



Economic Development and Planning Committee

Tuesday, September 6, 2016, 5:15 pm
City Hall, Council Chambers

Committee Members

Councillor P. Deery,
Chair
Councillor L. Bursey
Councillor M. Kalivas
Councillor D. LeSueur
Mayor D. Henderson,
Ex-Officio

Areas of Responsibility

Economic Development
Planning
Chamber of Commerce
DBIA
Heritage Brockville

Economic Development
Advisory Team
Museum Board
Library Board
Arts Centre
Tourism

Page

COMMITTEE AGENDA

Disclosure of Interest

Delegations and Presentations

1. Nil.

Correspondence

1. Nil.

Staff Reports

4 - 13

1. 2016-117-09
Appeal of By-law 051-2016
Being a By-law to amend Zoning By-law
050-2014, Bayview Road

THAT the Ontario Municipal Board be advised, in consideration of the appeal of By-law 051-2016 by Kalle Pugi, that Brockville City Council affirms By-law 051-2016 as being consistent with the Provincial Policy Statement, conforming to the Official Plan, appropriate for the subject property and neighbourhood, and representing good planning, and further, that Brockville City Council believes that the appeal is incomplete, is without merit and should be dismissed without a hearing.

- 14 - 37 2. 2016-120-09
Proposed Amendment to Zoning By-law 050-2014
1115 Millwood Avenue, Owner: Sweetwater Homes Ltd.
Applicant, Jane Almond

THAT Zoning By-law 050-2014 be amended to rezone the property with municipal address 1115 Millwood Avenue from R6 – Multiple Residential Zone to R5-7 – Multiple Residential Special Exception Zone to permit the construction of a townhouse block with reduced frontage, a reduction to the rear yard setback and a setback from the toe of the slope of Windsor Creek.

- 38 - 40 3. 2016-122-09
License Agreement 16 Louis Street

THAT Council authorize the Mayor and City Clerk to execute a licence agreement with Ms. Kathy VanDusen, 16 Louis Street, Brockville for the use of a portion of Norton Lane on the west side of Norton Street to access a parking area on the rear of the 16 Louis Street properties.

New Business - Reports from Members of Council

- 41 - 46 1. Report on AMO 2016 Annual Conference
(Councillor L. Bursey)

THAT the report submitted by Councillor L. Bursey regarding the 2016 AMO Annual Conference be received.

Consent Agenda

Recess for EDP Public meeting

Motion to Move into Closed Session

THAT pursuant to Municipal Act, 2001, Section 239, Sub. 2, (c), the Committee resolve itself into Closed Session to consider:

- 1. a proposed or pending acquisition or disposition of land by the municipality of local board.*

Report of the Committee from Closed Session

THAT the EDP Committee rise from Closed Session without reporting.

Adjournment

THAT the Economic Development and Planning Committee adjourned its meeting until the next regular meeting scheduled for October 4, 2016.

29 August 2016

**REPORT TO THE ECONOMIC DEVELOPMENT PLANNING COMMITTEE – 6
SEPTEMBER, 2016**

**2016-117-09
APPEAL OF BY-LAW 051-2016
BEING A BY-LAW TO AMEND
ZONING BY-LAW 050-2014
BAYVIEW ROAD
FILE: D14-012₍₀₅₀₋₂₀₁₄₎**

**M. PASCOE MERKLEY
DIRECTOR OF PLANNING**

RECOMMENDATION

THAT the Ontario Municipal Board be advised, in consideration of the appeal of By-law 051-2016 by Kalle Pugi, that Brockville City Council affirms By-law 051-2016 as being consistent with the Provincial Policy Statement, conforming to the Official Plan, appropriate for the subject property and neighbourhood, and representing good planning, and further, that Brockville City Council believes that the appeal is incomplete, is without merit and should be dismissed without a hearing.

PURPOSE

To report to the Ontario Municipal Board (OMB) respecting the position taken by Council in response to the appeal of By-law 051-2016.

BACKGROUND

The City Clerk has received an appeal with respect to the passing of By-law 051-2016, which by-law amends City of Brockville Zoning By-law 050-2014 regarding File D14-012 pertaining to the property described as Part of Lot 4, Registered Plan 80, being Part 3 on Reference Plan 28R-6942, City of Brockville, County of Leeds; Bayview Road. The appeal is attached to Report 2016-000-09 as **Schedule "A"**.

By-law 051-2016 was adopted by Council on the 26 July 2016, and is attached hereto as **Schedule "B"**

The Municipal Submission to be filed with the OMB on receipt of an appeal of a Planning matter requires a report on the position taken by Council in response to the appeal, including conformity to the Official Plan.

ANALYSIS

On 3 May 2016, concurrent Applications for Consent and for Zoning By-law Amendment were filed by Michael Menard, agent for the owners of waterfront lands located on the south side of Bayview Road.

Notification and a request for submissions was provided to City departments, external agencies and to the public including neighbours. A public meeting respecting the

requested amendment to Zoning By-law 050-2014 was held by the EDP Committee on 7 June, 2016. Several written and oral submissions were received, including those made by the appellant, Mr. Kalle Pugi, all of which were considered in the recommendation in Report 2016-089-07 to amend Zoning By-law 050-2014 as it relates to the subject property. Said Report also details Official Plan considerations and concludes that it is appropriate, in factoring in the local circumstances, to put in place appropriate zoning controls on a small parcel of waterfront land to which a dock is attached.

Amending By-law 051-2016, adopted by Council on 26 July 2016, is intended to impose a very restrictive, OS-4 Special Exception Open Space Zone on a very small remnant parcel of waterfront land, to allay the concerns of neighbours. The only permitted use is a Private Marine Facility which, for purposes of the OS-4 Zone, is *"a structure which is used to moor or berth a boat, and includes a dock, boat lift, boatport or slip."* Furthermore, no buildings are permitted nor are accessory uses, buildings or structures, and additional restrictions were imposed respecting the parking and occupancy for human habitation of boats, trailers and recreational type vehicles on the property.

The appeal submitted on the requisite form to the municipality is flawed in several respects, and the following has been communicated with the OMB:

- Part 3 Appellant Information indicates the name and contact details of an individual named Kalle Pugi, owner of adjacent lands to the property which is the subject of Zoning By-law 051-2016. However, the Signature of Appellant is not that of the individual named.
- Part 4 Representative Information has not been completed to authorize a company or individual to represent the Appellant. Therefore, since Appellant Form A1 has neither been signed by the Appellant nor by a named representative, the OMB's Rules of Practice and Procedure have not been met.
- Part 6 Appeal Specific Information. The by-law under appeal is cited as By-law 051-2016, however the appellant's references included in Parts 6.1 and 6.2 bear no resemblance to the contents of Amending By-law 051-2016, which by-law is intended to enact a Special Exception Zone (OS-4 Zone) prohibiting buildings and accessory uses, buildings or structures. It is questioned whether the appellant has actually reviewed the by-law enacted by Brockville City Council, as it would become clear to the appellant that the amending by-law has appropriately addressed the issues raised through public consultation. Additionally, information to be supplied in Part 6 a) and b) is incomplete.

It is for the above reasons that it is appropriate to advise the OMB that the appeal is viewed as incomplete. Furthermore, given that By-law 050-2016 is intended to significantly restrict the use of the subject property in response to neighbours' concerns, the OMB should also be advised of Council's opinion that the appeal is without merit.

POLICY IMPLICATIONS

Report 2016-089-07 provides an analysis of the requested zoning by-law amendment in light of the Provincial Policy Statement as well as the Official Plan. The recommendation to impose a special exception zone on the subject lands through the adoption of By-law 051-2016 is consistent with the PPS and conforms to the Official Plan.

FINANCIAL CONSIDERATIONS


The appeal received includes the requisite OMB filing fee of \$300.

The applicants are responsible to provide to the City a fee of \$1600 and are also responsible for 75% of all City of Brockville costs relative to the OMB hearing.

CONCLUSION

Council should affirm By-law 051-2016, which by-law conforms to the Official Plan, and advise the OMB accordingly. Also, given that the appeal is incomplete and without merit, the OMB should also be advised of Council's request that the appeal be dismissed without a hearing.


M. Pascoe Merkley, MCIP, RPP
Director of Planning


B. Casselman
City Manager

Environment and Land Tribunals C
Ontario Municipal Board
 655 Bay Street, Suite 1500 Toronto, Ontario M5G 1E5
 TEL: (416) 212-6349 or Toll Free: 1-866-448-2248
 FAX: (416) 326-5370
 www.eltto.gov.on.ca

T FORM (A1)
PLANNING ACT

**SUBMIT COMPLETED FORM
 TO
 MUNICIPALITY/APPROVAL
 AUTHORITY**

Part 1: Appeal Type (Please check only one box)

SUBJECT OF APPEAL	TYPE OF APPEAL	PLANNING ACT REFERENCE (SECTION)
Minor Variance	<input type="checkbox"/> Appeal a decision	45(12)
Consent/Severance	<input type="checkbox"/> Appeal a decision	53(19)
	<input type="checkbox"/> Appeal conditions imposed	
	<input type="checkbox"/> Appeal changed conditions	53(27)
	<input type="checkbox"/> Failed to make a decision on the application within 90 days	53(14)
Zoning By-law or Zoning By-law Amendment	<input checked="" type="checkbox"/> Appeal the passing of a Zoning By-law	34(19)
	<input type="checkbox"/> Application for an amendment to the Zoning By-law – failed to make a decision on the application within 120 days	34(11)
	<input type="checkbox"/> Application for an amendment to the Zoning By-law – refused by the municipality	
Interim Control By-law	<input type="checkbox"/> Appeal the passing of an Interim Control By-law	38(4)
Official Plan or Official Plan Amendment	<input type="checkbox"/> Appeal a decision	17(24) or 17(36)
	<input type="checkbox"/> Failed to make a decision on the plan within 180 days	17(40)
	<input type="checkbox"/> Application for an amendment to the Official Plan – failed to make a decision on the application within 180 days	22(7)
	<input type="checkbox"/> Application for an amendment to the Official Plan – refused by the municipality	
Plan of Subdivision	<input type="checkbox"/> Appeal a decision	51(39)
	<input type="checkbox"/> Appeal conditions imposed	51(43) or 51(48)
	<input type="checkbox"/> Failed to make a decision on the application within 180 days	51(34)

Part 2: Location Information

Part Lot 4, Registered Plan 80, being Part 3 on Reference Plan 28R-6942, City of Brockville, Ontario, County of Leeds, Bayview Road.

