



Planning Report

To: Municipality of Brockton Council

From: Julie Steeper, Planner

Date: March 8, 2022

Re: Zoning By-law Amendment - Z-2021-089 (Boerkamp)

Recommendation:

Subject to a review of submissions arising from the public meeting:

That Council approve Zoning By-law Amendment Z-2021-089 as attached and the necessary by-law be forwarded to Council for adoption.

Summary:

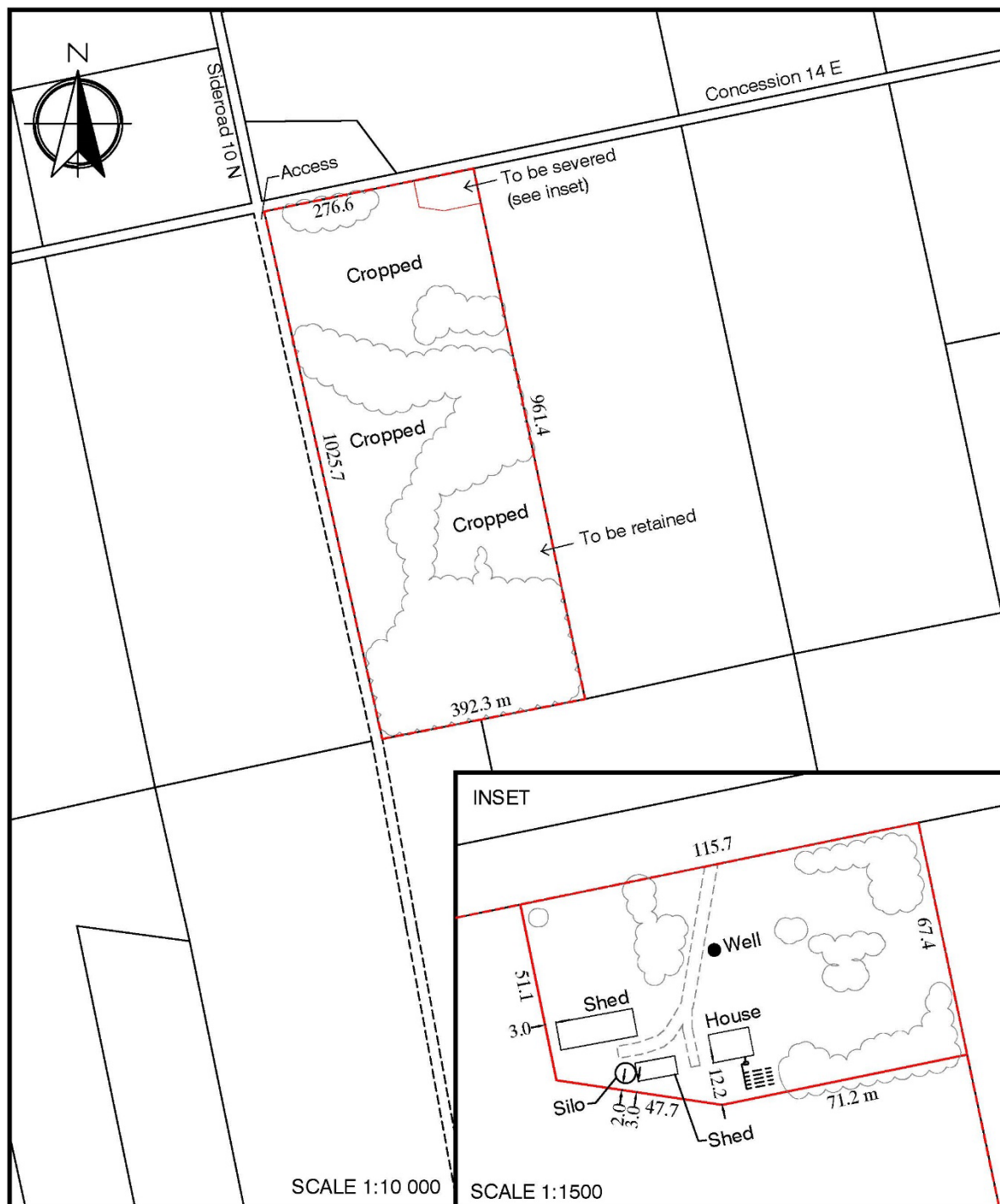
The purpose of the application is to facilitate the severance of a +/-0.74 ha surplus farm dwelling lot from a 41.28 ha parcel at 959 Concession 14 E, in the Municipality of Brockton. An amendment to the Zoning By-law is required in order to facilitate the severance. The Zoning By-law amendment to prohibit an accessory detached dwelling on the retained agricultural lot; and recognize any existing buildings and structures on severed lots which do not comply with the provisions of the By-Law. All future buildings and structures, or additions to existing buildings and structures, will need to comply with the provisions of the By-Law. A holding provision requiring an Archaeological Assessment for the lands containing high archaeological potential is proposed. If approved, the effect of the application would facilitate a surplus farm dwelling severance from the subject lands.

