## **DECISION**

# With respect to the Official Plan for the County of Brant Subsection 17(34) of the *Planning Act*

I hereby approve, as modified, all of the Official Plan for the County of Brant adopted by By-law 61-23, subject to the following modifications, with additions in **bold underline** and deletions in **bold strikethrough**:

- 1. By-law 61-23 adopting a Brant County Official Plan, is modified by replacing the term "First Nations" with "**Indigenous communities**" throughout.
- 2. Part 2, Policy 1.1.7, under the heading "Building Meaningful Relationships and Supporting Indigenous Culture" is modified so that it reads:
  - 1.1.7 The *County* shall recognize and protect *cultural heritage resources* and *archaeological resources* associated with the history and culture of Indigenous peoples in consultation with First Nations being the Six Nations of the Grand River and the Mississaugas of the Credit First Nation in format that is meaningful, transparent, and easy to understand.
- 3. Part 2, Policy 1.1.8, under the heading "Building Meaningful Relationships and Supporting Indigenous Culture" is modified so that it reads:
  - 1.1.8 The County will ensure early and ongoing engagement with and involvement of the First Nations whose Aboriginal and Treaty Rights may be impacted when identifying, protecting, and managing cultural heritage resources and archaeological resources.
- 4. Part 5, Policy 7.5.1, under the heading "Tourism Economy" is modified so that it reads:
  - 7.5.1 Tourism and recreation opportunities shall be encouraged throughout the County by promoting and investing in development that facilitates access to the Grand and Nith Rivers and their shorelines, Agri-tourism uses, rural resource-based recreational uses, trailway connections and facilities, built and natural heritage resources, cultural heritage resources—and landscapes, restaurants, short term accommodations, cultural and entertainment facilities, and special events.
- 5. Part 6, Policy 3.2.14, Bullet 10, under the heading "General Area Study Requirements" is modified so that it reads:
  - Identify, protect and manage cultural heritage landscapes and resources, and archaeological resources in accordance with the policies of this Plan, the Ontario Heritage Act, and as per the requirements of Indigenous communities;

- 6. Part 6, Policy 3.3.1, Bullet 7, under the heading "Criteria for the Preparation of Block Plans" is modified so that it reads:
  - Provide a Design Report or similar that outlines the preliminary design concepts and their relation to Cultural Heritage Landscapes and Resources, Indigenous values, the small-town charm of the County, and an overall high quality design as set out in the County's Comprehensive Design Manual;
- 7. Part 6, Policy 5.2.5 under the heading "Consents" is modified so that it reads:
  - 5.2.5 In accordance with the Planning Act, conditions of approval may be applied to provisional approval of a Severance and shall be fulfilled within the mandated time frame as set out in the Planning Act. The County may require as a condition of approval, that the applicant enter into a development agreement including the posting of securities with the County regarding such matters as deemed appropriate which may include, but not be limited to: financial requirements; the provision of infrastructure; a Site Plan for development; access, grading, drainage, servicing and stormwater management; architectural design; conservation of cultural heritage **landscapes and**-resources, and archaeological resources; completion and implementation of an environmental implementation plan or tree inventory, protection and compensation plan; sustainable building and site design features; measures to protect health and safety; and any other measures as deemed appropriate to enhance compatibility with the surround community character.
- 8. Part 6, Policy 6.1.4, Bullet 8, under the heading "Community Planning Permit System" is modified so that it reads:
  - Protecting archaeological resources and cultural heritage landscapes and resources;
- 9. Part 8, the definition of "Adjacent Lands", Bullet 2, is modified so that it reads:
  - For the purposes of protected heritage properties and known or potential cultural heritage resources—and archaeological resources, lands within 50 m of the property boundary of a protected heritage property or a property with known or potential cultural heritage resources.
- 10. Part 8, the definition of "Significant", Bullet 2 is modified so that it reads:
  - In regard to cultural heritage and archaeological, resources that have been determined to have cultural heritage value or interest. Processes and criteria for determining cultural heritage value or interest are established by the Province under the authority of the Ontario Heritage Act.
- 11. Part 5, Policy 2.13, Second Paragraph, under the heading "The Protection of Groundwater" is modified so that it reads:

- 2.13 These areas have been identified by the County of Brant as Wellhead Protection Areas (WHPA) which are illustrated on Schedule D of this Plan. Identified WHPAs and **significant** groundwater recharge areas shall be protected to ensure the protection of the County's municipal drinking water supply.
- 12. Part 5, Policy 2.13.4, under the heading "The Protection of Groundwater" is modified so that it reads:
  - 2.13.4 The County should consider a risk assessment and/or hydrogeological analysis where appropriate, where there is potential for a proposed development to pose a **significant** risk to a **highly** vulnerable aquifer.
- 13. Part 5, Policy 2.14, Second Paragraph and Fifth Paragraph, under the heading "Source Water Protection" are modified so that they read:

The County of Brant depends on municipal groundwater wells for the County's drinking water supply. The County's environmental health, economic, and social wellbeing is linked to the protection of our groundwater resources. These municipal groundwater wells and the vulnerable areas associated with each well have been identified as Wellhead Protection Areas (WHPAs), Intake Protection Zones (IPZs) and WHPA-Q (Wellhead Protection Water Quantity Zones), which are illustrated on the D-Series Schedules of this Plan.

When a municipality amends its official plan under Section 26 of the Planning Act to conform to the local source protection plan policies, most source protection plans have set out a conformity deadline of 5 years or "at the time of the comprehensive review". Regardless of when the Official Plan is amended, decisions on planning matters **shall should** be consistent with the PPS Section **42**.2, Water Resource Systems, and must conform with, or have regard to, Source Protection Plan policies.

- 14. Part 5, Policy 2.14.1, under the heading "Source Water Protection General Policies" is modified so that it reads:
  - 2.14.1 The County of Brant will implement and conform to the policies of the Grand River Source Protection Plan-and Technical Assessment Report.
- 15. Part 5, Policy 2.14.3, under the heading "Source Water Protection General Policies" is modified so that it reads:
  - 2.14.3 Wellhead Protection Areas and Intake Protection Zones Source Protection vulnerable areas associated with the for drinking water supply of adjacent municipalities may extend into the County of Brant. The County shall implement Source Protection Plan policies in these areas, as required by the Clean Water Act.
- 16. Part 5, Policy 2.14.5, under the heading "Source Water Protection General Policies" is modified so that it reads:

To determine whether an activity associated with a proposed *development* within a Wellhead Protection Area or Intake Protection Zone <u>or Issue Contributing</u>

<u>Area</u> shown on the D-series Schedules would constitute a significant drinking water threat, the proponent will be required to disclose the proposed activities as part of a complete application.

- 17. Part 5, Policy 2.16.8, under the heading "Archeological Resources" is modified so that it reads:
  - 2.16.8 Where an Archaeological Assessment is required, it must be completed by a licensed archaeologist in accordance with Provincial guidelines and it must be approved reviewed and entered into the Ontario Public Register of Archaeological Reports by the Province. All Stages where required, must be completed as part of a complete application unless otherwise determined by the County, in consultation with Indigenous communities.
- 18. Part 5, Policy 2.16.11, Bullets 1 and 2, under the heading "Archeological Resource" are modified so that they read:
  - Conserved Excavated and documented in accordance with Provincial requirements, standards, and guidelines, where in-situ protection is not viable.
  - Conserved on-site in situ while maintaining the heritage integrity of the archaeological site. Regulatory tools such as zoning, official plan designation, other land use planning mechanisms, heritage easements under the Ontario Heritage Act, and/or an open space land dedication may be used to protect, educate and commemorate the significance of the archaeological resources on-site in situ.
- 19. Part 5, Policy 2.17.8, under the heading "Cultural Heritage Conservation General Policies" is modified so that it reads:
  - 2.17.8 Where potential **cultural built** heritage resources have been identified on lands within settlement areas slated for future development, the conservation of **cultural built** heritage resources shall occur early in the development process. Where the designation of a resource may not be feasible, the preferred methods for conservation of the resource would be as follows, noting that the examples provided below are not exhaustive:
- 20. Part 5, Policy 3.3, under the heading "The Paris Special Policy Area Floodplain" the following Section Specific Definition is added:
  - 100 Year Flood Level: for the purpose of the Special Policy Area means the level of flooding which would occur during a 100 Year Flood.
- 21. Part 5, Policy 3.3.1, under the heading "General Policies The Paris Special Policy Area Floodplain" is modified so that it reads:

- 3.3.1 The *County* shall regulate *development* and **intensification**<u>redevelopment</u> of lands in the Special Policy Area designated on Schedules of this Plan to provide adequate flood protection and enhance the water quality and environmental, aesthetic, and recreational potential of the Grand River. The *County* may pass by-laws, acquire, and dispose of lands or otherwise facilitate or encourage the *development* or **intensification** <u>redevelopment</u> of such lands.
- 22. Part 5, Policy 3.3.8, under the heading "General Policies -The Paris Special Policy Area Floodplain" is modified so that it reads:
  - 3.3.8 Floodproofing shall be applied to all new *development*, *redevelopment*, major renovation or conversion below the level of the Regulatory Flood as specified in policies pertaining to the Downtown Core and the Flats and shall be designed and constructed to the satisfaction of the *County* and the Grand River Conservation Authority
- 23. Part 5, Policy 3.3.9, under the heading "General Policies -The Paris Special Policy Area Floodplain" is modified so that it reads:
  - 3.3.9 Where practical, new mechanical, electrical and heating services shall be located higher than the level of the Regulatory Flood; but, where this is not feasible, such services shall be floodproofed using measures satisfactory of to the County and the Grand River Conservation Authority.
- 24. Part 5, Policies 3.3.6, 3.3.10, 3.3.11, and 3.3.12 under the heading "General Policies -The Paris Special Policy Area Floodplain" are deleted in their entirety. Subsequent policies are renumbered accordingly.
- 25. Part 5, Policy 3.3.19, under the heading "Implementation -The Paris Special Policy Area Floodplain" is modified so that it reads:
  - 3.3.19 The *County* shall incorporate provisions as part of the implementing *County* Zoning By-Law or similar tool, including any predecessors.
- 26. Part 5, Policy 3.3.20, under the heading "Implementation -The Paris Special Policy Area Floodplain" is modified so that it reads:
  - 3.3.20 Consideration shall be given by the *County* during the review of the implementing Zoning By-Law **or similar tool**, to the addition of the zone symbol "(F)" as a suffix to the zone symbols applied to the lands located within the Special Policy Area as well as the establishment of minimum opening elevations for buildings and structures.
- 27. Part 5, Policy 3.3.22, under the heading "Implementation -The Paris Special Policy Area Floodplain" is modified so that it reads:
  - 3.3.22 Prior to the issuance of any building permit, the *County* will ensure that a permit has been received from the Grand River Conservation Authority. Any

permits required <u>from the Grand River Conservation Authority</u> may as a condition of approval, require that upon completion of any foundation that a certificate by an Ontario Land Surveyor or other qualified person and satisfactory to the Grand River Conservation Authority and *County*, verify that the habitable flood space is located at a minimum elevation equal to the required flood level. <u>In addition, any permits required from the Grand River Conservation Authority may, as a condition of approval, require that upon completion of all <u>floodproofing</u> a report be prepared by a qualified professional Engineer, satisfactory to the Grand River Conservation Authority and <u>County</u>, certifying that the required <u>floodproofing</u> has been completed.</u>

- 28 Schedules A, and A-1, Land Use Plan and Designations for Paris, are modified by amending the designation of "Parks and Open Space" to "Neighborhoods" for the lands located at municipal address 32 Charles Street. The land designated "Natural Heritage System" remains unchanged. The Special Policy Area Floodplain and Regulatory Floodplain overlays remain.
- 29. Schedule A, Land Use Plan and Designations, is replaced with the map shown in Appendix A.
- 30. Schedule A-3, Land Use Plan and Designations for Burford, is replaced with the map shown in Appendix B.
- 31. Schedule A-17, Land Use Plan and Designations for New Durham, is replaced with the map shown in Appendix C.
- 32. Schedule A-18, Land Use Plan and Designations for Oakhill, is replaced with the map shown in Appendix D.
- 33. Part 3, Policy 4, under the heading "Site Specific Policy Areas (SSPAs)" is modified to add the following policies to the end of the section:

#### 4.4 Burford Site-Specific Policy Areas

#### Site Specific Policy Area – BF-1: Burford Future Development

The Site-Specific Policy Area BF-1 applies to lands within the Burford Settlement Area designated General Employment and noted with number BF-1 as illustrated on Schedule A Land Use. The following policies are applicable only to the area identified as SSPA BF-1:

- 4.4.1 Prior to development, the following shall be considered by the County of Brant in accordance with provincial policy, as amended from time to time:
  - if there is sufficient capacity in existing or planned municipal water services, and municipal sewage services in addition to other infrastructure and public service facilities;
  - whether the area complies with the minimum distance separation

- formulae;
- whether impacts on the agricultural system are avoided, or where avoidance is not possible, minimized and mitigated to the extent feasible as determined through an agricultural impact assessment or equivalent analysis, based on provincial guidance; and
- whether the expanded area provides for the phased progression of urban development.

