



## Planning & Development Committee Report

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**To:** To the Chair and Members of Planning and Development Committee  
**From:** Dan Namisniak, Planner  
**Date:** January 4, 2022  
**Subject:** RPT-21-350  
Zoning By-Law Amendment Application ZBA21-21-DN  
241 Langford Church Road, Onondaga  
**Purpose:** For Approval

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### Recommendation

That Application **ZBA21/21/DN** from J.H. Cohoon Engineering Inc., Agent, on behalf of John & Veronika Romvari-Pop Applicant/ Owner of part 1 2R-6365; part 1 2R-7173 in the geographic Township of Onondaga, located at 241 Langford Church Road, proposing the following:

1. To change the zoning on the proposed 'lands to be severed' portion of the subject lands from the Agricultural (A) zone to Rural Residential – Special Exemption (RR-54) zone to permit a reduction in the Minimum Distance Separation (MDS) setback, where no dwelling unit shall be located within 236 metres (774 feet), where 259 metres (850 feet) is required from the neighbouring livestock barn at 237 Langford Church Rd; and
2. To change the zoning on the proposed 'lands to be retained' portion of the subject lands from the Agricultural (A) zone to Rural Residential (RR), to implement the current Rural Residential land use designation identified in the Official Plan.

**BE APPROVED.**

And that the reason(s) for approval are as follows:

- The application will facilitate residential development within the Rural Residential designation that is desirable and consistent with surrounding land uses.
- The reduction in the required Minimum Distance Separation (MDS) is minor and will not further restrict the operations of the livestock facility at 237 Langford Church Road.
- The application is in conformity to the policies of the Growth Plan for the Greater Golden Horseshoe and consistent with the policies of *Provincial Policy Statement*.
- The application conforms to the policies of the Official Plan and is in keeping with the intent of the Zoning By-Law.

### Strategic Priority

1. Sustainable and Managed Growth

## Financial Considerations

None.

## Executive Summary

The purpose of this report is to provide Council and the public with information from the application to amend the County of Brant Zoning By-Law 61-16.

This application was presented to the Planning and Development Committee on June 1, 2021 for information purposes.

This application was later deferred by the Planning and Development Committee ahead of the September 7, 2021 recommendation meeting to allow the Agent and the Applicant to consider revisions to the proposal in response to comments received through the technical and public circulation.

The Agent/ Applicant have proposed the following revisions:

- A modification to the size and shape of the proposed 'lands to be severed' and 'lands to be retained' designed to fully contain the 'human made pond' located on the subject lands and to create more 'regular' shaped parcels.
- Modify the technical application of the Minimum Distance Separation (MDS) setback to be measured from the livestock barn on the abutting property to the actual location of the future dwelling unit rather than be measured to the existing lot line.
- The location of the existing dwelling at 241 Langford Church Road as it relates to the required Minimum Distance Separation (MDS) setback is considered to be Legal Non-Conforming, is not being modified and therefore is not being recognized as part of this application.

Zoning By-Law Amendment Application **ZBA21/21/DN** is proposing the following, required in in order to facilitate the creation of two (2) additional Rural Residential lots fronting on McBay Rd:

1. To change the zoning on the proposed 'lands to be severed' portion of the subject lands from the Agricultural (A) zone to Rural Residential – Special Exemption (RR-54) zone to permit a reduction in the Minimum Distance Separation (MDS) setback, where no dwelling unit shall be located within 236 metres (774 feet), where 259 metres (850 feet) is required from the neighbouring livestock barn at 237 Langford Church Rd; and
2. To change the zoning on the proposed 'lands to be retained' portion of the subject lands from the Agricultural (A) zone to Rural Residential (RR).

The application as revised and technical application of the MDS setback measurement will better maintain the intent of the MDS Guidelines by restricting the actual placement of any future dwelling unit on the subject lands.

As part of this application, the Agent / Applicant has submitted a Proposal Letter, lot plan, concept for proposed development, and Minimum Distance Separation (MDS) calculation and analysis.

The protection of the surrounding livestock facilities has been considered as part of the review of this application and can conclude that the approval of this application will not result in further negative impact on the abutting livestock facility at 237 Langford Church Road as this facility is currently restricted by the existing lot of record at 239 Langford Church Road.

Subsequent Consent Applications will be required to be heard by the Committee of Adjustment to facilitate the lot creation proposed. Conditions of the subsequent Consent Applications will include requirements to provide potable water by private cistern and establish an enhanced natural buffer in the form of trees and berms and the need to complete an Archeological Report. These requirements will be reflected as part of a Development Agreement registered on title. This Agreement will serve as notice to future owners of this requirement.

The planning analysis focuses on literature review of applicable policy (i.e. *Planning Act*, *Provincial Policy Statement* (2020), Growth Plan for the Greater Golden Horseshoe (2020), County of Brant Official Plan (2012), and County of Brant Zoning By-Law), consultation with departments, and an inspection of the surrounding area. This report recommends that Zoning By-Law Amendment Application **ZBA21/21/DN** be **Approved**.

## **Location**

The Subject Lands are located along the south side of Langford Church Rd and the north side of McBay Road, west of White Swan Road, Former Township of Onondaga, County of Brant.

