



County of Brant – Planning and Development Report

To: To the Chair and Members of the Planning and Development Committee
From: Shannon Labelle, Planner
Date: May 3, 2022
Subject: RPT-22-97
Zoning By-Law Amendment Application ZBA4/22/SL
24 River Road & 28 River Road, Geographic Township of Brantford
Purpose: **Recommendation Report for Approval**

That Application **ZBA4/22/SL** from J.H. Cohoon Engineering Ltd., Agent, on behalf of Paul Stigter, Owner of lands legally known as Brantford Part Burtch Tract municipally known as 24 River Road, geographic Township of Brantford, County of Brant, proposing to rezone the lands severed from 28 River Road from Rural Residential (RR) to Agriculture (A), and to rezone the benefitting parcel at 24 River Road from Agriculture (A) to Agriculture with Site Specific Provision 185 (A-185) in order to recognize an undersized farm parcel of approximately 7.0 hectares (17.3 acres) in order to facilitate a lot line adjustment, **BE APPROVED.**

The following site specific provisions are being recommended for approval:

1. To permit an undersized farm parcel with an area of approximately 7.0 hectares (17.3 acres), whereas a minimum of 40 hectares (98.8 acres) is required.

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

- The application is in conformity with the policies of the Growth Plan for the Greater Golden Horseshoe and consistent with the policies of *Provincial Policy Statement*.
- The application is in conformity with the general intent of the policies of the Official Plan and Zoning By-Law.

Key Strategic Priority

Sustainable and managed growth.

Financial Considerations

None.

Executive Summary / Proposal

The purpose of this report is to provide Council and the Public with information from the applicants and staff regarding the details of an application to amend the County of Brant Zoning By-Law 61-16.

The applicant is undertaking a rezoning application as a condition of approval of severance application B52-21-AW. The applicant sought a lot line adjustment between lands municipally known as 24 River Road and 28 River Road. The purpose of the lot line adjustment was to sever the lands containing the well for 24 River Road, which was located on 28 River Road. The severed lands are to be added to 24 River Road. This severance application was presented to and conditionally approved by the Committee of Adjustment in January 2022.

The proposed rezoning application is proceeding straight to a recommendation report rather than having an information meeting. This application also includes relief from the Zoning By-law due to the undersized farm parcel of approximately 7.0 hectares (17.3 acres). This relief needed to be recognized through a site specific provision.

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), Brant County Official Plan (2012) and Zoning By-Law 61-16, consultation with departments and discussions with both the agent/public. As outlined in this report, I am of the opinion the proposal represents good planning and am recommending approval of the application.

Location

The subject lands are located on the north side of River Road, east of the Cockshutt Road and River Road intersection within the geographic Township of Brantford. The surrounding area consists of residential, natural heritage and agricultural land uses.

The retained parcel, 28 River Road, is rectangular in shape and currently has an area of approximately 5,155.1 square metres (1.3 acres) and a frontage of approximately 35.22 metres (115.6 feet) along River Road. Once the severance has been completed, the retained parcel is expected to have an area of approximately 4,133.1 square metres (1.0 acres) and the same frontage, 35.22 metres (115.6 feet) along River Road.

The benefitting parcel, 24 River Road, is irregular in shape and currently has an area of approximately 6.90 hectares (17.1 acres), and a frontage of approximately 103.2 metres (338.6 feet) along River Road. With the additional of the severed parcel, the benefitting parcel is expected to have an area of approximately 7 hectares (17.3 acres) and the same frontage, 103.2 metres (338.6 feet) along River Road. Currently the benefitting parcel, 24 River Road, is legal non-conforming but once the additional area is added, it does not maintain its legal non-conforming status and is deficient.

The subject lands are privately serviced.

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 1.1.5.4 of the PPS speaks to development that is compatible with the rural landscape and can be sustained by rural service levels should be promoted.

The proposed rezoning will facilitate the lot line adjustment and will allow for the well for 24 River Road to be located on 24 River Road, and not 28 River Road.

Section 1.1.5.5 of the PPS describes how development shall be appropriate to the infrastructure which is planned or available, and avoid the need for the unjustified and/or uneconomical expansion of this infrastructure.

The existing residential building lots will be privately serviced, with servicing located on the respective lots.

Section 1.1.5.8 of the PPS speaks to new land uses, including the creation of lots, and new or expanding livestock facilities complying with the minimum distance separation formulae.

