



**Municipality of Brockton
Planning Report**

Application:	Zoning By-Law Amendment
File Number	Z-33-18.31
Date:	February 12, 2019

To: Mayor Peabody and Council, Municipality of Brockton

From: John Ghent, Planner for the Municipality of Brockton

Subject: Rezoning Application by Hinsperger and Fritz Construction to expand a rural industrial use

Recommendation:

Subject to the submissions from the Public Meeting, the Bruce County Planning Dept recommends:

That the Municipality of Brockton **Approve** the proposed Zoning By-law Amendment submitted by Hinsperger and Fritz Construction, File: Z-33-18.31 to rezone 2.5 ha of land which will facilitate the expansion of the existing industrial use.

Reasons for and Nature of the Application:

The application proposes to rezone 2.5 ha from the 'General Agricultural - A1' to permit the lands to be used for an industrial purpose. The 2.5 ha would be severed from the abutting farm and added to the existing Fritz Construction operations. More land is needed by Fritz Construction for outdoor storage purposes and to accommodate future expansion plans.

Location:

The farm lands are located at 189 Concession 6, (south side), approximately 1 km west of the Chepstow settlement area, Municipality of Brockton. The municipal address of Fritz Construction is 173 Concession 6.

Summary:

The rezoning application was preceded by an application to amend the Bruce County Official Plan which was considered at the December 17, 2018 Planning and Development Committee and at the January 3, 2019 County Council meeting. The Official Plan Amendment has been approved by Bruce County Council and is now in effect.

In the opinion of staff, the proposed zoning amendment application is consistent with the Provincial Policy Statement with respect to Section 2.3.6.2 'Non-Agricultural Uses in Prime Agricultural Areas'

which recognizes that there are existing non-agricultural uses and that these uses will be expanding. The PPS directs that efforts be made to mitigate the impact of the expansion.

The application is consistent with the Provincial Policy Statement (PPS), and with the approval of the OPA, it is in conformity with the County Official Plan, as amended.

Staff support the application and recommend the proposed zoning amendment be approved.



Site Description and Background:

The existing industrial operation, known as Fritz Construction Services Inc. (Fritzall), produces a variety of precast concrete building products for the agricultural and commercial market. The company has been operating from this site since 1972.

The Fritz Construction industrial site is 3.41 ha in area. There are three main buildings used for manufacturing precast building products, offices, and maintenance and storage. Much of the land not built upon is used for outdoor storage including the storage of finished product located in the front yard (that is unscreened from the road).

The abutting Hinsperger land is 17.02 ha in area. Most of the land is cash cropped. The southerly boundary follows the Teeswater River and the lands on the north side of the river are wooded. An agricultural building is located at the northwest quadrant of the property.

The overall predominant land use in the general area is agriculture. More specifically, the adjacent uses are as follows:

- To the east - residential lot abutting the industrial site and farm land

- To the south - the Teeswater River and agricultural land
- To the west - unopened road allowance and agricultural land
- To the north - agricultural land with associated buildings and a residential non-farm lot.

The land slopes gradually to the south towards the Teeswater River. The Canada Land Inventory for agriculture classifies the land as Class 1.

In 2017, a consent application was approved to sever a 0.45 ha parcel at the rear of their land and convey this land to the existing residential lot abutting to the east. Reasons given for this severance was that it was surplus to the industrial needs - an unused portion of the manufacturing business. There was an accompanying application to rezone the severed lands (to be added to the residential lot) to a residential use and also to rezone the industrial land to recognize the existing operation as a permitted use (File: Z-88-16.31).

The applicant has provided additional information which describes the markets which they serve and the expansion to the plant which is currently ongoing. This additional information is included in Appendix 3.

Details of Proposal:

The main industrial building at the Fritz Construction site is currently being expanded to the south by approximately 2356 m² (25,360 sq ft). This expansion is being undertaken in accordance with the Agricultural Commercial Industrial (ACI-44) zoning of the lands. The expansion is a significant modernization of the production facilities. Fritz Construction currently employs 50 people at the existing plant and employment is expected to increase to 70 upon completion of the expansion. The employees commute to the site from an approximate 30 minute radius.

There is a need for additional lands to accommodate outside storage and future expansion. The development proposal has the effect of permitting the expanded use.

The planning applications needed to accommodate the proposed expansion are:

- Brockton Zoning Amendment application - to change the zoning on the severed lands acquired by Fritz Construction from 'A1 General Agriculture' to 'Agricultural Commercial Industrial ACI-44', the same zone as what exists for the existing industrial operation. The balance of the farm lands would be rezoned to recognize the reduced lot area.
- Consent application - to sever 2.53 ha from the existing Hinsperger farm with this land added to the Fritz Construction site so that the overall industrial lot area would be 5.94 ha. The retained land would consist of 14.49 ha after the severance.

