

## Planning and Development Committee Report

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**To:** To the Chair and Members of the Planning and Development Committee  
**From:** Dan Namisniak, Senior Planner  
**Date:** April 4, 2023  
**Report:** RPT-0142-23  
**Subject:** ZBA4-23-DN - Zoning By-Law Amendment Application  
**Purpose:** For Approval.

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### Recommendation

That Zoning By-Law Amendment Application ZBA4-23-DN from The Angrish Group, Agent, on behalf of Nick Vahrmeyer, Applicant/ Owner of lands legally described as Part Lot 23, East of Fairchilds Creek, Part Lot 41, River Range, East of Fairchilds Creek; Part Lot 9 South of John Street, Part Lot 9 North of Cedar Street, Plan 103, in the Geographic Township of Onondaga and municipally known as 524 Old Onondaga Road East, County of Brant, proposing the following to Zoning By-Law 61-16:

1. To allow the application of a Special Exemption to the Residential Hamlet and Villages (RH-27) zone to permit a minimum lot frontage of 12.5 metres (41 feet), whereas a minimum of 30 metres (98 feet) is required;
2. To allow the application of a Special Exemption to the Agricultural (A-193) zone to recognize the remaining undersized area of the agricultural portion having an area of 5.3 hectares (13 acres); and
3. To permit an expansion of the Natural Heritage (NH) Zone to incorporate a 30 metre buffer from the identified watercourse, be approved;

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

- The Applicants have demonstrated the adequate access to the remaining farm parcel;
- Potential nuisance issues between the farm and non-farm related uses are protected under the rules and procedures of the Normal Farm Practices Protection Board (NFPPB);
- The application is consistent with the policies of the *Provincial Policy Statement* and in conformity with the Growth Plan for the Greater Golden Horseshoe; and
- The application is in conformity with the policies of the County of Brant Official Plan (2012) and meets the general intent of Zoning By-Law 61-16.

### Key Strategic Priority

Undertaking actions that elevate customer service to those we serve.

## Financial Considerations

None.

## Executive Summary

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 **ZBA4-23-DN** proposes the following:

1. Application of a Special Exemption to the Residential Hamlet and Villages (RH-27) zone to permit a minimum lot frontage of 12.5 metres (41 feet), whereas a minimum of 30 metres (98 feet) is required;
2. Application of a Special Exemption to the Agricultural (A-193) zone to recognize the remaining undersized area of the agricultural portion having an area of 5.3 hectares (13 acres); and
3. To permit an expansion of the Natural Heritage (NH) Zone to incorporate a 30 metre buffer from the identified watercourse.

This application is required first in order to facilitate a subsequent consent application to sever lands currently zoned Residential Hamley (RH) to produce seven (7) new residential building lots, including the severance of the existing dwelling within the Hamlet/Village of Onondaga.

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

- Planning Justification Report
- Preliminary Site Development Plan
- Preliminary Survey
- Stormwater Management Brief
- Functional Servicing Report
- Archeological Assessment
- Hydrogeological Assessment
- Geotechnical Investigation
- Noise and Vibration Impact Assessment
- Traffic Impact Assessment

The lot creation will be facilitated through future consent application(s). Technical comments and recommendations received as part of review of the completed studies/ drawings / reports will be incorporated as part of conditions of consent where deemed appropriate. This includes but is not limited to the need for civic addressing, entrance permit, well and septic location, tree inventory/ protection and species at risk screening and setbacks associated with the hydro corridor and CN rail line.

Adequate public notice and technical circulation of this application have been provided and comments received have been incorporated into the recommendations of this report.

In review of this Zoning By-Law Amendment Application and configuration of future Consent Application, priority has been given to ensure future protection and function of the remaining 5.3 hectares (13 acres) agricultural parcel as it relates to potential nuisance between the farm and abutting non-farm uses within the Hamlet/Village of Onondaga.

As a result, the Applicants have demonstrated that the adequate access to the remaining farm parcel is provided and maintained along Old Onondaga Road East. Potential nuisance issues related to odour, noise, dust, flies, smoke, light and vibration between the farm and non-farm related uses are protected under the rules and procedures of the Normal Farm Practices Protection Board (NFPPB). The existing hedgerow located on the property will remain as part of the farm parcel as a buffer between the farm and non-farm uses. The Applicants have confirmed that the farm parcel is currently farmed and will continue to be farmed in the future.

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 61-16.

For the reasons outlined in this report, it is my professional recommendation to the Planning and Development Committee that Zoning By-Law Amendment Application **ZBA4-23-DN** be **approved**.

## **Location / Existing Conditions**

The subject lands are municipally known as 524 Old Onondaga Rd East, partially located within the Village/ Hamlet of Onondaga. The subject lands are located in the north-west quadrant of Old Onondaga Road and Highway #54.

The subject lands have a total area of approximately 10.6 hectares (26 acres). Approximately 4.5 hectares (12 acres) are located within the Village/ Hamlet of Onondaga.

The subject lands are irregular in shape and have a frontage of 120 metres (394 feet) along Old Onondaga Road East and 365 metres (1,198 feet) along Highway #54.

The surrounding lands include 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(1) of the *Planning Act* establishes that Zoning By-Laws may be passed by Councils of local municipalities.