The Subject Lands currently have approximately 115 metres (377 feet) of frontage along both McBay Road and Langford Church Road, depth of 160 metres (525 feet) and total area of 2.16 hectares (5.3 acres).

The property currently contains an existing dwelling and dug well.

The property is currently serviced by private storm, water and sanitary infrastructure.

## **Report**

### **Planning Act R.S.O (1990)**

Section 34(10) of the *Planning Act* provides policy direction to be considered when reviewing Zoning By-Law Amendment Applications.

### **Provincial Policy Statement (2020)**

The *Provincial Policy Statement* (PPS) provides policy direction on matters of Provincial interest regarding land use planning and development and sets the policy foundation for regulating land use and development of land. All decisions affecting planning matters shall be 'consistent with' policy statements issued under the *Planning Act*.

Section 1.1.1 of the Provincial Policy Statement identifies a number of criteria which contributes to sustaining a healthy, livable and safe community which include:

- b. accommodating an appropriate affordable and market-based range and mix of residential types (including single-detached, additional residential units, multi-unit housing, affordable housing and housing for older persons)

***The application proposes to change the zoning on a portion of the subject lands in order to permit additional residential land uses in the form of single detached dwellings***

Section 1.1.3.1 of the *Provincial Policy Statement* identifies that Settlement Areas shall be the focus of growth and development. *Settlement Areas* can be identified as urban areas and rural settlement areas within municipalities (such as cities, towns, villages and hamlets).

- ***The subject lands are located within an identified rural settlement area, designated for residential land uses within the County of Brant Official Plan.***

Section 1.1.3.4 of the *Provincial Policy Statement* notes that appropriate development standards should be promoted which facilitate intensification, redevelopment and compact form, while avoiding or mitigating risks to public health and safety.

- ***The proposal is located along the limits of the identified rural settlement area and represents a ‘minor rounding out’ of development as the proposal is adjacent to existing residential land uses and based on current policies, the subject lands would not support any further lot creation beyond what is proposed.***

***In summary, based on the review of the Provincial Policy Statement, this development is located within an identified Rural Settlement Area and proposes to provide a residential built form that will contribute to a compatible and desirable mix of housing options.***

***It is my professional opinion that the request is consistent with the policies of the Provincial Policy Statement.***

#### A Place to Grow: Growth plan for the Greater Golden Horseshoe (2020)

The GGH is a dynamic and diverse area, and one of the fastest growing regions in North America. By 2051, this area is forecast to grow to, at a minimum, 14.8 million people and 7.0 million jobs. The *Planning Act* requires that all decisions that affect a planning matter shall ‘conform with’ Provincial plans, including but not limited to the Growth Plan.

*Policy 2.2.1.2(c)* describes that limited growth will occur in settlement areas that are rural settlements and are not serviced by existing or planned municipal water and waste water systems.

- ***The subject lands are located within an identified rural settlement area, designated for residential land uses within the County of Brant Official Plan.***
- ***The subject lands are proposed to be developed on private infrastructure (water, sanitary and storm) as there are no services planned for this area at this time.***

*Policy 4.2.6.3* describes that where agricultural uses and non-agricultural uses interface outside of settlement areas, land use compatibility will be achieved by avoiding or where avoidance is not possible, minimizing and mitigating adverse impacts on the Agricultural System.

- ***The abutting lands are identified as a Prime Agricultural land use which currently contains livestock (horses).***
- ***The protection of the surrounding livestock facilities has been considered as part of the review of this application and can conclude that the approval of this application will not result in further negative impact on the abutting livestock facility at 237 Langford Church Road as this facility is currently restricted by the existing lot of record at 239 Langford Church Road.***

***It is my professional opinion that the request conforms to the policies of the Growth Plan.***

#### Source Water Protection

Source protection plans contain a series of locally developed policies that, as they are implemented, protect existing and future sources of municipal drinking water. Municipalities,

source protection authorities, local health boards, the Province and others, are responsible for implementing source protection plan policies.

*Staff have reviewed Source Water Protection Area mapping, and the subject lands are not within a Source Water Protection zone.*

#### County of Brant Official Plan (2012)

The County of Brant Official Plan sets out the goals, objectives and policies to guide development within the municipality. The *Planning Act* requires that all decisions that affect a planning matter shall 'conform to' the local Municipal Policies, including but not limited to the County of Brant Official Plan.

- ***The subject lands are designated as a Rural Residential land use within Schedule 'A' of the County of Brant Official Plan.***

Section 2.2.3.3 of the County of Brant Official Plan describes that the Rural Residential land use designation have been identified based on their role as residential areas outside of the Urban Settlement Areas, Hamlets and Villages, and within the agricultural community. These areas do not have access to County water or sanitary sewage systems. Development shall be limited to infilling on existing lots of record or new draft plans of subdivision within the boundaries of the Rural Residential designation.

