

Planning and Development Committee Report

To: To the Chair and Members of the Planning and Development Committee
From: Dan Namisniak, Planner
Date: January 10, 2023
Report: RPT-0335-22
Subject: ZBA37-22-DN - Zoning By-Law Amendment Application
Purpose: **Recommendation Report** for Approval.

Recommendation

That Zoning By-Law Amendment Application ZBA37-22-DN from The Angrish Group, Agent on behalf of David Kennedy, applicant of Part Lot 30 Plan 586, County of Brant, in the geographic Township of Oakland, located at 125 Oakland Road proposing to amend the zoning on the subject lands from Agricultural (A) to Suburban Residential (SR) and expansion of the Natural Heritage (NH) zone to facilitate further residential lot creation on the subject lands fronting Oakland Road within the Secondary Settlement Boundary of Oakland, be approved.

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

- The application will facilitate limited residential development on private services within the settlement area of Oakland that is desirable and consistent with surrounding land uses;
- The application is consistent with the policies of *Provincial Policy Statement* and in conformity to the policies of the Growth Plan for the Greater Golden Horseshoe; and
- The application conforms to the policies of the Official Plan and is in keeping with the intent of the Zoning By-Law.

Key Strategic Priority

Undertaking actions that elevate customer service to those we serve.

Financial Considerations

None.

Executive Summary / Background

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

Zoning By-Law Amendment Application **ZBA37-22-DN** proposes to change the zoning on the subject lands from Agricultural (A) to Suburban Residential (SR).

This application is required to facilitate further residential lot creation on the subject lands fronting Oakland Road within the Settlement Boundary of Oakland through a subsequent consent application.

The following studies/ drawings / reports form part of the complete submission and circulated as part of the technical review by applicable internal and external commenting agencies:

- Planning Justification Report
- Archaeological Study (Stage 1 and 2)
- Geotechnical Study
- Hydrogeological/Water Supply Potential Assessment Report
- Survey Plans
- Site Development Plan
- Lot Grading and Drainage Plan

At the time of writing this report, no concerns were raised as part of the public or technical circulation of this application.

The planning analysis focuses on literature reviews 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. This report recommends this Application be **Approved**.

Location

The subject lands are located on the east of King Street South, on the south side of Oakland Road within the Secondary Settlement Boundary of Oakland.

The subject lands are rectangular in shape and have frontage 194 metres (+600 feet), depth of 350 metres (+1,100 feet) and area of approximately 10.5 hectares (26 acres).

A single detached dwelling and two storage barns (legal non-conforming) are located on the property. A portion of the lands are currently being farmed.

The surrounding area consists of similar low density residential and agricultural land uses.

The subject lands are privately serviced with water and septic.

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.

Conformity with Municipal Policies/Plans

Provincial Policy Statement (PPS)– 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.

The following demonstrates consistency with the current Provincial Policy Statement

(PPS).

<i>Provincial Policy Statement (PPS)– 2020</i>	<i>Planning Analysis</i>
<i>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).</i>	The subject lands are located within the Secondary Settlement Area of Oakland.
<i>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.</i>	The Secondary Settlement Area of Oakland 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 Oakland.
<i>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.</i>	The proposal will permit limited additional residential uses in a linear development form that are compatible & consistent with the adjacent built up area. Additional planning applications, studies, plans and reports will be required to determine the development potential for the remainder of the subject lands adjacent to the natural heritage area.
<i>The request is considered a ‘minor rounding out’ of existing development on private services and is therefore it is my professional opinion that the request is consistent with the policies of the Provincial Policy Statement.</i>	

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.

The following demonstrates conformity with the current Growth Plan.

<i>Growth Plan for the Greater Golden Horseshoe (2020)</i>	<i>Planning Analysis</i>
<i>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.</i>	<p>The subject lands are located within the Secondary Settlement Area of Oakland.</p> <p>The Secondary Settlement Area of Oakland does not contain municipal services (water, sanitary, storm).</p> <p>The County of Brant Operations Staff have confirmed that there has been no consideration to plan for services within the Secondary Settlement Area of Oakland.</p> <p>The subject lands are located within +300 metres of the Oakland commercial centre which does contain a mix of commercial, recreational and institutional uses.</p>
<i>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</i>	The proposal will permit limited additional residential uses in a linear development form that are compatible & consistent with the adjacent built up area.
<i>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.</i>	<p>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.</p> <p>Within the Secondary Settlement Area of Oakland, built up area is delineated by the adjacent dwellings within the Settlement Area boundary east of the subject lands.</p>
<i>It is my professional opinion that the request conforms to the policies of the Growth Plan.</i>	

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.

- **Schedule 'A' of the County of Brant Official Plan identifies that the subject lands are designated as Suburban Residential and Natural Heritage.**
- **The application will result in no development within 120 metres of the Natural Heritage System.**
- **'Schedule B' of the County of Brant Official Plan identifies that Oakland Road is classified as an Urban Residential Collector Road.**

The following demonstrates conformity with the current Official Plan.

Official Plan (2012)	Planning Analysis
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: 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	Within the Secondary Settlement Area of Oakland, the built up area is delineated by the adjacent dwellings within the Settlement Area boundary east of the subject lands
c. A limited amount and type of growth and development shall be permitted in the County's Secondary Urban Settlement Areas	The proposal will permit limited additional residential uses in a linear development form that are compatible & consistent with the adjacent built up area.
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	
<p>Road Classification</p> <p>Section 5.3.2.1.4 outlines that Urban Residential Collector Roads are designed with the dual function of carrying moderate volumes of local traffic to arterial roads, and distributing arterial traffic to local roads, while providing access to abutting properties.</p> <p>Urban Residential Collector Roads are adjacent to residential and commercial uses and provide connections to local, collector and arterial roads.</p>	<p>The current classification of Oakland Road as an 'Urban Residential Collector, supports the form of development proposed.</p>
<p>Lot Creation through Consent / Plan of Subdivision / Condominium</p> <p>Section 6.6 of the Official Plan outlines policies related to lot creation through a plan of subdivision or condominium.</p> <p>a. Lot creation within the County shall proceed by way of draft plan of subdivision when:</p> <p>i. The development entails the extension of a road that is to be assumed and maintained by the County; or</p> <p>ii. The development requires the extension of a municipal water and/or sewer system.</p>	<p>The proposal for limited linear lot development fronting Oakland 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 within the current Official Plan policy framework.</p> <p>Additional planning applications, studies, plans and reports will be required to determine the development potential for the remainder of the subject lands adjacent to the natural heritage area.</p>
<p><i>It is my professional opinion that the request conforms to the policies of the County of Brant Official Plan.</i></p>	

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 the subject lands from Agricultural (A) to Suburban Residential (SR).***

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.

- ***Review of this application has confirmed that all other aspects of the Zoning By-Law as required in the proposed Rural Residential zone are being satisfied.***
- ***The portion of the subject lands that contain the existing agricultural structures is currently zoned Suburban Residential (SR) and therefore the agricultural structures are considered to be legal non-conforming.***

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

The following comments were received from departments/agencies as part of the circulation of this application:

Development Engineering:

- No objections, noting that the Development Engineering 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.
- The existing road allowance for Oakland Road is insufficient along the frontage of the subject lands based on the County of Brant Official Plan (Sept. 2012) – section 5.3.2.1.4 and Schedule B, which states that road allowances for Urban Residential Collector Roads shall have a right-of-way width of 20-26 meters. A 1.98 meter road widening is required across the entire frontage of the proposed 1.57HA+/- Severed Parcel. Such road widening width is consistent with previous widenings taken in the surrounding area.
- 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 the Development Agreement and/or Site Plan Approval.
- A Site Development Plan will be required. 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.

Environmental Planning:

- Environmental Planning staff have reviewed the proposal to rezone the subject lands from Agricultural to Suburban Residential to facilitate the creation of five new residential lots. It is the understanding of staff that the Natural Heritage Zone adjacent to the wetland will be increased to add a vegetation protection zone of 30 metres.
- Separate comments will be provided on the related consent applications.
- The rear portion of the subject lands are traversed by the Provincially Significant Wetland, known as the Lower Oakland Swamp.
- In summary, staff have no concerns with the subject proposal provided that the Natural Heritage Zone adjacent to the wetland on the subject lands is expanded to include a minimum vegetation protection zone of 30 metres.
- It should be noted that should future development be proposed within 120 metres of the wetland, an Environmental Impact Study may be required.

Environmental Planning Review

- Known natural heritage features and natural hazards within and adjacent to the subject lands include, but are not limited to:
 - The Provincially Significant Wetland, known as the Lower Oakland Swamp, which is zoned and designated Natural Heritage.
 - Woodlands and Vegetation, which are partially designated as 'Woodlands and Vegetation' in the Official Plan.
 - McKenzie Creek and its associated floodplain, which are zoned and designated Natural Heritage.
 - The proposed rezoning is to facilitate the creation of five new lots, which are proposed about 120 metres from natural heritage and hydrologic features. The retained lot is to contain an existing dwelling.
 - Given that the proposed lots are about 120 metres from the wetland, an Environmental Impact Study was not requested. The Planning Justification Report states that no site alteration or development are proposed within the buffers. However, the Zoning Schedule submitted as part of the application proposed to zone the buffer area as Agriculture, which would not ensure that there is no development or site alteration.
 - In order to help ensure that there is no development or site alteration in close proximity to the wetland, a minimum vegetation protection zone of 30 metres is recommended. An Environmental Impact Study may be required should future development be proposed on the retained lands.

Grand River Conservation Authority (GRCA):

- The Grand River Conservation Authority (GRCA) has no objection to the above noted applications.
- Detailed comments from the GRCA are included as an attachment to this report.

Fire:

- No issues with this severance application.
- Rural fire fighting fee of \$600 is required for each new lot at the time of consent.

Parks & Forestry:

- Cash-in-lieu of parkland for a total of \$5813 for each new lot, will apply at the time of consent.

Canada Post:

- These 5 lots will be added to an existing Community mailbox site in the area. Please have the
- customers register for mail delivery at the Scotland Post office.

Mississaugas of the Credit:

- Thank you for sending over the RFC to our Nation for the ZBA at 125 Oakland Drive.
- I was able to view and review the Stage 1-2 archaeological assessment that was included in the package and do not have any questions or concerns.

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

- | | |
|----------------------------------|----------------------|
| · Field Services | · Grandbridge Energy |
| · Operations | · Union Gas |
| · Building | · Imperial Oil |
| · Economic Development | · Six Nation |
| · GIS Mapping / Civic Addressing | · 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* as follows:

- *Notice of Complete Application* – Circulated on October 16, 2022
- *Notice of Public Information Meeting (September 6, 2022)* - Circulated on August 17, 2022
- *Notice of Public Recommendation Meeting (January 10, 2023)* – Circulated on December 21, 2022
- ***At the time of writing this report, no public comments or correspondence have been received.***

Conclusions and Recommendations

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 limited development on private services is permitted.

The Zoning By-Law Amendment request conforms to the Official Plan criteria for residential development within the Suburban 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.

Proposed development is maintaining 120 metres from the Natural Heritage System. In order to

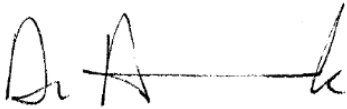
help ensure that there is no development or site alteration in close proximity to the wetland, a minimum vegetation protection zone of 30 metres is recommended. An Environmental Impact Study may be required should future development be proposed on the retained lands.

Subsequent Consent Applications will be required to be heard by the Committee of Adjustment to facilitate the lot creation proposed. Conditions future Consent Applications will include requirements to provide proof of potable water.

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 ZBA37-22-DN be **Approved**.

Prepared by:



Dan Namisniak, BA, CPT, MCIP, RPP
Planner

Reviewed by: Mat Vaughan, BES, MPLAN, MCIP, RPP, CMM3 Director of Planning
Submitted By: Pamela Duesling, PhD, MCIP, RPP, Ec.D., CMM3, General Manager of Development Services

Attachments

1. Zoning Map
2. Official Plan Map
3. Aerial Map
4. Proposed Severance Plan
5. Public Comments

Copy to

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

File # ZBA37-22-DN

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

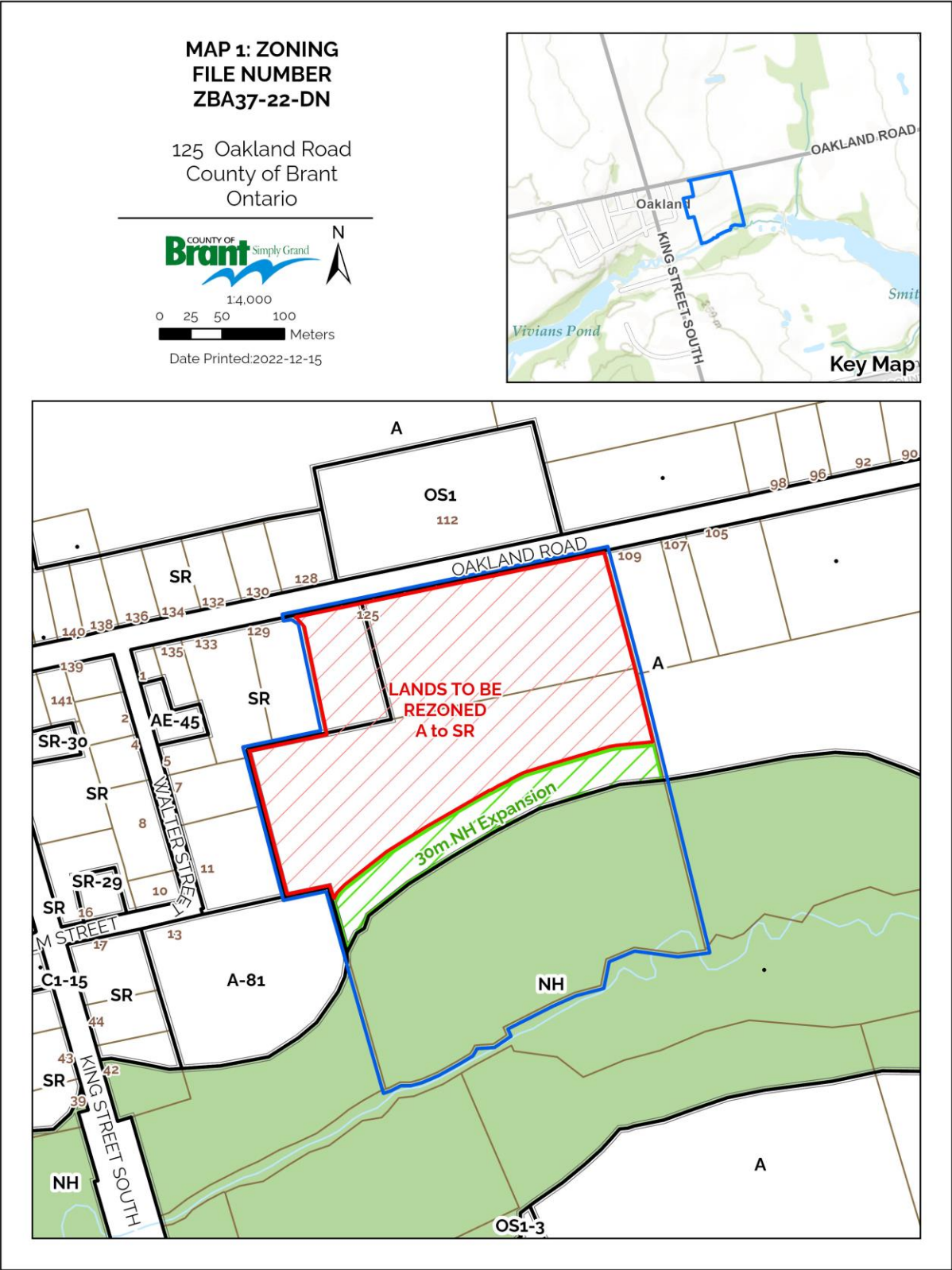
If so, it should be referenced in the recommendation section.