As no new residential buildings lots are being created, MDS is not applicable.

Section 2.3.4.2 of the PPS describes how lot adjustments in prime agricultural areas may be permitted for legal or technical reasons.

The purpose of the application is to rezone the lands being added from 28 River Road to 24 River Road, as well as to recognize the undersized benefitting farm parcel to facilitate a lot line adjustment which will allow the well for 24 River Road be located on 24 River Road, and not 28 River Road.

This application is consistent with the Provincial Policy Statement (2020) for the following reasons:

- ***The proposed severance will allow for the private servicing to be located on each respective lot.***
- ***No new residential building lots are being created.***
- ***The subject lands will continue to be used for residential purposes.***
- ***The proposal is minor and technical in nature.***

Growth Plan for the Greater Golden Horseshoe (2020)

The Growth Plan is a framework that provides policy direction to implement strong and prosperous communities and how to manage growth in Ontario to 2051. 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.

Section 2.2.9.6 of the Growth Plan speaks to new multiple lots or units for residential development being directed to settlement areas, but may be allowed on rural lands in site specific locations with approved zoning or designation in an official plan that permitted this type of development as of June 16, 2006.

The subject lands are currently designated as Rural Residential, Agriculture and Natural Heritage, and no new residential building lots are being created as a result of the proposed rezoning to facilitate the boundary adjustment.

This application conforms to the Growth Plan for the Greater Golden Horseshoe (2020) for the following reasons:

- ***The proposed rezoning will facilitate the lot line adjustment and allow for the private servicing to be located on each respective lot.***
- ***No new residential building lots are being created.***

The subject lands will continue to be used for residential purposes.

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 other, are responsible for implementing source protection plan policies.

The subject lands are located within an Intake Protection Zone 2 (IPZ-2) with an associated vulnerability score of 8. It was confirmed by the Risk Management division that there is potential for significant drinking water threats (SDWTs) within this boundary. The Risk Management Division contacted the applicant to confirm the activities taking place on the property, and it was determined there are no significant drinking water threats, specifically agricultural, taking place or proposed on the property.

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 Rural Residential, Agriculture and Natural Heritage, the lands to be merged are designated as Agriculture.

Section 3.3.1(a) of the County of Brant Official Plan describes how the primary form and predominant use of land in the Agriculture designation shall include all types of farming and normal farm practices, including the growing of crops, the raising of livestock and other animals for food, fur, or fibre; associated on-farm buildings and structures, including accommodation for associated full-time farm labour as required based on the size and nature of the operation; agricultural research operations; uses connected with the conservation of water, soil, wildlife and other natural resources; and resource extraction and resource-based uses.

The lands to be merged are designated as Agriculture, which is consistent with the benefitting parcel.

Section 3.3.1(c) of the County of Brant Official Plan describes how in general, one residential dwelling unit shall be permitted per lot on lands designated as Agriculture.

It is my understanding 24 River Road is currently occupied by a single detached dwelling.

Section 3.7.1 of the County of Brant Official Plan describes how the primary intent of the Rural Residential designation is to only recognize existing concentrations of large lot residential development in order to prevent scattered land consumption, inefficient use of existing infrastructure, and nonfarm development in the Agriculture designation.

No new residential building lots are being created. The applicant is proposing a lot line adjustment in order for the well that services 24 River Road to be located on the same property.

Section 3.7.2 describes how single detached residential dwellings and accessory residential dwellings are permitted on lands designated as Rural Residential.

The subject lands are currently being used for residential purposes which is a permitted use.

Section 3.7.3 speaks to a limited amount of growth and development may occur on lands designated as Rural Residential subject to specific criteria.

As no new residential building lots are being proposed, MDS is not applicable.

This application conforms to the County of Brant Official Plan (2012) for the following reasons:

- ***The proposed rezoning will facilitate the boundary adjustment and will allow for the private servicing to be located on each respective lot.***
- ***No new residential building lots are being created.***
- ***The subject lands will continue to be used for residential purposes.***

County of Brant Zoning By-Law 61-16

The lands to be severed from 28 River Road and merged with 24 River Road are zoned as Rural Residential (RR) within the County of Brant Zoning By-Law 61-16.

They are being rezoned to Agriculture (A).

The subject lands at 24 River Road, the benefitting parcel, are zoned Agricultural (A) within the County of Brant Zoning By-Law 61-16.