- ***This application proposes to change the zoning on the subject lands in order to permit infilling on an existing lot of record on private services within the existing boundaries of the Rural Residential designation.***

Section 2.2.3.3(a) of the County of Brant Official Plan identifies the following criteria for suitable lot creation with the Rural Residential Area:

<b>Official Plan - Section 2.2.3.3(a)</b>	<b>Proposal Analysis</b>
i. The proposed development is subject to the policies of Section 3.7 of this Plan;	<b><i>The proposal is located along the limits of the identified rural settlement area.</i></b>
ii. The proposed development represents infill development or minor rounding out;	<b><i>The proposal represents a 'minor rounding out' of development as the proposal as adjacent to existing residential land uses and based on current policies, the subject lands would not support any further lot creation beyond what is proposed.</i></b>
iii. The proposed development has access to potable water, and such supply does not adversely affect adjoining properties;	<b><i>The proposed development will be required to provide proof of potable water as a condition of consent and demonstrate no negative impact on surrounding water supply.</i></b>
iv. A servicing feasibility study has been completed in accordance with the Ministry of the Environment guidelines which demonstrates that the proposal's impact on ground and surface water shall be within acceptable limits;	

v. The proposed servicing shall be appropriate for the proposed densities and land uses;	
vi. The pattern of new development shall be logical in the context of existing development;	<b><i>The proposed lot size and shape is consistent with the existing lots in the Rural Residential land use.</i></b>
vii. The proposed development complies with the Minimum Distance Separation Formulae;	<b><i>This application is requesting relief from the required MDS calculation as a way of demonstrating compliance with the required setback.</i></b>
viii. The proposed development is compatible with existing development; and	<b><i>The proposed land use, lot size and shape is compatible with the existing lots in the Rural Residential land use.</i></b>
ix. Each lot proposed shall include a comprehensive drainage and lot grading plan demonstrating no adverse impacts on surrounding properties and a satisfactory outlet for stormwater.	<b><i>Each proposed lot will be required to demonstrate that lot grading and drainage are in accordance with the County of Brant Engineering Standards.</i></b>

Section 2.2.3.3.b of the County of Brant Official Plan states that development shall be consistent with and guided by the Servicing System policies in Section 5.2 of this Plan.

- ***Consistent with Section 5.2 of the Official Plan, this Rural Residential Area is to be serviced by private water, sanitary and storm infrastructure.***

Section 2.2.3.3.c of the County of Brant Official Plan states that development shall be limited to large lot residential development, in accordance with the Rural Residential designation in Section 3.7 of this Plan. Proposed lots shall be of a size similar to existing lots.

- ***The lot size and shape proposed are in keeping with the existing lot fabric and sized appropriately in accordance to Section 3.7 of the Official Plan in order to accommodate the area required for private services and separation from abutting parcels.***

Section 3.4.4 of the County of Brant Official Plan outlines the density targets for low, medium and high density development in the urban residential area set out by the Municipality as required by Section 1.1.3.5 of the Provincial Policy Statement.

Section 3.4.4.a states that the density target for Low Density Urban Residential development (single detached dwellings, semi-detached dwellings, duplex dwellings, street fronting townhouse dwellings and additional residential units) shall not exceed 20 units per net hectare.

- ***This application will facilitate the creation of two (2) new lots containing (1) single detached dwelling on each lot within a total area of 2.1ha hectare providing a total of 1 unit / per net hectare (2 units / 2.1 hectares = 1 units / hectare).***

***In summary, based on review of the applicable Official Plan policies, this application proposes to change the zoning on the subject lands in order to permit infilling on an existing lot of record on private services within the existing boundaries of the Rural Residential designation. The proposal meets the criteria for residential development within the Rural Area and the Rural Residential land use designation as this application aims to permit further establishment of single detached homes adjacent to and consistent with the existing built form.***

***It is my professional opinion that the request conforms to the policies of the County of Brant Official Plan.***

#### Ontario Ministry of Agriculture, Food and Rural Affairs (OMAFRA)

#### Minimum Distance Separation (MDS) (2017 – Publication 853)

The Minimum Distance Separation (MDS) Formulae are land use planning tools that determine setback distances between livestock barns, manure storages or anaerobic digesters and surrounding land uses. The objective of MDS is to minimize land use conflicts and nuisance complaints related to odour. MDS does not account for other nuisances such as noise or dust.

#### Guideline #33 – ‘Type A’ Land Uses (Less Sensitive)

For the purposes of MDS I, existing Type A land uses are characterized by a lower density of human occupancy, habitation or activity including industrial uses outside a settlement area, open space uses, dwellings on lots which are located outside of a settlement area and are not recognized through an official plan designation for development.

#### Guideline #34 – ‘Type B’ Land Uses (More Sensitive)

For the purposes of MDS I, existing Type B land uses are characterized by a higher density of human occupancy, habitation or activity including settlement area boundaries, existing development outside of a settlement area which is recognized through an official plan designation.

- ***Based on review of Guideline #33 & #34, the subject lands are classified as a ‘Type B’ land use which requires a ‘Type B’ calculation, having the effect of doubling the required separation distance.***

The MDS calculation confirms that the livestock facility at 237 Langford Church Road contains 15 medium frame horses with a barn capacity potential of 20 horses.

- ***The MDS calculation provided was based on this 20 horse capacity.***

The MDS calculation provided requires a ‘Type B’ separation distance of 259 metres (850 feet) from the livestock facility at 237 Langford Church to the nearest property line of the proposed lots.

