



County of Brant Council Report

To: The Mayor and Members of County of Brant Council
From: Denise Landry, Nethery Planning Services
Date: May 13, 2025
Report #: RPT-0206-25
Subject: Zoning By-Law Amendment Application ZBA12-24-KD & Draft Plan of Subdivision Application PS1-24-KD
Purpose: For Refusal

Recommendation

That Zoning By-Law Amendment Application ZBA12-24-KD from J.H. Cohoon Engineering Limited c/o Bob Philips and The Angrish Group c/o Ruchika Angrish on behalf of Haley Elevator Inc. c/o Micheal Haley, applicant/owner of CONCESSION 13 PART LOT 1 to 3, REGISTERED PLAN 2R1765 PART 1, County of Brant, in the geographic Former Township of Burford, municipally known as 29 Thirteenth Concession Road proposing to change the zoning on the subject lands from 'Special Exception Holding Suburban Residential (h-33-SR)' to the 'Suburban Residential 'SR', and 'Open Space (OS1)' zones to facilitate the creation of 77 single detached lots, a park block, storm water management block and multiple walkway blocks, **BE REFUSED**,

And

That Draft Plan of Subdivision Application (PS1-24-KD) from J.H. Cohoon Engineering Limited c/o Bob Philips and The Angrish Group c/o Ruchika Angrish on behalf of Haley Elevator Inc. c/o Micheal Haley, applicant/ owner of CONCESSION 13 PART LOT 1 to 3, REGISTERED PLAN 2R1765 PART 1, County of Brant, in the geographic Former Township of Burford, municipally known as 29 Thirteenth Concession Road proposing the creation of 77 single detached lots, a park block, storm water management block and multiple walkway blocks, **BE REFUSED**

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

The application does not address the following key concerns:

Servicing - The Hydrogeological Assessment has demonstrated that the proposed development has significant challenges in providing private water and wastewater servicing, which have not been adequately addressed and are not consistent to the Master Environmental Servicing Plan (MESP), where there are environmental risks associated with

the protection of water, environment, and human health if the County supports the subdivision plan to move forward in isolation of the Master Environmental Servicing Plan. As well as outstanding issues with respect to stormwater management.

Strategic Plan Priority

Strategic Priority 1 - Sustainable and Managed Growth

Executive Summary

The purpose of this report is to provide Council and the public with information related to the above noted proposal.

Planning staff are of the opinion that the proposal requesting to change the zoning and to create 77 single detached lots, a park block, storm water management block and multiple walkway blocks does not meet provincial or municipal policies and is not supportable. The development does not address the significant servicing concerns identified by County staff and through the peer review consultants.

Impacts and Mitigation

Social Impacts

Increasing the housing stock by 77 units provides for additional units where there is a need across the province to build more housing. Although the subdivision does not provide a mix of dwelling types, there is a need to balance to constraints of private servicing in a community that already exhibits servicing issues.

Environmental Impacts

The subdivision and studies as submitted pose risks to human health and safety as investigations confirm high levels of nitrate in the water and the shallow overburden aquifer is understood to be the ultimate receiving aquifer for effluent from existing individual on-site wastewater systems. The submitted studies confirmed that the aquifer has pre-existing high levels of groundwater contamination by nitrates.

Economic Impacts

Increasing the number of buildable lots ultimately increases the number of residents who contribute to economic growth by working, shopping and using services in the community.

Report

Background

The subject lands are legally described as Concession 13 Part Lot 1 to 3, Registered Plan 2R1765 Part 1, County of Brant, in the geographic Former Township of Burford (Figure 1).

The Site has a frontage of approximately 1,100 metres (3,609 feet) along Thirteenth Concession Road, a depth of 100 metres (328 feet) and 665 metres (2,182 feet) and a total area of approximately 65 hectares (161 acres). Approximately 34.5 hectares (85.3 acres) or 55% of the Subject Lands are located within the Secondary Urban Settlement Boundary of Scotland.