#### 4.5 New Durham Site-Specific Policy Areas

Site Specific Policy Area – ND-1: New Durham Future Development

The Site-Specific Policy Area ND-1 applies to lands within the New Durham Settlement Area designated General Employment and noted with number ND-1 as illustrated on Schedule A Land Use. The following policies are applicable only to the area identified as SSPA ND-1:

4.5.1 Prior to development, the following shall be considered by the County of Brant in accordance with provincial policy, as amended from time to time:

- Permitted uses shall be limited to dry employment and industrial uses which are appropriate for individual on-site water and sewage services and do not result in excessive amounts of water or wastewater. Dry industrial and employment uses are considered to be those uses in which the principal sources of water and wastewater is related to domestic purposes, and minimal wastewater is produced, and minimal water is required for industrial processing, washing, cooling or other purposes.
  - The Zoning By-Law shall specifically define dry employment and industrial uses that are permitted, as well as the lot and building requirements that are appropriate.
  - The County shall encourage the application of water conservation technologies as well as low impact development principle;
- To mitigate potential impacts to surrounding agricultural and residential uses, implementation tools including but not limited to zoning and site plan control will prescribe and direct appropriate mitigation measures as may be required;
- whether the area complies with the minimum distance separation formulae;
- whether impacts on the agricultural system are avoided, or where avoidance is not possible, minimized and mitigated to the extent feasible as determined through an agricultural impact assessment or equivalent analysis, based on provincial guidance; and
- whether the expanded area provides for the phased progression of urban development.

### 4.6 Oakhill Site-Specific Policy Areas

Site Specific Policy Area – OH-1: Oakhill Future Development

The Site-Specific Policy Area OH-1 applies to lands within the Oakhill Settlement Area designated Village Community Lands and Village Developed Area and noted with number OH-1 as illustrated on Schedule A Land Use. The following policies are applicable only to the area identified as SSPA OH-1:

4.6.1 Prior to development, the following shall be considered by the County of Brant in accordance with provincial policy, as amended from time to time:

- the need for additional land to accommodate an appropriate range and mix of land uses;
- <u>if there is sufficient capacity in existing or planned municipal water services, and municipal sewage services in addition to other infrastructure and public service facilities;</u>
- whether the area complies with the minimum distance separation formulae;
- whether impacts on the agricultural system are avoided, or where avoidance is not possible, minimized and mitigated to the extent feasible as determined through an agricultural impact assessment or equivalent analysis, based on provincial guidance; and
- whether the expanded area provides for the phased progression of urban development.
- 34. Schedule B, Natural Heritage System, regarding legend item 'Area of Natural Scientific Importance', is modified so that it reads:

Area<u>s</u> of Natural <u>and</u> Scientific <u>Importance</u> <u>Interest</u>

35. Schedule "D" Series, Source Water Protection, is deleted and replaced with the "Revised Schedule D – Source Water Protection" mapping attached to this decision as Appendix E.

Sean Fraser, Assistant Deputy Minister
Municipal Services Division
Ministry of Municipal Affairs and Housing