- ***Review of this Application has consideration for the proposed development as it relates to matters of provincial interest, public health safety, existing conditions and surrounding uses, land use compatibility, utilities, municipal infrastructure, vehicular and pedestrian traffic, and natural resources.***

### **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.*

The following demonstrates consistency with the applicable policies of the Provincial Policy Statement (2020):

<b>Provincial Policy Statement – 2020</b>	<b>Planning Analysis</b>
<b>Managing Growth in Settlement Areas</b> <i>Section 1.1.3.1 of the Provincial Policy Statement</i> identifies that Settlement Areas shall be the focus of growth and development. <i>Settlement Areas</i> can be identified as urban areas and rural settlement areas within municipalities (such as cities, towns, villages and hamlets).	<b>The subject lands proposed for future lot creation are currently zoned and designated appropriately and located within an identified Rural Settlement Area (Village/ Hamlet of Onondaga) within the County of Brant Official Plan.</b>
<i>Section 1.1.3.4 of the Provincial Policy Statement</i> notes that appropriate development standards should be promoted which facilitate intensification, redevelopment and compact form, while avoiding or mitigating risks to public health and safety.	<b>The proposed future lot creation is limited and represents a ‘minor rounding out’ of development. The proposal is adjacent to existing residential land uses and based on current policies, the subject lands would not support any further lot creation beyond the lots proposed.</b>
<b>Protection of Natural Heritage Areas</b> <i>Section 2.1.8 of the Provincial Policy Statement</i> Development and site alteration shall not be permitted on adjacent lands to the natural heritage features and areas identified in policies 2.1.4, 2.1.5, and 2.1.6 unless the ecological function of the adjacent lands has been evaluated and it has been demonstrated that there will be no negative impacts on the natural features or on their ecological functions.	<b>Environmental Planning Staff advised that an Environmental Impact Study (EIS) would not be required if a 30-metre buffer on each side of the watercourse is zoned Natural Heritage and provided that no new lots are proposed in the 30 metre setback.</b>
<b>Protection of Prime Agricultural Areas</b> <i>Section 2.3.1</i> Prime agricultural areas shall be protected for long-term use for agriculture.	<b>The portion of land subject to this application is located outside of the Village/ Hamlet of Onondaga and designation as an Agricultural Land use in the County of Brant Official Plan.</b>
<i>Section 2.3.3.1</i> In prime agricultural areas, permitted uses and activities are: agricultural uses, agriculture-related uses and on-farm diversified uses. Proposed agriculture-related uses and on-farm diversified uses shall be compatible with, and shall not hinder, surrounding agricultural operations. Criteria for these uses may be based on guidelines developed by the Province or municipal approaches, as set out in municipal planning documents, which achieve the same objectives.	<b>The lands currently designated and zoned agricultural will retain all permitted uses within the agricultural area.</b>
<i>Section 2.3.3.2</i> In prime agricultural areas, all types, sizes and intensities of agricultural uses and normal farm practices shall be promoted	<b>The County of Brant endorses the “right-to-farm” principle, which acknowledges that farming involves activities that</b>

and protected in accordance with provincial standards.	produce dust, noise, light, flies, conflicts due to traffic, smoke, vibration and odours.
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***In summary, based on the review of the Provincial Policy Statement, it is my professional opinion that the request is consistent with the policies of the Provincial Policy Statement.***

### **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.*

<b><i>Growth Plan for the Greater Golden Horseshoe – 2020</i></b>	<b><i>Planning Analysis</i></b>
<b>Rural Settlement Areas</b> <i>Policy 2.2.1.2(c) describes that limited growth will occur in settlement areas that are rural settlements and are not serviced by exiting or planned municipal water and waste water systems.</i>	<p><b>The subject lands proposed for future lot creation are currently zoned and designated appropriately and located within an identified Rural Settlement Area (Village/ Hamlet of Onondaga) within the County of Brant Official Plan.</b></p> <p><b>Future development within the Village/ Hamlet of Onondaga will be serviced by private infrastructure (water, sanitary and storm) as there are no services planned for this area.</b></p>
<b>Natural Heritage System</b> <i>Policy 4.2.2.3 Within the Natural Heritage System for the Growth Plan:</i> <ul style="list-style-type: none"> <li>i. there are no <i>negative impacts</i> on <i>key natural heritage features</i> <i>key hydrologic features</i> or their functions;</li> <li>ii. connectivity along the system and between <i>key natural heritage features</i> and <i>key hydrologic features</i> located within 240 metres of each other will be maintained or, where possible, enhanced for the movement of native plants and animals across the landscape;</li> </ul>	<p><b>Review of this application has had consideration for the natural heritage system.</b></p> <p><b>The watercourse has been identified and a 30-metre buffer is being provided on each side of the watercourse to ensure protection, enhancement and connectivity of the feature.</b></p>
<b>Agricultural System</b> <i>Policy 4.2.6.3 where agricultural uses and non-agricultural uses interface outside of</i>	<p><b>Priority has been given to ensure future protection and function of the remaining</b></p>

settlement areas, land use compatibility will be achieved by avoiding or where avoidance is not possible, minimizing and mitigating adverse impacts on the Agricultural System.	<b>5.3 hectares (13 acres) agricultural parcel as it relates to access and potential nuisance between the farm and abutting non-farm uses within the Hamlet/Village of Onondaga.</b>
<i>Policy 4.2.6.5</i> The retention of existing lots of record for <i>agricultural uses</i> is encouraged, and the use of these lots for non-agricultural uses is discouraged.	<b>This application will encourage the retention of the portion of the subject lands within the Agricultural designation.</b>

