



Municipality of Brockton

Planning Report

Application:	Official Plan and Zoning By-Law Amendment
File Number	BCOPA 236-18.34 and Z-50-18.34
Date:	April 23, 2019

To: Mayor Peabody and Council, Municipality of Brockton

From: John Ghent, Planner for the Municipality of Brockton

Subject: Application from C Ballantyne to develop lot at Lake Rosalind.

Recommendation:

That this report dated April 23, 2019 dealing with an Official Plan and Zoning By-law Amendment proposed by Smurk Inc (File: BCOPA 236-18.34 and Z-50-18.34) be received for information so that staff may take the public comments into consideration in the preparation of the recommendation report.

Reasons for and Nature of the Application:

The applicant proposes to develop a portion of the 0.79 ha lot on Lake Rosalind Road 4, on an area of the lot that is cleared of trees to permit a dwelling with site specific regulations and to create a second parcel to permit a second dwelling.

An associated consent application has been submitted to create the second lot.

Location:

The lands proposed to be rezoned are located on the southwest side of Lake Rosalind Road 4. The municipal address is 496 Lake Rosalind Road 4.

Site Description:

The area of the lot is 0.773 ha. It is relatively long in frontage (152 m) along the roadway and narrow in depth (46 m). Most of the lot is wooded and slopes toward Lake Rosalind. The land is separated from Lake Rosalind by the public road and the tier of lots immediately abutting the lake.

There is a small area of the lot that is cleared of trees - the cleared area is approximately 20 m in depth and 78 m along Lake Rosalind Rd 4 and comprises an area of 1,560 sq m. There is an existing storage shed located at the northerly end of the cleared area.

Residential / cottage development exists to the east and north, fronting onto Lake Rosalind. Lake Rosalind Rd 4 is an asphalt paved, two-way, dead-end road that is 1125 m in length and ends in a

turning circle immediately to the north of the subject lands. A public access to the waterfront exists approximately 260 m from the site.

Details of Proposal:

- **Official Plan Amendment:**

The Official Plan Amendment would do two things: re-designate the cleared portion of the lot from 'Hazard Land' to 'Inland Lake Residential'; and reduce the required lot area from 8,094 m² (section 6.5.3.5 ii) to 3,140 m². This would facilitate the creation of a second parcel.

- **Zoning application - residential:**

The majority of the site is zoned EP-10 with a small portion at the south end zoned Inland Lake Residential (LR).

The cleared portion of the site together with the wooded area at the south end is proposed to be rezoned to 'Inland Lake Special' to permit the residential use and to provide for a site specific front yard.

The 'Environmental Protection Special (EP-10)' zone on the remaining treed lands would remain unchanged.

- Total land area: 7,730 m²
- Floor Area of existing storage shed: 94 m² (11 m x 8 m)
- **Proposed development**
 - 2 detached dwellings, bungalow
 - Floor area: 132 m² (10.4 x 12.8) and 148.6 m² (12.2 x 12.2)
 - No garage on severed lot
 - Servicing: municipal water and private septic system
- **Consent application:**
 - Area of the property: 0.773 ha (7,730 m²)
 - Retained lands (lands to the northwest): 4059 m²
 - Retained lot - development area for garage, dwelling and septic: 650 m²
 - Severed lands (parcel to the southeast): 3140 m²
 - Severed lands - development area for dwelling and septic: 165 m²

Summary:

The owner proposes to sever the land into two parcels and build two dwellings. Currently, only a storage building is located on the proposed most northwesterly lot. The proposed development involves three applications:

- **Consent application** to create a new lot which will facilitate one additional dwelling - one dwelling could be built on the lands currently;
- **Zoning Amendment application** to rezone a portion of the existing lot, which is partially cleared of trees, from 'Environmental Protection' to 'Inland Lake Residential' which would implement the proposed Official Plan Amendment;
- **Official Plan Amendment** to re-designate a partially cleared area of the lot from 'Hazard Land' to 'Inland Lake Residential' which facilitates the creation of a second lot by reducing the lot area required in the Official Plan from 8,094 m² to 3,140 m².

The subject lands are designated 'Hazard Lands. Most of the land is treed but for the proposed retained lot, the area proposed is cleared of trees. For the severed lot, a portion of the area proposed for the dwelling will need to be cleared of trees.

