



## 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-21-246  
Zoning By-Law Amendment Application ZBA23-21-DN  
29 Thirteenth Concession Road, Scotland  
**Purpose:** **For Approval**

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### Recommendation

1. That application **ZBA23/21/DN** from J.H. Cohoon Engineering Ltd Agent on behalf of M. Haley c/o Haley Elevator Inc., Owners of lands described as part lots 1 TO 3 and reference plan 2R1765 part 1 Concession 13 in the geographic Township of Burford, located at 29 Thirteenth Concession Road proposing to change the zoning on a portion of the subject lands having an area of 2.4 hectares (5.8 acres) from Agricultural (A) to Suburban Residential (SR) to facilitate additional residential development fronting Thirteenth Concession Road within the Secondary Settlement Area of Scotland **BE APPROVED**.

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

- This application will facilitate limited, minor rounding out of development on private services within the Secondary Settlement Area of Scotland.
- The application is in conformity with the policies of the Growth Plan for the Greater Golden Horseshoe and consistent with the *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.

**AND**

2. That application **ZBA23/21/DN** from J.H. Cohoon Engineering Ltd Agent on behalf of M. Haley c/o Haley Elevator Inc., Owners of lands described as part lots 1 TO 3 and reference plan 2R1765 PART 1 Concession 13 in the geographic Township of Burford, located at 29 Thirteenth Concession Road proposing to change the zoning on the remaining portion of the subject lands located within the Secondary Settlement Area of Scotland, having an area of 33.6 hectares (83.2 acres) from Agricultural (A) to Holding Provision - Suburban Residential (h-SR), **BE REFUSED**.

THAT the reason(s) for refusal are as follows:

- The application of the holding provision (h) is considered premature at this time as there has been no consideration to plan for services within the Secondary Settlement Area of Scotland.
- The lack of services results in the inability to support the achievement of complete communities through compact, connected and a range of housing types.
- The application is not in conformity with the policies of the Growth Plan for the Greater Golden Horseshoe nor is it consistent with the *Provincial Policy Statement*.
- The application does not conform to the policies of the Official Plan and is not 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 report separates the proposal into two parts, applying applicable planning policy and analysis based on the merits of each request, resulting in two separate planning recommendations.

Zoning By-Law Amendment Application **ZBA23/21/DN** was first presented to the Planning and Development Committee on July 6, 2021 for information purposes proposing the following:

1. Change the zoning on a portion of the subject lands having an area of 2.4 hectares (5.8 acres) from Agricultural (A) to Suburban Residential (SR) to facilitate additional residential development fronting Thirteenth Concession Road within the Secondary Settlement Area of Scotland.

At the request of the Applicant /Agent, the scope of the application has been amended to include the following:

1. Change the zoning on a portion of the subject lands having an area of 2.4 hectares (5.8 acres) from Agricultural (A) to Suburban Residential (SR) to facilitate additional residential development fronting Thirteenth Concession Road within the Secondary Settlement Area of Scotland; and
2. Change the zoning on the remaining portion of the subject lands located within the Secondary Settlement Area of Scotland, having an area of 33.6 hectares (83.2 acres) from Agricultural (A) to Holding Provision - Suburban Residential (h-SR).

This revised submission was re-circulated and presented to the Planning and Development Committee on October 5, 2021 for information purposes.

As part of this application, the Agent / Applicant has submitted the following for Staff's review:

- Proposal Letter (*JHC Eng, May 2021*)
- Lot Creation Concept (*JHC Eng, May 2021*)
- Overall Concept (*JHC Eng, May 2021*)
- Well Water assessment supporting the establishment of a well for each new parcel proposed. (*HCS, April 2021*)
- Revised Proposal Letter (*Angrish Group, Sept 2021*)
- Revised Lot Creation Concept (*JHC Eng, Sept 2021*)
- Revised Overall Concept (*JHC Eng, Sept 2021*)

The intent and purpose of providing the 'Revised Overall Concept (*JHC Eng, Sept 2021*)' is to demonstrate how the proposed lotting and road network could fit within the context of the surrounding community. It should also be noted that this concept utilizes lands that are currently not owned by the applicant. This application only proposes changes to the lands currently owned by the Applicant. This concept in no way reflects a formal proposal nor does this report give consideration or analysis of the detail design reflected in the concept. As noted by the Agent at the October 5<sup>th</sup> 2021 information meeting, the Applicant/ Owner has not provided a timeline for when a formal request for pre-consultation with Staff to consider development on the remaining 33.6 hectares (83.2 acres).

The subject property was previously subject to Zoning By-Law Amendment Application ZBA32-19-DN and Consent Applications B31-34-20-DN resulting in the creation of the Suburban Residential lots at 4, 8, 12 & 16 Thirteenth Concession Road Rd east of the Subject Lands.

The proposal requesting to change the zoning on a portion of the subject lands having an area of 2.4 hectares (5.8 acres) from Agricultural (A) to Suburban Residential (SR) to facilitate additional residential development fronting Thirteenth Concession Road reflects a 'limited' and 'minor rounding out' of development within the Secondary Settlement Area of Scotland. Review of applicable planning policy demonstrates that although the subject lands are located within the Secondary Settlement Area of Scotland and proposed on private services, the size, scale and located of the proposed development is considered to be appropriate. This report recommends **APPROVAL** of this request.

## **AND**

The proposal requesting to change the zoning on the remaining portion of the subject lands located within the Secondary Settlement Area of Scotland, having an area of 33.6 hectares (83.2 acres) from Agricultural (A) to Holding Provision - Suburban Residential (h-SR) is considered premature as the details of the request do not demonstrate that the development is desirable and appropriate. This report recommends **REFUSAL** of this request.

## **Location**

The Subject Lands are located west of Simcoe Street, along the south side of Thirteenth Concession Road within the Secondary Settlement Area of Scotland, County of Brant.

The Subject Lands currently have approximately 1,100 metres (3,609 feet) of frontage along Thirteenth Concession Road, a depth of 100 metres (328 feet) and 665 metres (2,182 feet) and total area of 65 hectares (161 acres). Approximately 36 hectares (89 acres) or 55% of the total 65 hectares (161 acres) are located within the Secondary Settlement of Scotland.

The property is currently utilized for agricultural uses and does not contain any structures.

The property is currently serviced by private storm water, drinking 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.

- ***This Zoning By-Law Amendment application has had regard for Section 34(10) of the Planning Act.***
- ***Review considers conformity with the official plan and compatibility with adjacent uses of land, suitability of the land for the proposed purpose, including the size and shape of the lot(s) being created and adequacy of vehicular access, water supply, sewage disposal.***

Section 36(1) of *the Planning Act* provides the council of a local municipality through the passing of a By-Law, the use of the holding symbol “H” (or “h”) in conjunction with any use designation, specify the use to which lands, buildings or structures may be put at such time in the future as the holding symbol is removed by amendment to the By-Law.