- ***This application is seeking to apply site specific provisions to permit a reduced MDS setback for the dwelling unit of 236 metres (774 feet) required from the livestock facility at 237 Langford Church.***

#### Guideline #41- Measurement of MDS I Setbacks for the Creation of Lots

Where an MDS I setback is required for the creation of a lot, in accordance with Implementation Guideline #8 or #9, measurement of the MDS I setback should be undertaken as follows:

3. For proposed lots without an existing dwelling that are  $\leq 1$  ha, MDS I setbacks are measured as the shortest distance between the proposed lot line and either the surrounding livestock occupied portions of the livestock barns, manure storages or anaerobic digesters.

4. For proposed lots without an existing dwelling that are  $>1$  ha, MDS I setbacks are measured as the shortest distance between a 0.5 ha or larger building envelope (for a potential dwelling) and either the surrounding livestock occupied portions of the livestock barns, manure storages or anaerobic digesters.

- ***The lots to be proposed as part of a future consent application are identified to be less than 1 hectare which requires the MDS I setback to be measured as the shortest distance between the proposed lot line and either the surrounding livestock occupied portions of the livestock barns.***
- ***This application proposes to apply the technical application of MDS, where the measurement will be established from the Livestock barn to the location of the future dwelling unit.***

#### Guideline #42 - Non-Effect of Wind Direction, etc. on MDS Setbacks

The direction of prevailing wind, surrounding topography, and presence of trees, berms or other screening are not part of, and are not intended to affect, the calculation of MDS setbacks. However, these or other similar elements could be considered in applications to vary or reduce MDS setbacks, where appropriate, and in accordance with Implementation Guideline #43.

- ***Conditions of future Consent Applications to create the new residential parcels will include requirements to establish buffering such as trees and berms to minimize the potential odour nuisance.***

#### Guideline #43 - Reducing MDS Setbacks

MDS I setbacks should not be reduced except in limited site specific circumstances that meet the intent of this MDS Document. Examples include circumstances that mitigate environmental or public health and safety impacts, or avoid natural or human-made hazards. If deemed appropriate by a municipality, the processes by which a reduction to MDS I may be considered could include a minor variance to the local zoning by-law provisions, a site specific zoning by-law amendment or an official plan amendment introducing a site specific policy area.

- ***Guideline #43 permits the reduction of the MDS requirement by amendment to the By-Law, where appropriate.***
- ***The appropriateness of the MDS reduction from the required 259 metres (850 feet) to the proposed 236 metres (774 feet) has been determined by reviewing the following:***
  - 1. *Impact of the existing, proposed and future settlement patterns on surrounding livestock operations; and*
  - 2. *Implementation of added buffering such as trees and berms to minimize the potential odour nuisance.*

1. *Impact of the existing, proposed and future settlement patterns on surrounding livestock operations.*
  - *The Rural Residential designation permits residential land uses and its boundaries were established to follow existing settlement pattern and built up area reflecting the clusters of non-agricultural, residential parcels of land.*
  - *Since the 2012 adoption of the Rural Residential designation and associated 'Schedule A' mapping, there have been numerous Zoning By-Law Amendment Applications and Consent Applications creating new parcels of land within this existing Rural Residential designation boundary.*
  - *The protection of agricultural land is a priority of the County of Brant and is considered. One main objective of the MDS Guidelines is aimed at protecting Agricultural land uses, specifically related to livestock.*
  - *The ability for new livestock operations to be established or for existing livestock operations to expand is dependent on the ability to meet their own respective MDS calculation.*
  - *When considering the subject livestock operation located at 237 Langford Church Rd, the ability to expand beyond the existing size and scale is currently restricted by the parcel located at 239 Langford Church Road which was created in 2018 (B28/18/DN). This parcel was severed by the current Owner of the livestock operation located at 237 Langford Church Road. At the time of the application, it was determined that this parcel did meet the MDS setback required as this parcel was considered as a 'Type A' land use which required a lesser MDS setback from the livestock barn at 237 Langford Church Road.*
  - *Following consultation with OMAFRA in late 2018, regarding the interpretation of factors determining whether a parcel is a 'less sensitive' (Type A) land use or 'more sensitive' (Type B) land use, it was concluded that, any non-agricultural land use located outside of a Primary or Secondary Settlement Area, should be considered a 'more sensitive' (Type B). The current proposal is being interpreted as a more sensitive 'Type B' land use.*
  - *The proposal is located along the limits of the identified rural settlement area and represents a 'minor rounding out' of development as the proposal as adjacent to existing residential land uses and based on current policies, the subject lands would not support any further lot creation beyond what is proposed.*
  - *The reduction of the MDS requirement requested as part of this application will not further impact the ability for the livestock barn at 237 Langford Church Road to expand as it is already restricted by the closest dwelling on a separate lot being the existing lot of record identified at 239 Langford Church Road.*
2. *Implementation of added buffering such as trees and berms to minimize the potential odour nuisance.*
  - *As previously stated, Guideline #42 identifies the existence or introduction of natural features such as trees and berms as factors to consider a reduction in the MDS requirements.*

- **Conditions of future Consent Applications to create the new residential parcels will include requirements to establish buffering such as trees and berms to minimize the potential odour nuisance.**
- **These requirements can be included as clauses in the development agreement registered on title which will also provide future owners notice and requirements for these features to be maintained.**

***It is my professional opinion that the proposal is maintaining the intent of the OMAFRA MDS guidelines and the request to reduce the Minimum Distance Separation (MDS) required is appropriate.***

### County of Brant Zoning By-Law 61-16

The subject lands are currently zoned Agricultural (A) within the County of Brant Zoning By-Law 61-16.

