

PLANNING ADVISORY COMMITTEE

County Council Chambers
7 Broadway Street West
Wednesday, March 17, 2010
7:00 p.m.

Present: Mayor Eddy, Councillors Schmitt, Wheat, Simons, Powell, Atfield, Chambers, Hodge, Coleman and Gatward

Regrets: Councillor Haggart

Staff: Pomponi, Stone, Davidson and Boyd

Councillor Schmitt in the Chair.

APPROVAL OF AGENDA

Moved by – Councillor Coleman
Seconded by – Councillor Hodge

That the Planning Advisory Committee agenda and addendum for March 17, 2010 be approved, with an addition to discuss the proposed development for 874 Mount Pleasant Road (Tuczynski) under 'Other Business'.

.Carried

MINUTES

Moved by – Councillor Wheat
Seconded by – Councillor Powell

That the Planning Advisory Committee minutes of February 17, 2010 be approved as printed.

.Carried

PUBLIC HEARINGS UNDER THE PLANNING ACT

1. **ZBA 1/10/MD – PART LOT 6, CONCESSION 3, GEOGRAPHIC TOWNSHIP OF BRANTFORD (LEHMANN, 385 ROBINSON ROAD)**

In the matter of an application from Snodgrass Consulting Services, agent for Anna Lehmann, applicant and owner of Part Lot 6, Concession 3, County of Brant in the geographic Township of Brantford, located at 385 Robinson Road to rezone the subject lands from Agricultural (A) to Estate Residential (ER) and Estate Residential with a special exception to recognize an existing oversized accessory structure.

Marcus Davidson, Senior Planner, stated that notice of this application was given pursuant to Section 34 of the Planning Act, R.S.O. 1990, as amended. He reviewed the application and comments submitted, noting no agency concerns but one letter of objection, which was distributed with the addendum. Staff recommends approval of the application.

Howard Snodgrass, Snodgrass Consulting Services, Agent, reviewed the history of this application, highlighting that the subject land is a 12-acre parcel, which is designated Estate Residential and was severed from a larger agricultural property approximately five years ago. At the time of the original severance, part of the justification was that both parcels could continue as viable agricultural properties, however the property was split along the designation lines, recognizing this as a long-term possibility. The owner is now desirous of discontinuing the agricultural use. He reviewed that four lots can be situated on the subject land in a fashion that meets all agency requirements, while retaining the existing accessory structure and the existing residence. Mr. Snodgrass expressed the opinion that this application is consistent with municipal and Provincial planning documents.

In response to a question regarding storm water management, Mr. Snodgrass noted that the engineer's plan has not yet been finalized, but it is anticipated that existing flows can be maintained through the creation of swales along the property line.

Members of the Public

Karen Thomson, 394 Robinson Road, expressed frustration with ongoing construction across the street from her residence and suggested that with the retained lands being cut off from other agricultural uses, they would likely be subject to a future development application. She outlined concerns regarding the removal of prime agricultural land from production and suggested that given MMM Group's recommendations pertaining to the surplus of designated residential land in the County and many lots within the Highland Estates subdivision still available, there is no need for further residential development and deterioration of the agricultural / country landscape. Ms. Thomson questioned the County's decision to reduce the speed limit on this road, which is now instrumental in allowing this development's entrances to meet sight line requirements. She further expressed concern about the potential impact on water supply.

Allan Thomson, 394 Robinson Road, noted that when he asked County staff about the original severance that was granted to create the 12-acre parcel, he was advised that this would no longer be permitted. He expressed concern about the change in land use from agricultural to residential and suggested that allowing additional properties would only contribute to increased traffic problems.

Vincent Geerdinck, 4 Highland Drive, expressed concern about "washouts" that occur from the driveway of the subject land, impacting both Robinson Road and Cleaver Road and suggested that development on the subject lands would exacerbate the problem. He questioned the need for this residential development, given an abundance of lots still available in Highland Estates. Mr. Geerdinck also questioned the intended use for the oversized accessory structure, expressing concern that a possible business / scrap yard use could be established. He noted that several homeowners in the area have requested and been turned down for oversized accessory structures.

John Smailes, 6 Highland Drive, expressed concern about the potential use of the accessory structure and the proposed future use of the retained lands.

Representative for Owner of 390 Robinson Road, expressed concern about the extent of development and impact on natural landscape that has occurred. He also expressed concern about potential erosion and storm water runoff.