The Saugeen Valley Conservation Authority has advised that the Hazard Land Area designation and Environmental Protection (EP-10) zone for the property can be revised to more accurately represent the existing site conditions and that an Environmental Impact Study is not required.

This is an Information Report that will be considered at the Public Meeting scheduled for April 23, 2019. Comments received at this meeting will be considered in the preparation of the Final Report.

Agency Circulation:

Brockton

CBO

The lot area for the portion where the garage is proposed is 0.38 ha which works out to be a coverage of about 3.8% of the proposed site.

Where is the septic system proposed to be installed, are they able to connect to the municipal water service, or will a private well be required, if so where will the well be located?

My next concern is permitting a severance to allow the construction of a 1600 sq. ft. garage on a vacant lot contrary to Brockton's zoning By-law 2013-26. Will the garage comply with the 5% lot coverage allowed by Brockton's zoning document?

Clerk, Fire Chief, Roads - no comments

Historic Saugeen Metis - no concerns or objections

SVCA - the application is acceptable to SVCA, the EP zone can be revised to more accurately represent the existing conditions - see attached letter

Public Comment:

At the time of writing this report, there were no submissions from the public.

Provincial Interest - Policy Statement or Plans

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

The PPS at Section 1.1.5., indicates that resource-based recreational uses including recreational dwellings are permitted. Development that is compatible with the rural landscape and can be sustained by rural level of services is promoted. Development should be appropriate to the infrastructure which is planned or available and avoided where it requires uneconomic expansion of infrastructure. Agriculture and other resource related uses should be protected. Compliance with the minimum distance separation formula is required.

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

Bruce County Official Plan

The Bruce County Official Plan designates the subject lands 'Hazard Land Area' and 'Inland Lake Residential (LR)'.

Hazard Land Area permitted uses are restricted to conservation, forestry, wildlife areas, and passive recreation. Only uses which do not impair ecological processes and environmental features will be permitted. Generally new residential development is prohibited.

The Official Plan states that the boundaries of lands designated as 'Hazard Land Area' are not hard and fast but are accepted as being flexible to some extent. The limits are determined through consultation with Conservation Authorities and by site inspection and evaluation (section 5.8.7.1). Minor adjustments may be made without amendment to the Plan (5.8.7.2).

Inland Lake Residential policies recognize existing development around several inland lakes. New development generally takes the form of residential infill in areas already sustainably developed or the rounding out of existing development. The existing built-up area should not be significantly expanded.

The OP has policy for the 'Inland Lake Development Areas' that state that:

"... new development shall not be permitted unless it can be proved that the inland lake can sustain the level of development proposed without suffering undue environmental degradation".

The consent policies for non-waterfront lots require a minimum lot area of 8,094 sq m.

The Official Plan amendment is required to address the land use the minimum lot size proposed.

Zoning By-law:

The property is currently zoned 'Environmental Protection Special (EP-10)'; 'Inland Lake Residential (LR)', and 'General Agriculture (A1)' with Saugeen Airport Overlay. The land proposed for development is zoned 'Environmental Protection Special (EP-10)'.

Note: Special Provision 10 to the EP prohibits some uses, specifically general agriculture, cross country ski facility, snow mobile club and gun clubs.

The 'Inland Lake Residential' zone permits detached dwellings and associated accessory buildings. Regulations that apply to the 'LR' zone area as follows:

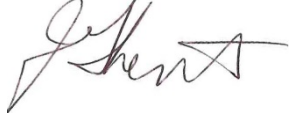
- Lot area, minimum: 1 ha
- Frontage, minimum: 30 m
- Front yard, min: 6 m
- Rear yard, min: 7.5 m
- Side yard, min: 1.5 m
- Coverage: max 15%

The Zoning amendment is required to change an area of the lot zoned Environmental Protection (EP) to Inland Lake Residential (LR) and to address the zone standards with respect to front yard.

Summary:

Information regarding the proposed development is provided and will be considered by the public at Public Meeting scheduled for April 23, 2019. Following the Public Meeting Final Reports on the Official Plan Amendment will be scheduled for the Bruce County Planning and Development Committee on May 16, 2019 and Zoning Amendment on May 28. Comments received from the public will be considered in these reports.