Address and/or Legal Description of property subject to the appeal:

Municipality/Upper tier: City of Brockville, County of Leeds

Part 3: Appellant Information

First Name: KALLE Last Name: PUGI

Company Name or Association Name (Association must be incorporated – include copy of letter of incorporation)

Professional Title (if applicable):

E-mail Address:

By providing an e-mail address you agree to receive communications from the OMB by e-mail.

Daytime Telephone #:

Alternate Telephone #:

Fax #:

Mailing Address:

Street Address

Apt/Suite/Unit#

City/Town

Ontario
Province

Country (if not Canada)

Postal Code

Signature of Appellant:

(Signature not required if the appeal is submitted by a law office.)

Date: AUG 12 2016

Please note: You must notify the Ontario Municipal Board of any change of address or telephone number in writing. Please quote your OMB Reference Number(s) after they have been assigned.

Personal information requested on this form is collected under the provisions of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended, and the *Ontario Municipal Board Act*, R.S.O. 1990, c. O. 28 as amended. After an appeal is filed, all information relating to this appeal may become available to the public.

Part 4: Representative Information (if applicable)

I hereby authorize the named company and/or individual(s) to represent me:

First Name: Last Name:

Company Name:

Professional Title:

E-mail Address:

By providing an e-mail address you agree to receive communications from the OMB by e-mail.

Daytime Telephone #:

Alternate Telephone #:

Fax #:

Mailing Address:

Street Address

Apt/Suite/Unit#

City/Town

Province

Country (if not Canada)

Postal Code

Signature of Appellant:

Date:

Please note: If you are representing the appellant and are NOT a solicitor, please confirm that you have written authorization, as required by the Board's Rules of Practice and Procedure, to act on behalf of the appellant. Please confirm this by checking the box below.

☐ I certify that I have written authorization from the appellant to act as a representative with respect to this appeal on his or her behalf and I understand that I may be asked to produce this authorization at any time.

Part 5: Language and Accessibility

Please choose preferred language: ☒ English ☐ French

We are committed to providing services as set out in the *Accessibility for Ontarians with Disabilities Act, 2005*. If you have any accessibility needs, please contact our Accessibility Coordinator as soon as possible.

Part 6: Appeal Specific Information

1. Provide specific information about what you are appealing. For example: Municipal File Number(s), By-law Number(s), Official Plan Number(s) or Subdivision Number(s):

(Please print)

BY-LAW NO. 051-2016

1. Under the document **City of Brockville, Comprehensive zoning by law 7.0 non-residential and non-commercial zoning table 7.1** indicates Open zoning permits a campground, rowing club, or cottage. Also on **table 7.2 (b)** the land in question does not meet the lot and building requirements of open space.
2. **Section 3.2.4.3 of the City of Brockville Official plan 4. it states *The City shall consider applications for infill development intensification and redevelopment of sites and buildings based on the following criteria: viii. the proposal provides adequate privacy, sunlight and views of the sky for existing and new residents***
3. **Section 3.2.8 Crown lands from the Official plan of the City of Brockville states *Construction and alteration of buildings and other developments on or above Crown land requires a work permit issued by the MNR***

2. Outline the nature of your appeal and the reasons for your appeal. Be specific and provide land-use planning reasons (for example: the specific provisions, sections and/or policies of the Official Plan or By-law which are the subject of your appeal - if applicable). **If more space is required, please continue in Part 9 or attach a separate page.
 - Under the document **City of Brockville, Comprehensive zoning by law 7.0 nonresidential and non-commercial zoning table 7.1** indicates Open zoning permits a campground, rowing club, or cottage. Also on **table 7.2 (b)** the land in question does not meet the lot and building requirements of open space. The location and size of the lot makes this special exception totally inappropriate to be zoned open space.
 - From **section 3.2.4.3 of the City of Brockville Official plan 4. it states *The City shall consider applications for infill development intensification and redevelopment of sites and buildings based on the following criteria: viii. the proposal provides adequate privacy, sunlight and views of the sky for existing and new residents.*** Any sort of boat house or structure would block my only view of the river. The city has stressed that their responsibility only goes to the water's edge. However they are now going to allow a foot print

to be established and then say the water is not their jurisdiction. There are no plans in this application and anything on the water could restrict my view or deeded right of way to access to the St. Lawrence River.

- **Section 3.2.8 Crown lands** from the Official plan of the City of Brockville states *Construction and alteration of buildings and other developments on or above Crown land requires a work permit issued by the MNR.* There is no permit and never has been. I was assured by the CRCA and the City that any alteration to the boat hoist would need permits and consultation by neighbours. This was not done. The last time it was simply moved one day generating great uproar from the neighbourhood. Both the City the CRCA said it was now done, and therefore now a civil matter. They refused to correct the problem. My concern is that if the City does not enforce its own policies, what will happen if my deeded right of way access to the St. Lawrence is blocked by a new structure on the water?

THE FOLLOWING SECTIONS (a&b) APPLY ONLY TO APPEALS OF ZONING BY-LAW AMENDMENTS UNDER SECTION 34(11) OF THE *PLANNING ACT*.

- a) **DATE APPLICATION SUBMITTED TO MUNICIPALITY:** _____
(If application submitted before January 1, 2007 please use the O1 'pre-Bill 51' form.)
- b) Provide a brief explanatory note regarding the proposal, which includes the existing zoning category, desired zoning category, the purpose of the desired zoning by-law change, and a description of the lands under appeal:
***If more space is required, please continue in Part 9 or attach a separate page.*

Part 7: Related Matters (if known)

Are there other appeals not yet filed with the Municipality?

YES ☐

NO ☐

Are there other planning matters related to this appeal?

YES ☐

NO ☐

(For example: A consent application connected to a variance application)

If yes, please provide OMB Reference Number(s) and/or Municipal File Number(s) in the box below:

(Please print)

Part 8: Scheduling Information

How many days do you estimate are needed for hearing this appeal? ☒ half day ☐ 1 day ☐ 2 days ☐ 3 days
☐ 4 days ☐ 1 week ☐ More than 1 week – please specify number of days: _____

How many expert witnesses and other witnesses do you expect to have at the hearing providing evidence/testimony?
 none

Describe expert witness(es)' area of expertise (For example: land use planner, architect, engineer, etc.):

Do you believe this matter would benefit from mediation?

YES

4

NO

☒

(Mediation is generally scheduled only when all parties agree to participate)

Do you believe this matter would benefit from a prehearing conference?

YES

7

NO

☒

(Prehearing conferences are generally not scheduled for variances or consents)

If yes, why?

Part 9: Other Applicable Information **Attach a separate page if more space is required.

[illegible]

Part 10: Required Fee

Total Fee Submitted: \$ 300.00

Payment Method:F

Certified cheque

4

Money Order

□

Solicitor's general or trust account cheque

- The payment must be in Canadian funds, **payable to the Minister of Finance.**
- **Do not send cash.**
- **PLEASE ATTACH THE CERTIFIED CHEQUE/MONEY ORDER TO THE FRONT OF THIS FORM.**

Schedule "B" – Report 2016-117-09

THE CORPORATION OF THE CITY OF BROCKVILLE

By-law No. 051-2016

*By-law to Amend City of Brockville Zoning By-law 050-2014 Respecting
Part of Lot 4, Registered Plan 80, being Part 3 on Reference Plan 28R-6942,
City of Brockville, County of Leeds; Bayview Road
(File D14-012 (050-2014) – Report 2016-089-07)*

WHEREAS the Council for the Corporation of the City of Brockville, on the 10th day of June 2014, adopted City of Brockville Zoning By-law 050-2014; and

WHEREAS the Council of the Corporation of the City of Brockville deems it expedient to amend said Zoning By-law 050-2014.

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE CITY OF BROCKVILLE HEREBY ENACTS AS FOLLOWS:

THAT By-law 050-2014 be amended as follows:

1. THAT Schedule "A" to By-law 050-2014 be and the same is hereby amended by rezoning lands described as Part of Lot 4, Registered Plan 80, being Part 3 on Reference Plan 28R-6942, City of Brockville, County of Leeds, Bayview Road; to OS-4 Open Space Special Exception Zone; said lands being shown on Appendix "1" hereto annexed as "Change to OS-4 Zone".
2. THAT Section 7.3 Non-Residential and Non-Commercial Special Exception Zones, Subsection 7.3.5 OS Zone, be and the same is hereby amended by adding a new clause as follows:

"7.3.5.4 - OS-4 Zone

Notwithstanding Section 3.35 of Zoning By-law 050-2014, the uses permitted in the OS-4 Zone shall be restricted to a Private Marine Facility only. For purposes of the OS-4 Zone, a Private Marine Facility shall mean a structure which is used to moor or berth a boat, and includes only a dock, boat lift, boat port or slip.

Only the following zone provision applies to the OS-4 Zone:

<i>Minimum Lot Area</i>	<i>84 m²</i>
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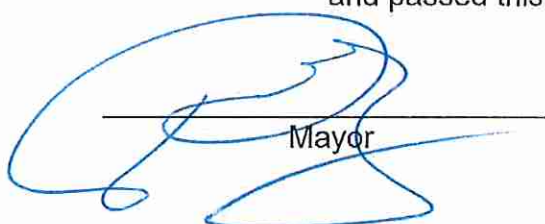
No buildings are permitted, nor are accessory uses, buildings or structures permitted.

A Private Marine Facility is subject to approval or permit from the Conservation Authority, the Province of Ontario or the Government of Canada.

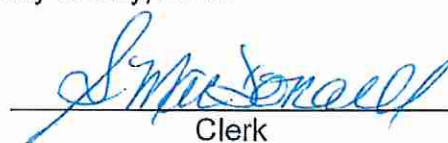
Notwithstanding Section 3.47, no person shall store or park more than one (1) boat or trailer, nor park a recreational type vehicle, nor use a boat, trailer or recreational type vehicle for human habitation in the OS-4 Zone."