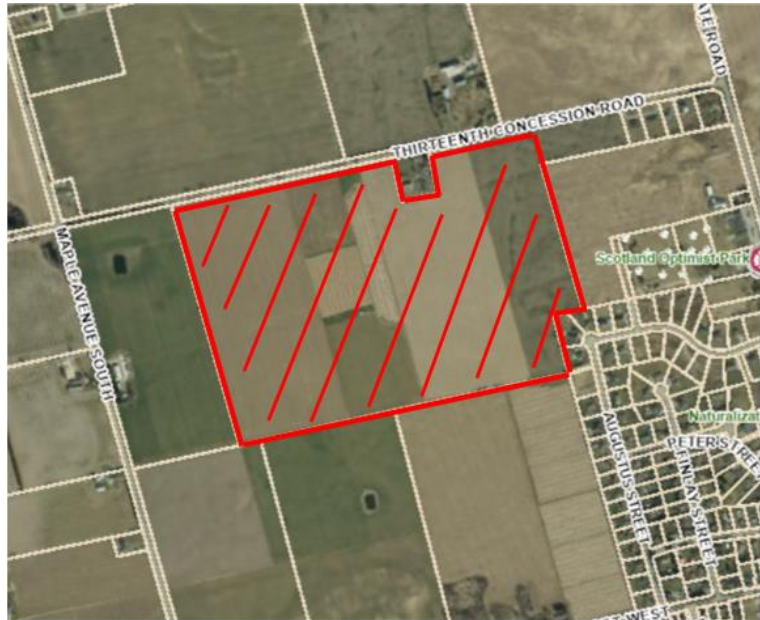


Figure 1 Subject Lands

The subject lands contain no buildings or structures and are currently being farmed. The site is located adjacent to a residential subdivision to the south-east.

This area of the County is serviced by private infrastructure i.e. wells and septic systems. Future development will require private well and sanitary (septic services).

There are no natural heritage features identified on or surrounding the subject lands. The lands are outside the source water protection area.

The subject lands are designated Suburban Residential in the County's 2012 Official Plan and zoned Special Exception Holding Suburban Residential h-33-SR (as ordered by the Ontario Land Tribunal).

Applications for a Draft Plan of Subdivision and Zoning Bylaw Amendment were submitted to the County on May 30, 2024 and deemed complete on June 19, 2024. The plan consisted of 108 lots for single detached dwellings, a park block, a stormwater management block, and a mixed-use residential-commercial block. The lots ranged in size from just over 2,000 square metres to 3,500 square metres (approximately half an acre to just under one acre).

The applicant submitted the following studies and plans in support of the Draft Plan of Subdivision and Zoning By-law Amendment:

- Proposed Draft Plan of Subdivision and Concept Plan;
- Planning Justification Report;
- Phase 1 and 2 Archaeological Assessments;
- Transportation Impact Study;
- Functional Servicing Report;
- Geotechnical Study;
- Stage 1 Hydrogeological Site Assessment;
- Storm Water Management Plan; and
- Lot Grading and Drainage Plans;

The aforementioned were circulated to internal staff, external agencies and peer review consultants for review and comment. The main concerns with the application were as follows:

- The hydrogeological report was only a preliminary assessment and testing and sampling of the groundwater is required to understand nitrate levels and to determine the potential for homes to obtain adequate quantities of potable water. The preliminary investigation requires additional work to meet the requirements under Ontario Guideline D-5-4: Individual On-Site Sewage Systems: Water Quality Impact Risk Assessment and Ontario Guideline D-5-5 Private Wells: Water Supply Assessment, which are detailed in the Peer Review. The requirement to meet both of these guidelines aligns the County of Brant with the position of the Ministry of the Environment, Conservation and Parks to ensure that privately serviced developments have a high probability of providing adequate water quality and quantity to the proposed lots, and that both the private water takings and the private sewage systems will not negatively impact the proposed or existing users now and into the future. ;
- The Stormwater Management Design needed to be updated to include the requirements for legal outlets and ensuring that the requirements meet the Design Criteria for Sanitary Sewers, Storm Sewers, and Forcemains for Alterations Authorized under Environmental Compliance Approval (MECP, 2022). The design must also meet the requirements for environmental protection of existing residents and downstream properties, as well as ensuring that there is no potential for groundwater contamination and possible impact to private sewage system designs.
- It was recommended to the applicant that they align the subdivision plan with the findings of the Master Environmental Servicing Plan to ensure that the site-specific servicing (water, wastewater and stormwater) and transportation planning align with the long term goals for full buildout of the community.
- A Terms of Reference for the Transportation Impact Study was provided on February 6, 2024, the report submitted did not include the criteria outlined by the County and needs to be revised

A statutory public meeting to receive feedback on the proposed concept, was held on July 9, 2024. Four members of the public spoke in opposition of the applications noting concerns with water and wastewater servicing, the proposal not fitting with the surrounding community, a desire to keep the rural community and the increased traffic.

The applicant's lawyer prepared a letter, dated August 20, 2024, requesting that Council defer making a decision on the application until December 3, 2024, to allow for the opportunity to address both staff and public feedback.

On October 28, 2024, the applicant submitted revised plans and studies to County planning staff for review and comment. The number of single detached units was reduced to 77 and still included a park block and storm water management block. The mixed-use residential-commercial block originally proposed was removed. The lots increased in size to a minimum of 3,000 square metres and up to over 5,000 square metres (approximately three quarters of an acre to 1.2 acres). A revised hydrogeological report was not submitted at this time. The resubmission was circulated internally and to peer reviewers for comment.

Subsequently, on November 15, 2024, the applicant's lawyer, requested that Council defer making a decision on the applications until February, 2025. Council supported the request and deferred making a decision at the December 3, 2024 Council meeting.

February 2025 Deferral Request

County staff provided a comprehensive set of comments (excluding the hydrogeological report) on the resubmission to the applicant in early January, 2025.

On January 10, 2025, the applicant submitted the revised hydrogeological report to staff and it was provided to the peer review consultant, Cambium. In early February, 2025, Cambium provided comments on the revised Hydrogeological report.

The main concerns with the revised application were as follows:

- The nitrate concentration in four of the five wells tested exceeded Maximum Acceptable Concentration (MAC) of 10 mg/L in the Ontario Drinking Water Quality Standards. Additional investigation is required to confirm the viability of the shallow aquifer for private water supply or to identify an alternative water supply source for the Site.
- The shallow overburden aquifer accessed by the water supply test wells is also understood to be the ultimate receiving aquifer for effluent from individual on-site wastewater systems. The receiving aquifer is also understood to be used for water supply by down-gradient dwellings. Analysis of raw water samples from the receiving aquifer demonstrate that there are pre-existing high levels of groundwater contamination by nitrate-nitrogen. Additional investigation is required to confirm the viability of the shallow aquifer for receiving effluent from private, on-site wastewater systems, or to identify an alternative wastewater servicing option for the Site.
- Outlet #3 cannot be considered a legal storm water outlet since the collected drainage will be conveyed directly through private properties via surface drainage rather than to a regulated watercourse. There is no right to discharge via overland flow even if quantity controls are provided

A letter was submitted by the applicant's lawyer on January 27, 2025 requesting that consideration of the zoning bylaw amendment and draft plan of subdivision be deferred until May 13, 2025 so that all comments could be reviewed and considered.

Planning staff recommended that a decision on the application be deferred for up to six months to allow enough time for discussions between staff and technical experts to occur and comments to be addressed.

County Council at the February 11, 2025 meeting, deferred making a decision on the applications until May 13, 2025.