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

### **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.*

<b>County of Brant Official Plan - 2012</b>	<b>Planning Analysis</b>
<b>Hamlet and Villages Designation</b> Section 2.2.3.2.a of the County of Brant <i>Official Plan</i> states a limited amount of growth and development may occur, subject to the following criteria:	<b>The subject lands proposed for future lot creation are currently zoned, designated appropriately and located within an identified Rural Settlement Area (Village/ Hamlet of Onondaga) within the County of Brant Official Plan.</b>
ii. the proposed development is within the area of settlement's boundary and has access to potable water;	<b>Future development within the Village/ Hamlet of Onondaga will be serviced by private infrastructure (water, sanitary and storm) as there are no services planned for this area.</b>  <b>A hydrological assessment has been completed which provides recommendations and demonstrates availability of potable water.</b>

iii. new development that is in the form of infilling and minor rounding out of the existing built-up area shall be prioritized;	<b>The proposed future lot creation is limited and represents a ‘minor rounding out’ of development. The proposal is adjacent to existing residential land uses and based on current policies, the subject lands would not support any further lot creation beyond the lots proposed.</b>
iv. a servicing feasibility study has been completed in accordance with the Ministry of the Environment guidelines which demonstrates that the impact of new development on ground and surface water shall be within acceptable limits;  v. the proposed servicing is appropriate for the proposed densities and land uses;	<b>A Hydrological Assessment has been completed which provides recommendations and demonstrates availability of potable water.</b>  <b>A Geotechnical Report was completed to assess the soil and groundwater conditions for design of the private septic system.</b>  <b>The proposal is in keeping with the Servicing System policies in as outlined in Section 5.2 of the Official Plan related to ‘Servicing Systems / Allocation’ and Phasing.</b>
vi. the available community facilities, such as community centres, schools, commercial, recreational or cultural facilities can accommodate the proposed development;	<b>The subject lands have access to amenities such as institutional, commercial uses and park / open spaces supporting and contributing to the achievement of ‘complete communities’ within the Village /Hamlet of Onondaga.</b>
vii. the proposed development is compatible with existing surrounding land uses.	<b>The future residential lot creation proposes a linear development and lot fabric that is considered consistent with the surrounding land use located within the Village /Hamlet of Onondaga.</b>
<b>Natural Heritage Area</b> <i>Section 2.3.2.2.e</i> provides the following policies that apply to proposals for development and site alteration, within natural heritage features and adjacent to natural heritage features. Development or site alteration in, or on land adjacent to, natural heritage features and areas shall not be permitted unless it has been demonstrated to the satisfaction of the County that there shall	<b>In addition to the 30 metre expansion of the Natural Heritage area zone boundary, as a condition of the future lot creation application, the Applicant shall also submit an Environmental Implementation Plan.</b>  <b>The Plan shall be completed by a qualified environmental consultant in accordance with a Terms of Reference issued by the</b>

<p>be no negative impacts on the natural heritage features and areas or on their ecological functions.</p>	<p><b>County.</b></p> <p><b>The intent of the Plan is to preserve trees, enhance vegetation within 30 metres of the watercourse, and protect natural areas from construction activities such as through sediment and erosion control measures.</b></p>
<p><b>Agricultural Designation</b>  <i>Section 1.11.2.6.2</i> provides objectives with respect to Agricultural land within the County, specifically the need to promote and encourage a wide range and scale of on-farm diversified uses and businesses, in accordance with provincial guidelines, which provide the opportunity for farming operations to earn a supplementary income in a manner that minimizes the use of prime agricultural lands.</p>	<p><b>Priority has been given to ensure future protection and function of the remaining 5.3 hectares (13 acres) agricultural parcel. This includes the following:</b></p> <ul style="list-style-type: none"> <li>· <b>maintain adequate access to the remaining farm parcel provided and maintained along Old Onondaga Road East.</b></li> <li>· <b>Potential nuisance issues related to odour, noise, dust, flies, smoke, light and vibration between the farm and non-farm related uses are protected under the rules and procedures of the Normal Farm Practices Protection Board (NFPPB).</b></li> <li>· <b>The existing hedgerow located on the property will remain as part of the farm unit as a buffer between the farm and non-farm uses.</b></li> </ul>
<p><b>Road Classification</b>  <i>Section 5.2.3.1</i> The Transportation Master Plan and Development Manual provide further guidance with respect to the transportation network and road hierarchy and classifications. The classification of roads and the existing and proposed road system is shown on Schedule B.</p>	<p><b>Highway #54 is classified as a ‘Rural Arterial Road’ in Schedule B of the Official Plan.</b></p> <p><b>Old Onondaga Road East is classified as a ‘Rural Local Road’ in Schedule B of the Official Plan.</b></p>
<p><u><b>Rural Arterial Road</b></u>  <i>Section 5.3.2.1.3</i> Rural Arterial Roads are roads designed to provide mobility to traffic throughout areas of low density and low development activity. Rural Arterial Roads typically link centres of activity separated by large distances and provide connections with collectors, other arterial roads or highways. Rural Arterial Roads typically service relatively high volumes of traffic at high</p>	<p><b>Technical comments confirm that through a site inspection, sufficient sight distance exists for the mutual residential driveway proposed.</b></p> <p><b>The mutual access is provided to reduce the number of access points along the Rural Arterial Road.</b></p>



speeds.  The County shall address the adequacy of sight distances related to the road alignment and shall avoid multiple individual access points when reviewing development applications on Rural Arterial Roads.	
<u>Rural Local Road</u> Section 5.3.2.1.9 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.	<b>The access to the retained agricultural parcel is located along Old Onondaga Road East. This is considered desirable and supported by staff and the Agricultural Advisory Committee due to its location along the roadway designed to accommodate a lower level of activity at lower speeds.</b>