Howard Snodgrass, Snodgrass Consulting Services, Agent, reviewed that when the subject lands were designated Estate Residential, they became subject to inherent development rights. He noted that the intent of establishing limited, restrictive estate residential designations throughout the County was to protect the agricultural community from sporadic residential development. Mr. Snodgrass stated that although the retained lands could be subject to a future development application, no such instructions have been received from the applicant.

With respect to the speed limit reduction, Mr. Snodgrass noted that a petition was circulated and presented to the County on the basis of enhancing road safety and a need to meet sight line requirements for existing entrances. It was not approved on the basis of development.

With respect to concerns about water supply, Mr. Snodgrass noted that the greenhouse use formerly on the site was a high water consumer and did not affect aquifer levels. Water supplies will be demonstrated for each lot as a condition of severance approval.

With respect to concerns regarding storm water management, Mr. Snodgrass advised that he would review this matter with the project engineer and see if anything can be done to alleviate concerns about existing conditions.

With respect to the existing accessory structure, Mr. Snodgrass noted that its potential uses would be limited to those permitted in the Estate Residential zone. Such structures are typically used for the storage of vehicles, implements and other amenities. No business / scrap yard uses are proposed or permitted.

Karen Thomson, 394 Robinson Road noted that her real estate agent advised that the surrounding lands were zoned for agricultural use when she purchased the property. She expressed the opinion that the greenhouse could provide a reasonable income for a farm family.

Committee Consideration

Councillor Chambers expressed concern about the potential for piece-meal development, resulting in consecutive 4 or 5-lot developments and asked for clarification on the County's ability to require a Plan of Subdivision. In response, the Senior Planner noted that although not as robust as the typical conditions of a Plan of Subdivision, the conditions attached to the severances address the key agency and County concerns for this type of development. Councillor Chambers asked if conditions related to stormwater management, water supply, entrances, etc. could be incorporated into the zoning by-law amendment. The Chief Planning Official responded that under the Planning Act, such conditions are permitted, however for this application, they are already imposed as conditions of severance approval. If the conditions cannot be met (i.e. water supply cannot be demonstrated), the deeds will not get stamped and the development does not move forward.

Mayor Eddy suggested that development of a lot with a driveway sloping down to the road should be conditional upon that driveway being paved and that all driveways should be required to have a turn-around area to avoid vehicles backing into traffic.

Councillor Coleman requested information on the elevations of the subject lands. Concerns were raised about the potential for the grading on the subject lands to impact storm water flow on adjacent properties.

Moved by – Councillor Gatward
Seconded by – Councillor Atfield

That application ZBA 1/10/MD from Snodgrass Consulting Services, agent for Anna Lehmann, applicant and owner of 385 Robinson Road, Part Lot 6, Concession 3, County of Brant in the geographic Township of Brantford to rezone the subject lands from Agricultural (A) to Estate Residential (ER) and Estate Residential with an exception to recognize an existing oversized accessory structure **BE TABLED**, with a request that the application be reviewed in terms of water supply, storm water management and zoning of the retained parcel.

.Carried

2. **ZBA 8/10/MD – PART LOT 5, CONCESSION 5, GEOGRAPHIC TOWNSHIP OF BURFORD (BASKEY/HOWARD, 85 FIFTH CONCESSION ROAD)**

In the matter of an application from Cheryl Baskey / Robin Howard, applicants for Part Lot 5, Concession 5, County of Brant in the geographic Township of Burford, located at 85 Fifth Concession Road. The applicant proposes to extend the temporary zoning on the subject lands to permit a garden suite for another three years.

Marcus Davidson, Senior Planner, stated that notice of this application was given pursuant to Section 34 of the Planning Act, R.S.O. 1990, as amended. He reviewed the application and comments submitted, noting that no objections were received. Staff recommends approval of the application. In response to a question, Mr. Davidson confirmed that the applicants may seek further extensions every three years, if circumstances warrant.

Robin Howard, Applicant – advised that the garden suite continues to be occupied by his parents.

Members of the Public – none.

Committee Consideration

Moved by – Councillor Coleman
Seconded by – Councillor Hodge

That application ZBA 8/10/MD from Cheryl Baskey and Robin Howard, applicants for 85 Fifth Concession Road, Part Lot 5, Concession 5, County of Brant in the geographic Township of Burford to extend the temporary Agricultural zoning (T-A-1-5-4-2009) on the subject lands to permit a garden suite for another three (3) years **BE APPROVED**.