April Submission

On April 11, 2025, the applicant's planner submitted technical memos with the intent to address previous County comments on the following:

- stormwater management;
- hydrogeological assessment; and
- traffic impact assessment

The memo accompanying the submission also proposed that draft plan approval for the entire subdivision proceed with the holding provision being removed for Phase 1, to permit proceeding with the 16 lots in this phase (see Appendix 2 Phasing Plan) and that the holding provision for Phases 2 to 5 remain to address the outcome of the County initiated Scotland and Oakland Master Environmental Servicing Plan (MESP) with conditions of approval included to deal with technical studies upon completion of the MESP Stage 2 Study.

The last submission has been circulated for review and comment. The full set of comments can be found in Appendix 4. The main concerns are as follows:

- Analytical results for nitrate from the site indicate high levels of nitrate. This poses a significant limitation to the site's potential to support residential development. Where health-related ODWQS criteria are not met, the MECP recommends against approval of a development based on individual wells. As nitrate is a health-related parameter, the shallow overburden aquifer underlying the Site should not be developed for individual private water supply. Additional investigation is required to confirm the viability of the proposed development on private services.
- The Assessment has identified that the site cannot sustain private wastewater servicing. Additional investigation is required to confirm a viable wastewater servicing strategy for the proposed development.
- A legal outlet still needs to be provided for Outlet #3. The proposed Storm Water Management (SWM) strategy will infiltrate the 10-year storm but beyond the 10-year storm will outlet to the neighboring lands. A sufficient downstream outlet will be required. The County-led MESP recommends coordination with the neighbouring lands to the south to achieve a legal outlet to the watercourse to the southwest.

Scotland and Oakland Master Environmental Servicing Plan

The County of Brant has initiated a Master Environmental Servicing Plan (MESP) for the communities of Scotland and Oakland. This MESP is being prepared in response to increased interest in community growth in light of Ontario's More Homes Faster Act, 2022, and the County's new Official Plan - A Simply Grand Plan.

The primary objective of this study is to prepare a framework for reasonable and sustainable growth in these communities, informing decisions such as water and wastewater servicing needs, stormwater conveyance, lot sizing, transportation networks and complete community needs. These guidelines are intended to ensure that no adverse impacts are felt by the existing residents.

The first phase of the MESP was brought to the Administration and Operations Committee on February 18, 2025. The findings of phase one indicate that there are existing quality and quantity issues with the groundwater resource, and that further build-out of the community on private water and wastewater servicing with the current minimum lot size provisions of the Zoning By-Law would not meet the Ontario Drinking Water Quality Standard (ODWQS) and may result in further deterioration of the groundwater resource. The report also recommended further evaluation to determine the preferred solutions for water and wastewater servicing, stormwater management and transportation infrastructure to ensure sustainable build-out for the community.

Phase two of the MESP consists of an integrated Master Servicing Plan that will evaluate all potential options for water, wastewater, stormwater, and transportation through the Municipal Class Environmental Assessment (Class EA) process.

The recommendations to proceed with Phase two of the MESP was supported by the Administration and Operations Committee and subsequently approved by Council on February 25, 2025.

Phase two has been initiated and the recommendations are anticipated to be presented to County Council in the summer of 2026.

Report

Analysis

Planning Act R.S.O (1990)

Section 2 of the Planning Act speaks to Provincial interest that is to be considered when reviewing applications. Specifically, the protection of ecological systems and the orderly development of safe and healthy communities are considered as part of this policy review.

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

Section 51(24) of the Planning Act provides policy direction to be considered when reviewing Subdivision Applications.

This Zoning By-Law Amendment application and Draft Plan of Subdivision application has had regard for Section 34(10) of the Planning Act and has had regard for Section 51(24) of the Planning Act.

The 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.