The related consent file (B-2021-118) will be considered by the County at a later date.

Airphoto



Site Plan



Surplus Farmhouse Severance
959 Concession 14 East
Municipality of Brockton

Received
November 22, 2021
Bruce County
Planning

RD RON DAVIDSON
LAND USE PLANNING CONSULTANT INC.
OWEN SOUND, ONTARIO

Planning Analysis:

The following section provides an overview of the planning considerations that were factored into the staff recommendation for this application, including relevant agency comments (attached), and planning policy sections.

Surplus Farm Dwelling Severance

Surplus farm dwelling severances are generally considered to be good for agriculture, on balance, because they enable farmers who have consolidated different lots into one operation to dispose of houses on the land that are surplus to the needs of the operation.

The only kind of residential severance allowed under the Provincial Policy Statement is a surplus farm dwelling severance provided that it: is the result of farm consolidation, the new lot is limited in size and that residential dwellings are prohibited on the remnant parcel.

The subject lands are designated Agricultural Area and Hazard Land Area in the Bruce County Official Plan. To meet the Official Plan policies for surplus farm dwelling severances, the owner of the farmlands must be a 'bona fide farmer'. For the purposes of this policy, the 'bona fide farmer' must:

- a) own and farm the lands on which the surplus dwelling is proposed to be severed;
- b) own and farm other lands; and,
- c) own a residence elsewhere, or reside as a tenant elsewhere, therefore rendering the residence on the subject farm surplus to their needs.

A 'bona fide farmer' is defined as including a limited company, sole proprietorship, incorporated company, numbered company, partnership, non-profit and other similar ownership forms.

The Official Plan requires that the lot proposed for the residence and buildings surplus to the farming operation be limited in area and shall only be of sufficient size to accommodate the residence surplus to the farming operation, accessory buildings (where including accessory buildings does not render the lot excessively large in the opinion of the Land Division Committee), a well and a sewage disposal system, while ensuring that as little area as possible is removed from the agricultural lands.

The retained lands will continue to be farmed and will be in the ownership Mr. & Mrs. Boerkamp, who meet the criteria as bona fide farmers. The severed land with the single detached dwelling, sheds, and silo are surplus to the owners' needs. The owners will continue to farm the remaining acreage. The owners live and farm in the immediate area.

The Bruce County Official Plan also requires a minimum farm size of generally 40 ha, which is achieved in this instance on the retained lands. The zoning will place a restriction on the retained lands that will not permit another house.

Archaeological Potential

The proposed severed and retained lots are considered to have high archeological potential due to a watercourse that runs on the property. A holding provision requiring an Archaeological Assessment for the lands containing high archaeological potential is proposed with the associated application to amend the Municipality of Brockton's Zoning By-law. The holding provision will not allow site alteration or development until an archaeological assessment has been provided by a qualified individual; the appropriate Ministry has accepted and registered the assessment, if required; and the recommendations of the archaeological assessment (if any) have been implemented. This would implement Provincial and Official Plan policies. Normal farm practices can continue on the lands identified as having high archeological potential.

Required Zoning By-law Amendments

An amendment to the Zoning By-law is required in order to facilitate the severance.