.Carried

3. **ZBA 10/10/MD – PART LOT 7, CONCESSION 3, GEOGRAPHIC TOWNSHIP OF BRANTFORD (YOUNG BROTHERS FARMS, ROBINSON ROAD)**

In the matter of an application from Snodgrass Consulting Services, agent for Young Brothers Farms Ltd., applicant and owner of Part Lot 7, Concession 3, County of Brant in the geographic Township of Brantford, located on Robinson Road to rezone the subject lands from Agricultural (A) to Estate Residential Type One (ER1) to satisfy conditions of Consent Applications B9/09/MD and B10/09/MD.

Marcus Davidson, Senior Planner, stated that notice of this application was given pursuant to Section 34 of the Planning Act, R.S.O., 1990, as amended. He reviewed the application and comments submitted, noting that no objections were received. Staff recommends approval of this application.

Howard Snodgrass, Snodgrass Consulting Services, Agent, reviewed this application, noting that there are no stormwater management issues related to this site and that water supply has been demonstrated.

Members of the Public – none.

Committee Consideration

Moved by – Councillor Hodge
Seconded by – Councillor Coleman

That application ZBA 10/10/MD from Snodgrass Consulting Services, agent for Young Brothers Farms Ltd., applicant and owner of Part Lot 7, Concession 3, County of Brant in the geographic Township of Brantford, located on Robinson Road to rezone the subject lands from Agricultural (A) to Estate Residential Type One (ER1) **BE APPROVED**.

.Carried

4. **ZBA 9/09/MD & PS 4/09/MD – LOT 18, CONCESSION 4, GEOGRAPHIC TOWNSHIP OF BRANTFORD (331 OAKHILL DRIVE)**

In the matter of applications from Ken Gonyou, Taro Planning & Development Inc., agent for 1683115 Ontario Inc., applicant and owner of Lot 18, Concession 4, County of Brant in the geographic Township of Brantford, located at 331 Oakhill Drive to rezone a portion of the subject lands from Institutional (I) to Village Residential Type One (VR1) and to enter into a residential plan of subdivision for fifteen (15) single detached homes.

Marcus Davidson, Senior Planner, stated that notice of this application was given pursuant to Sections 34 and 51 of the Planning Act, R.S.O. 1990, as amended. He reviewed the application and comments submitted, noting that no objections were received. Staff recommends approval of this application.

With respect to Minimum Distance Separation (MDS) requirements, Mayor Eddy requested confirmation, in writing, that the livestock operation to the east of the subject lands does not object to exempting this application from MDS Calculations.

Ken Gonyou, Taro Planning & Development Inc., Agent, indicated that the livestock operator to the east has verbally stated no objections to the development. He concurred with staff's recommendation and the proposed conditions.

Members of the Public – none.

Committee Consideration – In response to a question, Mr. Davidson reviewed that the existing livestock operation in question is already restricted from expansion due to its proximity to development to the south.

Moved by – Councillor Gatward
Seconded by Councillor Powell

That application ZBA 9/09/MD from Ken Gonyou, Taro Planning & Development Inc., agent for 1683115 Ontario Inc., applicant and owner of 331 Oakhill Drive, Part Lot 18, Concession 4, County of Brant in the geographic Township of Brantford to rezone a portion of the subject lands from Institutional (I) to Village Residential Type One (VR1) to permit the redevelopment of the subject lands for a residential plan of subdivision **BE APPROVED**;

And that application PS 4/09/MD from Ken Gonyou, Taro Planning & Development Inc., agent for 1683115 Ontario Inc., applicant and owner of 331 Oakhill Drive, Part Lot 18, Concession 4, County of Brant in the geographic Township of Brantford for approval of a Draft Plan of Subdivision for fifteen (15) residential units **BE APPROVED**, subject to conditions.

.No Vote – Amendment follows

Moved by – Councillor Coleman
Seconded by – Councillor Simons

That application ZBA 9/09/MD (331 Oakhill Drive) be conditional upon receiving written confirmation from the owner of the livestock operation to the east, agreeing to exempt the rezoning application from Minimum Distance Separation (MDS) requirements.

