

**SPECIAL MEETING
MUNICIPALITY OF HURON EAST
Tuesday, February 3rd, 2015**

Huron East Municipal Council met in the Council Chambers of the Municipal Office, Seaforth on Tuesday, February 3rd, 2015 at 7:00 p.m. All members of Council were in attendance.

Also present for the special meeting were:

- Huron County Planning and Development Department Senior Planner Claire Dodds
- Jennifer Hundt and Toby Hundt, applicants of the proposed zoning amendment on Plan 182, Lots 416 to 418; Pt. Queen St. Closed, Plan 191, Park Lot C and W Pt. Lots 425 to 427, Brussels Ward

CALL TO ORDER

Deputy Mayor Joseph Steffler called the meeting to order at 7:00 p.m.

Moved by Brenda Dalton and seconded by David Blaney:

That the Agenda for the Special Meeting of Council dated February 3rd, 2015 be adopted as circulated. Carried.

DISCLOSURE OF ELECTED OFFICIALS – PECUNIARY INTEREST – nil

CAO/Clerk Brad Knight advised that the following provisions are contained in Ontario Regulation 545/06, Section 5(11) 5;

- i. If a person or public body does not make oral submissions at a public meeting or make written submissions to the Municipality of Huron East before the by-law is passed, the person or public body is not entitled to appeal the decision of the Council of the Municipality of Huron East to the Ontario Municipal Board.
- ii. If a person or public body does not make oral submissions at a public meeting or make written submissions to the Municipality of Huron East before the by-law is passed, the person or public body may not be added as a party to the hearing of an appeal to the Ontario Municipal Board unless, in the opinion of the Board, there are reasonable grounds to do so.

Zoning By-Law Amendment

Plan 192, Lots 416 to 418; Pt. Queen St. Closed, Plan 191, Park Lot C and W Pt. Lots 425 to 427, Brussels Ward

CAO/Clerk Brad Knight explained the purpose and intent of the proposed by-law. The by-law proposes to change the zoning from ‘Mobile Home Park’ (R4) to ‘Residential – Low Density – Special Provision’ (R1-33).

The Clerk advised that the zoning is for the purpose of permitting the construction of a single detached dwelling and accessory garage on the property, adjacent to Stretton Street. He advised that Huron County Senior Planner Claire Dodds had provided comments concerning the proposed rezoning in a report to Council dated January 27th, 2015 and was in attendance to review the report and answer any questions concerning the application.

Huron County Planning and Development Department

Senior Planner Claire Dodds attended before Council to review her report on the proposed zoning amendment with the following points being noted.

The rezoning is for the purpose of permitting the construction of a single detached dwelling and accessory garage on the property, adjacent to Stretton Street. The subject property is bounded on the south west side by the river and is significantly impacted by its Flood Plain. Based on comments from the MVCA the Planning Department recommended additional special provisions be placed on the subject property. The subject property is designated Residential and Urban Natural Environment and Open Space and also includes portions of the property which are designated Floodway and Flood Fringe. The current zoning on the subject property is a combination of Floodway (FW), Flood Fringe (FF) and Residential Mobile Home Park (R4). The area of the property designated Urban Natural Environment will be protected because development is located outside of this designation. All development on the property is regulated by the MVCA due to the extent of the Flood Plain present. One of the impacts of the change in zoning is that there is a loss of potential for the creation of an additional mobile home park in Brussels. This consideration weighed against the risk of property damage and safety from the natural hazards on the property due to the Flood Fringe boundary lends support to the removal of the R4 zoning on the subject property.

In order to address the additional information identified by the MVCA about the extent of the Flood Plain on the subject property, it is recommended that a special provision be added to the R1 zoning noting that any development in the R1 zone will be subject to MVCA review and permitting.

Recommendation:

The Huron County Planning and Development Department advised the application conforms with the policies of the Huron East Official Plan, County Official Plan and Provincial Policy Statement and recommended approval subject to the following conditions:

1. Amend the circulated zoning by-law amendment to include the following special residential zone provision (R1-33):
The portion of the property zoned R1-33 contains an area identified by the MVCA as floodplain. The area of development zoned R1-33 is identified as flood fringe in the Brussels two-zone floodplain. Any development within the area zoned R1-33 will be subject to the review and approval of the MVCA.
2. Based on the nature of the proposed amendments to the zoning by-law, it is recommended that no further public notice be given and that Council pass a resolution under Section 34(17) of the Planning Act stating that no further notice is required.

Maitland Valley Conservation Authority

Correspondence dated January 2nd, 2015 was received from the MVCA advising they had reviewed the application and the following comments were provided:

- Based on their most recent floodplain data, the proposed residence and a portion of the garage are located within the floodfringe section of the floodplain.
- The floodplain in the Village of Brussels is subject to the two-zone concept for floodplain management where no development is permitted in the floodway. However, controlled filling and development may be permitted in the floodfringe subject to flood damage reductions measures approved by MVCA.
- MVCA staff carried out a site assessment on the property (01/20/215) and provided a flood elevation benchmark. Proposed structures in the floodfringe on the subject property must be floodproofed to the flood elevation identified.
- Provincial Policy Statement – development and site alteration may be permitted where a two-zone concept for floodplains is applied, subject to appropriate floodproofing to the flooding hazard elevation. Based on preliminary review of proposed development on the property, it appears feasible that a residence can be established in the floodfringe on the property, subject to floodproofing measures.
- MVCA's Two Zone Floodplain polices support development of a residence and a portion of the accessory garage in the floodfringe portion of the property, subject to MVCA approved floodproofing measures. A MVCA permit is required prior to carrying out construction, site grading and filling on the property

Recommendation:

MVCA had no concern for the proposed zoning by-law amendment however recommended that the R1 zoning on the property include wording that reflects actual site conditions (i.e. development is proposed within the floodfringe) and to require MVCA review and approval of proposed development on the property. Should the above wording be amended in the zoning amendment, the application will be in general conformance with the natural hazard policies of the Provincial Policy Statement and with MVCA policies made under *Ont. Reg. 165/06*.

Moved by Alvin McLellan and seconded by David Blaney:
That the Special Meeting for Zoning By-Law Amendment No. 9 for 2015 be closed at 7:11 p.m. Carried.