Section 6.1, Table 6.1.1 speaks to the permitted uses on lands zoned as Agriculture. Permitted uses include but are not limited to the following:

- Agricultural Use
- Agriculture-Related Use in accordance with Section 4.23
- Dwelling, Single Detached
- Farm Production Outlet in accordance with Section 4.10
- Forestry Uses
- Greenhouse in accordance with Section 4.12
- On-Farm Diversified Use in accordance with Section 6.4
- Shipping Container in accordance with Section 4.35

There is an existing dwelling on the subject lands, which is a permitted use.

Section 6.2, Table 6.2.1 of the County of Brant Zoning By-Law speaks to the development requirements for lands zoned as Agriculture. See chart below for analysis of development standards.

Development Standard	Required – Dwelling	Proposed – Benefitting Parcel 24 River Road
Lot Area, Minimum (ha)	40ha	7ha
Lot Frontage, Minimum (m)	150m 20m – Surplus Farm Dwelling	103.2m – existing frontage
Street Setback, Minimum (m)	10m	34.3m

Interior Side Yard Setback, Minimum (m)	4m	19.2m
Rear Yard Setback, Minimum (m)	10m	26m
Lot Coverage, Maximum	30%	2%
Development Standards – Rural Residential (RR) zone	Required – Dwelling	Retained Parcel- 28 River Road
Lot Area, Minimum (sq.m)	4,000m ²	4,133.1m ²
Lot Frontage, Minimum (m)	40.0m	35.2 – existing frontage
Street Setback, Minimum (m)	20m	Lands are currently vacant – to be confirmed at time of building permit
Interior Side Yard Setback, Minimum (m)	5.0m	
Rear Yard Setback, Minimum (m)	15.0m	
Lot Coverage, Maximum	30%	
Landscaped Open Space, Minimum	30%	
Building Height, Maximum (m)	10.5m	

The subject lands located at 24 River Road will be rezoned from Agriculture (A) to Agriculture with Site Specific Provision 185 (A-185) in order to recognize the undersized farm parcel of 7.0 hectares (7.13 acres), whereas 40 hectares is permitted.

It is my opinion that the proposal maintains the intent of the County of Brant Zoning By-Law 16-61 for the following reasons:

- ***Through the severance, no new residential building lots are being created.***
- ***The residential use is permitted on the subject lands***
- ***The lands to be severed from 28 River Road and merged with 24 River Road will be rezoned from Rural Residential (RR) to Agriculture (A).***
- ***The subject lands/ benefitting parcel located at 24 River Road, will be rezoned to Agriculture with Site Specific Provision 185 (A-185) to recognize the undersized farm parcel.***

Interdepartmental Considerations

Development Engineering:

- No comments.

Environmental Planning:

- It is the understanding of staff that the rear part of the property 28 River Road to be added to 24 River Road from Rural Residential to Agricultural. The majority to the area proposed to be rezoned contains a woodland which likely meets the criteria for a significant woodland. The County is currently going through a process to update its Official Plan. While rezoning to natural heritage is not required as part of this application, please be advised that as part of an implementing zoning by-law the woodland may be rezoned to natural heritage. The applicant is advised that the County regulates the removal of trees in forested areas that are 0.2ha in size or greater pursuant to Good Forestry Practices By-Law 70-21.

Fire:

- No concerns.

Source Water Protection

- The property is located within an Intake Protection Zone 2 (IPZ-2) with an associated vulnerability score of 8.
- The property has been reviewed by the Risk Management Office and this letter serves to inform the County of Brant that there is potential for significant drinking water threats on the property for the following reasons:
 - The proposed development is to re-zone the lands severed from 28 River Road from Rural Residential to Agriculture in order to merge with 24 River Road, as well as recognize an undersized farm parcel at 24 River Road. The subject lands are zoned as Agriculture and designated Rural Residential and Agriculture.
 - There is potential for significant drinking water threats within the IPZ-2 with associated vulnerability score of 8 (as detailed in Appendix A). As such, the enclosed s.59 Restricted Land Use Screening Form is required to be submitted for review by the Risk Management Office.
 - The Risk Management Division contacted the applicant to confirm the activities taking place on the property, and it was determined there are no significant drinking water threats (specifically agricultural) taking place or proposed on the property. Therefore, no Grand River SPP policies are applicable to the application at this time.

Grand River Conservation Authority (GRCA)

- GRCA has reviewed this application as per our delegated responsibility from the Province to represent provincial interests regarding natural hazards identified in Section 3.1 of the Provincial Policy Statement (PPS, 2020) and as a regulatory authority under Ontario Regulation 150/06. GRCA has also provided comments as per our Memorandum of Agreement with the County of Brant and as a public body under the Planning Act as per our CA Board approved policies.
- Information currently available at this office indicates that the subject property contains a watercourse, floodplain, wetland, slope valley, erosion hazard and the regulated allowances of these features. A copy of our resource mapping is attached.
- Due to the presence of the above-noted features, a portion of the subject property is regulated by the GRCA under Ontario Regulation 150/06 - Development, Interference with Wetlands and Alterations to Shorelines and Watercourses Regulation. Any future development or other alteration within the regulated area will require prior written approval from GRCA in the form of a permit pursuant to Ontario Regulation 150/06.
- The proposed zoning by-law amendment is required to satisfy a condition of approval associated with B52-21-AW. The zoning of Part 1 in the circulated draft reference plan

will be changed to match the enlarged parcel and the lands will also be recognized as an undersized farm parcel. No additional development is proposed at this time and GRCA staff do not anticipate any negative impacts to the adjacent natural hazard or natural heritage features as a result of this application.

- A plan review invoice for \$430.00 has been sent to the applicant for GRCA's review of B52-21-AW. According to our records, this invoice has not been paid and the amount of \$430.00 is still owing. We request that the applicant contact Kyla Wendland at 519-621-2763 ext. 0 and reference Invoice PL4932 to provide payment.

Energy Plus

- Energy+ Inc., has no objection to the request to change the zoning from rural residential to Agriculture as well as recognize an undersized farm parcel. It is understood that no new structures or additions to existing structures have been proposed in this Application. If relocation or upgrade is required it will be at 100% Applicant/Owner cost. As per Energy+ Inc., Current Conditions to Sever, latest edition, only one service per property is permitted. All ESA and Energy+ Inc. clearances to existing and proposed hydro plant must be met. If easements are required it will be at 100% Applicant/Owner cost.

Tax Department

- No comment.

The following departments/agencies did not provide any comments with regard to this application:

- Building Division
- Hydro 1
- Canada Post
- Union Gas
- Infrastructure Ontario
- Six Nations
- Mississaugas of the Credit First Nation
- Grand River Conservation Authority
- Parks and Facilities
- Operations

Public Considerations

Staff are to visit the site for inspection on April 13th, 2022 and post the public notice sign in accordance with the *Planning Act*.

20 notices are to be mailed on April 13th, 2022.

At the time of writing this report, no public comments were received.

Conclusions and Recommendations

As a condition of severance application B52-21-AW the applicant is seeking to rezone the lands to be merged with 24 River Road from Rural Residential (RR) to Agriculture (A), and to rezone the subject lands located at 24 River Road from Agriculture (A) to Agriculture with Site Specific Provision 185 (A-185) to recognize an undersized farm parcel of approximately 7.0 hectares (7.13 acres) in order to facilitate a lot line adjustment.

The severance application B52-21-AW was heard by the Committee of Adjustment in January 2022 and was conditionally approved. Conditions of approval included rezoning the lands to be merged, and to rezone the benefitting parcel to recognize the undersized farm parcel through Site Specific Provision A-185.

I am supportive of the rezoning application as it is consistent with the *Provincial Policy Statement*, in conformity with the Growth Plan for the Greater Golden Horseshoe, conforms to the County of Brant Official Plan and meets the intent of the County of Brant Zoning By-Law 61-16, and therefore recommend approval of the application

Attachments

1. Aerial Map
2. Zoning Figure
3. Official Plan Figure
4. Draft By-Law

Copy to

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

File # ZBA4/22/SL

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)