The proposed severed non-farm parcel will be rezoned from A1 - General Agriculture to A1-128-H1 - General Agriculture Special with Holding with the following provisions:

- Buildings and structures existing as of March 8, 2022 which do not comply with the provisions of the By-Law are hereby recognized. All future buildings and structures, or additions to existing buildings and structures, shall comply with the provisions of the By-Law; and
- Notwithstanding their underlying zoning designation, on those lands identified as being subject to the "H1" Holding zone, lot grading; excavation; and/or construction shall not be permitted unless the Holding (H1) zone provision is removed. The area of the H1 zone that may be lifted shall be limited to the area included in the assessment and may only be removed by Council upon:
 - i. Approval by the Zoning Administrator of an Archaeological Assessment which has been:
 - a. conducted by an archaeologist licensed in the Province of Ontario; and,
 - b. confirmed by the appropriate Ministry to have been accepted into the Ontario Public Register of Archaeological Reports and,
 - ii. Confirmation to the satisfaction of the Zoning Administrator that the recommendations of the archaeological report (if any) have been implemented.

The proposed retained farm parcel will be rezoned from A1 - General Agriculture to A1-129 - General Agriculture Special and A1-129-H1 - General Agriculture Special with Holding with the following provisions:

- A 'Dwelling, - Accessory Detached' shall be prohibited; and
- Notwithstanding their underlying zoning designation, on those lands identified as being subject to the "H1" Holding zone, lot grading; excavation; and/or construction shall not be permitted unless the Holding (H1) zone provision is removed. The area of

the H1 zone that may be lifted shall be limited to the area included in the assessment and may only be removed by Council upon:

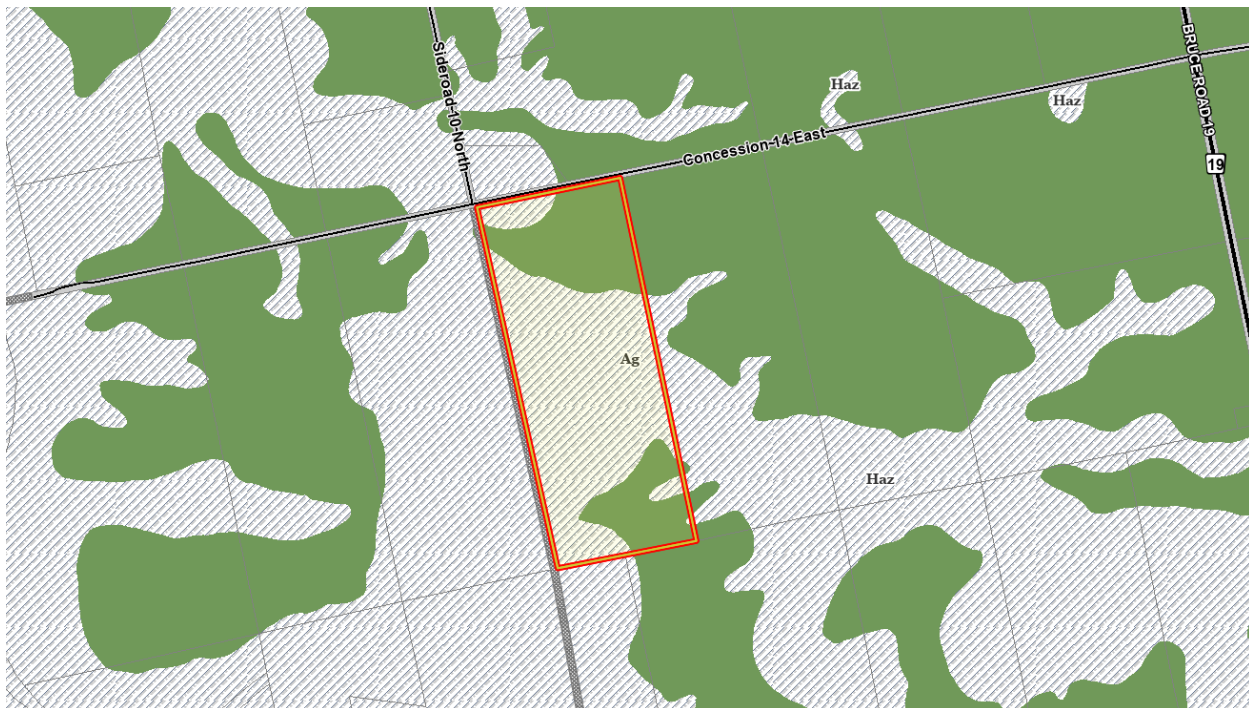
- i. Approval by the Zoning Administrator of an Archaeological Assessment which has been:
 - a. conducted by an archaeologist licensed in the Province of Ontario; and,
 - b. confirmed by the appropriate Ministry to have been accepted into the Ontario Public Register of Archaeological Reports and,
- ii. Confirmation to the satisfaction of the Zoning Administrator that the recommendations of the archaeological report (if any) have been implemented.