Provincial Policy Statement (2024)

The Provincial Planning Statement, 2024 (PPS, 2024) replaced the Provincial Policy Statement, 2020 and the Growth Plan for the Greater Golden Horseshoe in October 2024. The PPS, 2024 is a planning document that guides land use planning and development within the Province of Ontario. Pursuant to Section 3 of the Planning Act, any decision by a land use planning authority that “affects a planning matter” and is made as of or after the date the PPS 2024 comes into force must be consistent with the PPS 2024.

Section 2.1.4 states that planning authorities to provide for an appropriate range and mix of housing options and densities required to meet projected requirements of current and future residents shall maintain at all times the ability to accommodate residential growth for a minimum of 15 years through lands which are designated and available for residential development. Section 2.3.1 further states that settlement areas shall be the focus of growth and development.

The proposed draft plan of subdivision and zoning bylaw amendment application proposes an additional 77 dwelling units within a settlement area.

Section 3.6.1b).3 and 4 states that planning for sewage and water services shall protect human health and safety, and the natural environment, including the quality and quantity of water and that it aligns with comprehensive municipal planning for these services.

Section 3.6.8 states that planning for stormwater management shall align with any comprehensive municipal plans for stormwater management that consider cumulative impacts of stormwater from development on a watershed scale.

Furthermore, Section 4.2.1 states that planning authorities shall protect, improve or restore the quality and quantity of water by minimizing potential negative impacts, including cross-jurisdictional and cross-watershed impacts and implementing necessary restrictions on development to protect all municipal drinking water supplies.

There are outstanding concerns related to water quality and the safety for residents of the proposed subdivision and those downstream. The County of Brant has initiated a Master Environmental Servicing Plan (MESP) for the communities of Scotland and Oakland. The MESP is being prepared in response to increased interest in community growth within these settlement areas.

The primary objective of this study is to prepare a framework for reasonable and sustainable growth in these communities, informing decisions such as water and wastewater servicing needs, stormwater conveyance, lot sizing, transportation networks and complete community needs. These guidelines are intended to ensure that no adverse impacts are felt by the existing residents. The study will assist with aligning the goals of the County's 2023 Official Plan for these areas and ensuring a comprehensive municipal planning approach.

The request to rezone and subdivide the subject lands is not appropriate due to outstanding concerns related servicing (water, wastewater and stormwater). It has not been demonstrated that the proposal creates no negative impacts related to these key issues and therefore the proposal is not consistent with the policies of the Provincial Planning Statement.

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 New 2023 Official Plan, 'A Simply Grand Plan', was adopted by County of Brant Council on May 30, 2023. The plan was approved by the Ministry of Municipal Affairs and Housing on October 18, 2024. However, the transition provisions provided in the New Official Plan (Section 1.5.1) indicate that all applications deemed complete prior to Provincial Approval of the New Official Plan shall be reviewed under policies of the 2012 County of Brant Official Plan. As this application was received and deemed complete prior to provincial approval of the New 2023 Official Plan, the subject application will be reviewed under the 2012 Official Plan. Furthermore, the applicant has not requested that the application be considered under the County's New 2023 Official Plan.

Land Use Designation

The eastern portion of the property is designated Suburban Residential and is within the Secondary Urban Settlement Area of Scotland (see Figure 2). The eastern lands are the focus of the Draft Plan of Subdivision and Zoning By-law amendment applications.

The western portion of the subject lands are designated Agriculture and are outside of the Secondary Urban

Settlement Area of Scotland. The applicant intends on maintaining these lands for agricultural purposes.