Respectfully submitted,

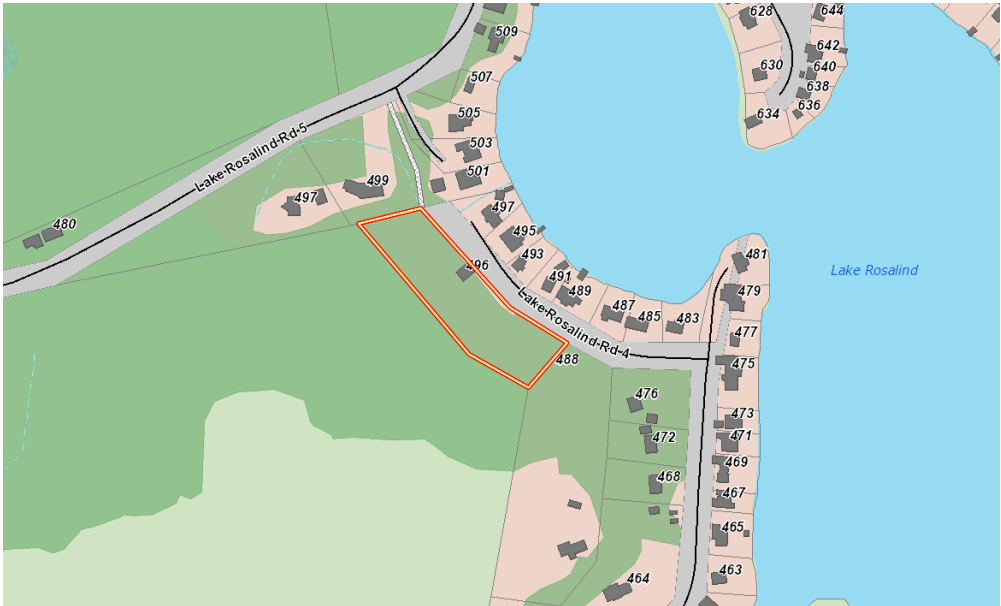
A handwritten signature in dark ink, appearing to read 'J. Ghent', with a stylized flourish at the end.

John Ghent, RPP

Planner, County of Bruce Planning and Development Department

Appendix 1 - Context

Development Proposal Zoning By-law Amendment	<p>The purpose of the application is to rezone a portion of the subject lands, +/- 1235.6 square metres (13,300 square feet), from 'Environmental Protection Special (EP-10)' to 'Inland Lake Residential Special (LR-x)' to facilitate the construction of a residence, on an identified building envelope. The rezoning will permit a reduced Minimum Front Yard Setback and Minimum Rear Yard Setback.</p> <p>The application will also facilitate the severance of a +/- 302 square metre (3251 square feet) parcel of land, upon which the owner would like to construct a garage. This property is also proposed to be rezoned to 'Inland Lake Residential Special (LR-x)'.</p>
Related File(s)	County of Bruce Consent File Number B-80-18.34
Owner	Chane Ballantyne (Smurk Inc.)
Agent	Adam Lippert
Legal Description	Part of Lot 68, Concession 3 NDR (being Parts 2 to 3, 3R-1261), geographic Township of Brant
Municipal Address	496 Lake Rosalind Road 4
Lot Dimensions	Entire Parcel
Lot Frontage	+/-128.1 m (420.3 ft.)
Lot Depth	+/- 41.1 m (135 ft) and 51.3 m (168.3 ft)
Lot Area	+/- 0.79 ha (1.95 ac.)
Lot Dimensions	Lands to be Severed
Lot Frontage	+/- 15.25 m (50 ft)
Lot Depth	+/- 19.8 m (65 ft)
Lot Area	+/- 302 square metres (3250 square feet)
Lot Dimensions	Lands to be Retained
Lot Frontage	+/-113 m (370.3 ft.)
Lot Depth	Irregular
Lot Area	+/- 0.75 ha (1.86 ac)
Existing Use	Vacant
Proposed Use	Residential
Structures Existing	Garage (on retained parcel)
Structures Proposed	New residence on retained parcel Garage proposed on severed parcel
Existing Servicing	None
Proposed Servicing	Municipal water and private septic

Access	Lake Rosalind Road 4, a year-round municipal road
County Official Plan	Inland Lake Development Area, Hazard Land Area and Special Policy Area 'D'
Proposed Official Plan	No change
Zoning By-law	'Inland Lake Residential (LR)', 'Environmental Protection Special (EP-10)', 'General Agriculture (A1) with Saugeen Airport Overlay, Municipality of Brockton By-law 2013-026.
Proposed Zoning By-law	'Inland Lake Residential Special (LR-x)'. The remaining 'Environmental Protection Special (EP-10)' and 'General Agriculture (A1)' zones will remain unchanged.
Surrounding Land Uses	Agricultural uses to the South and West; Residential to the North and East.
Subject Lands	