The EP - Environmental Protection zone will remain unchanged.

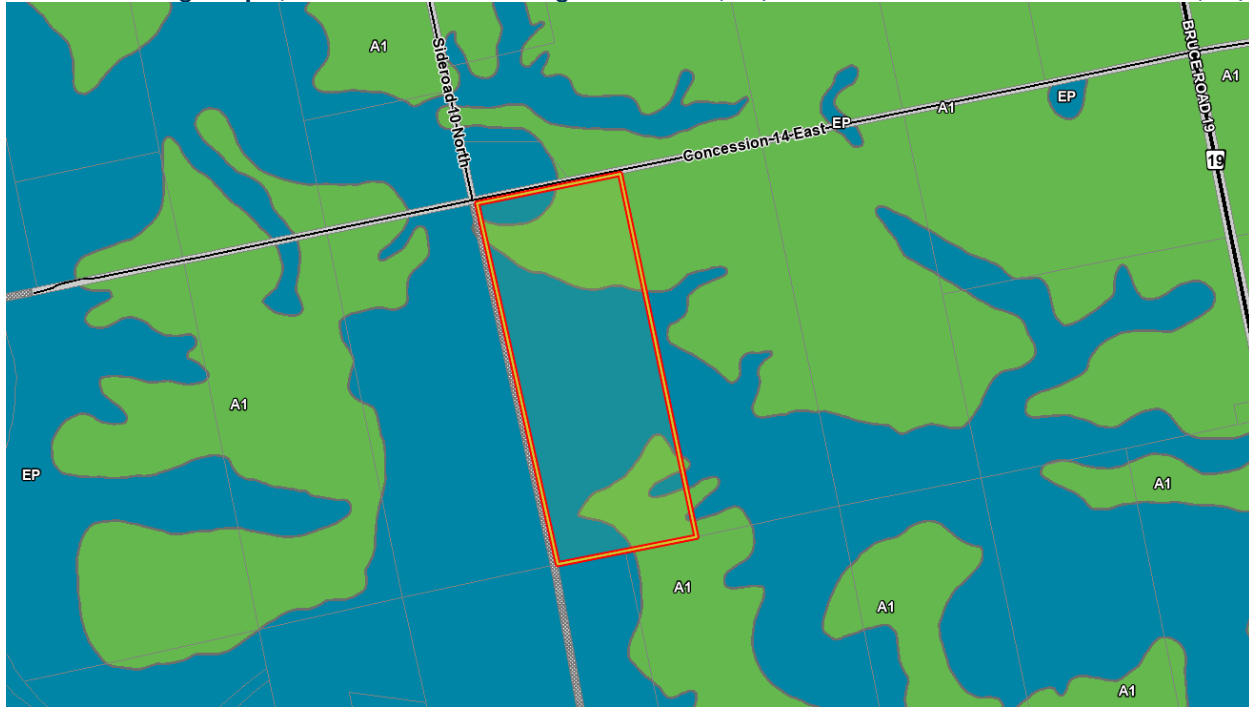
Appendices

- County Official Plan Map
- Local Zoning Map
- List of Supporting Documents and Studies
- Agency Comments
- Public Notice

County Official Plan Map (Designated Agricultural Areas, Hazard Land)



Local Zoning Map (Zoned - General Agriculture (A1), Environmental Protection (EP))



List of Supporting Documents and Studies

- Planning Report by Ron Davidson Land Use Planning Consultant Inc. Dated November 13, 2021.
- Surplus Farm Dwelling Severance Information Sheet by Mr. and Mrs. Boerkamp Dated November 22, 2021.