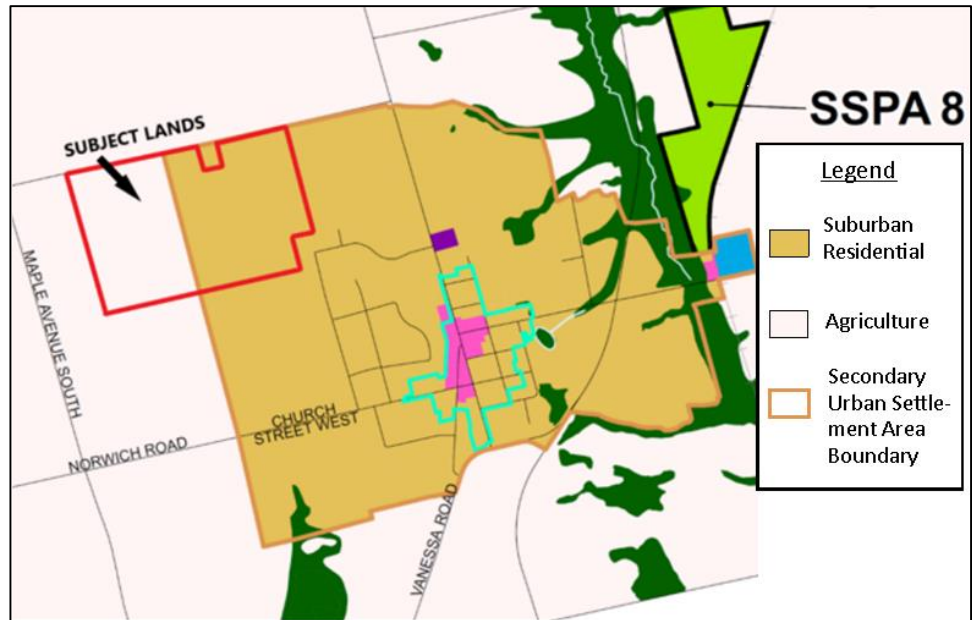


Figure 1 Official Plan 2012 Designations

Secondary Urban Settlement Area

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.

The subject lands are not considered to be within the 'built-up' area for the Secondary Urban Settlement Area of Scotland.

- 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 and subdivide the subject lands for approximately 77 residential lots, seeks to permit a significant amount of growth, proposed on private services within the Secondary Urban Settlement Area of Scotland. County staff are of the opinion that the current development proposal poses significant risks to the protection of water, environment, and human health.

The studies as submitted concluded high levels of nitrate and proposes development on individual wells. The MECP recommends against approval of development as proposed in this manner, as there are significant human health related risks. The

outcome of the MESP will help to identify the appropriate path forward to developing the subject lands.

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 subject lands is considered to be outside of the existing built up area, and is therefore, by definition, not considered small scale intensification. Appropriate servicing systems are being investigated by the County through the MESP and given the findings of the studies for the subject applications, the development is not appropriate until servicing can be appropriately addressed.

e. New residential development that is located outside the built boundary/built-up area may be subject to the preparation and approval of an Area Study, in accordance with Section 2.2.4 of this Plan.

The rural settlement areas of Scotland and Oakland have a lot of land designated for future residential development. The MESP is focusing at an area study scale, taking into account proposed development applications and the lands that are intended to accommodate growth. The study will require all current and future development plans to be consistent with and conform to the outcome of the study.

g. All development shall be consistent with and guided by the Servicing System policies in Section 5.2 of this Plan.

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 community of Scotland is intended to rely solely on private services at this time. As the 2012 and 2023 Official Plans for the County intend on accommodating growth in this area, the MESP has been initiated to best understand options for servicing the growth.

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.

The request to remove the Holding Provision (H) from Phase 1 is not appropriate at this time, as there are significant health related concerns that need to be addressed.

h. All development, redevelopment, and intensification shall take into account existing building stock and the availability of suitable existing or planned infrastructure and public service facilities to accommodate projected needs.

County staff have significant concerns with the findings of the Hydrogeological report and the level of nitrates in the water. The health of existing and future residents is also further at risk should this development proceed, as such the findings of the studies do not support private servicing.

As noted above, all current and future applications in Oakland and Scotland will need to conform to the recommendations and outcome of the MESP.

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;

The proposal seeks to establish low density single detached lots which is similar to the existing built area. There is no minimum density target for the subject lands as the intent of the Official Plan is for the subject lands to be serviced by private means.