Appendix 2 - Provincial Policy Statement 2014

Apply?	Policy Area
X	1.0 Building Strong Communities
X	1.1 Managing and Directing Land Use
	1.1.3 Settlement Areas
X	1.1.4 Rural Areas in Municipalities
X	1.1.5 Rural Lands in Municipalities
	1.16 Territory Without Municipal Organization
	1.2 Coordination
	1.2.6 Land Use Compatibility
	1.3 Employment
	1.3.2 Employment Areas
	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
X	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
X	3.1	Natural Hazards
	3.2	Human-made Hazards

Other Provincial Interests

Ministry	Policy	Comment
MNR	NA	
OMAFRA	NA	

County of Bruce Official Plan

- 5.3 Rural Recreational Area
- 5.4 Inland Lake Residential
- 5.5 Agricultural Areas
- 6.5.3.5 & 6 Consents

Municipality of Brockton Zoning By-law 2013-26

- 9.0 Inland Lake Residential
- 6.0 Agriculture General (A1)
- 24.0 Environmental Protection (EP)

Appendix 3 - 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 (jgent@brucecounty.on.ca)

January 18, 2019

Corporation of the County of Bruce Planning & Development
30 Park Street, P.O. Box 848
Walkerton, Ontario
N0G 2V0

ATTENTION: John Ghent, Planner

Dear Mr. Ghent,

RE: **UPDATED COMMENTS**

Proposed County Official Plan Amendment BCOPA 236-18.34, and
Proposed Zoning By-law Amendment Z-50-18.34
496 Lake Rosalind Rd 4
Roll No. 41043401012006
Part Lot 68 Concession 3 NDR, Part 2 and 3 Plan 3R1261
Geographic Township of Brant
Municipality of Brockton

(Ballantyne c/o Lippert)

Saugeen Valley Conservation Authority (SVCA) staff has reviewed the proposed County Official Plan and zoning by-law amendments in accordance with the SVCA's mandate, the SVCA Environmental Planning and Regulations Policies Manual, amended October 16, 2018, and the Memorandum of Agreement between the Authority and the County of Bruce relating to Plan Review.

This correspondence is further to and should be read in conjunction with SVCA staff comments provided to the County of Bruce dated September 19, 2018, November 8, 2018, and November 13, 2018. The natural heritage comments provided in SVCA staff's comments dated September 19, 2018 remain unchanged.

The updated development proposal, as received by Bruce County Planning December 20, 2018, and as submitted with the Updated Request for Agency Comments is generally acceptable to SVCA staff.

SVCA staff provided mapping to the County of Bruce, dated November 13, 2018 showing SVCA's Hazardous Lands (EP-10 recommendation) for the property. A copy of this map is attached to this correspondence for ease of reference.

SVCA staff note that based on the updated proposal, as received by Bruce County Planning dated December 20, 2018, all proposed buildings, and sewage disposal systems will be located outside of the proposed EP-10 zone.



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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

Corporation of the County of Bruce Planning and Development

UPDATED COMMENTS

BCOPA 236-18.34 and Z-50-18.34 (Ballantyne c/o Lippert)

January 18, 2019

Page 2 of 2

We note that all site grading and alteration should also occur outside of the EP-10 zone, and that site alteration and grading within the EP-10 zone may not be acceptable to SVCA staff.

In accordance with the SVCA's Development, Interference with Wetlands and Alterations to Shorelines and Watercourses Regulation (Ontario Regulation 169/06, as amended), permission from the SVCA will be required for building, construction and site alteration as proposed on the property. Based on the updated proposal, as received by Bruce County Planning dated December 20, 2018, permission for development on the property can be issued by SVCA, subject to conditions.

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. The proposed County Official Plan and zoning by-law amendments are acceptable to SVCA staff.