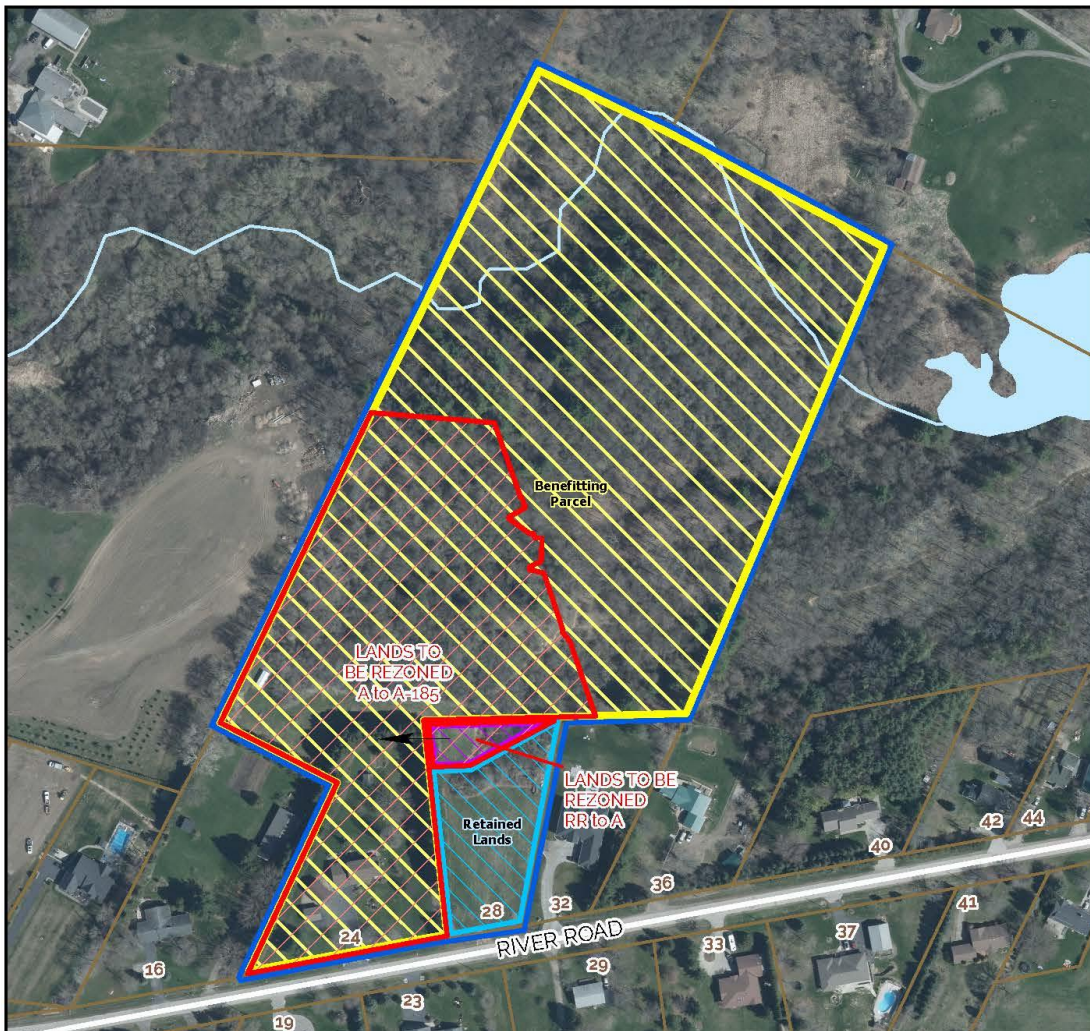
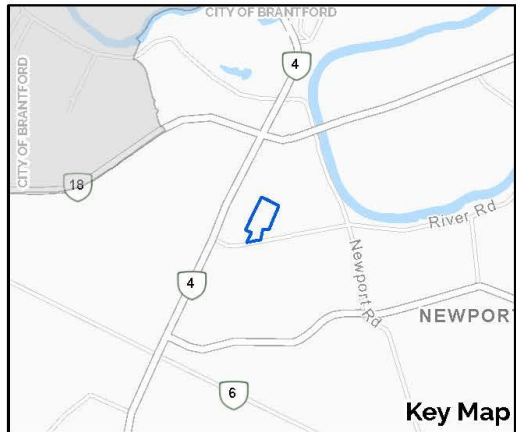
MAP 3: AERIAL IMAGERY 2020
FILE NUMBER
ZBA4-22-SL

24 River ROAD
 County of Brant
 Ontario



1:3,000
 0 20 40 80
 Meters

Date Printed: 4/7/2022



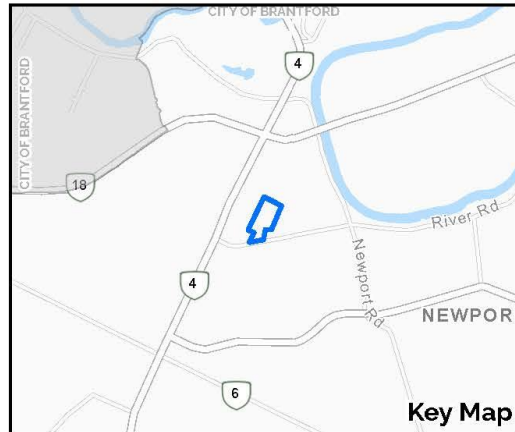
**MAP 1: ZONING
FILE NUMBER
ZBA4-22-SL**