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 application is proposing to meet the provisions of the Suburban Residential Zoning. There are minimal dwelling lots adjacent to the subject lands but the ones that abut the proposed subdivision are primarily adjacent to the stormwater management pond. Only the rear yards of a limited number of existing dwelling lots abut the rear yards of proposed dwelling lots. With rear yard setback requirements, this will ensure that the height and massing of the proposed dwellings do not impact the existing dwellings.

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;

A Traffic Impact Study was prepared and determined that the site-generated traffic will not adversely affect the roads in the area, the traffic volumes on Thirteenth Concession Road and Simcoe Street will not require left turning lanes, and that the proposed site accesses are safe for egress.

Water and wastewater servicing of the site is of concern by County staff for the health and safety of existing and future residents of the area.

iv. the proposed development project shall be adequately serviced by parks and educational facilities;

The subject lands are serviced by existing amenities provided by Scotland Optimist Park & Community Centre, Scotland Branch Library and Commercial uses, Oakland Scotland Public School. It has been noted from the school board that the schools in the area are at capacity. This will need to be considered in the overall community plan for the Scotland/Oakland area.

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;

Adjacent uses consist mostly of agricultural fields and minimal residential development. Landscaping of the subdivision would be addressed at final approval, once all comments have been addressed.

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. Private septic and well are proposed as the means of servicing the development. County staff are of the opinion that the current development proposal poses risks to human health as the nitrate levels exceed provincially acceptable levels.

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 hydrogeological report submitted and peer reviewed on behalf of the County confirms that additional investigation is required to confirm the viability of the shallow aquifer for receiving effluent from private, on-site wastewater systems, or to identify an alternative wastewater servicing option for the proposed development.

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.

A stormwater management report was prepared in support of the proposed development and peer reviewed on behalf of the County. A number of concerns have been raised that need to be addressed. One major concern is that a legal outlet still needs to be provided for Outlet #3. The proposed SWM strategy will infiltrate the 10-year storm but beyond the 10-year storm will outlet to the neighboring lands. A

sufficient downstream outlet will be required. The County-led MESP recommends coordination with the neighbouring lands to the south to achieve a legal outlet to the watercourse to the southwest.

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.

At this time, given that the submission of complete application was accompanied with some inadequate studies, which require further revisions and updated, the request to change the zoning on the subject lands from Agricultural (A) to Suburban Residential (SR) for 77 residential lots, does not conform with the Official Plan. It is not appropriate to determine zoning until the lot configuration, including environmental setbacks and servicing options has been determined.

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 request to remove the Holding Provision (H) from Phase 1 is not appropriate at this time, as there are significant health related concerns that need to be addressed.

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

The applicants are proposing a road network which they intend to be assumed and maintained by the County.

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 community of Scotland is currently identified to have no municipal services (water, sanitary, storm). As noted, all current and future applications in Oakland and Scotland will need to conform to the forthcoming recommendations and outcome of the MESP.

Based on the review of the applicable Official Plan policies, the proposed applications do not conform to the policies of the County of Brant Official Plan 2012.

County of Brant Zoning By-Law 61-16

The subject lands are currently zoned Special Exception Holding Suburban Residential (h-33-SR) within the County of Brant Zoning By-Law 61-16. The zoning of the subject lands was put into effect through an OLT decision on September 20, 2023 to rezone the lands from Agricultural (A) Zone to Special Exception Holding Suburban Residential (h-33-SR).

The suburban residential zone permits single detached dwellings. The zone requirements in Table 9.2.1 are as follows:

Zone Provisions	Partial Services	Private Services
Lot Area, Minimum (sq. m)	1000	3000
Lot Frontage, Minimum (metres)	20.0	30.0
Street Setback, Minimum (metres)	7.5	7.5
Interior Side Yard Setback, Minimum (metres)	1.5	1.5
Rear Yard Setback, Minimum (metres)	7.5	7.5
Lot Coverage, Maximum	30%	30%
Landscaped Open Space, Minimum	30%	30%
Building Height, Maximum (metres)	10.5	10.5

Removal of Holding Provision (h)

The zoning of the subject lands includes a Holding on all the lands. The applicant has requested that the Holding Provision be removed for Phase 1 of the development.