3. THAT Appendix "1" hereto annexed shall be read with and forms part of this By-law.

Given under the Seal of the
Corporation of the City of Brockville
and passed this 26th day of July, 2016

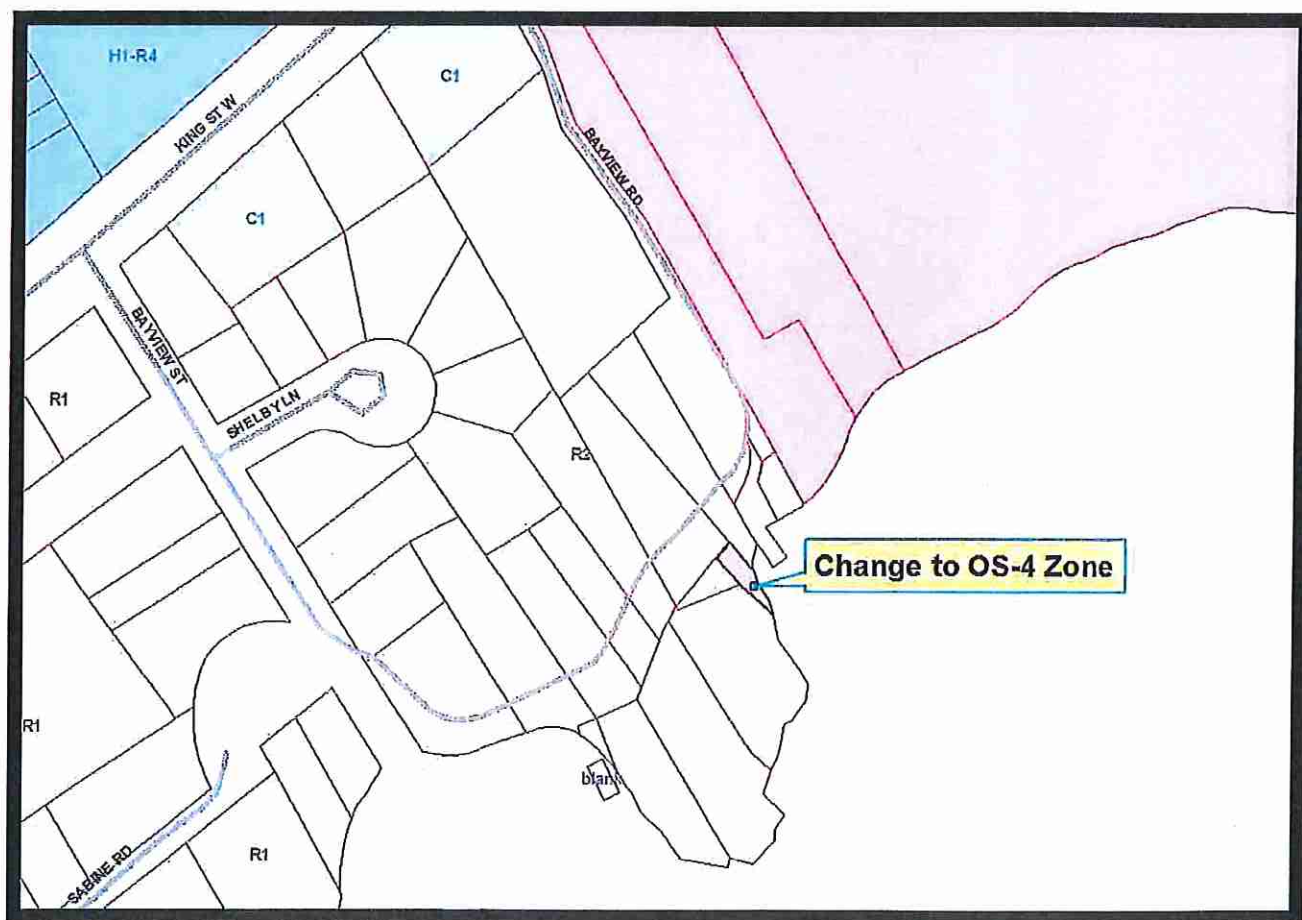


Mayor



Clerk

Appendix "1" to By-law 051-2016



31August2016

**REPORT TO THE ECONOMIC DEVELOPMENT AND PLANNING COMMITTEE –
6 SEPT 2016**

2016-120-09

**PROPOSED AMENDMENT TO ZONING
BY-LAW 050-2014, 1115 MILLWOOD AVENUE
OWNER: SWEETWATER HOMES LTD.
APPLICANT: JANE ALMOND, MCIP, RPP
FILE: D14-013₍₀₅₀₋₂₀₁₄₎**

**M. PASCOE MERKLEY
DIRECTOR OF PLANNING
ANDREW MCGINNIS
PLANNER II**

RECOMMENDATION

THAT Zoning By-law 050-2014 be amended to rezone the property with municipal address 1115 Millwood Avenue from R6 – Multiple Residential Zone to R5-7 – Multiple Residential Special Exception Zone to permit the construction of a townhouse block with reduced frontage, a reduction to the rear yard setback and a setback from the toe of the slope of Windsor Creek.

PURPOSE

The purpose of this report is to provide recommendation on an application filed for Amendment to City of Brockville Zoning By-law 050-2014 respecting 1115 Millwood Avenue, located immediately north of 1109 Millwood Avenue.

BACKGROUND

1115 Millwood Avenue, is the northerly portion of the lands which have been under construction since November 2014, originally slated for two 12 unit condominium buildings. Currently, one (1) of the buildings is complete and the owner of the property wishes to construct a townhouse block on the residual lands rather than the originally proposed condominium building.

An Application for Amendment to City of Brockville Zoning By-law 050-2014 has been submitted by Jane Almond, MCIP, RPP, acting for the property owner, for lands located at 1115 Millwood Avenue. The application for amendment to Zoning By-law 050-2014, if approved, would rezone the subject lands from R6 – Multiple Residential Zone to R5 – Multiple Residential Special Exception Zone to permit the construction of a townhouse block with a reduced frontage and a reduction to the rear yard setback.

Initially requested was a rear yard setback of 5.9 metres, reduced from the required 7.5 metres; however, due to a redesign of the townhouse block, the owner is now requesting 4.9 metre rear yard setback. This amended request is due to the redesign of the townhouse block as well as the location of the property line on the south side. Also requested is a reduction in the minimum required lot frontage for a townhouse block, from 30.0 metres to 25.3 metres.

In addition to the above requests, a request was made through the application and circulated to agencies and neighbours regarding the landscaped open space provision. Requested at the time of application was a reduction to the minimum landscaped open space from 30.0% to 23.9%. This request was made in error on the application and a reduction is not needed as the property has adequate open space provided at 60.2%, as shown on attached **Schedule "A"** to this report. This was presented to the EDP Committee at the public meeting on 5 July 2016.

Zoning and Official Plan Information:

Official Plan: Neighbourhood Area subject to Screening Area Policies for the Cataraqui Region Conservation Authority.

Existing Zoning: R6 – Multiple Residential Zone

Requested Zoning: R5 – Multiple Residential Special Exception Zone to permit the construction of a townhouse block with a reduction to the minimum required lot frontage for a Block Townhouse Dwelling from 30.0 metres to 25.3 metres as well as a reduction to the minimum required rear yard setback from 7.5 metres to 4.9 metres.

Site Characteristics:

The subject land has a lot area of 0.29 hectares, with a lot frontage on Millwood Avenue of 25.3 metres. The subject land is currently vacant but was originally slated for a 12-unit condominium building. **Schedule "A"** to this report is a site plan of the subject property. **Schedule "B"** to this report are photographs of the subject property. **Schedule "C"** to this report is a Planning Rationale prepared by the applicant.

Surrounding Land Use:

North: Lands located to the north are zoned EP – Environmental Protection Zone, in part, and OS – Open Space Zone, in part.

East: Lands located to the east are zoned EP – Environmental Protection Zone, in part, and I2 – St. Lawrence College/Special Exception Zone; occupied by St. Lawrence College and the Memorial Centre.

South: Lands located south (across Magedoma Boulevard) are zoned T-C3-3 General Commercial Arterial Special Exception Zone and is occupied by Canadian Tire and a Food Truck.

Southwest: Lands located to the southwest (across Millwood Avenue) are zoned R6-Multiple Residential Zone and are occupied by Millwood Manor, a 47-unit residential apartment building.

West: Lands located to the west (across Millwood Avenue) are zoned R5-4 Multiple Residential Special Exception Zone and are occupied by the Camelot, a 47-unit Condominium building.

Public Participation

The application for Zoning By-law Amendment has proceeded through the normal review process. On 05 July 2016, a Public Meeting was held by the Economic Development and Planning Committee. Notice of the Public Meeting was advertised in the Brockville Recorder and Times Newspaper on 8 June 2016 and was circulated to property owners within 120.0 metres of the subject property. In addition, signs were posted on the subject property advising that the land is the subject of an Application for Amendment to City of Brockville Zoning By-law 050-2014. Comments from City Departments and affected agencies were also solicited. The Minutes of the Public Meeting are attached as **Schedule "D"** to this report.