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

Sincerely,



Michael Oberle
Environmental Planning Technician
Saugeen Conservation

MO/

Enclosure

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



Appendix 4 - Development Concept

496 LAKE ROSALIND DEVELOPMENT PROPOSAL

DATE: 08 MARCH 2019
DRAWING: REVISION 5

DEVELOPMENT DETAILS

TOTAL LAND AREA: 83,218 sqft = 0.773 ha
LOT FRONTAGE: 499.75 ft = 152.32 m

RETAINED PARCEL

AREA: 49,410 sqft = 0.459 ha
DEVELOPMENT AREA: 6985 sqft = 0.065 ha

SEVERED PARCEL

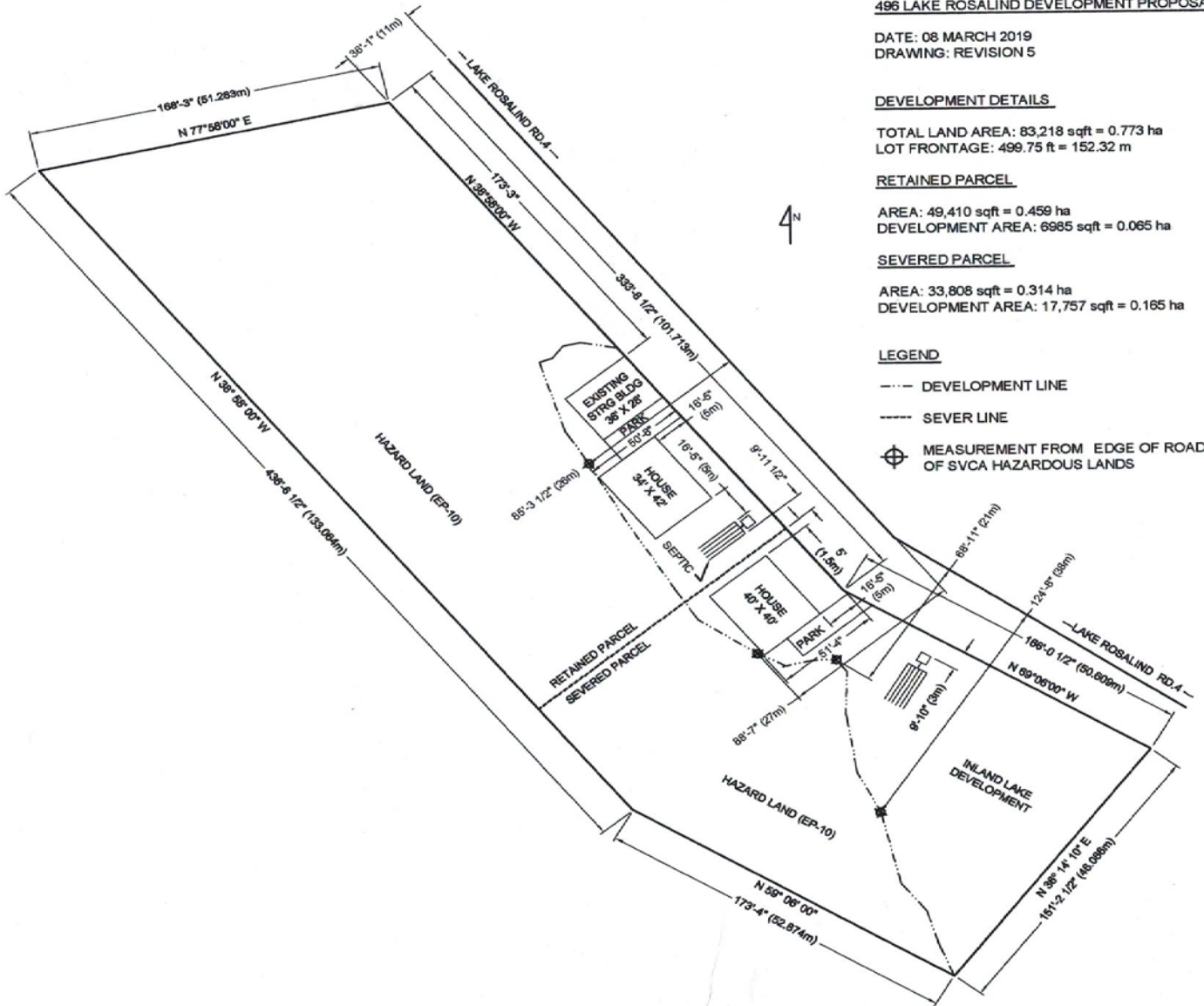
AREA: 33,808 sqft = 0.314 ha
DEVELOPMENT AREA: 17,757 sqft = 0.165 ha