The special exception states that the holding shall not be removed until a number of conditions are completed to the satisfaction of the County. The conditions in summary are as follows:

- a) That the applicant attend and participate in a pre-consultation meeting with County staff to determine applicable application requirements;
- b) That an application for a Plan of Subdivision be submitted and deemed complete;
- c) That the Draft Approved Plan of Subdivision demonstrate the implementation of appropriate phasing for development within the context of the existing infrastructure and the established built boundary/ built up area, and for servicing specifically, the availability and ability to provide full or partial municipal services (water, sanitary, storm) for an alternative thereto including, but not limited to, private water and wastewater services
- d) That the Draft Approved Plan of Subdivision achieves a structure of complete communities, through an efficient, compact, connected and coordinate development pattern with a range of housing types/uses where appropriate.

Clause C has not been satisfied to the satisfaction of County of Brant staff as the development has not adequately addressed servicing for the subject lands, therefore it is not appropriate to remove the holding on Phase 1.

Public Consultation

A public meeting to provide information on the applications and receive feedback from the public was held on July 9, 2024. All of the written comments received on the applications are included in Appendix 5. To summarize, the public comments expressed concerns with the following:

- Road capacity to handle the increase in traffic;
- Sewer and water capacity;
- Need for increased amenities as a result of the increase in homes;
- Loss of small towns;
- Increase in crime with new residents coming from larger cities;
- Water runoff accumulation;
- Impacts on drinking water;
- Availability of water supply;
- Increase in noise due to vehicular and pedestrian traffic;
- Loss of farmland to development;
- Increased risk of road safety;
- Impacts of the development on the surrounding fields and crops;
- Capacity of the education system to accommodate increase in residents;
- Lack of public transit;
- Increase in garbage;
- Quality of new home construction

Comments from the public have been taken into consideration when reviewing and preparing this recommendation report.

Internal Staff and External Agency Comments

The attached comment tracker provides a list of all outstanding comments from internal and external commenting agencies.

There are major concerns from County staff and confirmed through the peer review of the studies with regards to private water and wastewater servicing of the proposed development and the impacts on the surrounding communities.

Summary

Planning staff are of the opinion that the proposal to change the zoning on the subject lands from 'Special Exception Holding Suburban Residential (h-33-SR)' to the 'Suburban Residential 'SR', and 'Open Space (OS1)' zones to facilitate the creation of 77 single detached lots, a park block, storm water management block and multiple walkway blocks is not appropriate and does not represent good planning, as there are significant private servicing concerns that pose risks associated with the protection of water, environment, and human health

County staff recommend that the applicant align the Subdivision plan with the findings of the Master Environmental Servicing Plan to ensure that the site-specific servicing (water, wastewater and stormwater) and transportation planning align with the long term goals for full buildout of the community.

Attachments

1. Proposed Draft Plan of Subdivision
2. Proposed Phasing Plan

3. Proposed Zoning Bylaw Map
4. Comment Tracker with Peer Review Comments
5. Public Comments

Reviewed By

1. Jeremy Vink, Director of Planning
2. Rob Walton, General Manager – Operations
3. David Mellor, General Manager - Operations
4. Andrea Bazzard, Director, Environmental Services
5. Don Cunningham, Director of Development Engineering
6. Alysha Dyjach, General Manager of Development Services

Copied To

1. Sunayana Katikapalli, Director of Council Services, Clerk
2. Nicole Campbell, Planning Administrative Assistant
3. Applicant/Agent/Owner

By-law and/or Agreement

By-law Required	No
Agreement(s) or other documents to be signed by Mayor and /or Clerk	No