.Carried

Chair Schmitt then presented the following motion, as amended:

That application ZBA 9/09/MD from Ken Gonyou, Taro Planning & Development Inc., agent for 1683115 Ontario Inc., applicant and owner of 331 Oakhill Drive, Part Lot 18, Concession 4, County of Brant in the geographic Township of Brantford to rezone a portion of the subject lands from Institutional (I) to Village Residential Type One (VR1) to permit the redevelopment of the subject lands for a residential plan of subdivision **BE APPROVED** conditional upon receiving written confirmation from the owner of the livestock operation to the east of the subject lands, agreeing to exempt the rezoning application from Minimum Distance Separation (MDS) requirements;

And that application PS 4/09/MD from Ken Gonyou, Taro Planning & Development Inc., agent for 1683115 Ontario Inc., applicant and owner of 331 Oakhill Drive, Part Lot 18, Concession 4, County of Brant in the geographic Township of Brantford for approval of a Draft Plan of Subdivision for fifteen (15) residential units **BE APPROVED**, subject to the following conditions:
(recommendation continued on Page 7)

1. That at the time of registration, the owner/developer conveys Blocks 17 and 18 (0.3 metre reserve) to the satisfaction of the County of Brant, at the expense of the developer;
2. That at the time of registration the owner/developer conveys Blocks 19, 20 and 21 (daylight triangles) to the County of Brant for road purposes, at the expense of the developer;
3. That at the time of registration, the owner/developer conveys Block 16 (storm water management facility) to the satisfaction of the County of Brant, at the expense of the developer;
4. That the owner/developer install trees not within the road allowance, at a minimum of 2 trees per lot frontage and 4 trees per corner lot, being 50 mm in caliper DBH, and of a native species as listed in the County's Recommended Plant Species List, to the satisfaction of the County;
5. That prospective purchasers are advised that the County of Brant requires the installation of high nitrate removal systems for all dwelling units despite soil conditions. That at the time of issuance of a building permit, the builder/home owner be required to submit a design of the systems and a copy of the annual maintenance agreement between the landowner and the maintenance contractor. And that such agreement be embedded in the subdivision agreement;
6. That the subdivision agreement include provisions that all easements and blocks required for utilities, servicing and drainage purposes, both internal and external to the development, including any easement required to convey storm water to a legal outlet, be granted and conveyed by the owner/developer to the County of Brant or the appropriate authority at no cost to the County and free from all encumbrances;
7. That the road allowances indicated in the draft plan of subdivision be dedicated as public highways at no cost and free of all encumbrances;
8. That the proposed Street 'A' be named to the satisfaction of the County of Brant. County policy directs that 75% of the names be selected from the list of names of War Veterans;
9. That prior to the registration and final approval of this subdivision, the following requirements be completed to the satisfaction of the County of Brant:
 - a. Daylight triangles are required at the intersection of the internal street as shown on the proposed plan;
 - b. The owner/developer is to install and pay for street lighting to be located along the proposed street as required; and
 - c. Approval of the subdivision drawings shall be as per conditions included in the subdivision agreement and the County's Development and Engineering Standards.
10. That the owner/developer of the lands enter into a subdivision agreement with the County of Brant and satisfy all requirements, financial and otherwise, concerning the provisions and installation of all municipal services both within and external to the subdivision and including but not limited to municipal fees, road works, street lights, underground services, storm water management, fencing, securing the works and all other matters to be done, that may be required and specified by a letter of credit to the satisfaction of the County of Brant;
11. That with the written authorization of the County of Brant, the subdivision agreement between the owner/developer and the County of Brant be registered by the Owner/developer against the lands to which it applies. The County shall be entitled to receive whatever notice and documentation of such registration the County of Brant deems appropriate;
12. That all road widenings and daylighting triangles shall be constructed to the satisfaction of the County of Brant, free and clear of all encumbrances at the expense of the owner/developer.

(recommendation continued on Page 8)