***In summary, based on review of the Official Plan policies, it is my professional opinion that the recommendation conforms to the policies of the Official Plan.***

### **Source Water Protection**

Source water 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.***
- ***Further protection and mitigation measures may be required to be considered as part of the future consent application and detailed entrance/ driveway design.***

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

Zoning By-law 61-16 identifies that the subject lands contain the following zoning classifications:

- Residential Hamlet & Villages (RH) - (Zoning By-Law 61-16, Section 9)
- Agricultural (A) - (Zoning By-Law 61-16, Section 6)
- Natural Heritage (NH) - (Zoning By-Law 61-16, Section 14)

The proposed amendments to the Zoning By-Law 61-16 will result in the following:

- Application of a Special Exemption to the Residential Hamlet and Villages (RH-27) zone to permit a minimum lot frontage of 12.5 metres (41 feet), whereas a minimum of 30 metres (98 feet) is required;
- ***The frontage proposed for the retained Agricultural parcel is located within the boundary of the Hamlet/ Village of Onondaga, is currently designated as Hamlets and Villages and zoned Residential Hamlet & Villages (RH).***
- ***Review of Zoning By-Law 61-16, Section 4.22.2 as it relates to parcels with ‘more than one zone’, determines that the portion of the subject lands to be utilized as access to the retained farm land located within the Residential Hamlet & Villages (RH) zone is a ‘residential’ related use and therefore***

**development standards are subject to those outlined in the Residential Hamlet & Villages (RH) zone.**

- Application of a Special Exemption to the Agricultural (A-193) zone to recognize the remaining undersized area of the agricultural portion having an area of 5.3 hectares (13 acres);
  - ***The recognition of the undersized area is technical in nature and in anticipation of the further lot creation proposed within the Hamlet/ Village of Onondaga.***
  - ***The retained farm land will continue to be permitted to establish a residential dwelling unit within the Agricultural (A-xx) zone.***
- Expansion of the Natural Heritage (NH) Zone to incorporate a 30 metre buffer from the identified watercourse.
  - ***The intent of the 30 metre buffer and required Environmental Implementation Plan is to preserve trees, enhance vegetation within 30 metres of the watercourse, and protect natural areas from construction activities such as through sediment and erosion control measures.***

***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 Division:

- Note 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 Engineering drawing submissions, which are required for the development of the subject lands.
- The speed limit on Highway # 54 fronting the subject lands is 70 km/h. As per County By-Law 176-99, which controls property entranceways and culverts, the minimum required sight distance is 160 metres.
- Staff performed a site inspection and noted that sufficient sight distance exists for the mutual residential driveway proposed (as shown on the "Site Development Plan" dated November 14th 2022 by Cohoon Engineering Ltd., Revision # 5).
- Currently the agricultural access is from the Rural Local Road known as Old Onondaga Road East which is better suited with a lower speed limit and traffic volume. Staff recommended at the 2021 Pre-Consultation Meeting, "an access easement/right-of-way would be encouraged to utilize the existing entrance servicing the lands currently (at MN# 524 Old Onondaga Road)."

- A 0.3m reserve will be required across the entire Highway # 54 frontage save and except for the location of the proposed residential entrance (as shown on the “Site Development Plan” dated November 14th 2022 by Cohoon Engineering Ltd., Revision # 5).

#### Operations Division:

- Comments received are reflected in and in agreeance with the Development Engineering Comments included above.

#### Environmental Planning:

- In lieu of requesting an Environmental Impact Study, staff requested a 30 metre wide vegetation protection zone on each side of the stream. In order to ensure the protection of the watercourse and help maintain water quality and quantity, it is recommended that the watercourse and a 30 metre wide buffer on each side be zoned Natural Heritage.

#### Grand River Conservation Authority (GRCA):

- The Grand River Conservation Authority (GRCA) has no objection to the proposed consent applications.
- The applicant is proposing to create seven new residential lots, one access easement, and one lot line adjustment. Parcel 2 to Parcel 7 do not contain any natural hazard features of interest to the GRCA.
- The retained lands and the lands subject to the lot line adjustment also do not contain any natural hazard features.
- Parcel 1 contains a watercourse that is contained within the proposed property boundaries and no changes within the regulated area are proposed as part of this development proposal.
- Based on the above, we do not anticipate any impacts to the natural hazard features as a result of the consent applications.
- We wish to note that this application may be subject to Growth Plan policies for key hydrologic features and suggest that the County of Brant consider the applicable policies in their review of this application.
- Consistent with GRCA's 2023 approved fee schedule, these applications are considered minor consent applications. These applications were reviewed together so one review fee will be required and the applicant will be invoiced in the amount of \$465.00 for the GRCA's review of these applications.

#### Parks & Forestry:

- Cash-in-lieu of parkland will be required for the creation of the new residential lots and will form part of the conditions of approval of severance. \$5,813 per new lot.
- Please refer to comments from Environmental Planning regarding the protection of trees and natural heritage features.
- A tree protection plan, buffer management plan and the inclusion of any applicable mitigation measures will be required.