- ***Review of the merits of this Application has had regard for Section 36(1) of the Planning Act.***
- ***Generally, a ‘Holding Provision (h)’ may be applied to an amending By-Law to delay development until local municipal services, such as roads and sewers, are in place or as a tool to achieve orderly staging of development, to ensure adequate infrastructure and community services and facilities are or will be available.***

### *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 1.1.3.1 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 the Secondary Settlement Area of Scotland.***

Section 1.6.6.2 identifies that municipal sewage services and municipal water services are the preferred form of servicing for settlement areas to support protection of the environment and minimize potential risks to human health and safety.

- ***The Secondary Settlement Area of Scotland does not contain municipal services (water, sanitary, storm).***
- ***The County of Brant Operations Staff have confirmed that there has been no consideration to plan for services within the Secondary Settlement Area of Scotland.***

Section 1.6.6.4 states that where municipal sewage services and municipal water services or private communal sewage services and private communal water services are not available,

planned or feasible, individual on-site sewage services and individual on-site water services may be used provided that site conditions are suitable for the long-term provision of such services with no negative impacts. In settlement areas, individual on-site sewage services and individual on-site water services may be used for infilling and minor rounding out of existing development.

- ***The request to rezone approximately 2.4 hectares (5.8 acres) for linear lot development fronting Thirteenth Concession Road provides a compatible & consistent lot fabric adjacent to existing residential land uses. The size and shape of the subject lands in this particular location is considered a ‘minor rounding out’ of existing development on private services.***
- ***The development of the remaining 33.6 hectares (83.2 acres) exceeds the intent of ‘minor rounding out’ due to the potential for the number of units, and the extension and establishment of new infrastructure and amenities (roads, services, parks etc).***

***In summary, based on the review of the Provincial Policy Statement it is my professional opinion that:***

- ***The request to rezone approximately 2.4 hectares (5.8 acres) for linear lot development fronting Thirteenth Concession Road is considered a ‘minor rounding out’ of existing development on private services and is therefore consistent with the policies of the Provincial Policy Statement.***
- ***The request to rezone and place a holding provision on the remaining 33.6 hectares (83.2 acres) is considered pre-mature due to no available or planned services and therefore is not 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(a) describes how the vast majority of growth will be directed to settlement areas that have a delineated built boundary, have existing or planned municipal water and wastewater systems and can support the achievement of complete communities.

- ***The subject lands are located within the Secondary Settlement Area of Scotland.***
- ***The Secondary Settlement Area of Scotland does not contain municipal services (water, sanitary, storm).***
- ***The County of Brant Operations Staff have confirmed that there has been no consideration to plan for services within the Secondary Settlement Area of Scotland.***
- ***New large scale, significant development within the Secondary Settlement Area of Scotland cannot support the achievement of complete communities due to the lack of opportunity for density, range of unit types, connectivity, services and amenities.***

Policy 2.2.1.2(b) identifies that growth will be limited in settlement areas that are rural, not serviced by existing or planned municipal water and wastewater systems

- ***The request to rezone approximately 2.4 hectares (5.8 acres) for limited linear lot development fronting Thirteenth Concession Road, on private services, adjacent to similar built form is considered appropriate.***

- ***The development of the remaining 33.6 hectares (83.2 acres) exceeds the intent of limited development due to the need to incorporate new infrastructure and amenities (roads, services, parks etc) and is not considered appropriate development.***

Policy 2.2.7.2.b identifies that new development in designated greenfield areas (the area outside of the built-up area) within the County of Brant will plan to achieve, within the horizon of this Plan, a minimum density target that is not less than 40 residents and jobs combined per hectare.

- ***New residential development on private services within the proposed Suburban Residential (SR) zoning requires a minimum lot area of 0.3 hectares (3,000 square metres) per lot. Based on this lot area alone, the development would provide 0.33units / 1 hectare.***
- ***If the area was partially serviced, the required minimum lot size would decrease to 0.1 hectares (1,000 square metres) or 10 units / 1 hectare.***
- ***Based on this preliminary review, large scale development on private and partial services would have a difficult time meeting the minimum density target as set out in the Growth Plan of 40 residents and jobs combined per hectare.***

***In summary, based on the review of the Growth Plan, it is my professional opinion that:***

- ***The request to rezone approximately 2.4 hectares (5.8 acres) for limited linear lot development fronting Thirteenth Concession Road on private services is in conformity with the policies of the Growth Plan.***
- ***The request to rezone and place a holding provision on the remaining 33.6 hectares (83.2 acres) is considered pre-mature due to no available or planned services and the inability to support the achievement of complete communities and therefore is not in conformity with 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 portion of the lands subject to this application are designated as a Suburban Residential land use within Schedule 'A' of the County of Brant Official Plan.***
- ***The remaining portion of the lands not subject to this application are located outside of the Secondary Urban Settlement Area of Scotland and are designated Agricultural.***

#### ***Secondary Urban Settlement Areas***

Section 2.2.3.1.2 of the County of Brant Official Plan describes that the Secondary Urban Settlement Areas have been identified based on their servicing capacity and ability to accommodate projected growth through development, redevelopment and intensification opportunity. The County shall promote development that is orderly, efficient and sustainable. Secondary Urban Settlement Areas shall not function as the main areas for growth.

The following policies shall apply to the County's Secondary Urban Settlement Areas:

- a. The Secondary Urban Settlement Area of Burford has a built boundary as identified in Section 2.2.5.1(b) of this Plan and as shown on Schedule A.
  - b. All other Secondary Urban Settlement Areas have a built-up area that is made up of existing developed urban areas within the settlement area
  - e. Land located outside of the built boundary/built-up area, as described in policies (a) and (b) above, but within the settlement area boundary, represents the County's designated Greenfield areas. Development within the County's designated Greenfield areas is subject to the designated Greenfield area density target in Section 2.2.2.3 and may be subject to the preparation of Area Studies.
  - ***The 'built-up' area for the Secondary Urban Settlement Area of Scotland, based on the developed area, is interpreted to be bounded by Highway 24/ Vanessa Road to the south and east, Church Street West to the west and Thirteen Concession Road to the north.***
  - ***The portion of the subject lands that consists of 2.4 hectares (5.8 acres) for limited linear lot development fronting Thirteenth Concession Road, on private services, is considered to be located within the 'built-up' area.***
  - ***The larger 33.6 hectare (83.2 acre) portion proposed for future development is considered to be located outside of the 'built-up' area.***
  - c. A limited amount and type of growth and development shall be permitted in the County's Secondary Urban Settlement Areas
  - ***The request to rezone approximately 2.4 hectares (5.8 acres) will permit a limited amount of growth on private services within the Secondary Urban Settlement Area of Scotland.***
  - ***The development of the remaining 33.6 hectares (83.2 acres) exceeds the intent of limited development due to the need to incorporate new infrastructure and amenities (roads, services, parks etc) and is not considered appropriate development at this time.***
  - d. Secondary Urban Settlement Areas shall contribute to achieving the County's goals with respect to intensification, as established in Section 2.2.5.2 of this Plan, by accommodating limited infill development, and small scale intensification within the built boundary/built-up area, subject to the availability of appropriate servicing systems
  - ***Development of the larger 33.6 hectare (83.2 acre) portion is considered premature at this time due to the need to incorporate new infrastructure and amenities (roads, services, parks etc).***
  - g. All development shall be consistent with and guided by the Servicing System policies in Section 5.2 of this Plan (*Servicing Systems*).
- This policy is reviewed in greater detail later in this report (see Servicing Systems / Allocation and Phasing)***