Agency Comments

Municipality of Brockton: The Roads Supervisor has requested that the civic address remains with the severed property.

Bruce Grey Catholic District School Board: No comments.

Historic Saugeen Metis (HSM): The Historic Saugeen Métis (HSM) Lands, Resources and Consultation Department has reviewed the relevant documents and have no objection or opposition to the proposed Consent to Sever Land and Zoning By-law as presented.

Saugeen Valley Conservation Authority (attached): No concerns and provided in full below.

SENT ELECTRONICALLY ONLY: jsteeper@brucecounty.on.ca and bcplwa@brucecounty.on.ca

February 8, 2022

County of Bruce Planning & Development Department
30 Park Street
Walkerton, Ontario N0G 2V0

ATTENTION: Julie Steeper, Planner

Dear Ms. Steeper,

RE: Consent to Sever Land B-2021-118 and Zoning By-law Amendment Z-2021-089 (Boerkamp)
959 Concession 14 E
Lot 11 Concession 14
Roll No.: 410434000603800
Geographic Township of Brant
Municipality of Brockton

Saugeen Valley Conservation Authority (SVCA) staff has reviewed the above-noted applications as per our delegated responsibility from the Province to represent provincial interests regarding natural hazards identified in Section 3.1 of the Provincial Policy Statement (PPS, 2020) and as a regulatory authority under Ontario Regulation 169/06 (SVCA's Development, Interference with Wetlands, and Alterations to Shorelines and Watercourses Regulation). SVCA staff has also provided comments as per our Memorandum of Agreement (MOA), dated September 2019, with the County of Bruce representing natural hazards, natural heritage, and water resources; and the application has also been reviewed through our role as a public body under the *Planning Act* as per our Conservation Authority Member approved Environmental Planning and Regulations Policies Manual, amended October 16, 2018.

Purpose

The purpose of the applications is to permit a surplus farm dwelling severance of a +/- 0.74 hectare (ha) lot from a +/- 41.28 ha agricultural parcel. A Zoning By-law Amendment is required to facilitate the severance.

Recommendation

The proposed applications are acceptable to SVCA staff.

Delegated Responsibility and Advisory Comments

SVCA staff has reviewed the applications through our delegated responsibility from the Province to represent provincial interests regarding natural hazards identified in Section 3.1 of the Provincial Policy Statement (PPS, 2020). We have also reviewed the applications through our responsibilities as a service provider to the County of Bruce in that we provide expert advice and technical clearance on *Planning Act* applications with regards to natural hazards, natural heritage, and water resources as set out in the PPS, 2020, County Official Plan (OP)

and/or local official plans. Comments below only include features/technical requirements affecting the property.

Natural Hazards:

The natural hazard features affecting the property are the watercourse, known as Deer Creek, its floodplain and valley, and any wetlands located in the floodplain. It is SVCA staff's opinion that the Hazard Lands designation as shown on Schedule A to the Bruce County OP and the Environmental Protection (EP) Zone as shown in the Municipality of Brockton Zoning By-law 2013-26 for the property, generally coincides with SVCA Hazard Lands for the property as mapped by the SVCA. The existing dwelling on the parcel to be severed is not within the EP zone.

Provincial Policy Statement – Section 3.1

Section 3.1 of the PPS, 2020 states in part that development shall generally be directed to areas outside of: b) hazardous lands adjacent to river, stream and small inland lake systems which are impacted by flooding and erosion hazards; and c) hazardous sites. It is the opinion of SVCA staff that the applications comply with Section 3.1. of the PPS, 2020.

County of Bruce OP Policies

Section 5.8 of the County of Bruce OP generally directs development to be located outside of Hazardous Land Area. It is the opinion of SVCA staff that the applications appear to be consistent with the natural hazard policies of the Bruce County OP.

Natural Heritage:

Based on SVCA staff's desktop review of the applications, it is our opinion that the natural heritage features affecting the property include significant woodlands, fish habitat and its adjacent lands, and habitat of endangered species and threatened species.