Comments Received are summarized below:

Departments and Agencies:

1. Planning Department - Building Services Division, B Caskenette, CBO:
 - *No concerns at this time*
2. Environmental Services Department, S. Allen, Supervisor of Engineering:
 - *Not opposed to the application*
3. Operations Department, C. Cosgrove, Director of Operations
 - *No concern (verbal confirmation received)*
4. Fire Prevention Office – Matt Tyo, Fire Prevention Officer
 - *No concern at this time*
5. Cataraqui Region Conservation Authority, Michael Dakin, Resource Planner (email dated 24 June 2016, attached as **Schedule "E"** to this report):
 - *Concerns with the conceptual site plan submitted with the proposed zoning amendment. The changes to the location and configuration of development may or may not comply with natural hazard setbacks and stormwater management requirements for this site.*
 - *It is critical that a revised Site Plan, including a Landscape and Grading Plan, and a new Stormwater Management Plan be submitted for review by the CRCA and City of Brockville Engineering staff prior to approval of the proposed zoning amendment. Approval of an amendment without necessary technical review would, in our opinion, be inappropriate at this time.*
 - *Deferral of the application is recommended until the documents requested above are submitted to the satisfaction of the CRCA and City of Brockville.*

6. Cataraqui Region Conservation Authority, Michael Dakin, Resource Planner (Letter dated 29 August 2016, attached as **Schedule "F"** to this report):
- *Cannot support the proposed rezoning amendment since the building location is within the erosion hazard as defined by the CRCA.*
 - *We request that the location and/or configuration of the townhouse development be revised so that no part of the building is within 13.5 metres of the toe of slope.*
 - *100-year ponding elevation/extent be determined and shown on the plans to evaluate if proper/safe access will be provided and if adequate flood-proofing is proposed for the proposed townhouse. Please address/revise accordingly.*
 - *Staff recommends that additional supporting information (eg. Drawings/maintenance frequency/ procedure/contact info for filter replacement, etc.) for the Ecosense Stormwater filtration system be included in the SWM report, perhaps as an appendix.*
 - *Inspection/maintenance frequency/procedure for catchbasins be detailed in the SWM report to give those responsible for maintenance a better indication of how to determine when maintenance is required and how it should be carried-out.*

ANALYSIS

Provincial Policy Statement Considerations:

The Provincial Policy Statement 2014 (PPS) issued under section 3 of the *Planning Act* provides policy direction on matters of Provincial interest related to land use planning and development. Section 3 of the *Planning Act* further directs that Council decisions affecting planning matters "*shall be consistent with*" the Provincial Policy Statement.

Part V of the PPS sets out various policies which describe areas of Provincial interest. Not all policies in the PPS are relevant to the planning matter under consideration, and thus, only those relevant portions will be referenced below.

Part V, Section 1 is entitled "Building Strong Communities". Section 1.1 focuses on developing strong communities through managing and directing land use to achieve efficient development and land use patterns focusing growth within established settlement areas to ensure that development occurs in areas which represent logical expansion of existing public services facilities and infrastructure and which represent efficient use of land and resources.

Part V continues with policies promoting intensification of existing building stock with full municipal services. Policies within this section state:

"1.1.3.1 *Settlement areas* shall be the focus of growth and their vitality and regeneration shall be promoted."

"1.1.3.2 Land use patterns within *settlement areas* shall be based on:

- a. densities and a mix of land uses which:
 - 1. efficiently use land and resources;
 - 2. are appropriate for, and efficiently use, the *infrastructure* and *public service facilities* which are planned or available, and avoid the need for their unjustified and/or uneconomical expansion; and
 - 3. minimize negative impacts to air quality and climate change, and promote energy efficiency in accordance with policy 1.8;
 - 5. are transit supportive, where transit is planned, exists or may be developed;
- b. a range of uses and opportunities for *intensification* and *redevelopment* in accordance with the criteria in policy 1.1.3.3."

Furthermore, Part V, Section 1.1.3.3 also states that "*Planning Authorities shall identify and promote opportunities for intensification and redevelopment where this can be accommodated taking into account existing building stock or areas, including brownfield sites, and the availability of suitable existing or planned infrastructure and public service facilities required to accommodate projected needs*". Additional policies addressing the matter of intensification are found throughout the PPS.

Part V, Section 1.4 is entitled "Housing". This section focuses on creating and maintaining a full range of housing forms and densities designed to be affordable to moderate and lower income households. This to be achieved in part through residential intensification and cost effective development.

Part V, Section 1.6 is entitled "Infrastructure and Public Service Facilities" and promotes the optimization of municipal services and public health facilities as the preferred form of servicing for settlement areas. Servicing addresses water, sewage, transportation and infrastructure corridors and waste management.

Part V, Section 2 is entitled "Wise Use and Management of Resources" and deals with agricultural policies, mineral resources, natural heritage, water quantity and quality and cultural heritage and archeological resources. The site is not an agricultural site and no indication has been brought forward that the site is of archeological or cultural significance.

Part V, Section 3 is entitled "Protecting Public Health and Safety" and deals with natural hazards and man-made hazards. Specifically Section 3.1.1 states, among others that "*Development shall generally be directed to areas outside of hazardous lands adjacent to river, streams and small inland lake systems which are impacted by flooding hazards and/or erosion hazards.*"

The above-noted directives found in Part V, Sections 1, 2 and 3 of the PPS point towards support for the additional dwelling units which are being sought through this request for zoning approval. However, the proposed townhouse development is located within close proximity to an erosion hazard as stated by the Cataraqui Region

Conservation Authority in their recent letter dated 29 August 2016 and attached as **Schedule "F"** to this report.

Specifically, the proposed townhouse development has been proposed at 10.0 metres from the toe of the slope of Windsor Creek and the minimum setback permitted by CRCA regulatory policy is 13.5 metres. CRCA will not issue a building and land-use permit to construct the proposed townhouse block unless a minimum of 13.5 metres is satisfied.

To achieve the above setback from toe of slope of the creek, some alterations to the building layout/design and the Stormwater Management Report would be required. Once achieved, the proposed development of townhouses on this site would be consistent with policies, including the natural hazards policies, contained within the PPS, as outlined above.

Official Plan Considerations

The Official Plan provides guidance on how to manage future growth, development, and change within the City of Brockville.

The Official Plan goals are to create a sustainable city in terms of health and vitality, that is economically viable and diverse, has high quality municipal services and amenities, and is well planned.

Section 2.3 outlines strategic planning themes which include "A Sustainable, Healthy, and Vital City", "An Economically Strong and Diverse City", "A High Quality of City Services and Amenities", and "A Well-Planned Responsive City". Specifically, "A Sustainable, Healthy, and Vital City" outlines among others, that the City is to "ensure that all citizens have, equitable, accessible, affordable, energy efficient housing choices, which are supportive of a variety of lifestyles at various stages of life."

The subject land is designated under Schedule 1 - City Structure, of the Official Plan, as "*Neighbourhood Area*" and is subject to Screening Area Policies for the Cataraqui Region Conservation Authority.

Section 3 addresses building a healthy and sustainable City. More specifically, Section 3.2.4.1 states among other things that development within the Neighbourhood Areas need to be predominately focused on low to medium density housing and local commercial uses while maintaining the character and identity of the neighbourhood.

Section 3.2.4.3 speaks directly to Residential Intensification and states among others that it shall be the policy of the City that, future housing needs shall be provided through residential intensification through "*infill development and residential development of vacant land or underutilized land in the Built-Up Area*". The section continues to address that infill development, intensification and redevelopment shall follow specific criteria including but not limited to, appropriateness of the development within the context of the neighbourhood; the availability of municipal infrastructure; the

development respects and reinforces the existing character of buildings and streetscape; and is compatible with surrounding development.

Section 3.7.1.1 provides considerations when reviewing development proposals that are within Screening Areas. These considerations include, but are not limited to, existing physical hazards, potential impacts of these hazards, methods by which these impacts may be overcome in a manner consistent with accepted engineering and resource management practices and techniques and the potential impact on surrounding lands, upstream lands and downstream lands. This section also indicates that the City shall consult with the Cataraqui Region Conservation Authority (CRCA) on technical aspects relating to the above. This consultation has occurred and is discussed throughout this report.

The general "Neighbourhood Area" policies are further refined under Section 4.3.2 wherein, medium density residential uses shall be permitted. This includes row or block townhouse dwellings.

Various other Policies under Section 4.3.3 address development standards for residential uses within Neighbourhood Areas. These standards speak to density, massing, height, parking, etc.

Based on policies above, as well as comments received, planning staff are of the opinion that the proposal to rezone 1115 Millwood Avenue from R6 – Multiple Residential Zone to R5-7 – Multiple Residential Special Exception Zone to permit the construction of a townhouse block is compatible with Neighbourhood Area Policies.

As stated previously, the CRCA has raised concerns with the proposed townhouse development. Initially discussed was the location and configuration of development and whether or not the development would comply with natural hazard setbacks and stormwater management requirements for this site. It was requested during the circulation for the public meeting that a revised Site Plan, including a Landscape and Grading Plan, and a new Stormwater Management Plan be submitted for review by the CRCA. This process has been completed and design issues still remain (see letter attached as **Schedule "F"** to this report). As stated previously, a setback of 13.5 metres to the toe of the natural hazard, which is within the area regulated by the CRCA, must be maintained.

Zoning By-law Considerations:

The current zoning on the property with municipal address 1115 Millwood Avenue is R6 – Multiple Residential Zone under City of Brockville Zoning By-law 050-2014. The requested Amendment to City of Brockville Zoning By-law 050-2014 would, if approved, rezone the subject lands to R5 - Multiple Residential Special Exception Zone to permit the construction of a townhouse block with a reduced frontage and a reduction to the rear yard setback.

The special exception provisions request a rear yard setback reduction from 7.5 metres

to 4.9 metres rather than the initially requested 5.9 metres contained within the application. This amended reduction was due to a redesign of the townhouse block and reconfiguration of the building's footprint. This 4.9 metre setback is being requested as a minimum, this may increase depending on the concept selected that will satisfy all development requirements and the CRCA regulations.

Also requested is a reduction in the minimum required lot frontage for a townhouse block, from 30.0 metres to 25.3 metres.

Consideration of Issues Raised through Public and Agency Submissions:

Issues and concerns raised by staff and agencies at the Public Meeting held on 5 July 2016:

1. Appropriateness of the requested zoning including the proposed reduction to the rear yard setback and natural heritage impacts.

The requested zoning is considered appropriate for the site as the current R6 – Multiple Residential Zone was in place to accommodate the previously approved 12-unit condominium building. As a result of current and anticipated sales, the owner of the property is requesting a change in housing type in order to complete the development of the site.

Due to the proposed configuration of the townhouse block, the owner is requesting a reduction in the minimum required lot frontage for a townhouse block, from 30.0 metres to 25.3 metres as well as a reduction to the minimum rear yard setback (eastern property line) from 7.5 metres to 4.9 metres.