Fritz Construction site:

- current use - industrial operation producing pre-cast concrete building products
- area of industrial lot - existing: 3.41 ha
- area proposed to be added to industrial lot: 2.53 ha
- area of industrial lot - proposed: 5.94 ha
- floor area - existing (3 buildings): 2532 m²
- floor area of expansion (under construction): 2356 m²

- services: private water and septic
- water usage: 16,200 litres / day (approx)
- source of raw material: aggregate and sand local quarries
- employees at site and installing product: 50
- employees after current expansion (estimate): 70 (50 + 20)

Hinsperger farm land:

- current use: agriculture - cash crop
- area of lot - existing: 17.02 ha
- area of consent - severed land: 2.53 ha
- area of farm - retained land: 14.49 ha

Provincial Interest

Under Section 3(5) of the *Planning Act*, the Municipality "shall be consistent with" matters of provincial interest as set out in the Provincial Policy Statements (PPS).

The PPS has general provisions relating to promoting efficient development and land use patterns that sustain the financial well-being of the Province and the municipality over the long term and accommodating an appropriate range and mix of employment uses to meet long term needs (Section 1.1.1 a) and b)).

The PPS has specific policies relating to agricultural areas:

Prime agricultural areas shall be protected for long-term use for agriculture (Section 2.3)

- Permitted uses - In *prime agricultural areas*, permitted uses and activities are: *agricultural uses, agriculture-related uses and on-farm diversified uses*.

Proposed *agriculture-related uses* and *on-farm diversified uses* shall be compatible with, and shall not hinder, surrounding agricultural operations. Criteria for these uses may be based on guidelines developed by the Province or municipal approaches, as set out in municipal planning documents, which achieve the same objectives. (section 2.3.3.1)

Agriculture-related uses are permitted in agricultural areas provided the use satisfies the criteria outlined in the PPS. Agricultural-related use criteria as identified in the PPS at Sections 2.3.

- Planning authorities may only exclude land from *prime agricultural areas* for expansions of or identification of *settlement areas* in accordance with policy 1.1.3.8. (the settlement area expansion policies) (section 2.3.5.1)

Agricultural-related uses are defined to mean:

"means those farm-related commercial and farm-related industrial uses that are directly related to farm operations in the area, support agriculture, benefit from being in close proximity to farm operations, and provide direct products and/or services to farm operations as a primary activity".

Comment:

The PPS generally contemplates non-agricultural uses to locate in urban areas, where there are services and infrastructure appropriate to the use. Agricultural lands are then reserved for farming.

The Province has produced a document to assist decision makers to interpret PPS policies - specifically with respect to agriculture. "The Guidelines on Permitted uses in Ontario's Prime Agricultural Areas (Publication 851)" provides relevant information relating to what would constitute an agricultural-related use under the PPS. This document is used in the staff evaluation.

Staff are of the opinion that the proposed use is not in accord with a number of the criteria that have been developed to determine what constitutes an agricultural-related use. Based on this evaluation, staff consider the proposed use to be not an 'agricultural-related' use.

Non-Agricultural Uses in Prime Agricultural Areas (section 2.3.6.1 b)):

Limited non-residential and non-agricultural uses are permitted subject to four criteria. These criteria and the staff comment on the criteria are provided in the following chart:

Criteria for limited non-residential uses	Staff comment
The land does not comprise a specialty crop area	The area is not identified as a specialty crop area
The proposed use complies with the minimum distance separation formulae	The use is in compliance with the minimum distance formulae
There is an identified need within the planning horizon in policy 1.1.2 for additional land to be designated to accommodate the proposed use	This is an existing use and it is not practical to have the use relocate to an urban area where the lands are designated appropriately. The reality is that more land needs to be designated to accommodate this existing use.
Alternate locations have been evaluated, and i) There are no reasonable alternative locations which avoid prime agricultural areas, and ii) There are no reasonable alternative locations in prime agricultural areas with lower priority agricultural lands.	Staff are satisfied that development on the prime agricultural lands cannot reasonably be avoided because of the considerable existing investment at the site. Staff are also satisfied that there are no lower priority agricultural lands that are available in the immediate area as all the lands in close proximity are of the same rating.

Non-Agricultural Uses in Prime Agricultural Areas (section 2.3.6):

"Impacts from any new or expanding non-agricultural uses on surrounding agricultural operations and lands are to be mitigated to the extent feasible" (section 2.3.6.2).

The PPS acknowledges that there are existing non-agricultural uses in the agricultural area and that these uses will be, in some cases, new, and in other cases, expanding. Fritz Construction is an existing use and is seeking to expand its operations onto additional lands. The policy direction is to

mitigate the impact of this expansion. The PPS requires that impacts from any new or expanding non-agricultural uses on surrounding agricultural operations and lands be mitigated to the extent feasible.