## Suburban Residential Land use

Section 3.5 of the Official Plan outlines that the intent of the Suburban Residential designation is to recognize existing clusters of suburban development within the County and to provide policies that will ensure efficient and orderly future growth. Lands designated Suburban Residential will function predominantly as low density residential areas.

Section 3.5.3.c. In addition to other policies of this Plan, new development, redevelopment, and intensification within the Suburban Residential designation, including applications to amend the County's Zoning By-Law in order to permit a proposed development, shall be subject to the following criteria:

- i. a report on the contribution of the proposed development towards the County's intensification goals or Density Target may be required by the County;
- ***A report outlining contribution to density targets is not required as part of the proposed development on the 2.4 hectares (5.8 acres) portion as the development is limited in scale.***
- ***A report outlining how the large scale development on the 33.6 hectare (83.2 acre) portion contributes to density targets will be required as part of a future complete application based on applicable planning policy at that time.***
  - ii. the height and massing of the buildings at the edge of the proposed development project shall have regard to the height and massing of the buildings in adjacent areas and may be subject to additional setbacks and design elements, or landscaping to provide an appropriate transition;
- ***The built form proposed as part of development of the 2.4 hectares (5.8 acres) portion is proposed to be consistent with the construction on the adjacent lots.***
- ***The built form proposed as part of development of the 33.6 hectare (83.2 acre) will be required to be considered as part of a future complete application based on applicable planning policy at that time.***
  - iii. a report on the adequacy of the road network to accommodate the expected traffic flows and the adequacy of water and sewer services may be required by the County;
- ***Access, traffic and adequacy of private water and sewer services for the 2.4 hectares (5.8 acres) portion will be reviewed at the time of a building permit.***
- ***A report and detailed design for large scale development the 33.6 hectare (83.2 acre) portion will be required as part of a future complete application based on applicable planning policy at that time.***
  - iv. . the proposed development project shall be adequately serviced by parks and educational facilities;
- ***Limited development proposed on the 2.4 hectares (5.8 acres) portion will enjoy existing amenities provided by Scotland Optimist Park & Community Centre (600 metres), Scotland Branch Library and Commercial uses (1.4km), Oakland Scotland Public School (1.7km).***
- ***Future large scale development on the 33.6 hectare (83.2 acre) portion will need to incorporate new amenities that will contribute to the increase in population based on the existing and future needs determined at the time of a future application.***

v. the proposed development project shall be designed and landscaped, and buffering may be required, to ensure that the visual impact of the development on adjacent uses is minimized; and

- ***The limited development proposed on the 2.4 hectares (5.8 acres) portion will consider adjacent land uses and visual impact by ensuring the building placement and separation and landscaping is consistent with the layout of existing lots.***
- ***Future large scale development on the 33.6 hectare (83.2 acre) portion will need to consider adjacent land uses and visual impact of new development based on the existing conditions at the time of a future application.***

### **Servicing Systems / Allocation and Phasing**

Section 5.2 of the County of Brant Official Plan outlines the Servicing System policies for the County of Brant Community Structure. *Table 5.1* - the Servicing Hierarchy prioritizes and directs development to areas of the Community Structure, in accordance with the Growth Management policies in Section 2.2.

- ***The Former Township of Scotland is identified to have no municipal services (water, sanitary, storm).***
- ***Comments received from the County of Brant Operations Division through technical circulation of this application confirm that there has been no consideration to plan for services within the Secondary Settlement Area of Scotland.***

Section 5.2.2 outlines policies to be implemented in order to ensure that servicing is provided in a manner that is integrated with the planning process, and is sustainable, financially viable, and protects human health and the environment, the following shall be the policy of the County:

c. When allocated servicing capacity does not exist for a proposed development, the County may consider the application premature and defer final approval until capacity is available, or until a servicing agreement in the form of a prepayment or front ending agreement is in place prior to the entering into the subdivision agreement to ensure that such capacity will be available to service the development within three years of the granting of the planning approval. Where a subdivision is draft approved, the land will be placed in an “h” holding zone. This “h” holding zone shall not be removed unless or until actual servicing capacity for both water and sewers will be available to the site in time for the completion of housing units for occupation. Prior to the removal of the “h” the applicant must sign the required subdivision or site plan agreement.

- ***Application of the Holding Provision (h) on the larger 33.6 hectare (83.2 acre) portion is considered premature as a servicing solution has not been considered nor allocated for this future development.***

### **Private Service Requirements**

Section 5.2.3.4 outlines the following policies that shall apply to areas of the Community Structure that are serviced only by private systems:

a. Individual on-site sewage disposal systems shall continue to provide the primary means of sanitary sewage disposal and private wells shall continue to be the primary means of water supply in the County’s Hamlets and Villages, Rural Residential Areas and Agricultural Areas.

d. Development may take place within Hamlets and Villages, Rural Residential Areas and Agricultural Areas on individual on-site sewage treatment systems.

- ***The Subject lands are located within a Rural Residential Area.***
  - i. Holding tanks shall not be permitted for new development. Holding tanks shall only be permitted for existing development where the County is satisfied that there is no other alternative to solving a deficiency with an existing septic system.
  - n. Where multi-lot or multi-unit residential or employment development is proposed for more than two lots/units on individual wells and/or private sewage disposal system, an Impact Assessment shall be prepared by the applicant and submitted to the County of Brant at the time of application. The report shall address potable groundwater quality, groundwater yield, groundwater interference, soil suitability and the lot area for effluent treatment.
- ***The Applicant/Owner will be required to provide proof of potable water supply (quality & quantity) as well as the necessary soil analysis to ensure the septic disposal system is adequately sized.***
- ***This Impact Assessment will be required as a part of a 'complete application' for any future consent applications.***

### **Stormwater Management**

Section 5.2.4 identifies that Stormwater Management is required to control flooding, erosion and sedimentation and to enhance water quality, aquatic habitat and groundwater recharge.