This application proposes to change the zoning on a portion of the subject lands to Rural Residential (RR).

Section 9, Table 9.1.1 of the Zoning By-Law outlines the permitted uses in the Non-Urban Residential (SR, RH, RR) Zones include residential development in the form of Single Detached dwellings.

Section 9, Table 9.2.1 of the Zoning By-Law outlines the zone requirements for Non-Urban Residential (SR, RH, RR) Zones.

The table below describes the proposed zone requirements for Non-Urban Residential (SR, RH, RR) Zones.

<b>Zone Provision Requirements</b>		<b><i>Proposed</i></b> Rural Residential Special Exemption (RR-xx)		<b><i>Proposed</i></b> Rural Residential (RR)
		<b><i>Severed Lot 1</i></b>	<b><i>Severed Lot 2</i></b>	<b><i>Retained Lands</i></b>
<b>Lot Area,</b> Minimum (sq. m)	4,000 square metres (0.74 acres)	8,399 square metres (2.1 acres)	4,031 square metres (1 acres)	7,400 square metres (1.8 acres)
<b>Lot Frontage,</b> Minimum (metres)	40 metres (131 feet)	57 metres (187 feet)	57 metres (187 feet)	115 metres (377 feet)
<b>Street Setback,</b> Minimum (metres)	20 metres (65 feet)	Development Standards / Zone Requirements to be confirmed at the time of Building Permit.		
<b>Interior Side Yard Setback,</b> Minimum (metres)	5 metres (4 feet)			

<b>Rear Yard Setback,</b> Minimum (metres)	5 metres (16 feet)	
<b>Lot Coverage,</b> Maximum	30%	
<b>Landscaped Open Space,</b> Minimum	30%	
<b>Front Yard Landscape Area,</b> Minimum	45%	
<b>Building Height,</b> Maximum (metres)	10.5 metres (34 feet)	

- ***As identified in the concept drawing submitted with the application and within the chart above, the proposal does intend to meet and/ or exceed the minimum requirements for new lot creation and development within the Rural Residential (RR) zone. Zone requirements along with technical review of drainage, grading and access will be reviewed for compliance at the time of building permit.***

***It is my professional opinion that the request is appropriate and maintains the intent of the County of Brant Zoning By-Law (61-16).***

### ***Interdepartmental Considerations***

#### **Agricultural Advisory Committee:**

- Members of the Agricultural Advisory Committee were circulated the details of this application on August 31, 2021.
- Comments received from some members of the committee included ongoing concern for Planning Applications involving the reduction in the Minimum Separation Distance (MDS) requirements to permit new development.
- At the time of writing this report, no comments of concern have been received.

#### **Development Engineering:**

- As per a Site Inspection on June 2, 2021, the Owner stated that the existing pond shall be retained solely on one of the newly created lots, and as such the J. H. Cohoon Engineering Ltd. Dwg. 13023-SEV2, will require to be revised and submitted as part of the future consent application. It is currently indicating on the previously mentioned DWG that the proposed rear property of "Severed Parcel No. 1" bisects the existing pond.
- A Public Works Permit will be required for any work done on County property.

#### **Field Services:**

- Field Services staff would require an overall grading plan for the indicated lots including 10m beyond the property lines in all directions as everything is built up around these lots to confirm drainage patterns.
- This comment will be satisfied as a condition of the future consent application.

#### Energy Plus:

- Energy+ Inc. has no objection to the request for a Zoning by-law amendment to change from Agricultural to Residential to facilitate the creation/severance of two new lots. The Applicant/Owner will need to satisfy the conditions noted in the severance application prior to approval by Energy+ Inc.
- If relocation and/or upgrade of the existing electrical plant, is required as a result of this proposal the Applicant/Owner will be responsible for 100% cost. All ESA and Energy+ Inc. minimum clearances to existing and proposed hydro plant must be met.
- If easements are required as a result of this proposal the Applicant/Owner will be responsible for 100% cost.

#### Enbridge Gas Inc:

- Thank you for your correspondence with regard to the proposed Site Plan Application. Enbridge Gas Inc, operating as Union Gas, does have service lines running within the area which may or may not be affected by the proposed Site Plan.
- Should the proposed site plan impact these services, it may be necessary to terminate the gas service and relocate the line according to the new property boundaries. Any Service relocation required would be at the cost of the property owner.