By-Law required? (Yes)

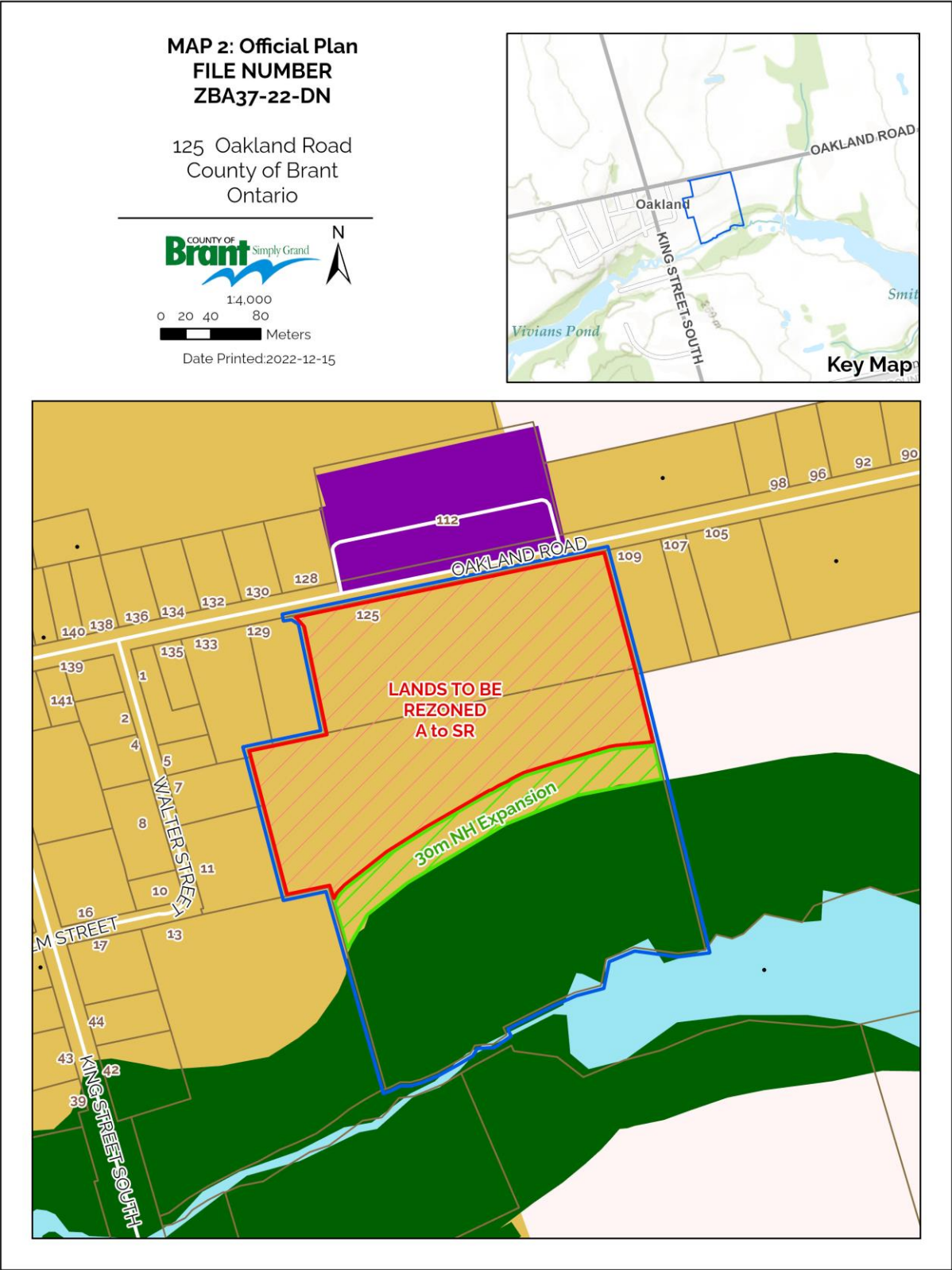
Agreement(s) or other documents to be signed by Mayor and /or Clerk? (No)

Is the necessary By-Law or agreement being sent concurrently to Council? (Yes)

Attachment 1 - Zoning Map



Attachment 2 - Official Plan Map



Attachment 3 - Air Photo