- b. The County shall require the use of stormwater management facilities downstream of new developments, where appropriate, to mitigate development impacts on stormwater quantity and quality. The County shall promote naturalized and unfenced stormwater management facilities, constructed with gentle slopes.
- ***The portion of the subject lands that consists of 2.4 hectares (5.8 acres) for limited linear lot development fronting Thirteenth Concession Road, on private services, will require an overall grading plan to ensure that drainage and grading meets the current County of Brant Engineering Standards for stormwater water management.***
- ***Development of the larger 33.6 hectare (83.2 acre) portion will require pre-consultation with County Staff prior to consideration and design of a stormwater management solution.***

### **Road Classification**

'Schedule B' of the Official Plan identifies the existing road network and road classification throughout the County of Brant.

- ***Thirteenth Concession Road is classified as a 'Rural Local Road'.***

Section 5.3.2.1.9 outlines that Rural Local Roads are roads designed to primarily provide access to individual properties throughout areas of low development activity and land access. Rural Local Roads service lower traffic volumes at slightly lower speeds than Rural Collector Roads.

- a. The basic road right-of-way width for a Rural Local Road may range from 20 to 24 metres. The roadway width may vary for Rural Local Roads due to the range of intended use, topography and varying adjacent land development. Setbacks from Rural Local Roads shall be established in the Zoning By-Law.

- ***Thirteenth Concession Road has a total 'Right-of-Way' width of 20 metres (66 feet) and an approximate travelled paved portion of 9 metres (30 feet) including gravel shoulders.***
  - b. Sidewalks are typically not required and shoulder bike lanes may be considered on Rural Local Roads, particularly where the Rural Local Road is a connecting link to a Primary or Secondary Urban Settlement Area, park or recreational use or is identified as a bicycle route.
  - c. Traffic calming is typically not provided.
  - d. Transit service is generally not provided.
  - e. On-street parking is generally not provided.
- ***The current classification of Thirteenth Concession Road as a 'Rural Local Road', described to only support limited, linear development consistent with the request for the rezoning of the 2.4 hectares (5.8 acres).***
- ***The 'Rural Local Road' classification is not constructed to a standard nor intended to support primary access to large scale development.***
- ***Development of the larger 33.6 hectare (83.2 acre) portion will require pre-consultation with County Staff prior to expectations related to roadway improvements to support the large scale development.***

#### **Application of the Holding Provision (h)**

Section 6.5.2 notes that not all land shall necessarily be zoned immediately in the implementing By-Law to permit the uses as designated on Schedule A of this Plan. Land may be zoned only to conform to and wherever possible, to implement policies of this Plan and where County services, roads and community facilities are or will be available as required.

With respect to the application of a Holding By-Law, the following shall be the policies of the County:

- a. The County may, through its Zoning-By-Law and by the use of the symbol "h" as a prefix or a suffix in conjunction with any zone, specify the use of land, buildings or structures.
- b. A Holding Symbol shall enable the holding of land designated for specific land uses in this Plan until such time as the land is required for that use for phasing purposes, or until necessary concept plans or subdivision approvals have been given and agreements signed, or until other land use planning approvals are in place.
- c. A Holding Symbol shall be removed by amendment to the By-Law.
- d. Removal of the Holding Symbol from a parcel of land shall be conditional upon the developer of the land satisfying specific requirements (*i thru xi*) of the County.
- e. Although notice of a Holding Symbol shall be given by By-law, there may be no objection or referral to the Ontario Municipal Board. However, should the County refuse to pass an amending By-law to remove the Holding Symbol, if it is felt the development is premature due to demand or failure to meet a requirement of this Plan, the applicant may appeal the decision to the Ontario Municipal Board in the normal manner.
- f. *While the "h" is in place, the following uses shall be permitted:*
  - i. Agriculture;
  - ii. Conservation;

iii. Wildlife and forest management; and

iv. Existing uses.

- ***The application of the Holding Provision (h) is considered premature because the timing for the uses permitted within the Suburban Residential (SR) zone to occur and implementing of the Official Plan designation and related policies is unknown and not appropriate.***

### **Application of Zoning By-Law Amendment**

Section 6.5 outlines policies with respect to the County's Comprehensive Zoning By-Law, and consideration for an amendment to the Zoning By-Law.

b. No application may be approved or By-Law passed that does not conform to this Plan, save and except a By-Law pursuant to Section 24 of the *Planning Act*.

- ***The request to change the zoning on the 2.4 hectares (5.8 acres) from Agricultural (A) to Suburban Residential (SR) to permit limited, linear development does confirm with the Official Plan.***

c. Lands designated on Schedule A may be zoned to a "Holding" or "Agricultural" Zone, or other interim zone, pending their appropriate timing for their respective uses in accordance with the designations as shown on the Land Use Plan and policies related thereto, when the County is satisfied that the resulting development is desirable and appropriate

- ***The timing of the application of the Holding Provision (h) on the larger 33.6 hectare (83.2 acre) portion is considered premature due to the inability for the lands and scale of permitted uses to implement the policies of the Official Plan due to the need for roads, services, and amenities required in order to support the permitted use.***

### **Lot Creation through Plan of Subdivision / Condominium**

Section 6.6 of the Official Plan outlines policies related to lot creation through a plan of subdivision or condominium.

a. Lot creation within the County shall proceed by way of draft plan of subdivision when:

i. The development entails the extension of a road that is to be assumed and maintained by the County; or

ii. The development requires the extension of a municipal water and/or sewer system.

- ***The proposal contained within the identified 2.4 hectares (5.8 acres) for limited linear lot development fronting Thirteenth Concession Road, on private services, does not require the extension of a roadway or municipal services and therefore the lot creation is considered appropriate to proceed through consent.***
- ***Development of the larger 33.6 hectare (83.2 acre) portion will require pre-consultation to determine the appropriate Planning Act application process including appropriate timing of a zone change to implement the Official Plan policies in place at that time.***

b. Draft plans of subdivision or condominium shall proceed in accordance with the policies of this section, the Growth Management Policies of Section 2.2, and the Allocation and Phasing of Servicing policies of Section 5.2.2 of this Plan.

- ***The Former Township of Scotland is identified to have no municipal series (water, sanitary, storm)***

- ***Comments received from the County of Brant Operations Division through technical circulation of this application, confirm that there has been no consideration to plan for services within the Secondary Settlement Area of Scotland.***
- ***The application of the Holding Provision (h) on the larger 33.6 hectare (83.2 acre) portion of the subject lands is considered premature at this time.***
  - c. Certain supporting studies, information, and materials shall be required as part of an application for draft plans of subdivision, in accordance with the policies for complete applications, as established by Section 6.13 of this Plan.
- ***Development of the larger 33.6 hectare (83.2 acre) portion will require pre-submission consultation to occur in order to determine the appropriate applications, studies, reports, and plans required as part of a pre-submission consultation.***

### **Pre-consultation & Public Consultation**

Section 6.17.iii identifies that the County shall require a pre-submission consultation on privately- initiated applications processed under the *Planning Act*.