Staff suggest the following three provisions be considered to mitigate impact of the industrial use:

1. that a holding provision in the zoning amendment be used to retain the lands in the current agricultural use until the severed lands are needed for the expansion of the industrial operation;
2. that the applicant provide visual screening across the front of the of the property to screen the outside storage from the public road. This screening could be in the form of a fence or a vegetative hedge and would promote a rural 'countryside' appearance and not that of a major industrial operation.
3. Mitigate any noise impact on the abutting residential property to the east, if required. Staff anticipate that the applicant undertake a noise study to determine the noise impact, both existing and future anticipated operations, and undertake measures to mitigate excessive noise.

See Appendix 2 for the outline of PPS policies.

County Official Plan

The Official Plan Amendment that has been filed for the lands was approved by the Bruce County Council on January 3, 2019 and is now in effect. With the approval of the OPA, the proposed zoning amendment conforms to the Official Plan.

The subject lands involving the severed parcel are identified as having a high archaeological potential. The usual manner in which this is dealt with would be to include in the amending By-law a Holding (H) provision that requires an archaeological study to be completed and recommendations implemented prior to any development proceeding.

Zoning Application:

Under the Brockton Zoning By-law, the lands are zoned as follows:

- Agriculture Commercial Industrial, ACI-44 - the existing Fritz Construction industrial lot and buildings;
- 'General Agriculture (A1)' - the existing farm land. The A1 zone requires a minimum lot area of 39 ha and a minimum frontage of 100 m; and
- Environmental Protection (EP)' - the existing hazard land.

A zoning amendment is necessary to:

- rezone the lands proposed to be acquired by Fritz Construction from A1 to ACI-44 to permit the industrial use;
- to rezone the retained farm lands to recognize the existing farm lot area of 14.5 ha.

A Holding provision could be placed on the severed lands to require:

- that an archeological study is undertaken and recommendations implemented prior to any development of the severed land proceeding;
- the severed lands remain in an agricultural use until needed by the industrial operation;

- to require visual screening across the frontage of the property to enhance the rural landscape character; and
- a noise study be undertaken to determine the noise impact, both existing and future anticipated operations, and undertake measures to mitigate excessive noise.

Agency Circulation:

Municipality of Brockton - no comment

SVCA - The proposed Official Plan and Zoning Amendment applications are acceptable

Ministry of Municipal Affairs - The Ministry has advised that they are satisfied with this application.

Public Comment:

No comments have been received from the public at the time of the report preparation.

Planning Comment / Analysis:

Fritz Construction has operated from this site for more than 40 years. It is a major employer in the area and contribute significantly to the local and regional economy. The approval of the application would permit the business to continue at this site for the foreseeable future and that is considered to be a positive outcome for the community.

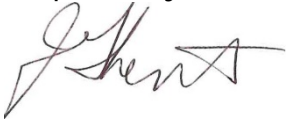
The Provincial Policy Statement recognizes that there are existing non-agricultural uses and that these uses may wish to be expand. The PPS directs that efforts be made to mitigate the impact of the expansion. In the opinion of staff, the proposed application is consistent with this provision of the Provincial Policy Statement. Providing legal existing uses with the ability to expand, subject to compatibility criteria, is a long established planning principle.

One objective of the PPS and Official Plan is to protect prime agricultural land for agricultural uses. It is understood that the 2.5 ha parcel of farm land that is to be added to the industrial site may not be needed for the industrial operations for a number of years. Given the planning objective in the PPS with respect to mitigating impacts to the agricultural area, and consistent with the Official Plan provisions, staff suggest that the severed land be rezoned to the proposed ACI-44 zone but that a holding provision be placed on the severed parcel that would permit agricultural uses and only permit the underlying industrial use when the owner has demonstrated that the existing site has been fully utilized for the industrial activity.

In addition, a Holding provision in the amending Zoning By-law may also be used for the following purposes with the objective of minimizing the impact of the non-agricultural use:

- ensure noise mitigations measures are in place, if required, to shield the abutting residential property from the effects of the industrial operation;
- to provide for screening of the outside storage in the front yard to facilitate a rural landscape;
- to require an archeological study on lands within 120 m of the Teeswater River as this area has a high potential for archeological resources.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'J. Ghent', with a stylized flourish at the end.