### Fire:

- In the design of the site, if the new lots are going to be accessed by communal driveway, the driveway will need to be 6 metres wide and all turning points will need a 12 metre radius.
- When the six new lots are created the rural fire fighting fee shall be collected for each new lot.

### Hydro One:

- Please be advised that Hydro One Networks Inc. ("HONI") has completed a preliminary review of the above noted consent to sever application. As the subject property is abutting and/or bisected by a HONI high voltage transmission corridor (the "transmission corridor"), HONI has no objection in principle to the proposed severance, provided HONI's easement rights are protected and maintained.
- Please be advised that any placement of permanent structures, facilities or landscaping within the transmission corridor is prohibited without the prior written approval of HONI.
- If in the future the owner proceeds with a site plan, plan of subdivision and/or plan of condominium application, the owner must make arrangements satisfactory to HONI for lot grading and drainage, and any proposed uses on the transmission corridor. The costs of any relocations or revisions to HONI facilities which are necessary to accommodate this proposal will become the responsibility of the developer.
- Our preliminary review only considers issues affecting HONI's transmission facilities and transmission corridor lands. For any proposals affecting distribution facilities (low voltage), the developer should consult the local distribution supplier.

### Six Nations of the Grand River:

- Six Nations of the Grand River Territory is within the most highly urbanized land in Canada. Development has occurred on Six Nations' traditional territory without consultation or consent of our Nation. The cumulative effects of this intense development has contributed to significant environmental degradation and, as a result, Six Nations has experienced severe impacts on our ability to exercise our Aboriginal and Treaty Rights that are not only set out in the treaties themselves, but are also recognized and affirmed in Section 35 of the Constitution Act, 1982. These treaty lands are subject to unresolved litigation and any infringement upon our treaty rights must be fully mitigated by the proponent.
- I would like an EIS to be completed on the subject property. There is a creek system that runs through the property and fairly large pond, that I suspect a lot of amphibians and reptiles are reliant upon. Reptiles such as Turtles are very important to the Six Nations of the Grand River as it is a clan animal. Furthermore, the subject property could have some bird species at risk present and potentially could be a deer wintering area.
- A tree inventory would also be an asset to determine if any species at risk can be present within the property.
- We also ask that all trees that are removed be replaced at a 10:1 ratio.

### Canada Post:

- Please be advised that Canada Post does not have any further comments on this application. If these houses are facing Highway 54 then they will be serviced by a Community mailbox on Brantford St by the ball park.

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

- |                        |  |
|------------------------|--|
| · Field Services       | · GIS Mapping / Civic Addressing         |
| · Fire                 | · Union Gas                              |
| · Building             | · Imperial Oil                           |
| · Economic Development | · Missisaukas of the Credit First Nation |
| · Bell Canada          |  |

### **Public Considerations**

Notice of a Complete Application and Statutory Public Hearing have been circulated 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 March 14, 2023.

#### Public Comments:

- R. & T. Derks – Seeking additional information
- E. Jaggard – Concerns with protection of Natural Heritage & Agricultural Land  
(*presentation attached to the Agenda Package*)

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

### **Conclusions and Recommendations**

The proposed amendments to the Zoning By-Law 61-16 will result in the application of a Special Exemption to the Residential Hamlet and Villages (RH-27) zone to permit a minimum lot frontage of 12.5 metres (41 feet), application of a Special Exemption to the Agricultural (A-193) zone to recognize the remaining undersized area of the agricultural portion having an area of 5.3 hectares (13 acres); and the expansion of the Natural Heritage (NH) Zone to incorporate a 30 metre buffer from the identified watercourse.

In review of this Zoning By-Law Amendment Application and configuration of future Consent Application, priority has been given to ensure future protection and function of the remaining 5.3 hectares (13 acres) agricultural parcel as it relates to potential nuisance between the farm and abutting non-farm uses within the Hamlet/Village of Onondaga.

The following considerations have been made to ensure future protection and function of the designated agricultural parcel:

- The Applicants have demonstrated that the adequate access to the remaining farm parcel is provided and maintained along Old Onondaga Road East;
- The Applicants have confirmed that the farm parcel is currently farmed and will continue to be farmed in the future;
- Potential nuisance issues related to odour, noise, dust, flies, smoke, light and vibration between the farm and non-farm related uses are protected under the rules and procedures of the Normal Farm Practices Protection Board (NFPPB); and
- The existing hedgerow located on the property will remain as part of the farm unit as a buffer between the farm and non-farm uses.

Appropriate measures have also been included to ensure protection and enhancement of the existing Natural Heritage feature identified on the subject lands.

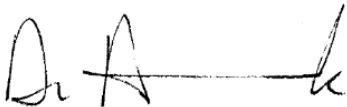
The future lot creation will be facilitated through future consent application(s). Technical comments and recommendations received as part of review of the completed studies/ drawings / reports will be incorporated as part of conditions of consent where deemed appropriate. This includes but is not limited to the need for civic addressing, entrance permit, well and septic location, tree inventory/ protection and species at risk screening and setbacks associated with the hydro corridor and CN rail line.

Adequate public notice and technical circulation of this application have been provided and comments received have been incorporated into the recommendations of this report.

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 61-16*.

For the reasons outlined in this report, it is my professional recommendation to the Planning and Development Committee that Zoning By-Law Amendment Application **ZBA4-23-DN** be **approved**.