- ***Pre-submission consultation discussions were held prior to the submission of the initial application proposing the limited development identified on the 2.4 hectares (5.8 acres) portion of the subject lands.***
- ***No pre-submission consultation has occurred between Staff and the Applicant/ Agent for the larger scale development of the 33.6 hectare (83.2 acre) portion.***

### **Official Plan Summary**

***In summary, based on review of the applicable Official Plan policies:***

- ***The request to change the zoning within the identified 2.4 hectares (5.8 acres) from Agricultural (A) to Suburban Residential (SR) to facilitate new lot creation fronting Thirteenth Concession Road, on private services, is considered appropriate as the development proposed is limited in scale, utilizing existing infrastructure. It is my professional opinion that this request conforms to the policies of the County of Brant Official Plan.***
- ***The request to change the zoning on the larger 33.6 hectare (83.2 acre) portion from Agricultural (A) to Suburban Residential (SR) with a holding provision (h) is considered premature at this time due to the inappropriate timing associated with establishing a servicing solution to support the large scale development. It is my professional opinion that this request does not conform to the policies of the County of Brant Official Plan.***
- ***Future development of this scale will require pre-submission consultation with Staff to determine the considerations for existing and new road construction and stormwater management requirements in order to full understand the development potential on this portion of the subject lands.***
- ***The application of the Holding Provision (h) is considered premature because the timing for the uses permitted within the Suburban Residential (SR) zone to occur and implementing of the Official Plan designation and related policies is unknown and not appropriate.***
-

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

Section 9, Table 9.1.1 of the Zoning By-Law outlines the permitted uses in the Non-Urban Residential (SR, RH, RR) Zones including 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> Suburban Residential – Private Services (SR)				
		<b><i>Lot 1</i></b>	<b><i>Lot 2</i></b>	<b><i>Lot 3</i></b>	<b><i>Lot 4</i></b>	<b><i>Lot 5</i></b>
<b>Lot Area,</b> Minimum (sq. m)	3,000 square metres (0.74 acres)	4,770 square metres (1.2 acres)	4,770 square metres (1.2 acres)	4,770 square metres (1.2 acres)	4,770 square metres (1.2 acres)	4,770 square metres (1.2 acres)
<b>Lot Frontage,</b> Minimum (metres)	30 metres (30 feet)	48 metres (157 feet)	48 metres (157 feet)	48 metres (157 feet)	48 metres (157 feet)	48 metres (157 feet)
<b>Street Setback,</b> Minimum (metres)	7.5 metres (20 feet)	Development Standards / Zone Requirements to be confirmed at the time of Building Permit.				
<b>Interior Side Yard Setback,</b> Minimum (metres)	1.5 metres (4 feet)					
<b>Rear Yard Setback,</b> Minimum (metres)	7.5 metres (20 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, Maximum (metres)</b>	10.5 metres (34 feet)	
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- ***As identified in a 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 Suburban Residential (SR) 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 to change the zoning within the identified 2.4 hectares (5.8 acres) from Agricultural (A) to Suburban Residential (SR) to facilitate new lot creation fronting Thirteenth Concession Road, on private services, is considered appropriate, implements the policies in the current Official Plan and maintains the intent of the County of Brant Zoning By-Law (61-16).***
- ***It is my professional opinion that the request to change the zoning on the larger 33.6 hectare (83.2 acre) portion from Agricultural (A) to Suburban Residential (SR) with a holding provision (h) is considered premature at this time due to the inappropriate timing associated with establishing a servicing solution to support the large scale development. It is my professional opinion that this request does not maintain the intent of the County of Brant Zoning By-Law (61-16).***

### ***Interdepartmental Considerations***

#### **Operations Division:**

- Operation's staff believes that the holding provision for the proposed subdivision is premature for the following reasons:
  - Development in any community should extend from the existing community (street pattern, service pipes, etc.). There are currently no streets that would connect to the property other than the 13th Concession which is really not an extension of village streets in Scotland. The 13th Concession road surface and intersection of the 13th Concession and Bishopsgate Road are not designed to handle the traffic of a subdivision.
  - There are no proposed developments on adjacent lands abutting this proposed subdivision that provide a street network to extend to this conceptual plan.
  - There are no studies to confirm that private services will support this number of additional homes in this area and there are no plans for water and wastewater servicing for Scotland at this time.
  - There are no drainage studies showing how these lands could be serviced, storm water management areas, where the outlet is, drainage from external lands, etc.

### Development Engineering:

For the request to change the zoning Agricultural (A) to Holding Provision – Suburban Residential (h-SR) on the remaining balance of the lands that are located within the current settlement area of Scotland;

- Due to insufficient technical information (i.e. Functional Servicing Report, Traffic Impact Study, overall Stormwater Management Plan, Secondary Plan (if required), etc.) supplied with the revised application, staff are unable to provide technical comments of the proposed subdivision development.

For the request to change the zoning on a portion of the subject lands from Agricultural (A) to Suburban Residential (SR) to facilitate the creation of five (5) additional residential lots (as per the previous version of the application – July 14th 2021);

- No objections, noting that the Development Engineering Review Division will be providing additional technical input with respect to the protection of municipal infrastructure, stormwater management, drainage, road allowance width, daylighting, entrances, 0.3 m reserves, Public Works Permits etc. through future planning applications, which are required for the development of the subject lands.
- County staff have performed a sightline analysis across the entire proposed frontage of the proposed lots (approximately 240.1 meters in total) and found a small deficiency in proximity to the location of the proposed driveway for Lot 5. A 0.3m Reserve will be required from the east limit of Lot 5 to 10m west along the frontage of Lot 5 to restrict an Access in this area. This comment will be stated through the future severance application. With the exception of Lot 5, the proposed entrance locations shown on Drawing # 13024-2 “Proposed Residential Development” (prepared by J.H. Cohoon Eng., and dated May 4, 2021) are acceptable.
- The existing road allowance for Thirteenth Concession Road is insufficient along the frontage of the subject lands based on the County of Brant Official Plan (Sept. 2012) – section 5.3.2.1.9 and Schedule B, which states that road allowances for Rural Local Roads shall have a right-of-way width of 20-24 meters. Road widening must be a distance of 12 meters from the centreline of the existing Thirteenth Concession Road right-of-way as per Part 1, 2R-8505 to the east. Doing so will ensure utilities and ditching are within the right-of-way, rather than on private property.
- A Site Alteration Permit may be required under the County By-Law 130-17 for any fill being brought to or being removed from the Site prior to the execution of a Development Agreement.
- A Site Development Plan will be required as a condition of consent. This Plan should encompass an Overall Lot Drainage Plan as all five (5) lots should be graded to function together holistically. Individual lot grading plans would later be submitted at the time of building permit.
- Given the difference in elevation from the edge of pavement on Thirteenth Concession Road to the property line, maintaining suitable driveway grades could be difficult. Please note that the maximum permissible design grade for any driveway is 8% and is not recommended and should only be employed in exceptional cases where physical conditions prohibit the use of lesser grades (as per Section 7- Design Standards).