LEGEND

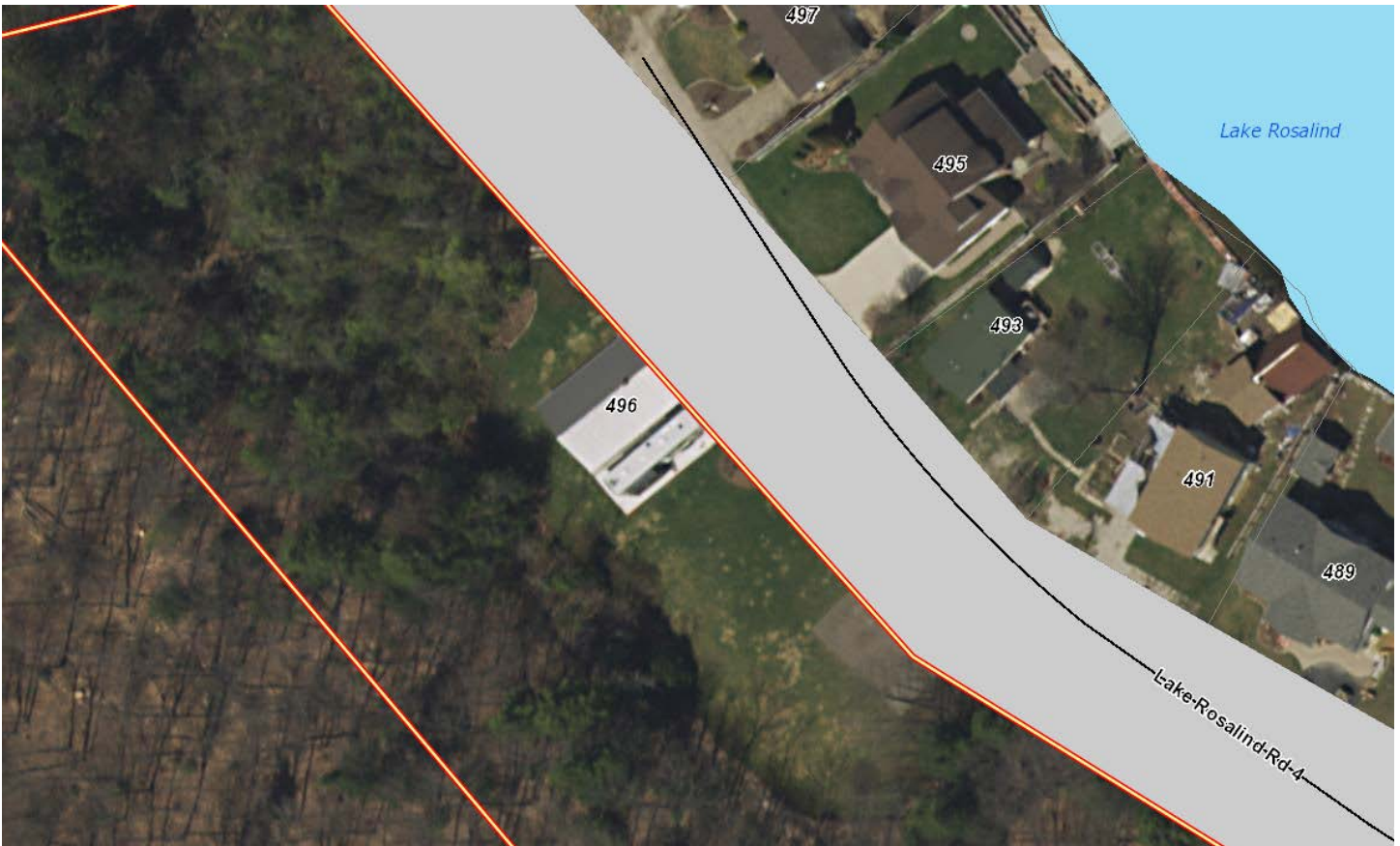
--- DEVELOPMENT LINE

--- SEVER LINE

⊕ MEASUREMENT FROM EDGE OF ROAD TO EDGE OF SVCA HAZARDOUS LANDS



Appendix 5 - Air Photo



Appendix 6 - Bruce County Official Plan



Appendix G - Brockton Zoning By-law