Staff has no concern with the requested rezoning or reductions proposed. However, engineering and design for the property is continuing, and concerns are still ongoing with respect to issues raised by the CRCA respecting Storm Water Management and Natural Hazard setback requirements. Although deferral of Council's decision on the rezoning has been requested by the CRCA, the zoning amendment could still proceed since the natural hazard and design issues relating to the building setback would have to be resolved to the satisfaction of the CRCA through the Site Plan Control Approval process and its own permitting process. Alternatively, through an additional site-specific zone provision, the 13.5 metre setback from the toe of the slope could be imposed in the special exception zone being created for this site. Either option would reduce further delays caused by the deferral of a decision on the zoning amendment, which is important to the developer who wishes to proceed immediately with the Site Plan Control Application and potentially obtain a building permit for construction prior to winter. Should Council proceed with the proposed amendment, the final site plan may only contain four (4) units. A concept plan for a four (4) unit townhouse block has been provided by the owner and is attached as **Schedule "G"** to this report.

2. Compatibility of proposed uses with the surrounding neighbourhood.

The proposed R5-7 Multiple Residential Special Exception Zone to permit the townhouse style format, including design, setbacks and access is consistent with other like dwellings currently built within close proximity. Brookside Place directly north of the subject property contains several semi-detached dwellings and one (1) tri-plex dwelling. By incorporating the proposed townhouse dwelling between the larger three (3) storey 12-unit condominium and the existing lower density dwellings on Brookside Place, it provides a transition between dwelling type and density.

Accordingly, staff is of the opinion that the proposed townhouse block is a good fit within the context of the neighbourhood.

Should the recommendations described above be accepted by Council, the zone would read similar to the following:

“R5-7 Multiple Residential Special Exception Zone (1115 Millwood Avenue)”

The uses permitted in the R5-7 Zone shall be those uses permitted in the R5 – Multiple Residential Zone. The zone provisions for the R5-7 Zone shall be the same as for the R5 – Multiple Residential Zone save and except for the following:

Minimum Lot Frontage Required for a Block Townhouse Dwelling.	25.3 metres
Minimum Rear Yard	4.9 metres

Minimum setbacks from the creek embankment of Windsor Creek to any building or structure shall be determined by the Cataraqui Region Conservation Authority.”

Site Plan Considerations:

All lands within the limits of the City of Brockville are subject to Site Plan Control Approval as established by City of Brockville By-law 33-86, as amended. 1115 Millwood Avenue will be subject to Site Plan Control Approval.

POLICY IMPLICATIONS

A review of the Provincial Policy Statement and relevant policies within the Official Plan has been conducted and is provided within the “Analysis” section of this report.

FINANCIAL CONSIDERATIONS

A complete application for amendment to City of Brockville Zoning By-law 050-2014 has been received, including all applicable fees.

Future approvals associated with the development of the subject property, including but not limited to Site Plan Control Approval, issuance of building permits, and payment of all requisite fees, are the responsibility of the Owner and/or Applicant.

CONCLUSION


Following review of the PPS, the Official Plan and Zoning By-law 050-2014 as well as considering the submissions received, it is recommended that Zoning By-law 050-2014 be amended to establish a new special exception zone affecting 1115 Millwood Avenue to facilitate the development of a townhouse block with reduced frontage, a reduction to the rear yard setback and a setback from the toe of the slope of Windsor Creek. This conclusion is reflected in the recommendations at the beginning of this report.



M. Pascoe Merkley, MCIP, RPP
Director of Planning

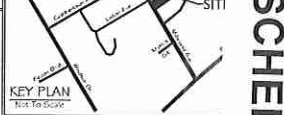


Andrew McGinnis, MCIP, RPP, Dipl.M.M.
Planner II



B. Casselman
City Manager

Amble Design is NOT a Survey Firm. This IS NOT a Plan of Survey.
This Plan should be read as a Compiled Plan of Data
Available to the Public;
This Plan shall not be used for any other purpose except for the
purpose indicated in the Title Block.



PRELIMINARY
NOT ISSUED FOR CONSTRUCTION

PRELIMINARY
NOT ISSUED FOR CONSTRUCTION

SITE STATISTICS AND ZONING CALCULATIONS			
Zoning Designation Proposal : R5 Residential - Multiple			
Site Description	R5 Requirement	Existing Proposal	Notes
Lot Area	6,000 sqft (0.136)	8,200 sqft	---
Lot Area W/ (Front 25')	1,670 sqft (0.037)	2,000 sqft	* CHDF Front 25' (2.00)
Lot Area W/ (Rear 25')	---	5,760 sqft	* CHDF Development Limit
Front Yards	4.0' (min)	18.0'	* Minimum Yards
Sideyard Side Yards	4.0' (min)	8.0'	* Sideyard Side Yards
Sideyard Side Yards	1.2' (min)	8.0'	* Minimum Property Line
Interior Side Yards	---	14.0' (0)	* Front of Lot & 2 Corners
Rear Yards	7.5' (min)	4.0'	* Minimum Front Yard
Building Height	12.0' (max)	5.0' (1.5 Story)	* Height in Roof Height (Front 25')
Building Area (Rear 25')	---	1,070 sqft	* 15' Back Building Area (Front 25')
Building Area W/ (Back 25')	---	620 sqft	* Single Type Building Area (Front 25')
Permitted Building Area	---	412 sqft	* 15' and 4' Building (Front 25')
Permitted Building Type	50' (max)	60.0'	* 15' and 4' Building (Front 25')

SCHEDULE "B" TO REPORT 2016-120-09



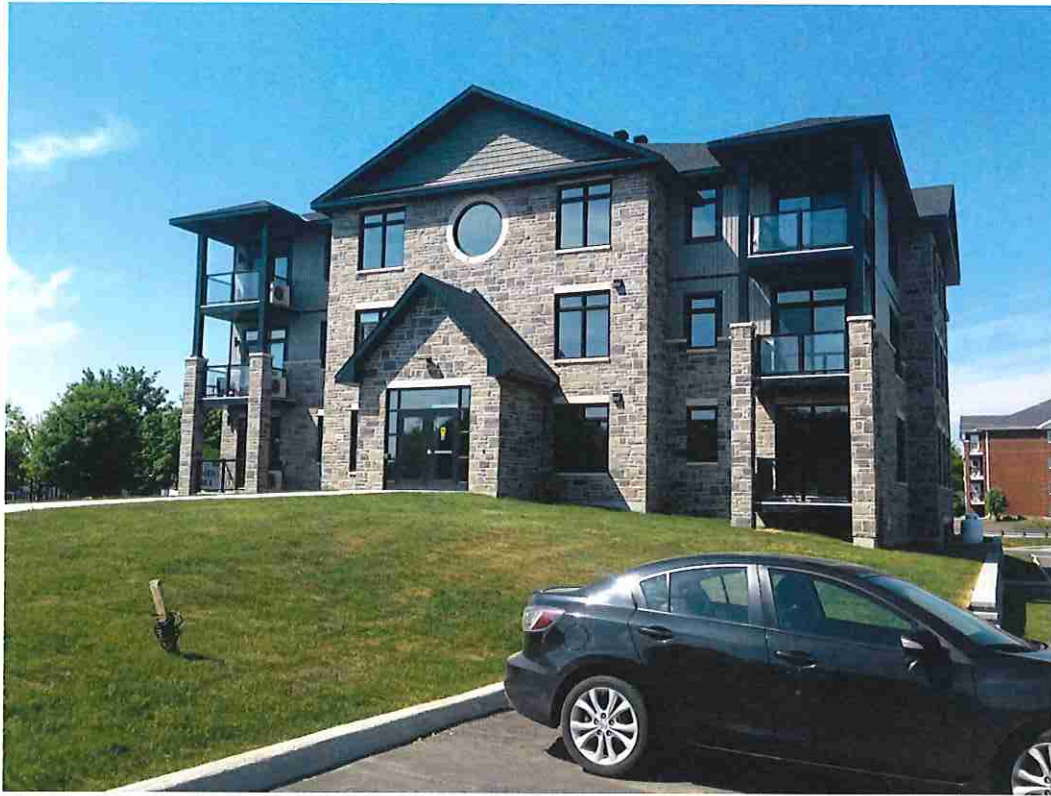


Photo of adjacent Condominium Building (facing west)

Planning Report

Application for Zoning Amendment Magedoma Boulevard

1. Project Overview

The applicant proposes to amend the zoning from R6, a multiple residential zone, to R5-x to allow for the construction of townhome dwellings. The property has previously been subject to numerous planning applications that allowed for the construction of two multi-residential condo units. The developer would now like to amend the existing approvals to construct 5 townhome condo units. The units will be slab on grade construction with garages. Two spaces for parking will be provided one in the garage and one in the driveway. Two models will be offered one with a loft and others bungalows.

The lands are legally described as Part of Lots 11 and 12, Concession 2, City of Brockville. The property is an irregularly shaped parcel with frontage of 60.69 metres on Millwood Avenue. The proposed R5x portion of the overall holding is irregular in shape, has an overall area of 2909.8 square metres. The property is designated Neighbourhood Area in the City's Official Plan.

2. Provincial Policy Statement 2014

All planning decisions undertaken by an authority must be consistent with the Provincial Policy Statement 2014 adopted April 30, 2014. The Statement's vision for Ontario's land use planning system focuses on long-term prosperity for the province and individual communities by focusing growth in urban areas and protecting natural and cultural resources.

Section 1.0, Building Strong Healthy Communities directs "land use to achieve efficient and resilient development and land use patterns" in a sustainable fashion. Efficient land development is to be achieved by:

- avoiding development which may cause environmental or public health and safety concerns,
- promoting cost effective development patterns and standards that will minimize land consumption and servicing costs,
- ensuring that the necessary infrastructure is in place.

Growth and development is directed to existing settlement and urban areas and intensification is encouraged. Development serviced by existing infrastructure for the provision of water and sewage services is preferred and stormwater management best practices are promoted. The statement specifically encourages the re-use of existing properties and buildings.