13. That prior to the approval of the final plan, the owner/developer prepares, submits, and obtains approval from the County of Brant and the Grand River Conservation Authority for the following plans:
 - a. A detailed stormwater management report in accordance with the 2003 Ministry of the Environment Report entitled, "Stormwater Management Practices, Planning and Design Manual";
 - b. An erosion and siltation control plan, in accordance with the Greater Golden Horseshoe Area Conservation Authorities' "Erosion and Sediment Control Guidelines for Urban Construction", dated December 2006;
 - c. Detailed landscaping, lot grading and drainage plans for the storm water management block; and
 - d. An application for permission pursuant to the Conservation Authority's Regulation of Development, Interference and Wetlands and Alteration to Shorelines and Watercourses, Ontario Regulation 150/06 as amended, if required.
14. That the subdivision agreement between the owner/developer and the County of Brant contain provisions for the completion and maintenance of the works in accordance with the approved plans and reports noted above in Conditions 9 & 13;
15. That the owner/developer enter into a subdivision agreement with the County of Brant prior to any signage being placed near the entrance to the subdivision. This agreement will describe the location, design and maintenance of the signage promoting this subdivision;
16. The owner/developer submit and receive final approval of the servicing plans including the connection and supply to the municipal water and fire service to the satisfaction of the County of Brant;
17. That the Subdivision Agreement referred to in Condition 10 include a requirement that the owner/developer shall ensure that no stockpiles of fill or any overland drainage patterns be altered on the north, east, west and south sides of the total holdings within 30 metres of the property boundary. The height of any stockpiles of fill shall not exceed 6 metres in height. Any stockpile with greater than a 2 to 1 slope shall be fenced and the areas posted as being dangerous;
18. That the subdivision agreement referred to in Condition 10 include a requirement that the owner/developer is to maintain the site in a safe and satisfactory condition, free of debris, weeds and other such materials, until the plan is fully developed and the servicing is assumed by the County as contemplated by the subdivision agreement;
19. That the owner/developer be required to reconstruct all roads to the satisfaction of the County of Brant if installing underground services from Greens Road and Oakhill Drive. The cost of the rehabilitation of the roads and the installation of services shall be done at the owner/developer's expense;
20. That prior to registration, the public utilities advise the County of Brant that they are satisfied with the servicing arrangements between the owner/developer and the public utility;
21. That the owner/developer provide an overall plan showing the building envelopes and private sewage disposal bed envelopes for each lot prior to the issuance of any building permit. Such drawings shall be in compliance with the Ontario Building Code and to the satisfaction of the County of Brant;
22. That the owner/developer give his consent to the County to have the requirements of Conditions 9 & 13 peer reviewed by a qualified hydrogeologist and/or engineer, all at the owner/developer's expense;
23. That the subdivision agreement be registered against the lands to which it applies to the satisfaction of the County of Brant;

(recommendation continued on Page 9)

24. That the owner/developer provide proof that the County of Brant park requirements have been satisfied in accordance with the provisions of the Planning Act. The value of the land will be determined by a certified appraisal at the expense of the owner/developer. Otherwise, the owner/developer may suffice this condition in a manner consistent with the Cash in Lieu of Parkland Dedication Policy, 2006;
25. That the owner/developer provide a list showing all lot frontages and lot areas to assess compliance with the zoning by-law minimum frontage and area requirements. This list shall be prepared and certified by a qualified Ontario Land Surveyor;
26. That the owner/developer provide to Union Gas Limited the necessary easements and/or agreements required by Union Gas Limited for the provision of gas services for this project, in a form satisfactory to Union Gas Limited.
27. That the owner/developer is hereby advised that prior to commencing any work within the Plan, the owner/developer must confirm that sufficient wire-line communication / telecommunication infrastructure is currently available within the proposed development. In the event that such infrastructure is not available, the owner/developer is hereby advised that the owner/developer may be required to pay for the connection to and/or extension of the existing communication / telecommunication infrastructure, the owner/developer shall be required to demonstrate to the municipality that sufficient alternate communication / telecommunication facilities are available within the proposed development to enable, at a minimum, the effective delivery of communication / telecommunication services for emergency management services (i.e. 9-1-1 service);
28. That the owner/developer shall agree, in words satisfactory to Bell Canada, to grant Bell Canada any easements that may be required for telecommunication services. Easements may be required subject to final servicing decisions. In the event of any conflict with existing Bell Canada facilities or easements, the owner/developer shall be responsible for the relocation of such facilities or easements;
29. That the development be developed on partial municipal services, including municipal water and urban storm water management practices; and, following receipt of notice from the County that there are no appeals of the draft approval of the development, the owner/developer shall negotiate with the County in the subdivision agreement financing arrangements which are satisfactory to the County and under which all costs associated with the design and construction of any required infrastructure are to be paid for by the owner/developer, and to the satisfaction of the County;
30. That the subdivision agreement require the owner/developer to deposit mylars and digital discs of the Plan of Subdivision, to the satisfaction of the County;
31. That prior to the final registration of all or any part of the development, the owner / developer's surveyor submit to the County horizontal co-ordinates of all boundary monuments for the approved development to the satisfaction of the County;
32. That the subdivision agreement include provisions for the completion and maintenance of works in accordance with the approved plans and reports set out in the schedule or in the conditions of draft approval for the development;