COUNTRYSIBE
RURAL LANDS

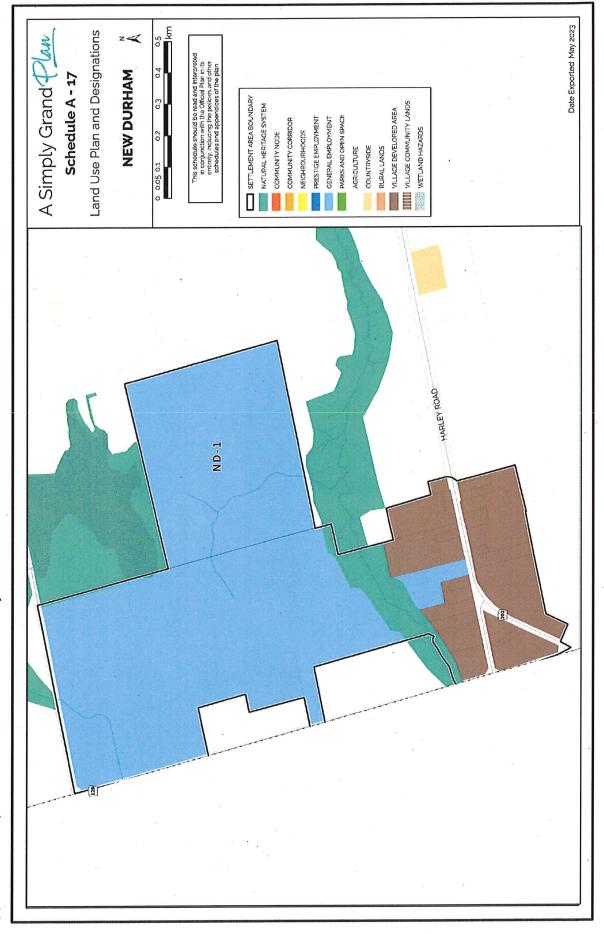
WILAGE EDVELOPED AREA

WILAGE COMMUNITY LANDS Date Exported: May 2023 Land Use Plan and Designations A Simply Grand Schedule A CITY OF BRANTFORD

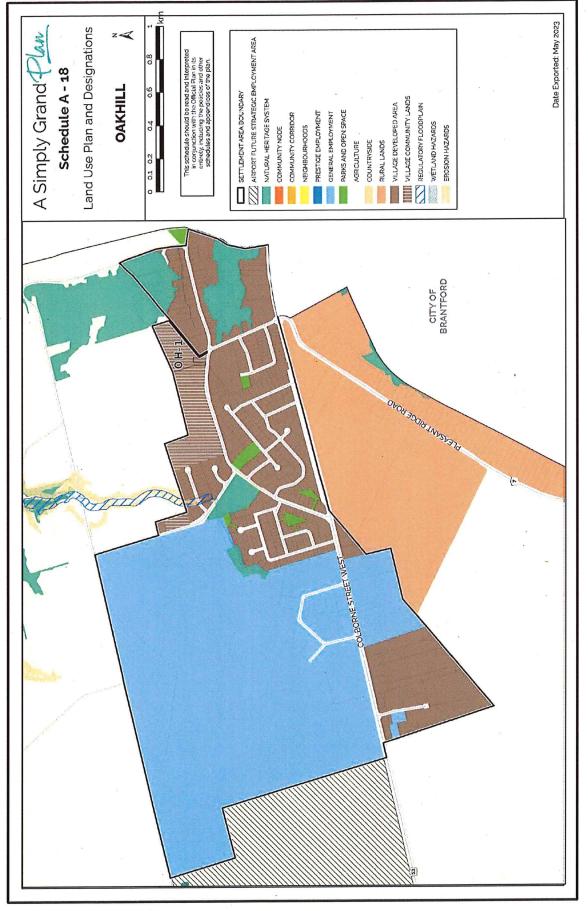
Appendix A: Replacement Schedule A-3 to By-law 61-23 for Modification # 29:

Date Exported: May 2023 Land Use Plan and Designations A Simply Grand Plan Schedule A - 3 BURFORD SETTLEMENT AREA BOUNDARY VILLAGE COMMUNITY LANDS NATURAL HERITAGE SYSTEM 0.75 VILLAGE DEVELOPED AREA REGULATORY FLOODPLAIN COMMUNITY CORRIDOR PRESTIGE EMPLOYMENT PARKS AND OPEN SPACE GENERAL EMPLOYMENT WETLAND HAZARDS BUILT UP BOUNDARY NEIGHBOURHOODS EROSION HAZARDS COMMUNITY NODE WATERCOURSE 0.5 AGRICULTURE COUNTRYSIDE RURAL LANDS 0 0.13 0.25 SIXTH CONCESSION ROAD H CONCESSION ROAD

Appendix B: Replacement Schedule A-3 to By-law 61-23 for Modification #30:



Appendix C: Replacement Schedule A-17 to By-law 61-23 for Modification # 31:



Appendix D: Replacement Schedule A-18 to By-law 61-23 for Modification #32:

