulation – Permission for Development

The property is located within the Hurricane Hazel Flood Event Standard floodplain associated with the Main Saugeen River. Therefore, the entire property is subject to the SVCA's *Development, Interference with Wetlands and Alterations to Shorelines and Watercourses Regulation (Ontario Regulation 169/06, as amended)*. This Regulation has been made in accordance with Section 28 of the *Conservation Authorities Act R.S.O., 1990, Chap. C. 27*. Subject to the Regulation, a person must obtain the written permission of the SVCA prior to any "development" within a Regulated Area or alteration to a wetland or watercourse. As such, should this application be approved by Council, the landowner must obtain permission from SVCA prior to development and site alteration.

"Development"

Subsection 28(25) of the *Conservation Authorities Act* defines "development" as:

- 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 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.*

According to Section 5 of *Ontario Regulation 169/06*, as amended, alteration generally includes the straightening, diverting or interfering in any way the existing channel of a river, creek, stream or watercourse, or the changing or interfering in any way with a wetland.

As per SVCA's Environmental Planning and Regulations Policies for development within the flood fringe of the two – zone floodplain, s. 4.7.2-3, development may be permitted subject to floodproofing and achieving safe access. A SVCA permit is required prior to construction, site grading and filling on the property.

Floodproofing

SVCA's Two-Zone floodplain policies, 4.7.2-3 only permits the use of passive/dry floodproofing for residential structures, meaning the development must be at or above the regional floodplain elevation. This is usually achieved by adding fill to the site. Therefore, as part of SVCA's review under *Ontario Regulation 169/06* we will require a satisfactory site grading plan and construction drawings to illustrate these conditions can be met.

Safe Access

SVCA's Policies for the Administration of *Ontario Regulation 169/06* (Environmental Planning and Regulations Manual, s. 4.7.2), in general, support new development in a Two-Zone Floodplain Policy Area where safe access can be feasibly achieved and where the ingress and egress is "dry", or floodproofed to an elevation which is practical and "safe". Notwithstanding the above, where proposed development requires access onto an existing flooded roadway or access to a roadway is subject to flooding, s. 4.7.2 further states that SVCA could support development provided the following is addressed:

- a) Access to/from the site must have flood depths and velocities less than or equal to those experienced on the existing roadway;
- b) Safe alternate or secondary access for pedestrians and emergency vehicles that is appropriate for the nature of the development and the natural hazard is provided; or
- c) Where the affected municipal emergency services provides confirmation that acceptable provisions for emergency ingress/egress, appropriate for the nature of the development and the flood hazard, are available for a site and/or the nature of the development is such that a significant risk to property damage and human health is not created.

As previously noted, the existing roadway (McNab Street) to the Property is subject to approximately +/- 1.0 metres of flooding under the Hurricane Hazel Flood Event (HHFE) and may not be considered safe for vehicular and pedestrian ingress/egress. However, in accordance with above-noted SVCA Safe Access Policy a), SVCA staff could, in principal, issue a permit for construction of the development under *Ontario Regulation 169/06*. SVCA staff have reviewed existing grades on the property and current grades in the location of the proposed development are above the regional flood elevation (HHFE).

Flood Control Dyke – Easement

There is an Easement Agreement registered on title for the property, which represents the land where the flood control dyke is located. SVCA staff will review the development to ensure there will be no impact to the adjacent flood control dyke and to ensure access to the dyke for maintenance will not be impeded. SVCA staff had reviewed this issue with the proponent in 2016, and it is our opinion, conditions for development in relation to the dyke can be dealt with under *Ontario Regulation 169/06* permission. It is unlikely that SVCA staff will find it acceptable for new buildings or structures to be located within this easement.

Conclusion

All of the plan review functions listed in the Memorandum of Agreement between the Authority and the County of Bruce relating to Plan Review have been assessed with respect to this proposal. To summarize, the application is in general conformance with s. 2.1, Natural Heritage Policies of the PPS. However, the application does not conform in its entirety to PPS, 2014, Natural Hazard Policies, specifically policy 3.1.7 b) because vehicles and pedestrians would not have a safe way of entering and existing the property to an area outside the floodplain during a regional storm event. As such, in accordance with provincial recommendation / guidelines for safe access, the Municipality should consult with local emergency services to review the

Corporation of the County of Bruce
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adequacy of access to the Property during a regional flooding emergency. All other requirements under s. 3.1, Natural Hazard Policies of the PPS, 2014 can be achieved.

We trust these comments are helpful. Should questions arise, please do not hesitate to contact this office.

Sincerely,

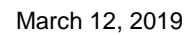


Brandi Walter
Environmental Planning Coordinator
Saugeen Conservation

BW/

cc: Fiona Hamilton, Clerk, Municipality of Brockton (via e-mail)
Dan Gieruszak, Authority Member, SVCA (via e-mail)

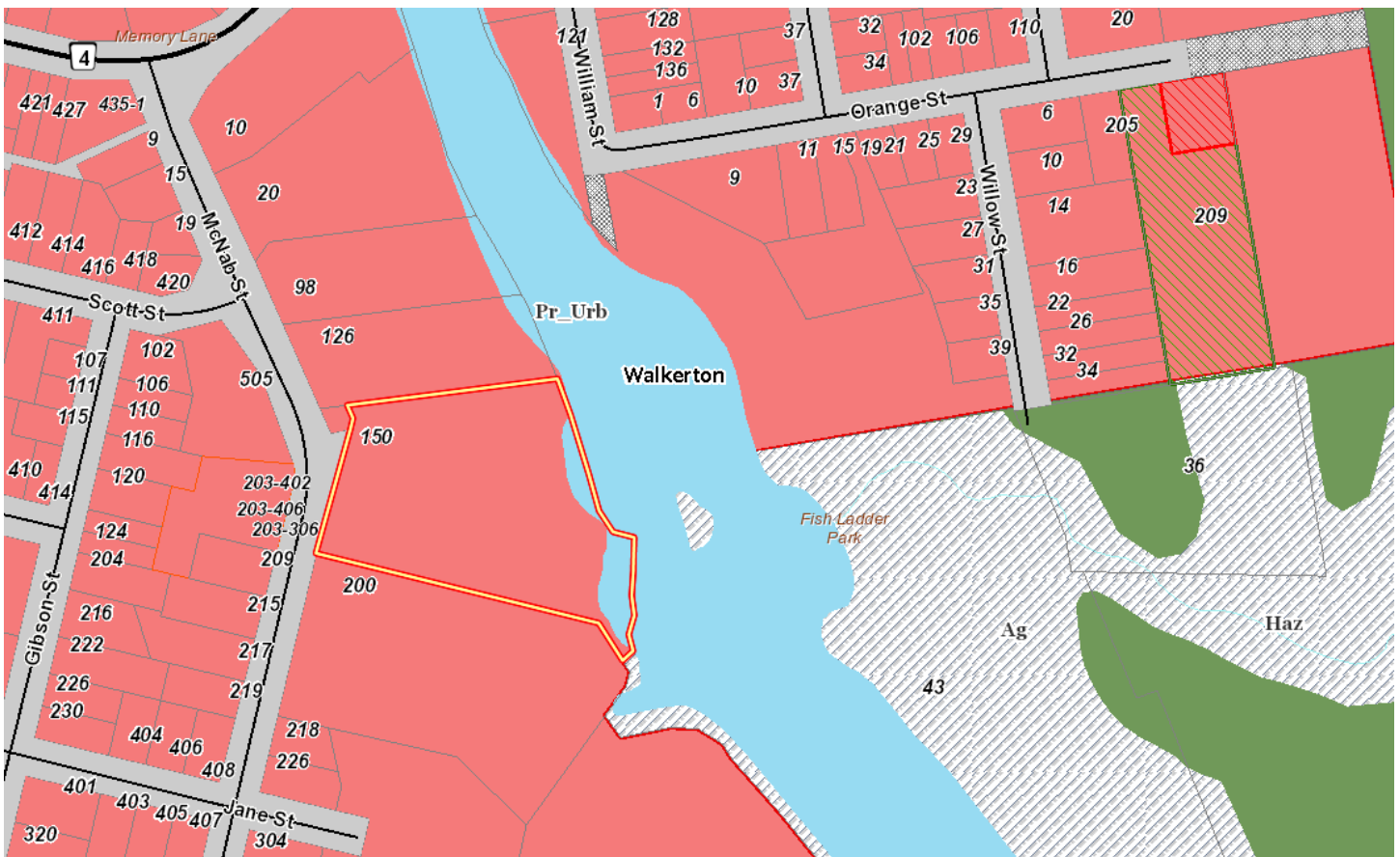
Heritage Senior Communities



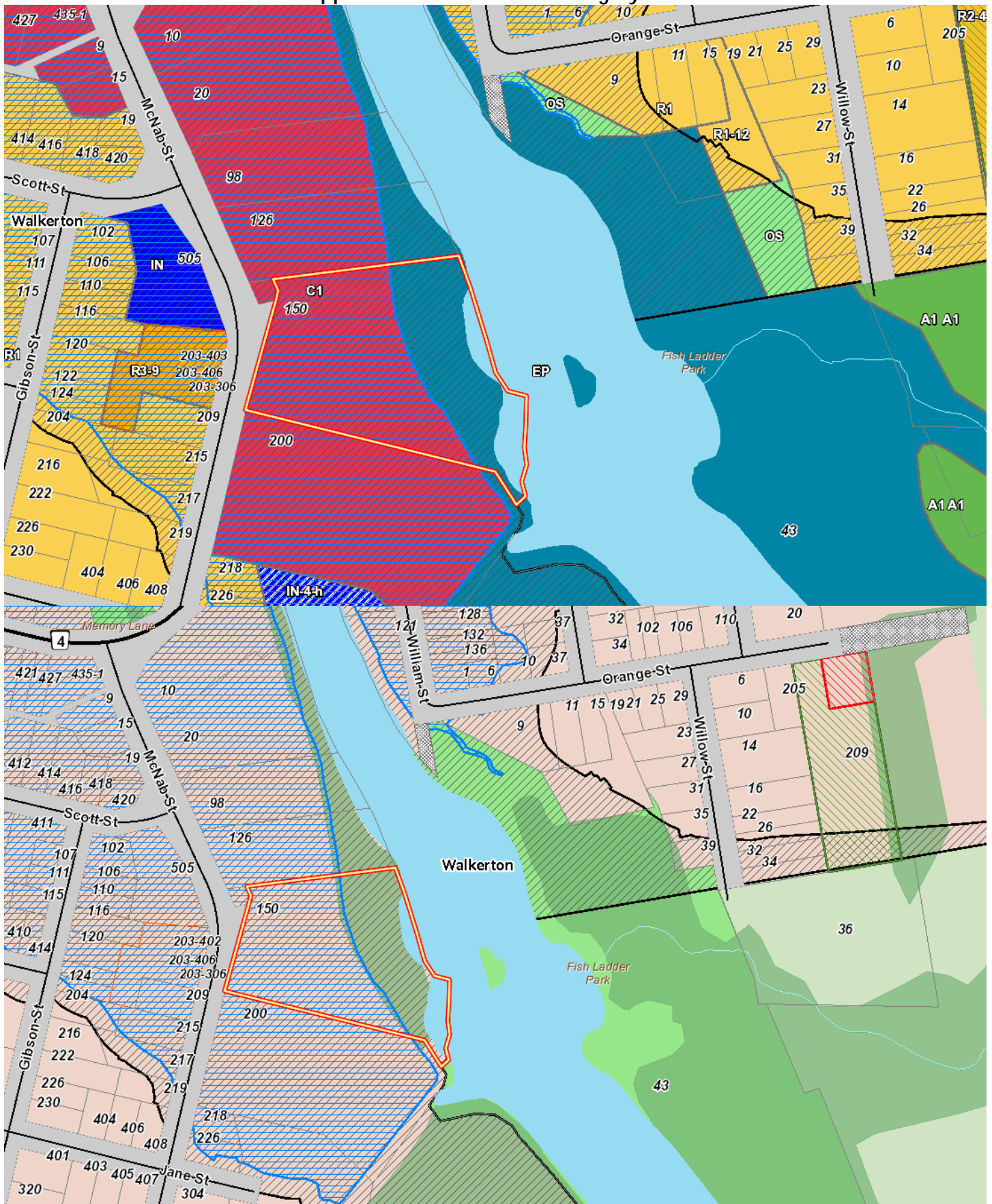
Appendix 6 - Air Photo



Appendix 7 - Bruce County Official Plan



Appendix 8 - Brockton Zoning By-law



**Draft Zoning By-law
The Corporation of the Municipality of
Brockton By-law No. 2019 - xxx**

Being a By-Law to Amend the Municipality of Brockton Comprehensive Zoning By-Law No. 2013-26, As Amended,

The Council of the Corporation of the Municipality of Brockton pursuant to Section 34 of the Planning Act, 1990, therefore enacts as follows:

1. That By-Law No. 2013-26 is amended as follows:
2. That Schedule A to By-Law No. 2013-26, as amended, is further amended, by changing the zoning on lands described as Pt Lot 24, N Cayley St, Plan 7; Part Lots 52 and 53 and River Bed, Plan 7; (Parts 2, 3, 10, 11, 14 and 15, Plan 3R-7946), Geographic Town of Walkerton, Municipality of Brockton, (150 McNab St) from Central Business District C1 to C1-7, as established on Schedule A attached to this By-law.
3. Uses permitted in the C1-7 zone are those uses permitted in the Urban Residential R2 zone and in addition, the extent of the residential use shall be limited as follows:
 - a) Townhouse units, maximum: 4 units
 - b) Semi-detached units, maximum: 2 units (1 building)
4. Zone Provisions that shall apply to the C1-7 zone are the Zone Provisions that apply to the R2 zone and in addition, the following provisions which shall prevail in the event of conflict:
 - a) Area of lot allocated to residential use, minimum: 3600 m²
 - b) Lot frontage: not applicable;
 - c) Front yard, minimum: 6 m
 - d) Rear yard, minimum: 4 m
 - e) Side Yard, minimum: 2.5 m to property boundary, 0 m elsewhere
 - f) Coverage, maximum: 40%
 - g) Basements shall not be permitted

Note:

- i. for the purpose of determining 'area of lot allocated to residential use' and rear yard, the boundaries of the land zoned C1-7 shall be used.
- ii. for the purpose of determining front yard, the closest edge of pavement for the common driveway servicing the residential units shall be used.

5. That this By-law shall come into force and effect on the final passing thereof by the Council of the Municipality of Brockton, subject to compliance with the provisions of the Planning Act, R.S.O. 1990.

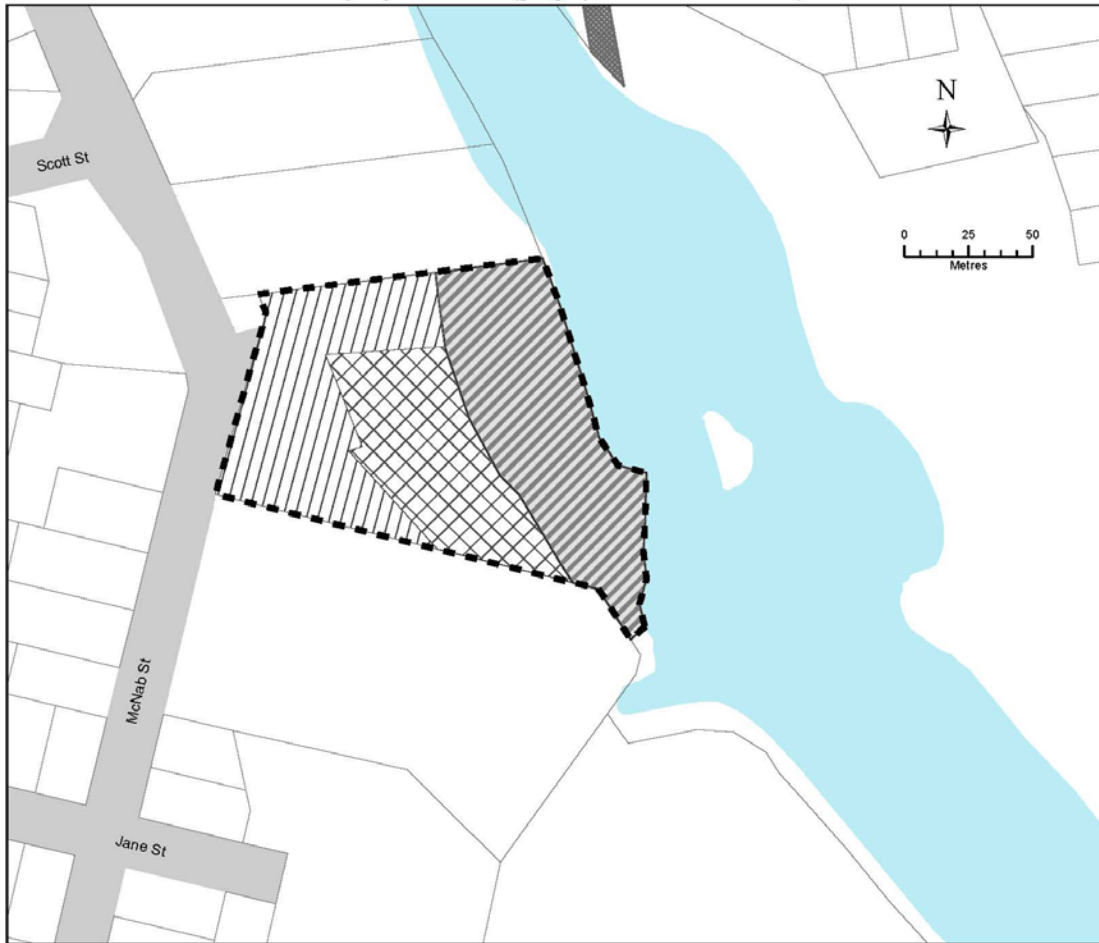
Read, Enacted, Signed and Sealed this _____ day of _____ 2019.

Mayor - Chris Peabody

Clerk - Fiona Hamilton

Schedule 'A'

Pt Lot 24, N Cayley St, Plan 7; Part Lots 52 and 53 and River Bed, Plan 7;
(Parts 2, 3, 10, 11, 14 and 15, Plan 3R-7946) (150 McNabb St)
Municipality of Brockton (geographic Town of Walkerton)



Subject Property



Lands to be zoned 'C1-7 - Central Business District Special'



Lands zoned 'C1 - Central Business District'



Lands zoned 'EP - Environmental Protection'

This is Schedule 'A' to the zoning by-law
Amendment N0. _____ passed this
_____ day of _____

Mayor _____
Clerk _____