(recommendation continued on Page 10)

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33. That the owner/developer have a qualified engineer investigate the need for acoustical shielding along Oakhill Drive and Greens Road and the recommendations contained in the Noise Study be implemented through the subdivision agreement. Should such shielding be necessary, it shall be built to the satisfaction of the County at the expense of the owner/developer. Any noise attenuation will be located on the lands being developed and not on municipal road allowances, and will be maintained by the owner/developer and subsequent owners. The subdivision agreement shall provide that each offer of purchase for all or any part of the development shall contain a caution to the purchaser that no alteration of the acoustical shield is permitted without the express written approval of the County and maintenance and replacement of any acoustical shielding shall be at the sole cost and responsibility of the owner/developer;
 34. The subdivision agreement shall provide that each offer of purchase of all or any part of the Development shall contain a caution to the purchaser of the following:
 - a. No alteration of the drainage plan for the property or surrounding properties is permitted without the express written approval of the County;
 - b. No buildings or structures, including, but not limited to a single detached dwelling, accessory structure, fence, swimming pool, septic tank or tile bed, shall be erected on or over any stormwater easement required due to this development; and
 - c. The purchaser on occasion may be subject to noise, odour and dust of agricultural origin due to the proximity of an existing livestock operation;
 35. That at any time prior to final approval of the development, the County may ask for additional information or materials that the County may consider it needs;
 36. That the subdivision agreement include language to ensure that the owner/developer is responsible for the decommissioning of any boreholes drilled on the development as part of a hydrogeological investigation, or for any other subsurface investigation and for decommissioning any wells located on the development in accordance with the requirements of the Ontario Water Resources Act and Ministry of the Environment guidelines. And that any additional steps be taken as may be required in order to obtain and forward to the County a certificate of a licensed Professional Engineer certifying such decommissioning has been done on the development;
 37. That County development charges and surcharges be payable in accordance with the applicable County Development Charges By-law, as amended from time to time;
 38. That the subdivision agreement include the requirements of the County's Public Works Department and/or the County Engineer, in consultation with the GRCA, prior to the registration and final approval of all or any part of the development. To this end, the following matters are to be addressed:
 - a. The owner/developer shall ensure that any sight distance restraints on Greens Road and Oakhill Drive as shown on the plans for the development, are to be relocated or removed in order that a sight distance consistent with the TAC Manual is available in both directions;
 - b. The owner/developer is to pay for and install street lighting that is to be located along the proposed street, as required to the satisfaction of the County;
 - c. The owner/developer will be required to regrade the frontages of the subject lands to ensure that a sight distance consistent with the TAC Manual is provided and to allow for proper road drainage;
 - d. Relocation of any existing infrastructure, such as, but not limited to, hydro poles and Bell pedestals, shall be at the expense of the owner/developer;

(recommendation continued on Page 11)

- e. The owner/developer will be required to provide and install underground services in and to development and reconstruct the roads, to the satisfaction of the County, along Greens Road and Oakhill Drive as part of the servicing of the development, the cost of all of which shall be at the sole expense of the owner/developer;
 - f. The owner/developer shall be responsible for the relocation of any streetlights along Greens Road/Oakhill Drive that are deemed necessary by the County due to the development;
 - g. The owner/developer shall be required to undertake any road upgrades on Greens Road or Oakhill Drive that may be required by the County, including reconstruction and/or widening, all at the owner/developer's sole expense;
 - h. The Geotechnical Investigation shall encompass all of the development and be to the satisfaction of the County, in consultation with the GRCA;
 - i. The Hydrogeological Investigation shall encompass all of the development and shall be acceptable to the County, in consultation with the GRCA and the Ministry of the Environment;
 - j. The owner/developer will provide to the County a water distribution system model, demonstrating that there is adequate potable water supply and pressure for fire protection to accommodate the development;
 - k. Approval of the drawings for the development shall be in accordance with this schedule and the draft conditions of approval for the development. Such requirement shall be included in the subdivision agreement and shall be consistent with the County's Development and Engineering Standards and good engineering practices; and
 - l. The owner/developer shall design and construct to the County standards:
 - i. All on-site and off-site water supply and conveyance system facilities capable of servicing the development. In the subdivision agreement the owner/developer will agree to pay for and to post security to cover the cost of all maintenance and repairs of such facilities until the expiration of all maintenance periods provided for in the subdivision agreement and until such facilities are accepted and assumed by the County under the terms of the subdivision agreement. If necessary, as determined by the County, the County will install, operate, maintain some or all of the facilities at the owner/developer's cost and if this is necessary the owner/developer will enter into a contract and/or some other appropriate agreement with the County for this purpose until such facilities are accepted and assumed by the County under the terms of the subdivision agreement;
39. That earth moving, tree removal, grubbing activities and any other site work not be undertaken on the development until the owner/developer has entered into the subdivision agreement. No servicing of the development or any other work will be permitted without the execution and registration of the subdivision agreement which includes the provision for security and \$5.0 million public liability insurance and all required provincial and agency approvals. This excludes normal maintenance and those interim grading works which are specifically permitted by a pre-servicing agreement with the County. The interim works permitted by a pre-servicing agreement shall be limited to grading the development. In order for the owner/developer to undertake any interim grading work under such a pre-servicing agreement, the following items must be addressed and/or provided to the satisfaction of the County:
- a. Detailed drainage and grading plan for the development;
 - b. Interim stormwater control plan for the development;
 - c. Erosion and sediment control plan for the development;
 - d. Public Works permit;