Prepared by:



**Dan Namisniak**, BA, CPT, MCIP, RPP  
Senior 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, Development Services

## Attachments

1. Zoning Map
2. Official Plan Map
3. Aerial Map
4. Site Context Mapping
5. Overall Site Concept Plan
6. Site Photos

**Copy to**

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

**File # ZBA4-23-DN**

In adopting this report, is a By-Law or agreement required?

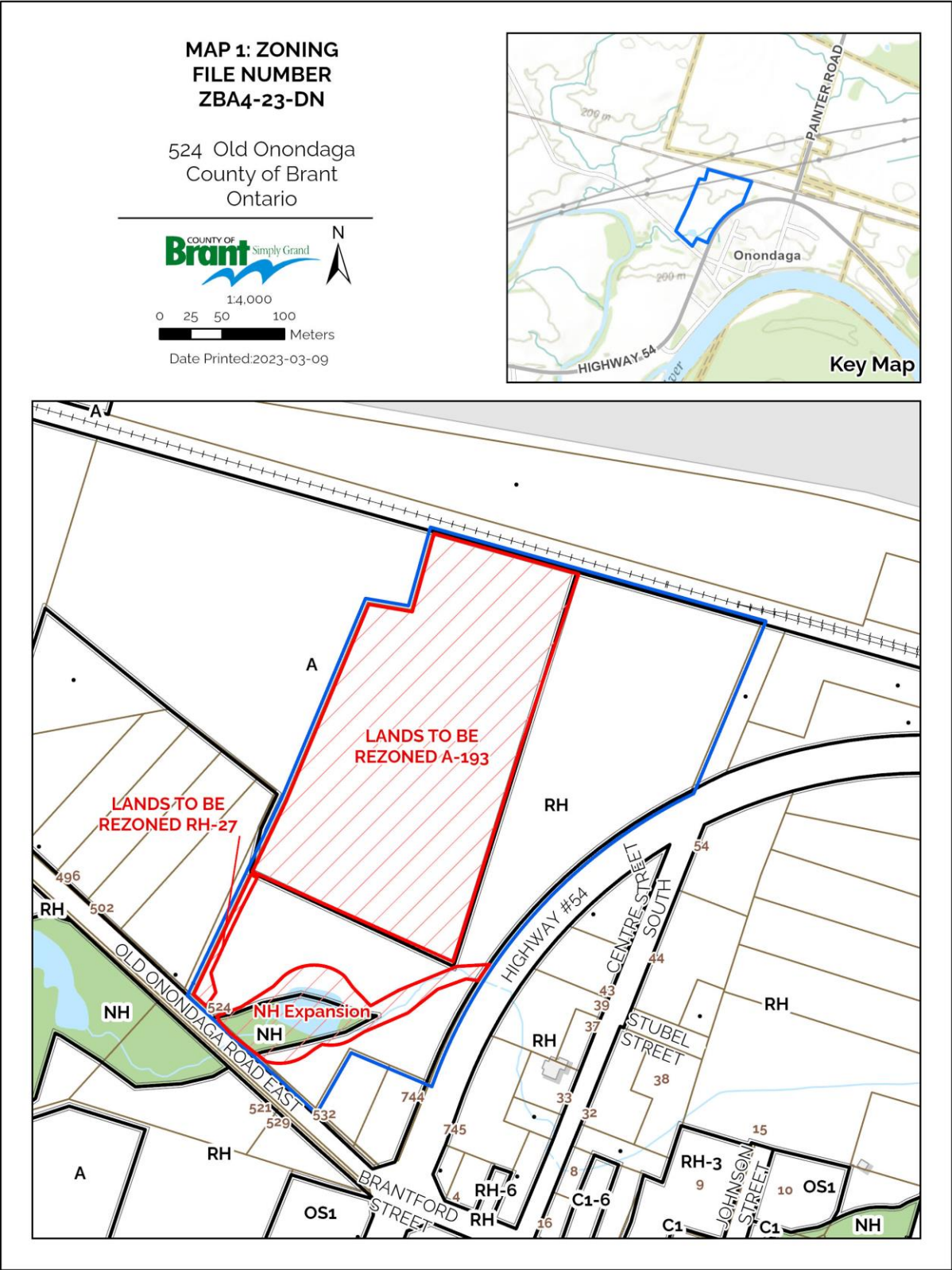
If so, it should be referenced in the recommendation section.

By-Law required? (Yes)