Provincial Policy Statement – Section 2.1

Section 2.1 of the PPS, 2020 states in part that development shall not be permitted in significant woodlands, fish habitat and its adjacent lands, habitat of endangered species and threatened species and the adjacent lands to the above referenced features except in accordance with the specified policies found in Section 2.1. It is the opinion of SVCA staff that the applications appear to be consistent with Section 2.1, Natural Heritage policies of the PPS; with the exception of Policy 2.1.7 of the PPS, threatened and endangered species, which must be addressed by Ministry of Environment, Conservation and Parks (MECP), as noted below.

Bruce County OP Policies

Significant Woodlands

Although there is no County-wide mapping for significant woodlands, SVCA staff is of the opinion that the woodlands located on the property and on lands adjacent to the property may be considered significant woodlands. SVCA staff notes that significant woodlands are not determined based on property boundaries, nor are they considered interrupted by standard road allowances or roadways. According to Section 4.3.2.6.2ii of

the Bruce County OP, there is no requirement for the preparation of an Environmental Impact Study (EIS) to address the woodlands, based on the proposal.

Fish Habitat and its Adjacent Lands

As mentioned above, Deer Creek flows through the property. The creek is considered fish habitat by SVCA staff. Section 4.3 of the Bruce County OP generally prohibits development within fish habitat and its adjacent lands, except in accordance with applicable policies. SVCA staff are of the opinion that the negative impacts to fish habitat and its adjacent lands as a result of these proposals will be negligible, and SVCA staff are not recommending the preparation of an EIS to address this policy at this time.

Habitat of Endangered Species and Threatened Species

Although not mapped in the Bruce County OP, it has come to the attention of SVCA staff that habitat of endangered species and threatened species may be located on and/or on lands adjacent to the property. Section 4.3.2.7 of the Bruce County OP states in part that development will not be permitted within habitat of endangered species and threatened species, and their adjacent lands. It is the role of the SVCA to identify habitat of endangered species and threatened species through a screening process in consideration of the PPS, 2020 and local policies, however it is the responsibility of the applicant to ensure the endangered species and threatened species policy referred to in the PPS, 2020 has been appropriately addressed. Please contact the MECP for information on how to address this policy. MECP inquiries can be addressed to SAROntario@ontario.ca.

Statutory Comments

SVCA staff has reviewed the applications as per our responsibilities as a regulatory authority under Ontario Regulation 169/06 (SVCA's Development, Interference with Wetlands, and Alterations to Shorelines and Watercourses Regulation). This regulation, made under Section 28 of the *Conservation Authorities Act*, enables SVCA to regulate development in or adjacent to river or stream valleys, Great Lakes and inland lake shorelines, watercourses, hazardous lands and wetlands. Subject to the CA Act, development taking place on or adjacent to these lands may require permission from SVCA to confirm that the control of flooding, erosion, dynamic beaches, pollution or the conservation of land are not affected. SVCA also regulates the alteration to or interference in any way with a watercourse or wetland.

Large areas of the property associated with Deer Creek and its floodplain and/or wetlands are within the SVCA Approximate Screening Area, associated with the SVCA's Ontario Regulation 169/06. As such, development and/or site alteration within the SVCA Approximate Screening Area, on the property may require permission from SVCA, prior to carrying out the work.

"Development" as defined under the Conservation Authorities Act means:

- a) the construction, reconstruction, erection or placing of a building or structure of any kind;*
- b) any change to a building or structure that would have the effect of altering the use or potential use of the building or structure, increasing the size of the building or structure or increasing the number of dwelling units in the building or structure;*
- c) site grading; or,*
- d) the temporary or permanent placing, dumping or removal of any material, originating on the site or elsewhere.*

And;

“Alteration” as per Section 5 of Ontario Regulation 169/06 generally includes the straightening, diverting or interference in any way with a river, creek, stream or watercourse, or the changing or interfering in any way with a wetland.

To determine where the SVCA Approximate Screening Area is located associated with our Regulation on the property, please refer to the SVCA’s online mapping program, available via the SVCA’s website at <http://eprweb.svca.on.ca>. For the property the SVCA Approximate Screening Area includes the greater of the following natural hazard features: watercourses and their valley, and any related flooding and erosion hazard of the watercourses as well as a 15 metre offset distance outwards from the floodplain edge and/or any wetlands/swamps and a 30 metre distance outwards from any wetland/swamp edge.