(recommendation continued on Page 12)

- e. Interim road care plan for Greens Road;
 - f. Haul road designation if materials are to be removed from the development;
 - g. Hydrogeological and Geotechnical reports;
 - h. Water Distribution System Model in support of this development;
 - i. Dust control plan;
 - j. Securities to address and implement any necessary measures noted in the above plans and reports; and
 - k. Liability insurance.
40. That at least 90 days prior to final approval of the development, the County of Brant is to be advised in writing by the owner/developer on how Conditions 1 through 39 have been satisfied.
 41. That pursuant to Section 51 (32) of the Planning Act, draft plan approval, together with all conditions, shall hereby lapse in three years from the date of granting draft plan approval by the County of Brant, should final approval not be given.
 42. That should the owner/developer wish to phase the subdivision, any phasing is to be to the satisfaction of the County of Brant.

NOTES TO DRAFT PLAN APPROVAL:

1. It is the owner/developer's responsibility to fulfill the conditions of draft plan approval and to ensure that the required clearance letters are forwarded to the County of Brant by the appropriate agencies.
2. The final plan approved by the County of Brant must be registered within 30 days of final clearance by the County or the County may withdraw its approval pursuant to Section 51 (59) of the Planning Act.
3. As noted as a condition, the County will require registration of the subdivision agreement against the subject lands, to which it applies, as notice to prospective purchasers.

.Carried

The Committee recessed at 8:55 p.m. and reconvened at 9:05 p.m.

5. **ZBA 4/10/SS – PART LOT 23, CONCESSION 2, GEOGRAPHIC TOWNSHIP OF BRANTFORD (GREATREX, 363 PARIS ROAD)**

In the matter of an application from Cindy Greatrex, applicant for Part Lot 23, Concession 2, County of Brant in the geographic Township of Brantford, located at 363 Paris Road to rezone these lands temporarily (for up to 10 years) to permit a garden suite dwelling unit in addition to the existing single detached dwelling. The garden suite will be located behind and in close proximity to the existing dwelling and detached garage.

Steve Stone, Senior Planner, stated that notice of this application was given pursuant to Section 34 of the Planning Act, R.S.O. 1990, as amended. He reviewed the application and comments submitted, noting that no objections were received. Staff recommends approval of this application.

Matthew Dery and Cindy Greatrex, Applicants – concurred with Planning Staff's recommendation.

Members of the Public – none.

Committee's Consideration

Moved by – Councillor Coleman
Seconded by – Councillor Hodge

That application ZBA 4/10/SS from Cindy Greatrex, applicant for 363 Paris Road, Part Lot 23, Concession 2, County of Brant in the geographic Township of Brantford to rezone these lands temporarily (for up to 10 years) to permit a garden suite dwelling unit in addition to the existing single detached dwelling **BE APPROVED**.

.Carried

6. **ZBA 7/10/SS – PART LOTS 2 & 3, CONCESSION 4, PART OF THE DOUGLAS TRACT, GEOGRAPHIC TOWNSHIP OF BRANTFORD (DEMUNCK, 31 HENDERSON ROAD)**

In the matter of an application from J.H. Cohoon Engineering, agent for Phillip DeMunck, applicant for Part Lots 2 & 3, Concession 4, Part of the Douglas Tract, County of Brant in the geographic Township of Brantford, located at 31 Henderson Road to rezone a portion of these lands in order to permit estate residential uses, satisfying a condition of Consents B40-44/09.