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

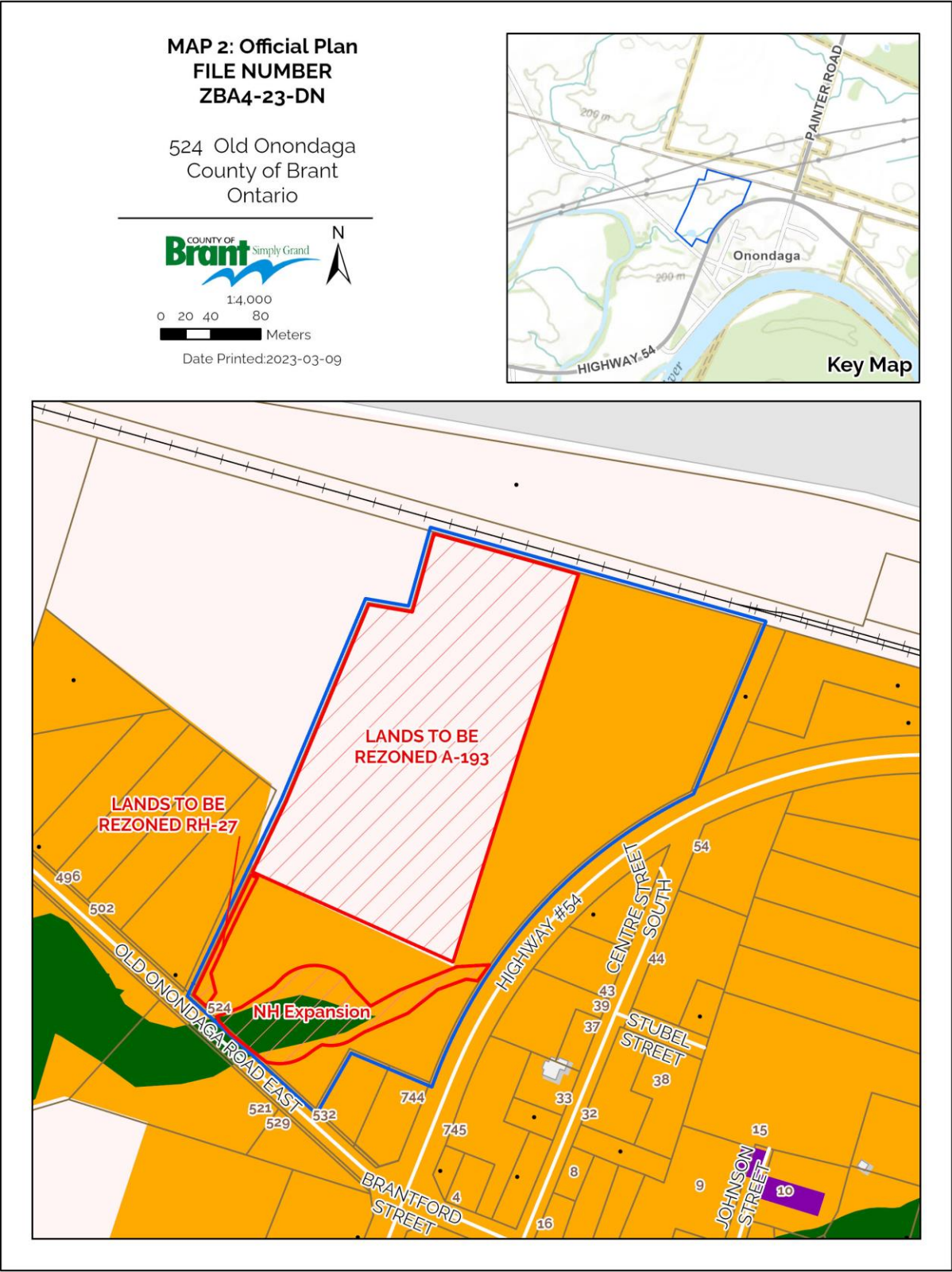
Is the necessary By-Law or agreement being sent concurrently to Council? (Yes)