The following departments/agencies provided no concerns as part of the circulation of this application:

- |                          |                                  |
|--------------------------|----------------------------------|
| · Fire                   | · Canada Post                    |
| · Operations             | · GIS Mapping / Civic Addressing |
| · Environmental Planning | · Parks & Facilities             |

The following departments/agencies did not provide any comments as part of the circulation of this application:

- |                        |   |
|------------------------|---|
| · Building             | · Imperial Oil                          |
| · Economic Development | · Six Nation/Mississaugas of the Credit |
| · Union Gas            | · Bell Canada                           |

### ***Public Considerations***

Notice of this application has been circulated to all property owners within 125 metres of the subject lands in accordance with the *Planning Act*.

*June 1, 2021 – Information Meeting*

As part of this information meeting circulation, the following public comments were received and included as part of the agenda package for review:

- 415 McBay Road - M. Browne
- 417 McBay Road - B. Harschnitz
- 419 McBay Road – K. Dillon

*September 7, 2021 – Recommendation Meeting (Deferred)*

As part of this information meeting circulation, the following public comments were received and included as part of the agenda package for review:

- 417 McBay Road - B. Harschnitz

*January 4, 2022 – Recommendation Meeting*

- At the time of writing this report, no further public comments or correspondence have been received.

## ***Conclusions and Recommendations***

A Zoning By-Law Amendment Application is required in order to facilitate further residential lot creation within the Rural Residential designation. The application includes the request to permit a reduction in the required Minimum Distance Separation (MDS) requirement of 236 metres (774 feet) where a minimum setback of 259 metres (850 feet) is required. This measurement is proposed to be applied and maintained from the neighbouring livestock barn identified at 237 Langford Church Rd to the located of a future dwelling unit.

The Zoning By-Law Amendment request is consistent with the Provincial Policy Statement and in conformity to the Growth Plan as the portion of the lands subject to this application are located within an identified Settlement Area where private services are permitted.

The Zoning By-Law Amendment request conforms to the Official Plan criteria for residential development within the Rural Area and the Rural Residential Designation as this application proposes to amend the Zoning By-Law to permit further establishment of single detached homes adjacent to and consistent with the existing built form. The application also includes the request to permit the reduced MDS setback which will bring the proposal into conformity.

As stated in the Planning Analysis portion of this report, the proposal is located along the limits of the identified rural settlement area and represents a 'minor rounding out' of development as the proposal is adjacent to existing residential land uses and based on current policies, the subject lands would not support any further lot creation beyond what is proposed.

The protection of the surrounding livestock facilities has been considered as part of the review of this application and can conclude that the approval of this application will not result in further negative impact on the abutting livestock facility at 237 Langford Church Road as this facility is currently restricted by the existing lot of record at 239 Langford Church Road.

Subsequent Consent Applications will be required to be heard by the Committee of Adjustment to facilitate the lot creation proposed. Conditions of the subsequent Consent Applications will include requirements to provide potable water by private cistern and establish an enhanced natural buffer in the form of trees and berms. These requirements will be reflected as part of a Development Agreement registered on title. This Agreement will serve as notice to future owners of this requirement.

The planning justification and recommendation provided in this report is supported by the comments received as part of the technical circulation to internal and external agencies. Technical comments also reflect the understanding that details related to drainage, grading, servicing, etc will be facilitated through a subsequent *Planning Act* application and at the time a building permit.

It is my professional opinion that the request is appropriate and represents good planning and therefore I recommend that the Zoning By-Law Amendment Application ZBA21-21-DN be **Approved**.

**Attachments**

- 1. Zoning Map
- 2. Official Plan Map
- 3. Aerial Map
- 4. Figure 1 - Proposed Severance Plan
- 5. Figure 2 - Surrounding Area
- 6. Figure 3 – Site Photo
- 7. OMAFRA MDS Review
- 8. Public Comments Received