### 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:

- Prior to approval Energy+ Inc. Design Technicians will need to review detailed legal drawings that clearly depict the proposed development.

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

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

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

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

### ***Public Considerations***

Notice of the July 6, 2021 information meeting for this application including, Contact information and Public Hearing Date was circulated by mail on June 15, 2021 to all property owners within 125 metres of the subject lands in accordance with the *Planning Act*. A site visit along with the posting of the Public Notice sign was completed on June 15, 2021.

Notice of the October 5, 2021 information meeting for this application including, Contact information and Public Hearing Date was circulated by mail on September 20, 2021 to all property owners within 125 metres of the subject lands in accordance with the *Planning Act*. A site visit along with the posting of the Public Notice sign was completed on September 20, 2021.

Notice of the January 4, 2022 information meeting for this application including, Contact information and Public Hearing Date was circulated by mail on December 15, 2021 to all property owners within 125 metres of the subject lands in accordance with the *Planning Act*. A site visit along with the posting of the Public Notice sign was completed on December 15, 2021.

At the time of writing this report, phone conversations were had with 2 separate residents who had concerns about the large scale development proposed on the 33.6 hectare (83.2 acre) portion. No further public comments or correspondence have been received.

### ***Conclusions and Recommendations***

The appropriateness and timing of development within an identified Settlement Area such as Secondary Settlement Area of Scotland, is dependent on whether or not services (water, sanitary, storm) are available, planned, or determined to be feasible. Comments received from the County of Brant Operations Division through technical circulation of this application, confirm that at this time, there has been no consideration to plan for or determine the feasibility of providing services within the Secondary Settlement Area of Scotland.

By establishing that services (water, sanitary, storm) are not available, not planned for, nor has the feasibility of introducing services to the Secondary Settlement Area of Scotland been considered, this report separates the proposal into two parts, applying applicable planning policy and analysis based on the merits of each request, resulting in two separate planning recommendations.

The planning analysis has focused 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, public consultation and an inspection of the surrounding area.

### **Proposed zone change from Agricultural (A) to Suburban Residential (SR) within the 2.4 hectares (5.8 acres) area.**

The initial request is to change the zoning on a portion of the subject lands having an area of 2.4 hectares (5.8 acres) from Agricultural (A) to Suburban Residential (SR) to facilitate additional residential development fronting Thirteenth Concession Road within the Secondary Settlement Area of Scotland.

The review of applicable planning policy demonstrates that although the subject lands are located within the Secondary Settlement Area of Scotland and proposed on private services, the size, scale and located of the proposed development is considered to be appropriate.

This development is described within the *Provincial Policy Statement* and Growth Plan policies as 'limited' and 'minor rounding out' respectively. The location of the proposed development is adjacent to the existing 'built up area' of the Former Township of Scotland and is able to utilize existing infrastructure such as road frontage (Thirteenth Concession Road) and existing amenities such as parks, schools, community centers and libraries the use of existing infrastructure and amenities is consistent with the notion of integration and contribution towards building 'complete communities' as outlined in the Growth Plan.

The review of the current County of Brant Official Plan highlight a number of policies to guide development on private services within the Suburban Residential land use designation. The limited development proposed within the 2.4 hectares (5.8 acres) portion will provide for a lot fabric and built form that is consistent with the character of the linear development along Thirteenth Concession Road.

The classification of Thirteenth Concession Road as a 'Rural Local Road' does support direct access to private land in low development areas. Driveway access, building, well, septic and overall grading and drainage for development within this 2.4 hectares (5.8 acres) area will be considered in greater detail as part of subsequent consent applications and prior to the issuance of a building permit.

It is my professional opinion that the request to change the zoning on a portion of the subject lands having an area of 2.4 hectares (5.8 acres) from Agricultural (A) to Suburban Residential (SR) to facilitate additional residential development fronting Thirteenth Concession Road within the Secondary Settlement Area of Scotland, is appropriate and represents good planning and therefore I recommend that the Zoning By-Law Amendment Application ZBA23-21-DN be **Approved**.

**Agricultural (A) to Holding Provision - Suburban Residential (h-SR) within 33.6 hectare (83.2 acre) area.**

The secondary request proposes to change the zoning on the remaining portion of the subject lands located within the Secondary Settlement Area of Scotland, having an area of 33.6 hectares (83.2 acres) from Agricultural (A) to Holding Provision - Suburban Residential (h-SR).

Generally, a 'Holding Provision (h)' may be applied to an amending By-Law to delay development until local municipal services, such as roads and sewers, are in place or as a tool to achieve orderly staging of development, to ensure adequate infrastructure and community services and facilities are or will be available.

As previously established, the County of Brant Operations Division confirm that at this time, there has been no consideration to plan for or determine the feasibility of providing services within the Secondary Settlement Area of Scotland.

The review of applicable planning policy demonstrates that large scale *development*, either in the form of creation of new lots or a change in land use shall be directed to established Settlement Areas, with available or planned services and developed in a compact and efficient manner that contributes towards building 'complete communities' as outlined in the Growth Plan.

The location, size and scale of the proposed land use change to Suburban Residential (SR) on the remaining 33.6 hectares (83.2 acres), on private services and within the Secondary Settlement Area of Scotland exceeds the intent of permitting 'limited' and 'minor rounding out' of development as outlined in the *Provincial Policy Statement* and Growth Plan. This is due to the lack of connectivity, potential for number of units, extension and establishment of new infrastructure and amenities (roads, services, parks etc).

The classification of Thirteenth Concession Road as a 'Rural Local Road' is not constructed to a standard nor intended to support primary access to large scale development. Future development of this scale will require pre-submission consultation with Staff to determine the considerations for existing and new road construction and stormwater management requirements in order to full understand the development potential on this portion of the subject lands.

*Section 6.5 of the Official Plan identifies that a Holding Provision (h) is appropriate where the timing for their respective uses in accordance with the designations as shown on the Land Use Plan and policies related thereto, when the County is satisfied that the resulting development is desirable and appropriate.*

The application of the Holding Provision (h) is considered premature because the timing for the uses permitted within the Suburban Residential (SR) zone to occur and implementing of the Official Plan designation and related policies is unknown and not appropriate.