24 River ROAD
County of Brant
Ontario

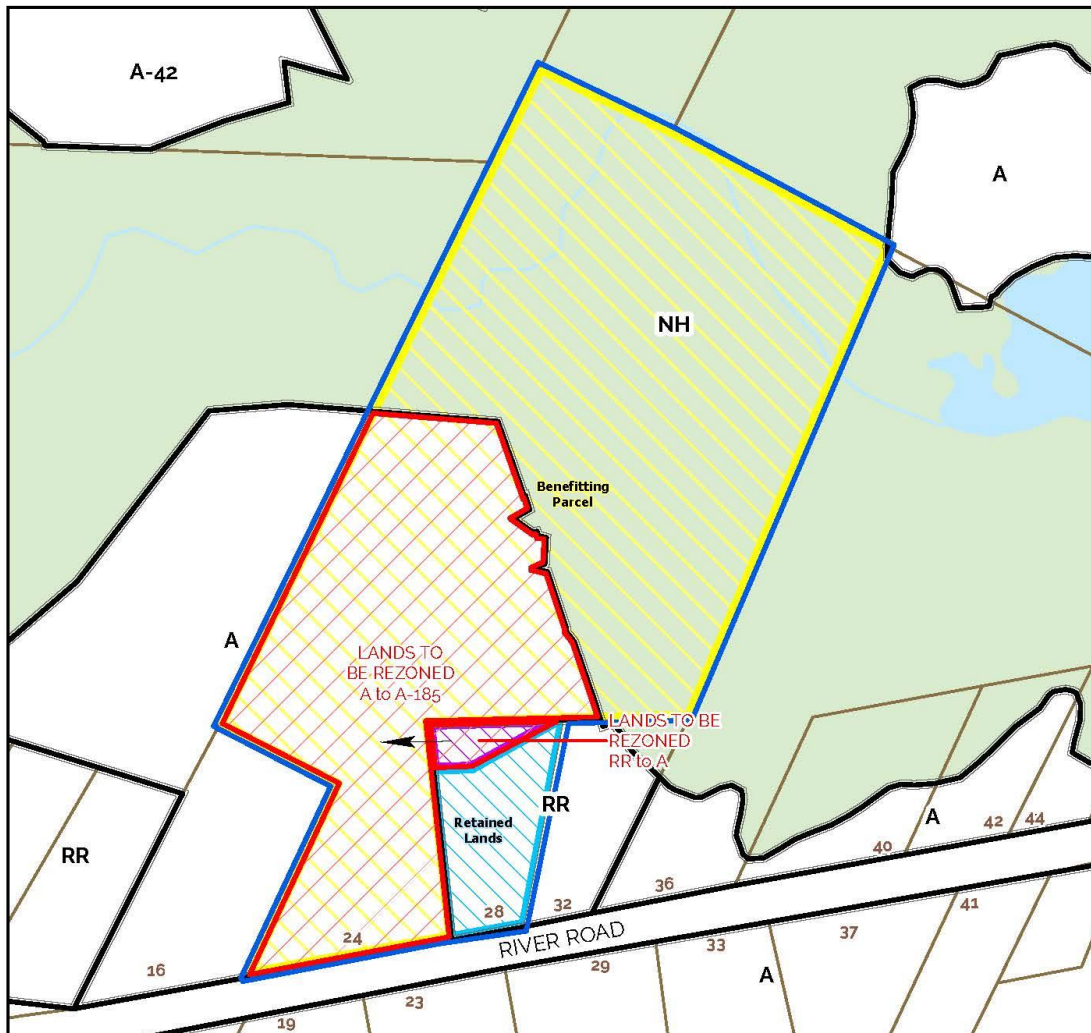


1:3,000
0 45 90 180
Meters

Date Printed: 4/4/2022



Key Map



**MAP 2:OFFICIAL PLAN
FILE NUMBER
ZBA4-22-SL**

24 River ROAD
County of Brant
Ontario



1:3,000
0 20 40 80
Meters

Date Printed:4/4/2022

