Recommendation:

Subject to the review of objections and submissions arising from the public hearing:
That the Bruce County Official Plan Amendment BCOPA 236-18.34 be approved; and.
That the necessary By-law be forwarded to County Council for adoption.

Executive Summary:

The subject lands are located at municipal address 496 Lake Rosalind Road 4. The lands proposed to be developed are located at the end of Lake Rosalind Road 4 on the southwest side across the road from the lake.

The application proposes to:
Sever the land into two parcels and build two dwellings. Currently, only a storage building is located on the proposed most northwesterly lot. The proposed development involves three applications:

- **Official Plan Amendment** to re-designate the cleared portion of the lot from ‘Hazard Land’ to ‘Inland Lake Residential’ as per the SVCA’s recommendation on the Hazards present on-site. Also, the amendment will reduce the required lot size from 8,094 m$^2$ to 3,140 m$^2$.

- **Zoning Amendment** application to rezone a portion of the existing lot, which is cleared of trees, from ‘Environmental Protection’ to ‘Inland Lake Residential’ which will mirror the proposed Official Plan Amendment. Additionally, the zoning will recognize proposed setback deficiencies; require a Level IV treatment unit and a Type A dispersal bed (commonly referred to as a tertiary septic system); require a lot grading and drainage plan and put the property under site plan control.

- **Consent** application to create a new lot which will facilitate the construction of two dwellings - one on the severed lot and one on the retained lot.

The application was sent to an information meeting at the Municipality of Brockton Council on April 23, 2019 where the planner heard several concerns from neighbours including:
Capacity for joining the municipal water system;
Stormwater run-off;
On-site sewage disposal;
The adjustment of the hazard boundaries;
Tree retention;
The ease of which we are changing the ‘Hazard lines’; and
Potential use as neighborhood landfill site in the past.

Background:
The area of the lot is 0.773 ha. It is relatively long in frontage (152 m) along the roadway and narrow in depth (46 m). Most of the lot is wooded and slopes toward Lake Rosalind. The land is separated from Lake Rosalind by the public road and the tier of lots immediately abutting the lake.

There is a small area of the lot that is cleared of trees - the cleared area is approximately 20 m in depth and 78 m in frontage along Lake Rosalind Rd 4 and comprises an area of 1,560 m². There is an existing storage shed, built by way of a Minor Variance, located at the northerly end of the cleared area.

Residential / cottage development exists to the east and north, fronting onto Lake Rosalind. Lake Rosalind Rd 4 is an asphalt paved, two-way, dead-end road that is 1125 m in length and ends in a turning circle immediately to the north of the subject lands. A public access to the waterfront exists approximately 260 m from the site.

Description of Proposal

Total existing land area: 7,730 m²
Floor Area of existing storage shed: 94 m² (11 m x 8 m)

- Proposed development
  - 2 detached dwellings, bungalow
  - Floor area: 132 m² (10.4 x 12.8) and 148.6 m² (12.2 x 12.2)
  - Servicing: municipal water and private (tertiary) septic system
    - The shed on the retained already has a meter in it, so the proposed dwelling will be able to utilize that connection. The Planner has received confirmation from Veolia Water that connection to the municipal water system for the severed lot is also possible.

- Consent application:
  - Area of the property: 0.773 ha (7,730 m²)
  - Retained lands (lands to the northwest): 4059 m²
  - Building envelope on the retained lot: 650 m²
  - Severed lands (parcel to the southeast): 3140 m²
  - Building envelope on the severed lands: 165 m²
Provincial Interests

Under Section 3(5) of the Planning Act, the Municipality of Brockton “shall be consistent with” matters of provincial interest as set out in the Provincial Policy Statement (PPS).

The PPS at Section 1.1.5., indicates that resource-based recreational uses including recreational dwellings are permitted. Development that is compatible with the rural landscape and can be sustained by rural level of services is promoted. Development should be appropriate to the infrastructure which is planned or available and avoided where it requires uneconomic expansion of infrastructure. Agriculture and other resource related uses should be protected. Compliance with the minimum distance separation formula is required.

Comment:
The proposal to develop the subject lands with a severance that would permit two dwellings (and an additional garage) can be sustained with the services available and does not compromise agricultural resources nor does it conflict with the MDS formulae. The application is consistent with the PPS.

An overview of the PPS policies is provided in the appendices.
**County Official Plan**

The Bruce County Official Plan designates the subject lands ‘Hazard Land Area’ and ‘Inland Lake Residential (LR)’.

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<td><strong>Hazard Land Area</strong> permitted uses are restricted to conservation, forestry, wildlife areas, and passive recreation. Only uses which do not impair ecological processes and environmental features will be permitted. Generally, new residential development is prohibited.</td>
<td>The area designated ‘Hazard Land Area’ is proposed to be amended to more accurately reflect the site conditions and actual hazards present.</td>
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<td><strong>Inland Lake Residential</strong> policies recognize existing development around several inland lakes. New development generally takes the form of residential infill in areas already sustainably developed or the rounding out of existing development. The existing built-up area should not be significantly expanded.</td>
<td>The area designated ‘Inland Lake Residential’ is set to be expanded in the wake of the change to the ‘Hazard Land Area.’ This will permit the construction of two dwellings on the site.</td>
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<td>The boundaries of lands designated as ‘Hazard Land Area’ are accepted as being flexible to some extent. The limits are determined through consultation with Conservation Authorities and by site inspection and evaluation (section 5.8.7.1)</td>
<td>The SVCA did a site visit and conferred their findings in the letter attached to this report.</td>
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| “… new development shall not be permitted unless it can be proved that the inland lake can sustain the level of development proposed without suffering undue environmental degradation”. | Through the requirements of:  
  - Site plan control, which can deal with tree retention  
  - A lot grading and drainage plan, which will deal with the stormwater  
  - The requirement for a Level IV treatment unit and a Type A dispersal bed (commonly referred to as a tertiary septic system); and  
  - Confirmation from Veolia Water that connection to the municipal water system is available. |
The Planner feels the potential for undue environmental degradation is being adequately mitigated.

The consent policies for non-waterfront lots require a minimum area of 8,094 sq m.

The severed and retained lots are proposed to be 3140 m² and 4059 m² respectively. One of the main reasons the Official Plan requires minimum lot sizes in the Inland Lakes designation is to ensure the proper area for a sewage treatment system and/or a well. The Planner feels that the applicant has addressed these concerns by voluntarily agreeing to put a tertiary sewage disposal system on both the severed and retained for the new development and confirming water connection is available.

The proposed amendment is consistent with the intent and purpose of the County Official Plan.

Zoning by-law

An application has been made to rezone the subject lands which is proposed to include:
- A portion of the ‘Environmental Protection Special (EP-10)’ is proposed to be rezoned to ‘Inland Lake Residential Special’ which will mirror the proposed Official Plan Amendment;
- Recognize proposed setback deficiencies in the front yard;
- Require a Level IV treatment unit and a Type A dispersal bed (commonly referred to as a tertiary septic system);
- Require a lot grading and drainage plan to the satisfaction of the Chief Building Official; and
- Put the property under site plan control.

Agency Comments

Saugeen Valley Conservation Authority:

- SVCA staff note that based on the updated proposal, as received by Bruce County Planning dated December 20, 2018, all proposed buildings, and sewage disposal systems will be located outside of the proposed EP-10 zone.
- We note that all site grading and alteration should also occur outside of the EP-10 zone, and that site alteration and grading within the EP-10 zone may not be acceptable to SVCA staff.
• Bruce County Planning Department was provided with the following map, which is what we have based our boundaries of the proposed Official Plan Amendment and Zoning By-law Amendment on:

Municipality of Brockton:
• If the applicant is able to maintain a minimum of 5 m to front lot line I would not have an objection to his application. Just to be clear the minimum setback of 5 m would apply to both lots. A greater setback would be encouraged, it they are able to stay out of the EP zone. The proposal should be subject to Site Plan approval.
Historic Saugeen Metis:
- no objection or opposition to the proposed development

Bruce- Grey Catholic District School Board
- no comments

Public Comments
The application was sent to an information meeting at the Municipality of Brockton Council on April 23, 2019 and received four letters attached in Appendix D, one of which is from the Lake Rosalind Property Owners Association Board of Directors where the Planner heard several concerns from neighbours including:

- Capacity for joining the municipal water system;
- Stormwater run-off;
- On-site sewage disposal;
- The adjustment of the hazard boundaries;
- Tree retention;
- Size of the lot; and
- Potential use as neighborhood landfill site in the past.

The Planner feels that these concerns have been adequately addressed by the applicant and the requirements for:
- Site plan control, which can deal with tree retention
- A lot grading and drainage plan, which will deal with the stormwater
- The requirement for a Level IV treatment unit and a Type A dispersal bed (commonly referred to as a tertiary septic system); and
- Confirmation from Veolia Water that connection to the municipal water system is available.

Further to addressing the concerns, the Hazard designation in the Official Plan is meant to reflect actual hazards including, but not limited to, flooding, erosion, wetlands, etc. It is known that when we create designations and zones, we are operating at a macro level and that a micro approach, using on-site visits, can more accurately reflect the hazards present on the property. Therefore, the applicant engaged SVCA for a site visit and the Plan is being updated to reflect the SVCA’s interpretation of the Hazard boundaries to more accurately reflect the subject lands. The portion of the site that is cleared of trees is not characteristic of a Hazard. There is no apparent risk to development or human activity and the development of the land as proposed would not impact the environmental feature. As a department, and through direction from the Bruce County Official Plan, we defer to SVCA’s expertise in this matter.

The area of the lot is 0.773 ha. It is relatively long in frontage (152 m) along the roadway and narrow in depth (46 m). Most of the lot is wooded and slopes toward Lake Rosalind. The land is separated from Lake Rosalind by the public road and the tier of lots immediately abutting the lake. The minimum area required for a lot not located on the waterfront is 8,094 m² and the severed and retained lots are proposed to be 3140 m² and 4059 m² respectively. One of
the main reasons the Official Plan requires minimum lot sizes in the Inland Lakes designation is to ensure the proper area for a sewage treatment system and/or a well. The Planner feels that the applicant has addressed these concerns by voluntarily agreeing to put a tertiary sewage disposal system on both the severed and retained for the new development and confirming water connection is available.

Both the County and Municipality have reviewed records regarding the potential landfill site and have no records to indicate this was the case.

**Planning Analysis and Comments:**

The proposal is consistent with the Provincial Policy Statement and compatible with the rural landscape. The proposed development is appropriate to the infrastructure and services that are available to the site. Agricultural resources are not affected and there is compliance with the minimum distance separation formulae.

Staff consider the proposed development to be in conformity with the general intent and purpose of the Official Plan for the following reasons:

- Minor adjustments to the Hazard Land Area boundaries to better reflect the on-site environmental characteristics are permitted;
- Only uses which do not impair ecological processes and environmental features will be permitted;
- There is no apparent risk to development or human activity and the development of the land as proposed would not impact the environmental feature; and
- The Conservation Authority is satisfied that the non-treed area is not ‘Hazard Land’.

**Financial/Staffing/Legal/IT Considerations:**

Potential Appeal to Local Planning Appeals Tribunal

Written by:
Dana Kieffer, M.Sc.
Planner, Planning and Development
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