Through the lack of pre-submission consultation, preliminary technical information, and consideration for implementation of Provincial and current Official Plan policies, it has not been demonstrated or determined whether or not full or partial servicing within the Secondary Settlement Area of Scotland is feasible nor has a timeline been established for when these services may occur. The proposal also does not consider the achievement of the minimum density targets of not less than 40 residents and jobs combined per hectare and does not demonstrate support or contribution of a 'complete community'.

County of Brant Staff are not in position to recommend approval of the request to change the zoning from Agricultural (A) to Holding Provision - Suburban Residential (h-SR) on the remaining 33.6 hectares (83.2 acres) as the Agent/ Applicants have not demonstrated that the resulting development is desirable and appropriate.

It is my professional opinion that the request to change the zoning on the remaining portion of the subject lands located within the Secondary Settlement Area of Scotland, having an area of 33.6 hectares (83.2 acres) from Agricultural (A) to Holding Provision - Suburban Residential (h-SR), **BE REFUSED**.

### **Attachments**

1. Zoning Map
2. Official Plan Map
3. Aerial Map
4. Figure 1 - Overall Concept Plan (Conceptual Only)

### **Copy to**

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

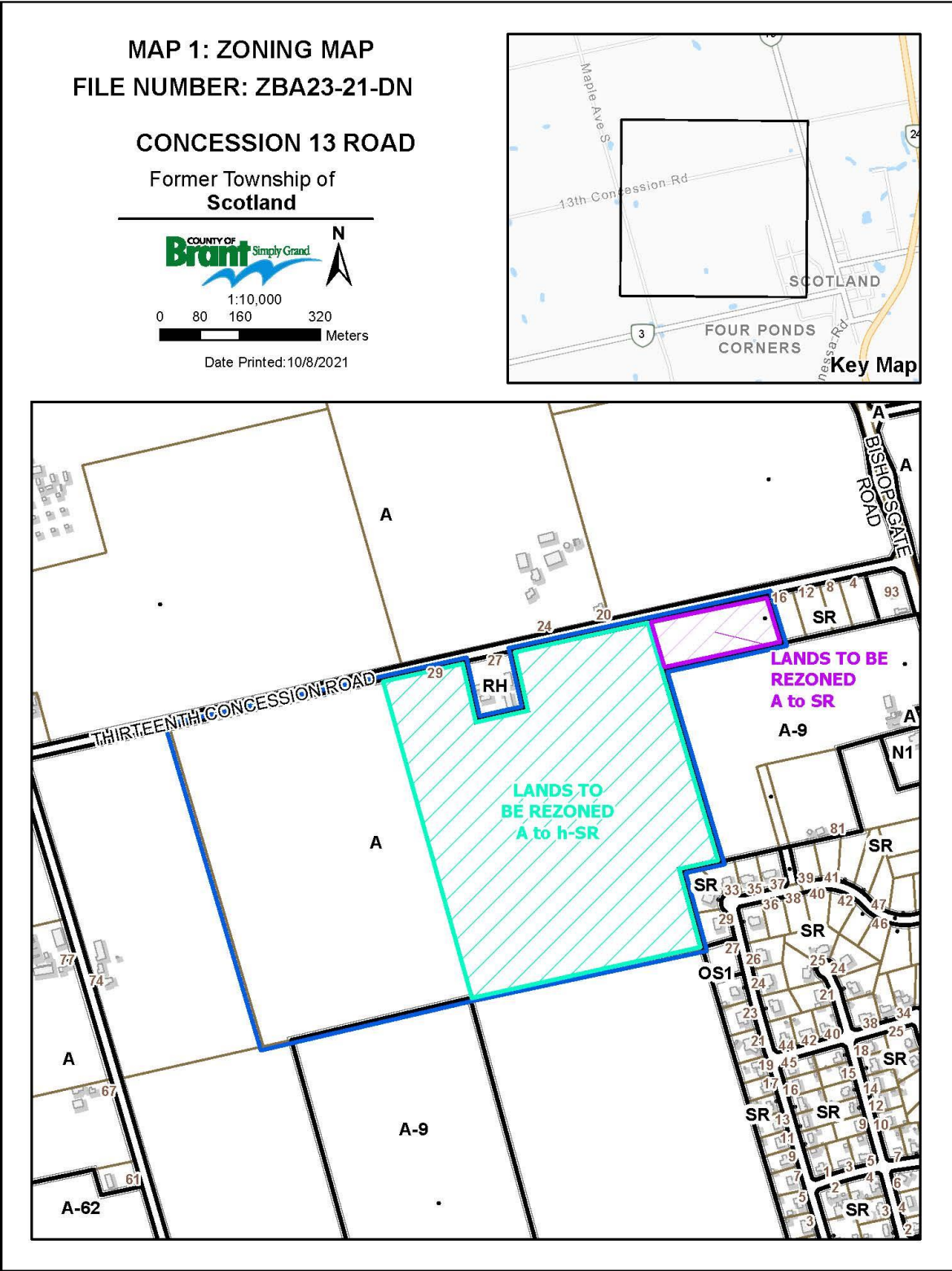
### **File # ZBA23-21-DN**

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

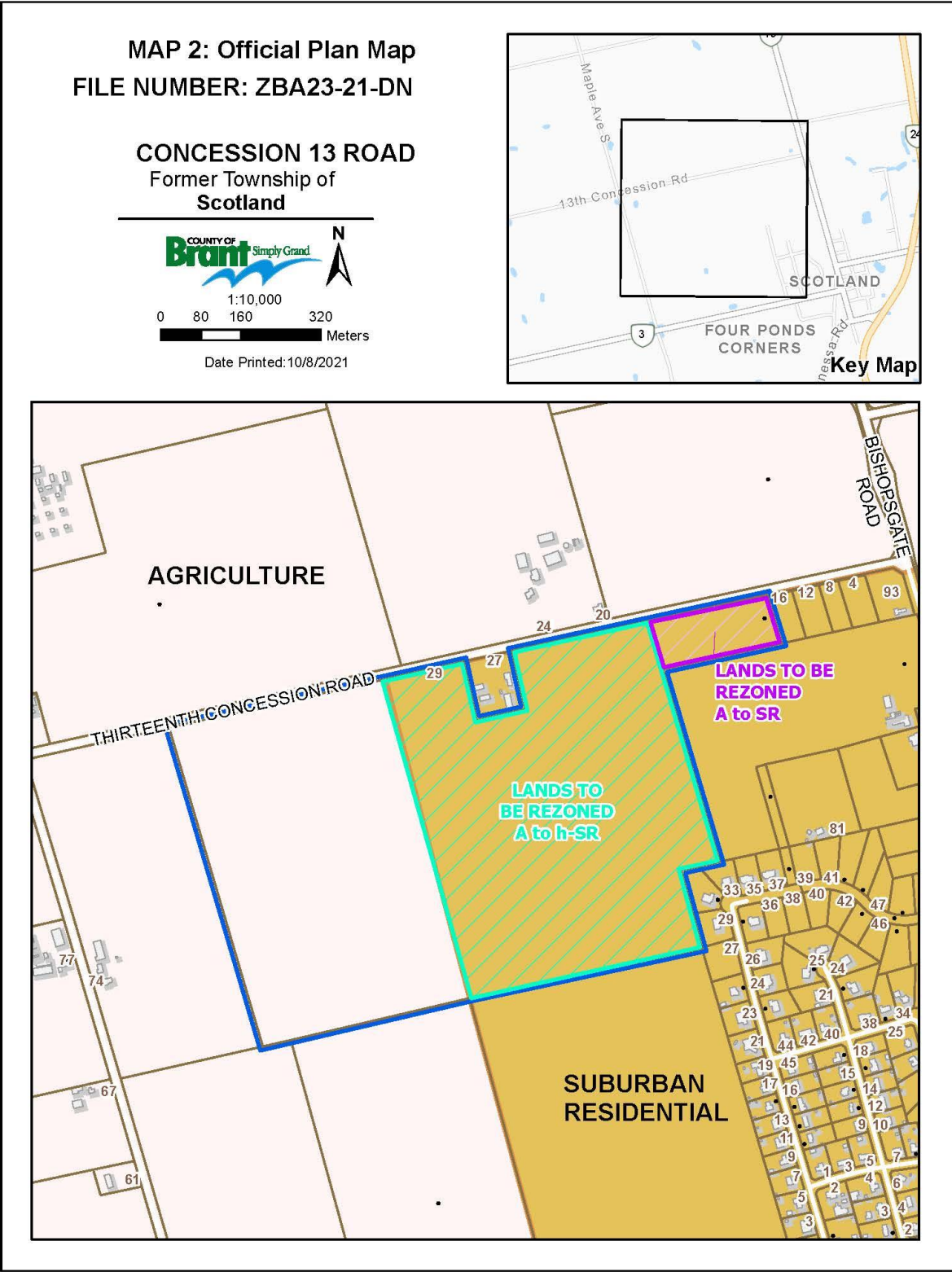
By-Law required	(Yes)
Agreement(s) or other documents to be signed by Mayor and /or Clerk	(No)
Is the necessary By-Law or agreement being sent concurrently to Council?	(Yes)



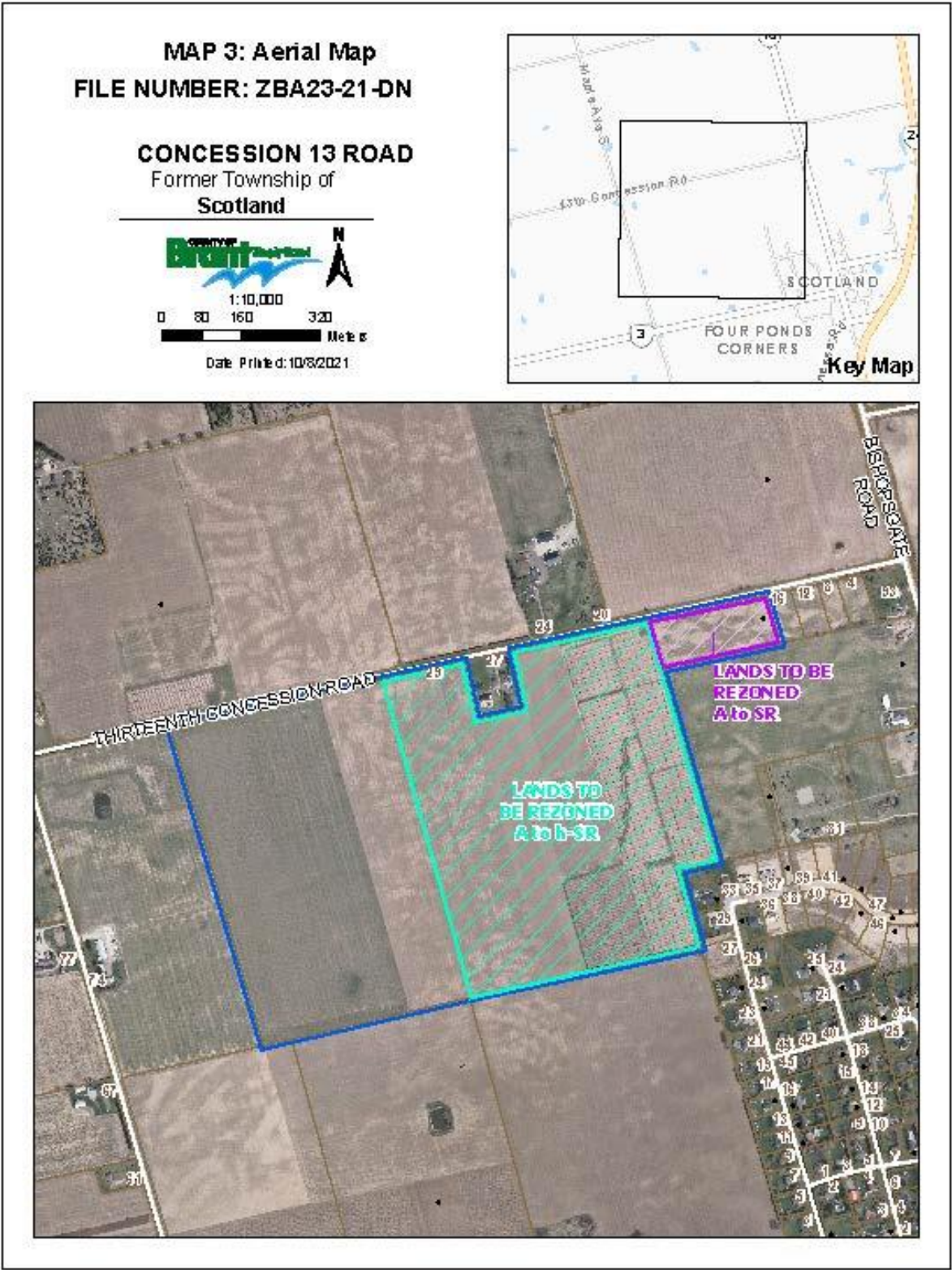
Attachment 1 - Zoning Map



Attachment 2 - Official Plan Map



Attachment 3 - Aerial Map



 SECONDARY URBAN SETTLEMENT AREA BOUNDARY  
 LANDS TO BE REZONED TO SR  
 LANDS TO BE REZONED TO H-SR

PART OF LOTS 1 & 2, CONCESSION 13  
TOWNSHIP OF BURFORD—COUNTY OF BRANT



**J.H. COHOON ENGINEERING LIMITED**  
CONSULTING ENGINEERS  
BRANTFORD

CLIENT: MIKE HALEY  
SCALE: N.T.S.

JOB: 13024