Section 2.0, Wise Use and Management of Resources, outlines policies specifically related to resources being; conserving bio-diversity, protecting natural heritage, cultural heritage and archaeological resources. Natural heritage features are protected for the long term.

Section 2.6, Cultural Heritage and Archaeology, protects significant built heritage resources and significant cultural heritage landscapes and directs that these resources shall be conserved.

Section 3.0, Protecting Public Health and Safety, directs development away from natural and human made hazards. There are no hazards either natural or man made on or in the vicinity of these lands.

The proposed development will result in the construction of new residential units within an existing neighbourhood using existing infrastructure for services and amenities. Therefore, the proposed project can be considered consistent with the Provincial Policy Statement, 2014.

3.0 Official Plan

The City's Official Plan designates the lands as neighbourhood area. Brockville's Official Plan provides a general policy direction and planning framework to guide the physical, social, economic and environmental management and growth of the City of Brockville. Growth is managed in the City by directing growth to existing built areas and areas where infrastructure is or where it can be logically extended.

The City's vision that:

"Mayor and Council are committed to making Brockville a better place to live, work and play and to enjoy an exceptional quality of life. Brockville is committed to families, to an economy that offers opportunities to grow and prosper, to providing amenities that are second to none and conducting our business in a way that is both environmentally and financially sustainable."

The City identifies planning goals and objectives in this section of the plan into four specific groups being: quality of amenities and services, sustainability of the City, the community and people and the City's economy. The proposal for zoning amendment complies with those objectives by providing,

- High quality of residential design
- Build to green energy standard
- Optional residential built form

The Plan articulates Goals and Objectives in section 2.3 and outlines how growth will be accommodated by providing: quality of amenities, sustainability of the City, the community and people and the City's economy. The applicant has considered the foregoing and accommodated the City's priorities where appropriate. If approved the project will:

- provide growth to the economy, and
- use existing infrastructure, and
- not impact natural or cultural resources.

Section 3.4.1, Urban Design, stresses the importance of promoting excellence in community design. Elements to be considered when any new development is proposed to include:

- designed in keeping with traditional character

- promote efficient and cost-effective development design
- promote the improvement of the physical character
- encourage design that considers, and wherever possible continues, existing and traditional street patterns and neighbourhood structure.

City supports infill and redevelopment of designated and vacant lands.

Goals outline that the development occurs in an orderly fashion and will be connected to all municipal infrastructure. The accompanying documents include an addendum to the previously submitted Site Servicing Plan and a Storm Water Management Plan that supports and provides solutions for the proposed development.

Section 3.1 focuses on the Principles of Sustainability and prioritizes green technology. The proposed build will be constructed to achieve the Energy Star standard.

Section 4.3 directs that in the Neighbourhood Area various densities of development can be supported and are encouraged to consider adjacent residential forms when designing infill projects. The developer has considered adjacent properties and has designed the proposed structures to be comparable to existing built form.

Given the foregoing, the proposal can be considered to comply with the policies, goals and directions that exist within the Official Plan.

4.0 Zoning By-Law

The current zoning of R6 does not permit the construction of townhome dwellings but the R5 zone does allow for the construction of townhomes. Zone standards of by-law 050-2014 include:

• Lot frontage	6.0 metres per unit
• Minimum lot area.	180m ²
• Front yard.	4.5m
• Minimum exterior side yard.	4.5m
• Minimum interior side yard	1.2 m
• Minimum rear yard.	7.5m
• Minimum lot depth.	25m
• Minimum Landscaped Open Space.	30%
• Maximum Height.	12.5 m
• Maximum Density.	75 units per hectare

As the subject lands will be split zoned by means of this application, zoning review has been undertaken considering only those lands to be amended to the R5 zone.

A site specific zone is being requested in order to gain the following relief:

- rear yard setback of 5.8m,
- the 30% landscaped open space to 23.9%.

All other zoning provisions and standards are met with the proposed R5x zone. An additional application to amend the existing site plan will follow.

5.0 Conclusion

The proposed development will result in new residential options for the residents of Brockville. The development as outlined is fully compliant with both the Provincial Policy Statement and the City's Official Plan. The request to amend the zoning to a site specific zone can be supported by the directions provided in the City's planning documents.

Jane Almond MCIP RPP
jalmondpmp@gmail.com
613-889-1815

SCHEDULE "D" TO REPORT 2016-120-09

Economic Development and Planning Committee (EDP) Public Meeting Minutes -
Tuesday, July 05, 2016

Councillor Deery, asked that any person wanting further notice of the passage of the proposed amendment should give their full name, address and postal code to the Secretary prior to leaving the meeting.

Councillor Deery reviewed the procedures for the Public Meeting.

Mr. McGinnis provided an overview of the proposed zoning by-law amendment.

Councillor Deery asked if there was anyone present who wished to speak in favour of the amendment.

No persons spoke in favour or against the application

The meeting adjourned at 6:08 pm.

No persons completed the Request for Information form.

2. 2016-088-07

Proposed Amendment to zoning By-law 050-2014
1115 Millwood Avenue, Owner: Sweetwater Homes Ltd.
Applicant: Jane Almond

Moved by: Councillor Bursey

THAT Report 2016-088-07 be received as information and that a report on this matter be prepared by staff for consideration of the Economic Development Planning Committee at a future meeting.

CARRIED

Councillor Deery, Chair, introduced the public meeting and read from the prepared required comments.

Mr. McGinnis announced that notice of the Public Meeting was advertised in the Brockville Recorder and Times Newspaper on June 9, 2016 and was circulated to property owners within 120.0 metres (400.0 feet) of the subject property. In addition, signs were posted on the subject property

Economic Development and Planning Committee (EDP) Public Meeting Minutes -
Tuesday, July 05, 2016

advising that the lands are the subject of an Application for Amendment to the City of Brockville Zoning By-law 050-2014.

Councillor Deery, asked that any person wanting further notice of the passage of the proposed amendment should give their full name, address and postal code to the Secretary prior to leaving the meeting.

Councillor Deery reviewed the procedures for the Public Meeting.

Mr. McGinnis provided an overview of the proposed zoning by-law amendment.

Councillor Deery asked if there was anyone present who wished to speak in favour of the amendment.

Ms. Jane Almond spoke in support of their application, stating that these townhomes should prove to be more saleable for the developer.

No persons spoke against the application

The meeting adjourned at 6:20 pm.

No persons completed the Request for Information form.

SCHEDULE "E" TO REPORT 2016-120-09

Andrew McGinnis

From: Michael Dakin <mdakin@crca.ca>
Sent: June-24-16 1:10 PM
To: Lorraine Bagnell; Andrew McGinnis
Cc: Steve Allen
Subject: D14-013 (1109 Millwood Ave)

Lorraine / Andrew:

CRCA staff have reviewed the application for Zoning By-law Amendment D14-013 for the proposed zoning change at 1109 Millwood Avenue. The owner proposes to amend the zoning to permit a 5 unit townhouse development on the north portion of the property in place of the previously approved 12 unit condominium building. We do not object in principle to the proposed amendment to permit the townhouses. However, since the proposed site-specific zone includes a reduction in the rear yard setback, as well as a reduction in the required landscaped open space, these changes may have implications that could affect the development's ability to meet CRCA minimum hazard setbacks (13.5 m minimum to toe of slope, 6 m minimum from 1:100 year flood elevation) and may also affect on-site stormwater management.

The amount of hardened surface and the exact location of the previously proposed condo building were partly a function of stormwater management capacity/design and specific constraints associated with the flood plain and erosion hazard on the subject properties. **The conceptual Site Plan submitted with the proposed zoning amendment shows changes to the location and configuration of development that may or may not comply with natural hazard setbacks and stormwater management requirements for this site.**

Therefore, it is our opinion that it is critical that a revised Site Plan, including a Landscape and Grading Plan, and a new Stormwater Management Plan be submitted for review by the CRCA and City of Brockville Engineering staff prior to approval of the proposed zoning amendment. Approval of an amendment to permit a specific setback reduction and reduction in open space without necessary technical review would, in our opinion, be inappropriate at this time. We formally recommend deferral of application D14-013 until such time that the documents noted above are submitted to the satisfaction of the CRCA and City of Brockville.

Please provide us with any notice of decision with regards to this application. Please also provide these comments to the applicant and/or consultant on our behalf. Finally, please contact me should you have any questions.

Best regards,
 Mike



Michael Dakin

Resource Planner

Cataraqui Region Conservation Authority

1641 Perth Road, PO Box 160, Glenburnie ON, K0H 1S0

Phone: (613) 546-4228 ext. 228 - Fax: (613) 547-6474

Toll Free for Area code (613): 1-877-956-2722

Visit us on the web: www.crc.ca

www.cleanwatercataraqui.ca

www.cataraquitrail.ca

SCHEDULE "F" TO REPORT 2016-120-09



CATARAQUI REGION CONSERVATION AUTHORITY

1641 Perth Road, P.O. Box 160 Glenburnie, Ontario K0H 1S0
 Phone: (613) 546-4228 Toll-free (613 area code): 1-877-956-CRCA
 Fax: (613) 547-6474 E-mail: crca@cataraquiregion.on.ca
 Websites: www.cleanwatercataraqui.ca & www.cataraquiregion.on.ca

August 29, 2016

File: ZBL/BR/129/2016

Sent by Email

Andrew McGinnis
 Planner II
 City of Brockville
 One King Street West
 P.O. Box 5000
 Brockville, ON K6V 7A5

Dear Mr. McGinnis:

**Re: Application for Zoning By-law Amendment D14-013 (1109 Millwood Ave)
 Lot 11 & 12, Con. 2; 1109 Millwood Ave
 Assessment Roll #: 080202005201600
 City of Brockville
 Waterbody: Windsor Creek / Buells Creek Detention Basin**

Staff of the Cataraqui Region Conservation Authority (CRCA) have reviewed the above-noted applications zoning by-law amendment and the following supporting documents:

- Letter from Eastern Engineering, dated August 11, 2016
- Dwg. C1 – Site Plan, Eastern Engineering, August 11, 2016
- Dwg. C2 – Landscape & Layout Plan, Eastern Engineering, August 11, 2016
- Stormwater Management Report, Eastern Engineering, August, 2016

In addition to our email comments provided June 27, 2016, we provide the following additional comments for the City of Brockville's consideration and action/response by the applicant/consultant. **Specific items to be addressed are numbered.**

Proposal

The proposal involves a request to amend the zoning for the subject property from 'Multiple Residential Type 6 - (R6)' to 'Multiple Residential Type 5 Special Exception - (R5-X)' in order to permit the construction of five townhouse units on the northern portion of the property instead of the previously approved 12 unit condominium building. The special exception zoning is required to permit a reduction in the rear yard setback from 7.5 m to 4.9 m.