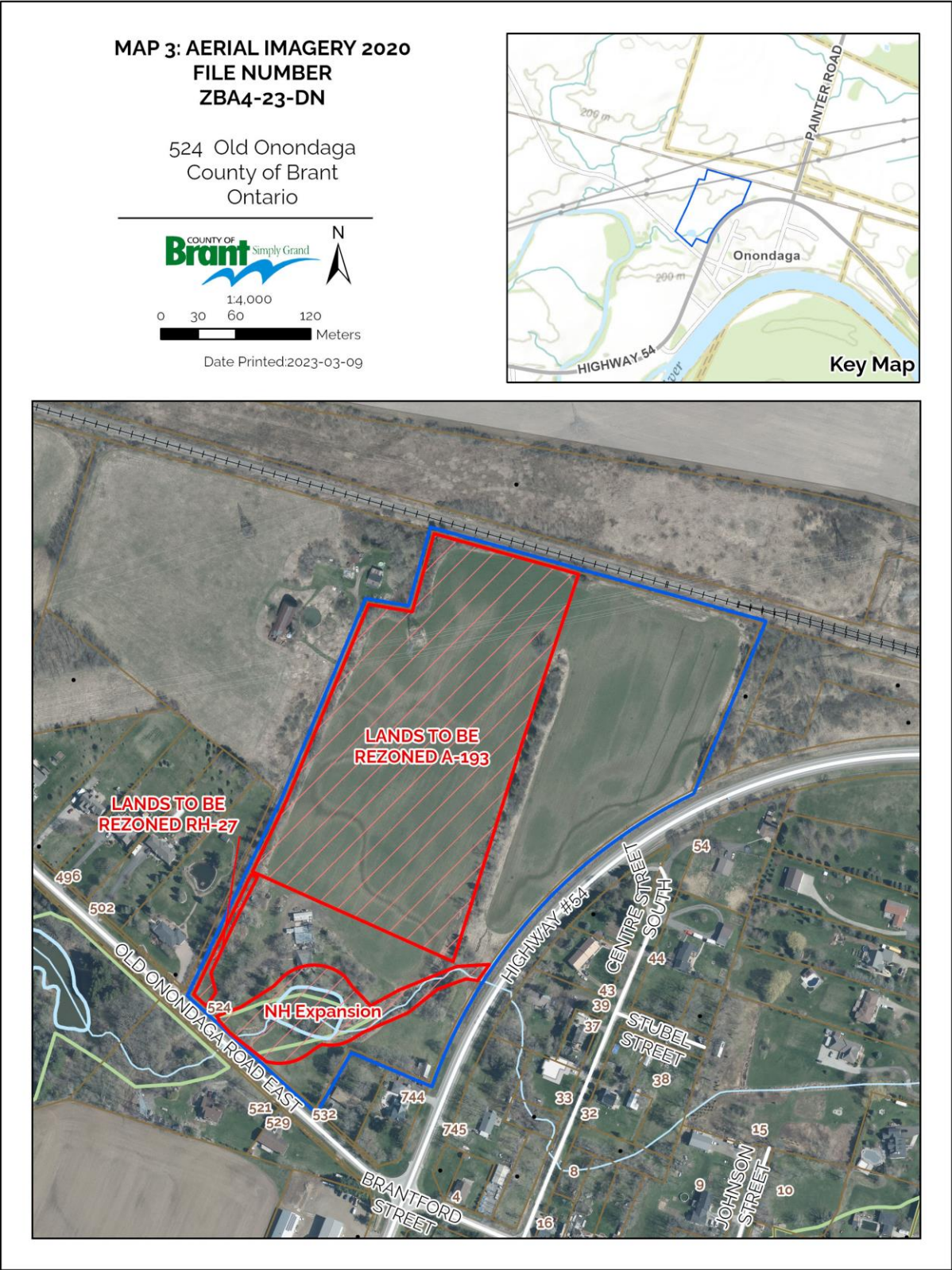
Attachment 1 - Zoning Map





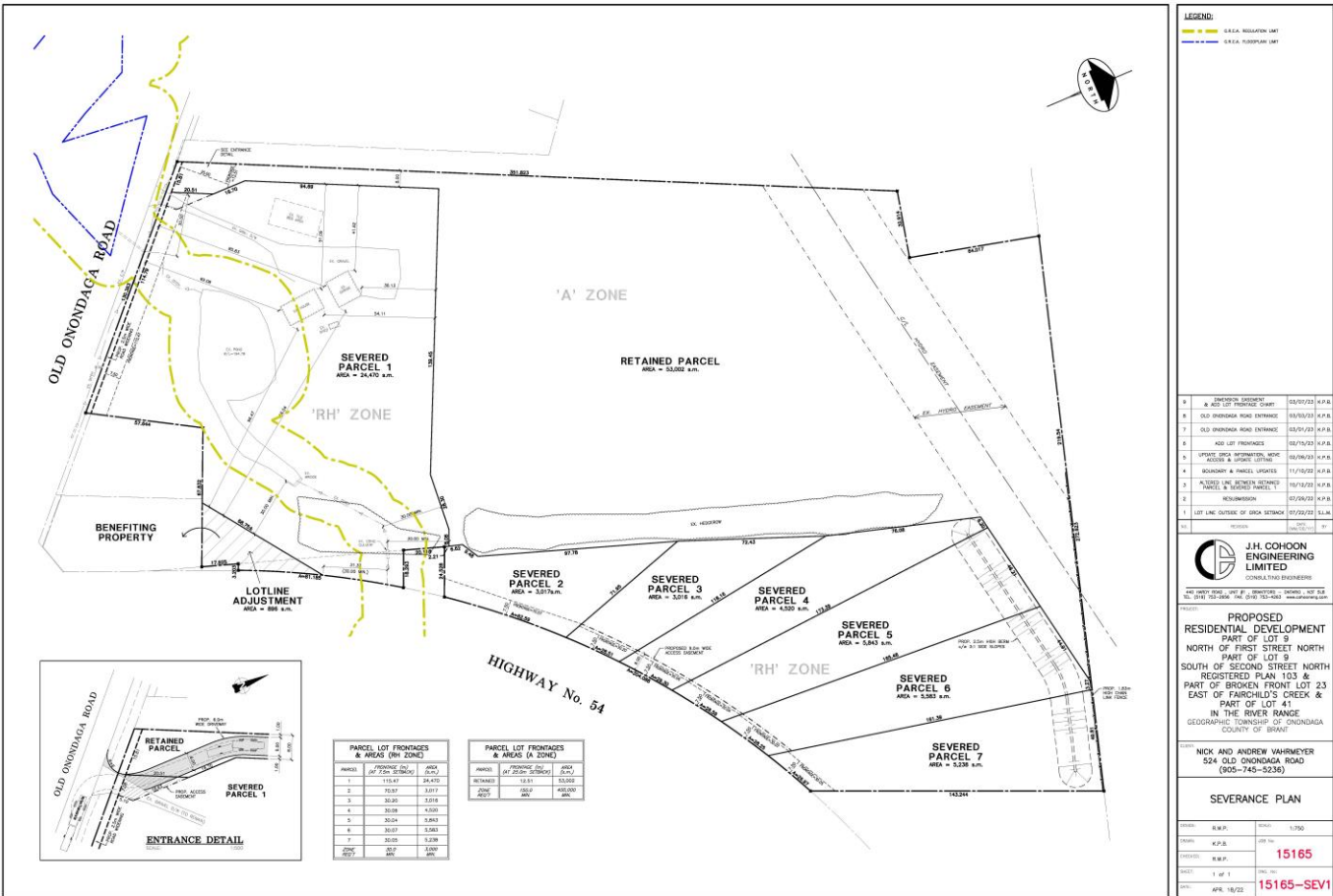
Attachment 2 - Official Plan Map







Attachment 5 - Overall Site Concept Plan



**Attachment 6 - Site Photos**

**New Access/ Frontage Location Along Old Onondaga Rd**



**Existing Access/ Frontage Location Along Old Onondaga Rd to remain**