Steve Stone, Senior Planner, stated that notice of this application was given pursuant to Section 34 of the Planning Act, R.S.O. 1990, as amended. He reviewed the application and comments submitted, noting that no objections were received. Staff recommends approval of this application.

Rob van Poorten, J.H. Cohoon Engineering, Agent, reviewed the subject lands and concurred with staff's recommendation.

Members of the Public – none.

Committee Consideration

Moved by – Councillor Hodge
Seconded by – Councillor Coleman

That application ZBA 7/10/SS from J.H. Cohoon Engineering, agent for Phillip DeMunck, applicant for 31 Henderson Road, Part Lots 2 & 3, Concession 4, Part of the Douglas Tract, County of Brant in the geographic Township of Brantford to rezone a portion of these lands to permit estate residential uses **BE APPROVED**.

.Carried

7. **ZBA 5/10/SS – PART LOT 7, CONCESSION 3, GEOGRAPHIC TOWNSHIP OF SOUTH DUMFRIES (PROVIDENCE FREE REFORMED CHURCH, 170 HOWELL ROAD)**

In the matter of an application from Waterous, Holden, Amey & Hitchon, agent for Providence Free Reformed Church, applicant for Part Lot 7, Concession 3, County of Brant in the geographic Township of South Dumfries, located at 170 Howell Road. The applicant proposes to amend the current zoning for a portion of the subject lands from Agricultural (A) to Institutional (I) to permit a church. There is a related Planning Application, which is Consent B53/08.

Steve Stone, Senior Planner, stated that notice of this application was given pursuant to Section 34 of the Planning Act, R.S.O., 1990, as amended. He reviewed the application and comments submitted, noting that no objections were received. Mr. Stone further reviewed that this application does not comply with the current Official Plan designation for the property. The applicant has, however, requested that the subject lands be redesignated under the new Official Plan. This submission was endorsed by staff and Council, but the new Official Plan has not yet been approved by either Council or the Province. Staff therefore recommends that this application not be approved until Council has approved the new Official Plan.

Jay Hitchon, Waterous, Holden, Amey & Hitchon, Agent, distributed an artist's rendering of the concept for the church. He expressed the opinion that as the new Official Plan supports the application and there have been no concerns raised by the public, agencies or County departments regarding the application, it should be allowed to proceed. Mr. Hitchon noted that the applicant is also working with the County of Brant regarding a land transfer to accommodate the expansion of the cemetery. He further noted that the Official Plan grants Council discretion to make minor amendments without a full Official Plan Amendment request.

Members of the Public – none.

Committee Consideration

Moved by – Councillor Atfield
Seconded by – Councillor Powell

That application ZBA 5/10/SS from Waterous, Holden, Amey & Hitchon, agent for Providence Free Reformed Church, applicant for 170 Howell Road, Part Lot 7, Concession 3, County of Brant in the geographic Township of South Dumfries, to rezone a portion of the subject lands from Agricultural (A) to Institutional (I) to permit a church **NOT BE APPROVED** until such time as Council has approved the new Official Plan.

.Defeated

Moved by – Councillor Wheat
Seconded by – Mayor Eddy

That application ZBA 5/10/SS from Waterous, Holden, Amey & Hitchon, agent for Providence Free Reformed Church, applicant for 170 Howell Road, Part Lot 7, Concession 3, County of Brant in the geographic Township of South Dumfries, to rezone a portion of the subject lands from Agricultural (A) to Institutional (I) to permit a church **BE APPROVED**.

.Carried

OTHER BUSINESS

Rezoning Of 874 Mount Pleasant Road (Tuczynski) – Mayor Eddy expressed concern that the approved draft Plan of Subdivision may expire prior to development in view of the cost of extending the water supply to the subject lands. He requested that Development Services and Public Works staff meet with the developer and his agent, with members of Council being invited to attend, to discuss the matter. Mayor Eddy questioned the requirement that this property be developed as a ten-lot Plan of Subdivision, rather than permitting a less extensive development through severance applications. It was agreed that a meeting would be arranged.

NEXT MEETING AND ADJOURNMENT

The Committee adjourned at 9:45 p.m. to meet again on Wednesday, April 21, 2010, 7:00 p.m. at the County Council Chambers, Paris Office.

Secretary