SVCA Permission for Development or Alteration

If development or alteration including construction, reconstruction, conversion, grading, filling or excavation, including agricultural tile drainage, is proposed within the SVCA Approximate Screening Area on the property, the SVCA should be contacted, as permission may be required. The parcel to be severed is not located within the SVCA Approximate Screening Area.

Summary

SVCA staff has reviewed the applications in accordance with our MOA with the County of Bruce, and as per our mandated responsibilities for natural hazard management, including our regulatory role under the *Conservation Authorities Act*.

The applications are acceptable to SVCA staff.

Given the above comments, it is the opinion of the SVCA staff that:

- 1) Consistency with Section 3.1, Natural Hazard policies of the PPS, 2020 has been demonstrated;
- 2) Consistency with Section 2.1, Natural Heritage policies of the PPS, 2020 has been demonstrated, with the exception of endangered species and threatened species policy which must be addressed by the applicant; and
- 3) Consistency with local planning policies for natural hazards and natural heritage has been demonstrated, with the exception of endangered species and threatened species policy which must be addressed by the applicant.

Please inform this office of any decision made by the Municipality of Brockton and/or the County of Bruce with regards to the applications. We respectfully request to receive a copy of the decisions and notices of any appeals filed. Should you have any questions, please contact the undersigned.

Sincerely,



Michael Oberle
Environmental Planning Technician
Saugeen Conservation
MO/

cc: Fiona Hamilton, Clerk, Municipality of Brockton (via email)
Dan Gieruszak, SVCA Member representing the Municipality of Brockton (via email)



County of Bruce
Planning & Development Department
30 Park Street, Box 848
Walkerton, ON N0G 2V0
brucecounty.on.ca
226-909-5515



February 14, 2022

File Number: Z-2021-089

Public Meeting Notice

**You're invited: On-line Public Meeting
to consider a Zoning By-law Amendment
Tuesday, March 8, 2022 at 7:00 pm**

A change is proposed in your neighbourhood: The purpose of the application is to permit a surplus farm dwelling severance of a +/- 0.74 ha lot from a +/- 41.28 ha agricultural parcel. A Zoning By-law Amendment is required to facilitate the severance. The related consent file is B-2021-118.



959 CONCESSION 14 E – CON 14 LOT 11 (Brant)
Municipality of Brockton, Roll Number 410434000603800

Learn more

You can view more information about the application at <https://brucecounty.on.ca/living/land-use> or in person at the County of Bruce Planning Office noted above, between 8:30 a.m. and 4:30 p.m. (Monday to Friday).

The Planner on the file is: Julie Steeper

Have your say

Comments and opinions submitted on these matters, including the originator's name and address, become part of the public record, may be viewed by the general public and may be published in a Planning Report and Council Agenda.

1. Please contact us by email bcplwa@brucecounty.on.ca, mail, or phone (226-909-5515) if you have any questions, concerns or objections about the application.
2. You can participate in the public meeting.

How to access the public meeting

As a result of the COVID-19 Pandemic, the Municipality of Brockton council meetings are being held in electronic format. For information on how to participate in the public meeting, please refer to the following page or visit the municipal website at:

<https://www.brockton.ca/en/our-services/Current-Council-Meeting-Agenda.aspx>.

Please contact the Municipality of Brockton at fhamilton@brockton.ca or 519 881 2223 ext 124 if you have any questions regarding how to participate in the meeting.

Stay in the loop

If you'd like to be notified of the decision of the approval authority on the proposed applications, you must make a written request to the Bruce County Planning Department.

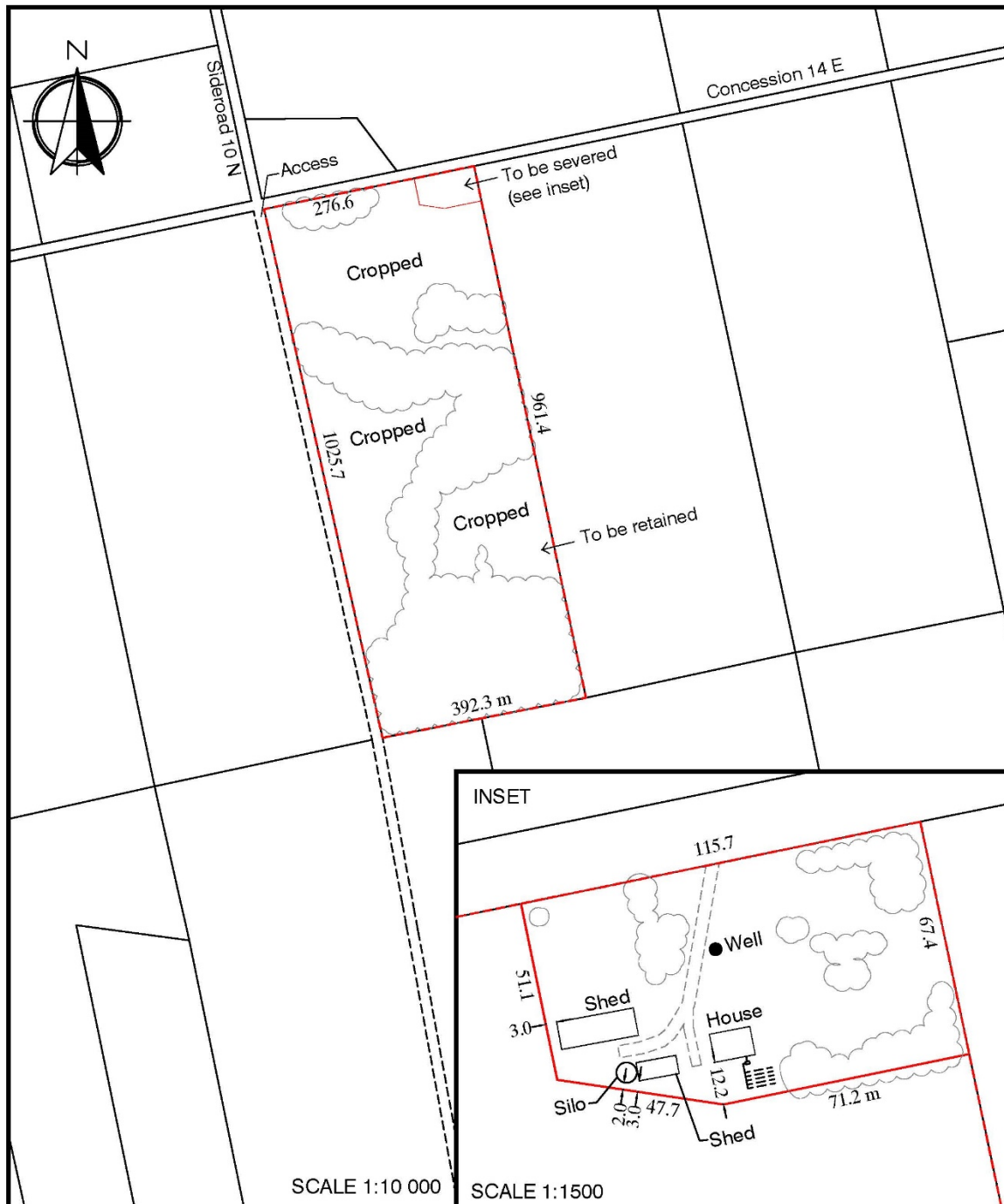
Know your rights

Section 34(11) of the [Planning Act](#) outlines rights of appeal for Zoning By-law Amendment applications. If a person or public body would otherwise have an ability to appeal the decision of the Council of the Municipality of Brockton to the Ontario Land Tribunal but the person or public body does not make oral submissions at a public meeting or make written submissions to the Bruce County Planning Department before the by-law is passed, the person or public body is not entitled to appeal the decision.

If a person or public body does not make oral submissions at a public meeting, or make written submissions to the Bruce County Planning Department before the by-law is passed, the person or public body may not be added as a party to the hearing of an appeal before the Ontario Land Tribunal unless, in the opinion of the Tribunal, there are reasonable grounds to do so. For more information please visit the Ontario Land Tribunal website at

<https://olt.gov.on.ca/appeals-process/>.

Site plan



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