**Copy to**

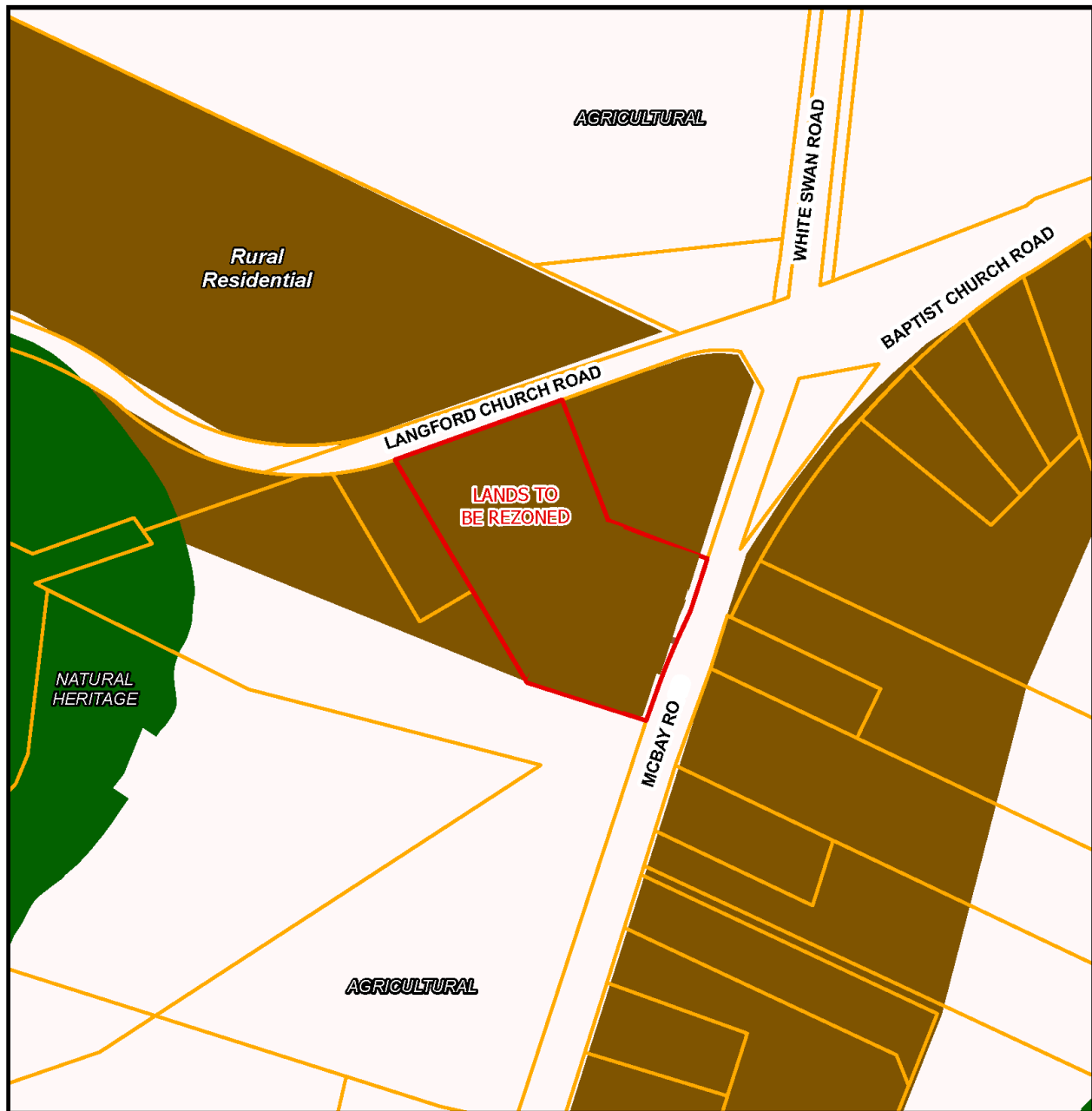
- 1. Pam Duesling, General Manager of Development Services
- 2. Mat Vaughan, Director of Development Planning
- 3. Heather Boyd, Clerk/Manager of Council Committee Services
- 4. Alyssa Seitz, Planning Administrative Assistant
- 5. Applicant/Agent

**File # ZBA21-21-DN**

**In adopting this report, is a bylaw or agreement required?**

- |  |       |
|--|-------|
| By-Law required  | (Yes) |
| Agreement(s) or other documents to be signed by Mayor and /or Clerk      | (No)  |
| Is the necessary By-Law or agreement being sent concurrently to Council? | (Yes) |

**Map 2: Official Plan Map**  
**Address: 241 Langford Church Road**  
**Former Township of Onondaga**



**Map 3: Aerial Map**  
**Address: 241 Langford Church Road**  
**Former Township of Onondaga**



Figure 1 – Proposed Severance Plan

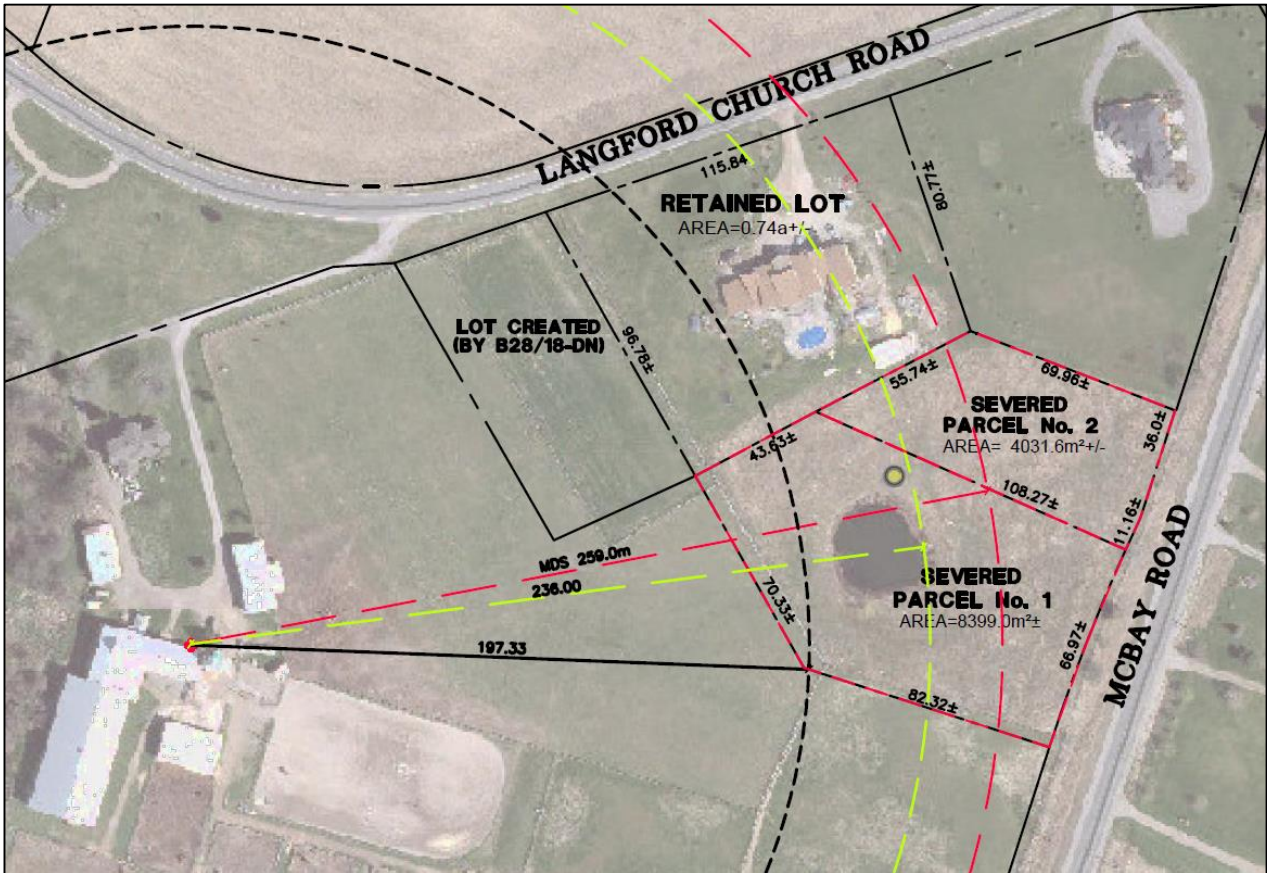
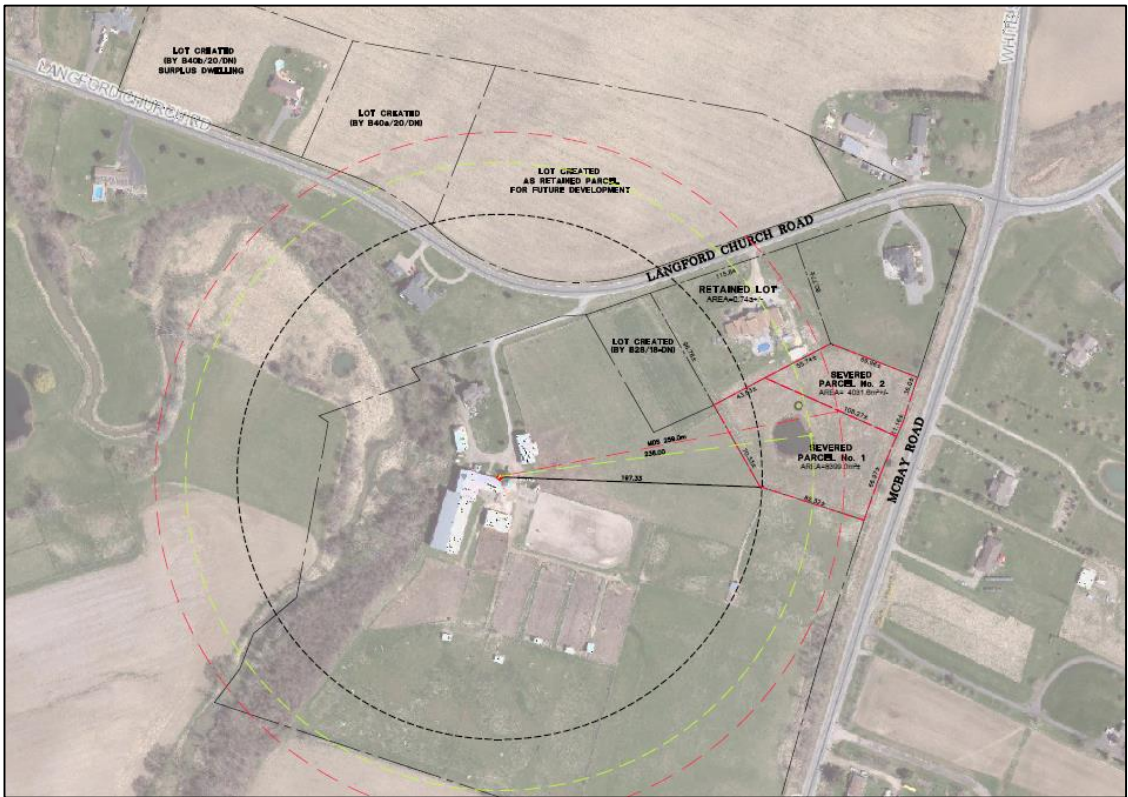


Figure 2 – Surrounding Area



**Figure 3 – Image of Subject Lands facing north along McBay Road Frontage**



**Identified Livestock Operation on to the west (left), existing dwelling under construction (center), proposed lot creation to the east (right).**