CRCA staff provided comments on the original Site Plan Control application for the two condo buildings in 2013.

Discussion

Member of



Mr. McGinnis (D14-013)
August 29, 2016

The main interests of the CRCA in this application are the avoidance of natural hazards (flooding and erosion) associated with Windsor Creek and the Buells Creek Detention Basin, and the implementation of adequate on-site stormwater management and erosion and sediment controls.

Natural Hazards (Flooding)

As previously noted in our 2013 Site Plan comments, the regulatory flood plain adjacent to the subject property associated with Windsor Creek and the Buells Creek Detention Basin located downstream is anticipated to reach an elevation of 99.0 m GSC. In accordance with flood hazard avoidance policies of the 2014 PPS and in accordance with the CRCA's Ontario Regulation 148/06, all new development on the subject property must be located a minimum of 6 m horizontal from the flood line and the lowest floor of all buildings and structures can be no lower than 99.3 m GSC.

Based on our review of the August 11, 2016 Site Plan, the new townhouse development appears consistent with both the 6 m horizontal setback and the 99.3 m vertical floodproofing standard.

Natural Hazards (Erosion)

In our 2013 Site Plan correspondence, staff also noted that the extent of the erosion hazard limit associated with the creek embankment along the north and west side of the property was determined to include all land within 13.5 m from the toe of slope. This number was determined based on the characteristics (height, composition) of the creek embankment. In order to comply with applicable CRCA regulatory policies, all buildings and structures on the subject property must be located outside of the erosion hazard limit, at a minimum horizontal setback from the toe of slope of the creek of 13.5 m.

As currently proposed, the northwest corner of the townhouse development (unit#1) would be located at approximately 10 m from the toe of slope, based on our review of the submitted Site Plan. This is closer than the originally proposed condo building and is also within the erosion hazard limit.

Staff cannot support the proposed zoning amendment since the building location is within the erosion hazard as defined by the CRCA.

- 1) We request that the location and/or configuration of the townhouse development be revised so that the no part of the building is within 13.5 m of the toe of slope.**

Stormwater Management

Quantity Control

A slightly larger hard surface area than the previously approved Site Plan is now proposed. Increased storage is proposed in order to continue to meet quantity control objectives. Staff are satisfied with these changes.

Flooding

Unit #1, the lowest unit (nearest to the ponding area), is proposed to have a floor elevation of 100.57. No information on the plans suggests that basements are proposed. However, the elevation at the top of the driveway at the garage opening is shown (100.30 on Unit #1). The 5-year ponding elevation and spill point to Millwood Avenue of 100.16 is shown on the plans, but 100-year ponding elevation is not indicated. CRCA staff recommends that 100-year flood depth for driving/parking areas not exceed 0.25 m to ensure adequate safe access. CRCA staff recommends at least 0.3 m vertical freeboard from 100-

Mr. McGinnis (D14-013)
August 29, 2016

year flood/ponding elevations up to lowest floors, openings, etc. of proposed dwellings/structures. We may recommend greater freeboard (e.g. 0.6 m) depending on circumstances.

- 2) CRCA staff recommends that 100-year ponding elevation/extent (assuming blocked catchbasin/outlet) be determined and shown on the plans to evaluate if proper/safe access will be provided and if adequate flood-proofing is proposed for the proposed townhouse. **Please address/revise accordingly.**

Quality Control & Maintenance

An Ecosense Stormwater filtration system is referenced in the Stormwater Management Report.

- 3) Staff recommends that additional supporting information (e.g. drawings/maintenance frequency/procedure/contact info for filter replacement, etc.) for the Ecosense Stormwater filtration system be included in the SWM report, perhaps as an appendix. **Please address/revise.**
- 4) Staff recommends that the inspection/maintenance frequency/procedure for catchbasins be detailed in the SWM report to give those responsible for maintenance a better indication of how to determine when maintenance is required and how it should be carried-out. **Please address/revise.**

Recommendation

Staff recommend deferral of application D14-013 based on the above comment relating to the insufficient erosion hazard setback for the new townhouse development. Since the zoning amendment involves a specific reduction in the required rear yard setback (7.5 to 4.9 m) and it is possible that this number may need to change in order to achieve the minimum erosion hazard setback, it is our opinion that the amendment should not be approved until the necessary revisions to the site plan are completed to the satisfaction of the CRCA and City of Brockville.

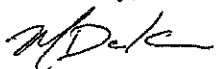
The remaining items (#2, 3 & 4) can be addressed as part of the full Site Plan approval process once the Zoning Amendment is approved.

Ontario Regulation 148/06

As discussed, the CRCA has a Regulation controlling *Development, Interference with Wetlands, and Alterations to Shorelines and Watercourses* (Ontario Regulation 148/06), made pursuant to Section 28 of the *Conservation Authorities Act*. Permission under Ontario Regulation 148/06 is required from this office prior to development or site alteration on the subject lands. **A permit must be obtained for proposed townhouse complex from the CRCA. In order to issue a permit, the minimum erosion hazard setback discussed above must be met.**

Please inform this office in writing of any decisions made by the City of Brockville regarding these applications. If you have any questions, please contact the undersigned at (613) 546-4228 extension 228, or via e-mail at mdakin@crca.ca

Yours truly,



Michael Dakin
Resource Planner

cc: Colin Jardine, Eastern Engineering, Engineering Consultant, via email

REPORT TO ECONOMIC DEVELOPMENT AND PLANNING COMMITTEE – September 6, 2016

2016-122-09

**Right of Way Norton Lane
Request by Kathy VanDusen**

**Sandra MacDonald
City Clerk**

RECOMMENDED

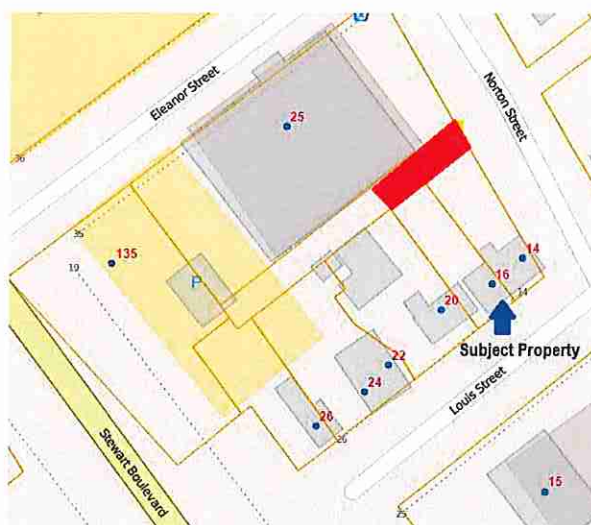
THAT Council authorize the Mayor and City Clerk to execute a licence agreement with Ms. Kathy VanDusen, 16 Louis Street, Brockville for the use of a portion of Norton Lane on the west side of Norton Street to access a parking area on the rear of the 16 Louis Street properties.

PURPOSE

Ms. VanDusen has made a request to the City for use of the unopened laneway to access a driveway (to be installed) on the rear yard of 16 Louis Street as there is insufficient space to create a driveway off Louis Street.

ANALYSIS

The applicant contacted the Planning Department to determine how a driveway could be created for the property at 16 Louis Street. The configuration of the properties in this older part of the City do not have sufficient frontage to be able to create a driveway.



Staff recommends the approval of an agreement with the property owner for the use of the Norton Lane (indicated in red in the drawing above). The unopened lane is approximately 20 feet in width and is located on the west

side of Norton Street which runs behind the properties on Louis Street, ending behind 26 Louis Street. The laneway is unmarked and has been used from time to time by Riverside Ford who were unaware of the location of the lane. They have no issues with the proposed agreement and have suggested that curb stops be installed to mark the property to ensure that it is kept clear.



The proposal was circulated to the Operations, Environmental Services and Planning Departments for review and comment. The Operations Department requires that the property owner provides a gravel surface (or better) for the lane, and accepts responsibility and liability for the maintenance and use of the lane.

FINANCIAL CONSIDERATIONS

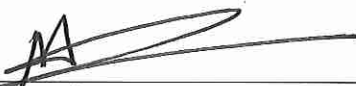
There are no financial considerations associated with this report. All costs, including legal, will be borne by the applicant.



S. MacDonald
City



D. Dick, CPA, CA
Director of Corporate Services



B. Casselman
City Manager

**Association of Municipalities of Ontario
2016 Annual Conference Review
By: Councillor Leigh Bursey**

This year's Association of Municipalities of Ontario annual networking and learning conference took place at Ceasars' Casino in Windsor, Ontario. Attended by over 1200 delegates, the conference was one of the largest ones in recent memory and covered a whole host of incredible and informative discussions and presentations. It has been challenging to get members of our local council to attend the conference, and understandably so. There is a direct cost to attending these types of conferences, and while it might be a drop in the bucket in comparison to many of our other annual costs, there is a lot of information that becomes available by attending these events. At any given time, the conference floor is littered with informative literature, provincial ministers, and municipal leaders from all over Ontario at all levels.

Being that this year's conference took place so far away, there were of course rental costs, hotel costs, and various other travel fees. As per usual, as someone who sees great value in attending this specific conference and also has to publicly answer for incurred expenses, I like to bring back as much information as I can for the councillors and public who could not attend. I have chosen to make it customary, and I hope you find it informative. Unlike previous years, I plan to outline the most relevant and interesting factoids, and provide you with a more basic overview of the conference, as these reports tend to become onerous and are often quite lengthy. Here is a snapshot of some of the information I have gathered.

**Keynote Address by Patrick Brown,
Ontario Progressive Conservative Party Leader**

Patrick's speech was both hopeful for the future and incredibly critical of the current provincial government as would be expected. That said, his keynote address was miles ahead of last year's presentation. It is obvious that as the newly minted leader of the official opposition, Patrick has focused a tremendous amount of his time reaching out to relevant stakeholders and municipal governments. His talking points were smooth, coherent and legitimate, making statements like "the only way that municipalities can thrive is to give them the tools to succeed and attract investment." These types of grandiose statements sound good to the general political population, but the sitting government would argue that they are already doing just that. Without concrete examples, these types of talking points don't amount to much.

As his presentation continued, Patrick focused much of his time on providing the examples necessary to prove his point. There was great emphasis on rising energy costs. Patrick often highlights that Ontario has the highest electricity rates in North America, just beating Hawaii which is an island that is 1000km from land and energy generation. This point has been greatly

disputed as of late by recent findings of independent Ontario financial authorities. Where he excelled in sending his point home was in raising ire on more indisputable concerns, such as Ontario's sale of energy at mere pennies on the dollar. While municipalities are being pinched to just cover their energy costs, more is being generated than is needed. "To give away energy at pennies on the dollar is ridiculous."

The green energy focus continued with statements such as "municipalities must have a say in what goes in their own boundaries," which may be of particular interest to some green energy developments in south eastern Ontario.

Another area of focus was on the "downloading by stealth" of provincial health care costs. This focus may be of particular interest to our municipality, as this very discussion has been on our table on more than one occasion. Furthermore, a revealing statistic which might also be of interest to us locally is that long term care homes used to receive up to an eighty percent subsidy and pay their share of property taxes, but now as that subsidy is being removed, so is the municipality's ability to properly tax the establishment, which not only creates a strain on the long term care residence in terms of their operating revenue, but also the municipality in terms of their tax revenue.

As front line mental health workers have been put on the chopping block, there is more emphasis on police, who were never expected to be mental health support care workers. According to Patrick's research, some police departments are reporting that half of their calls are mental health related. As we continue to hammer the rising costs of emergency services, we have to be aware of this challenge. Patrick's presentation was strong, but it wasn't without its flaws. While it was clear and offered many examples of bureaucratic inadequacy, he didn't offer many concrete examples of how his government would do it better. While we are two years out from a provincial election, and there is plenty of time for platform planks to be fleshed out, we need concrete solutions, and not merely examples of staggering problems. That said, what was clear is that Patrick seems to have a pretty decent understanding of the challenges facing our municipalities and others of our size and makeup. Andrea Horwath's presentation was also excellent, but being the second place opposition leader, her address was later in the day and didn't offer many talking points that were tremendously different than what Patrick had already presented.

Keynote Address by President Gary MacNamara, Association of Municipalities of Ontario and Highlights of Premier Kathleen Wynne's Keynote Address and Question/Answer Period

President MacNamara's farewell address was filled with nuggets of information on the direction that the Association of Municipalities of Ontario is taking. This information is important because we are dues paying members of the association, and deserve to know what the primary focuses of the organization will be moving forward. As we often highlight that

board level information isn't always forthcoming to the council floor, this address helps to give a clearer indication of where resources are being allotted.

MacNamara spoke with great disdain about the legal failings of municipalities on the joint and severed liabilities file. This theme was continuously hammered home during the "bull-pit" session later in the conference as well. He highlighted that "delegates grilled the Premier when interest arbitration and insurance liability are mentioned, and the impacts of both are unacceptable." He was referring to the very fragmented open-question segment with Premier Wynne at the beginning of the conference, which though brief and fairly controlled, was referred to as "covering a lot of ground at a high level."

The provincial carbon tax also continues to be of tremendous focus.

When the Premier was asked about "fire medics," there seemed to be some pushback, as many believe that the focus should be on where the concern is really needed, and that is the paramedic service.

In one of the more odd and obscure moments of President MacNamara's speech, he put great emphasis on the assumed pending legalization of marijuana. "We are on top of it," Mr. MacNamara explained, as he would go on to (in my humble opinion) waste ample time and effort on complaining that this legislation "will create further legal, planning and court costs," when there is no data to support that. In fact, much data suggests that this legalization could create jobs and businesses, and should actually cut down on unnecessary court costs. There is more data to suggest the later, but little conclusive data on hearsay legislation that hasn't been formulated on properly vetted. This is also a federal issue, and I have to voice my concerns on this particular piece being a primary speaking point by the president of the association. I wouldn't want to simply assume from a few words in an address what this really alludes to, but it does sound like an opportunity where municipal leaders are expecting an already broke federal government to pony up funding and resources, when this could conceivably save municipalities money on its own. I don't know if a hand out makes sense, nor do I assume it is possible. So I have to question why a provincial organization is ambiguously lobbying on legislation that has not yet been formed.

There was also some focus on the "fire-sale" of HydroOne, because a lot of the argument that initiated the sale was that money was needed for infrastructure, but infrastructure allocation has not changed "one red cent" according to Patrick Brown, who also echoed this theme.

Other Key Focuses of the Conference

AMO is known for its breakout sessions, which are not nearly as well attended as the keynote addresses which tend to really outline key platform plants and provincial happenings. That said, there is no shortage of valuable information and topics up for debate. These topics include: Improving Transparency and Building Confidence in Ontario's Assessment System,

which focused on “MPAC’s commitment to improved performance and enhanced stakeholder experience remains strong,” and how there have been “significant efforts made to engage with and assist municipalities and property owners in planning the 2016 Assessment Update.” The session discussed market trends and ongoing enhancements to the property assessment process. Other sessions included Making User Fees and Tax Levies Work: Innovative Municipal Case Studies (much of this information is available online if you are interested) and plenty of focus “Improving Quality of Life,” “Ontario’s Sharing Economy,” and the challenges and opportunities created by “retirement communities.”

Interesting Findings

The Association of Municipalities of Ontario conference’s annual trade show offered plenty of interesting vendors and a variety of innovative products. Here is a brief list of the ones that I found stood out and that are worth exploring. Coupled with that information, I will use this section to highlight informative tidbits that I found in some of the reading materials handed out on the trade show floor.

The Fuel and Lubricant Program available through PFA Canada seemed like a worthwhile piece to investigate. It focuses not only on providing fuel and lubricants at a fair prices, but also on establishing a fuel management system to ease administrative stresses. This includes cheaper fuel, essential service status, elimination of administrative hassle, flexibility, technology (internal and external efficiencies lie in the proprietary software which monitors invoice values and accuracy, among other information), price changes and forecasts.

Then there was the Greyter Home solution program, which effectively recycles shower and bath water so that it can be reused for toilet flushing and irrigation. This program reduces indoor water consumption by twenty-five to thirty percent, and reduces hot water heating costs (in an already expensive home heating climate) with drain water heating recovery. This mechanism has been installed at fire stations, schools and other institutions, such as the Oakville Fire Station.

Another interesting find was the new self-cleaning, vandal resistant, anti-graffiti stand-alone restroom, which seems to be a new popular concept that might be worth looking at for outdoor parks and multi-purpose sports facilities. The company is called Sagelec Canada, and on an international level they have over 3900 units already installed worldwide. This might not be the right fit for us, but it is worth investigating as we look at a new multi-purpose sports facility.

Other booths highlighted information about how “home sharing is boosting Ontario’s economy while helping regular people stay afloat,” highlighting how 616,000 “guests from around the world stayed with Ontario hosts last year,” and how \$8.79 million was “earned by Ontario residents sharing their homes through Airbnb last year.” This is a growing trend that is on the cusp of becoming an even larger booming industry that Brockville is well positioned to take part

in. Whatever types of incentives we can be offering within reason to this industry will only further enrich our local economy.

The CodeRED program stood out as innovative for a community facing a variety of age and technological gaps of knowledge, and is “designed to enable local government officials to record, send and track personalized voice, email and text messages to thousands of citizens in minutes, as part of your emergency management preparedness plan connecting residents and staff to the information they need.”

The Energy Services Association of Canada provided a list of case studies of municipalities that are using energy service performance contracts that include some comparator cities such as Orangeville, which is projected to save \$1.2 million over seven facilities, which works out to a guaranteed savings of \$176,000 per year over a seven year payback. I have made sure to include that information along with a variety of other pamphlets to the appropriate staff members.

My favourite program that I found was a system by InSync, which is North America’s “most effective adaptive traffic control system,” which “adjusts signal timing and sequencing based on real time traffic conditions like volume and delay.” The system is “compatible with all modern traffic controllers and cabinets.” One of the most common complaints I hear about as a city councillor in this city is about our lighting infrastructure. If this type of improvement is found to be cost efficient, this could improve and increase the flow of traffic through our main commercial corridors, which could prove to be advantageous.

Another interesting tidbit was how municipalities have been able to access funding through the provincial infrastructure ministry to renovate old historic buildings and repurpose them as community hubs that include non-profit and affordable housing, shelter, and skills development. A great example of this is highlighted in the first year’s progress report, where they profile the Timmins Native Friendship Centre, and affordable housing in Parry Sound. This information is available in the report that I have made available to staff. If there is funding available to save and repurpose these properties, it might be worth having a second look at some previous ideas that have failed.

And as a final note from the trade show, the provincial government is currently soliciting ideas on “how to cut red tape and improve regulations,” through an initiative called the “Red Tape Challenge.” I would encourage our council to draft some ideas based on our experiences on how to voice some of our ongoing concerns with troubled legislation and process. We can take the Red Tape Challenge at Ontario.ca/redtapechallenge.

Closing Comments

There is no shortage of value to be found at a conference of this nature. With enough investigating, any one of these ideas could create opportunity for savings, revenue, and

efficiency. I would also like to congratulate Mayor David Henderson on his election/re-election to the AMO Board of Directors. As President MacNamara said last year, "If you're not on the table, you may find out you're on the menu."

The conference heads to Ottawa next year, which is not only closer for travel time, but will also make for a more affordable opportunity for more of our council to join us should they choose to. I hope to see you there.