John Ghent, RPP

Planner, County of Bruce Planning and Development Department

Appendix 1 - Context

Legal Description	Part of Lot 10, Concession 6, geographic Township of Greenock
Municipal Address	189 Concession 6
Lot Dimensions	Entire Lot
Frontage	+/- 138.5m (454.4 ft)
Width	+/- 138.5 m (454.4 ft)Front; and, Irregular at Rear
Depth	+/- 645 m (2116.14 ft)
Area	+/- 17.02 ha (42.06 ac)
Uses Existing	Agriculture with accessory building
Uses Proposed	+/- 2.53 hectares (6.25 ac) are proposed to be conveyed to the adjacent industrial lot to facilitate the expansion of the existing operation. The balance of the parcel is to continue to be used for agricultural purposes.
Servicing Existing	None
Servicing Proposed	Private septic and private water
Access	Concession 6, a year-round municipal road.
Surrounding Land Uses	Non-farm residential and agricultural uses are to the North and East; the Teeswater River, forested and agriculture are to the South; and, and unopened road allowance and agriculture are uses to the West.

Subject Lands



Appendix 2 - Provincial Policy Statement 2014

Apply?	Policy Area
	1.0 Building Strong Communities
	1.1 Managing and Directing Land Use
	1.1.3 Settlement Areas
x	1.1.4 Rural Areas in Municipalities
x	1.1.5 Rural Lands in Municipalities
	1.1.6 Territory Without Municipal Organization
	1.2 Coordination
	1.2.6 Land Use Compatibility
	1.3 Employment
	1.3.2 Employment Areas
	1.4 Housing
	1.5 Public Spaces, Recreation, Parks, Trails and Open Space
	1.6 Infrastructure and Public Service Facilities
	1.6.6 Sewage, Water and Stormwater
	1.6.7 Transportation Systems
	1.6.8 Transportation and Infrastructure Corridors
	1.6.9 Airports, Rail and Marine Facilities

	1.6.10 Waste Management
	1.6.11 Energy Supply
x	1.7 Long-Term Economic Prosperity
	1.8 Energy Conservation, Air Quality and Climate Change
	2.0 Wise Use and Management of Resources
x	2.1 Natural Heritage
	2.2 Water
x	2.3 Agriculture
x	2.3.3 Permitted Uses
x	2.3.4 Lot Creation and Lot Adjustments
	2.3.5 Removal of Land from Prime Agricultural Areas
x	2.3.6 Non-Agricultural Uses in Prime Agricultural Areas
	2.4 Minerals and Petroleum
	2.4.2 Protection of Long-Term Resource Supply
	2.4.3 Rehabilitation
	2.4.4 Extraction in Prime Agricultural Areas
	2.5 Mineral Aggregate Resources
	2.5.2 Protection of Long-Term Resource Supply
	2.5.3 Rehabilitation
	2.5.4 Extraction in Prime Agricultural Areas
	2.5.5 Wayside Pits & Quarries, Portable Asphalt Plants and Portable Concrete Plants
x	2.6 Cultural Heritage and Archaeology
	3.0 Protecting Public Health and Safety
	3.1 Natural Hazards
	3.2 Human-made Hazards

Other Provincial Interests

Ministry	Policy	Comment
MMAH	NA	
MCuI	NA	
MOE	NA	
MTO	NA	
MNR	NA	
OMAFRA	NA	

County of Bruce Official Plan: 5.5 and 6.5.3.3 Agricultural Areas and Consent

Municipality of Brockton Zoning By-law 2013-26

6.0 Agriculture General (A1)

Appendix 3 - Letter from MMA

**Ministry of
Municipal Affairs
and Housing**

Municipal Services Office
Western Ontario
659 Exeter Road, 2nd Floor
London ON N6E 1L3
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**Ministère des
Affaires municipales
et du Logement**

Bureau des services aux municipalités
de l'Ouest de l'Ontario
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Sans frais : 1 800 265-4736
Télec. : 519 873-4018



January 30, 2019

E-mail Only

John Ghent

JGhent@brucecounty.on.ca

Re: Proposed Bruce County Official Plan Amendment No. 232-18.31
Part Lot 10, Concession 6
Municipality of Brockton (Township of Greenock)
One Window reply

Dear Mr. Ghent,

Further to the One Window comments, dated December 27, 2018, with respect to proposed Bruce County Official Plan Amendment 232 (BCOPA 232), provincial planning staff received supplementary documentation from Mr. Brian Denomme, President of Fritz Construction Services Inc., on January 15, 2019.

Provincial planning staff are pleased to report that the documentation provided satisfies outstanding provincial land use planning concerns with the proposal. Specifically, the documentation addresses Provincial Policy Statement, 2014 (PPS) policy 2.3.6.1 b. 4, which requires that alternative locations have been evaluated and that no reasonable alternative locations exist.

We trust that these comments are helpful to the County and proponent. If you have any questions or concerns, please contact the undersigned.

Kind regards,

Tyler Shantz, BES
Planner

Ministry of Municipal Affairs and Housing
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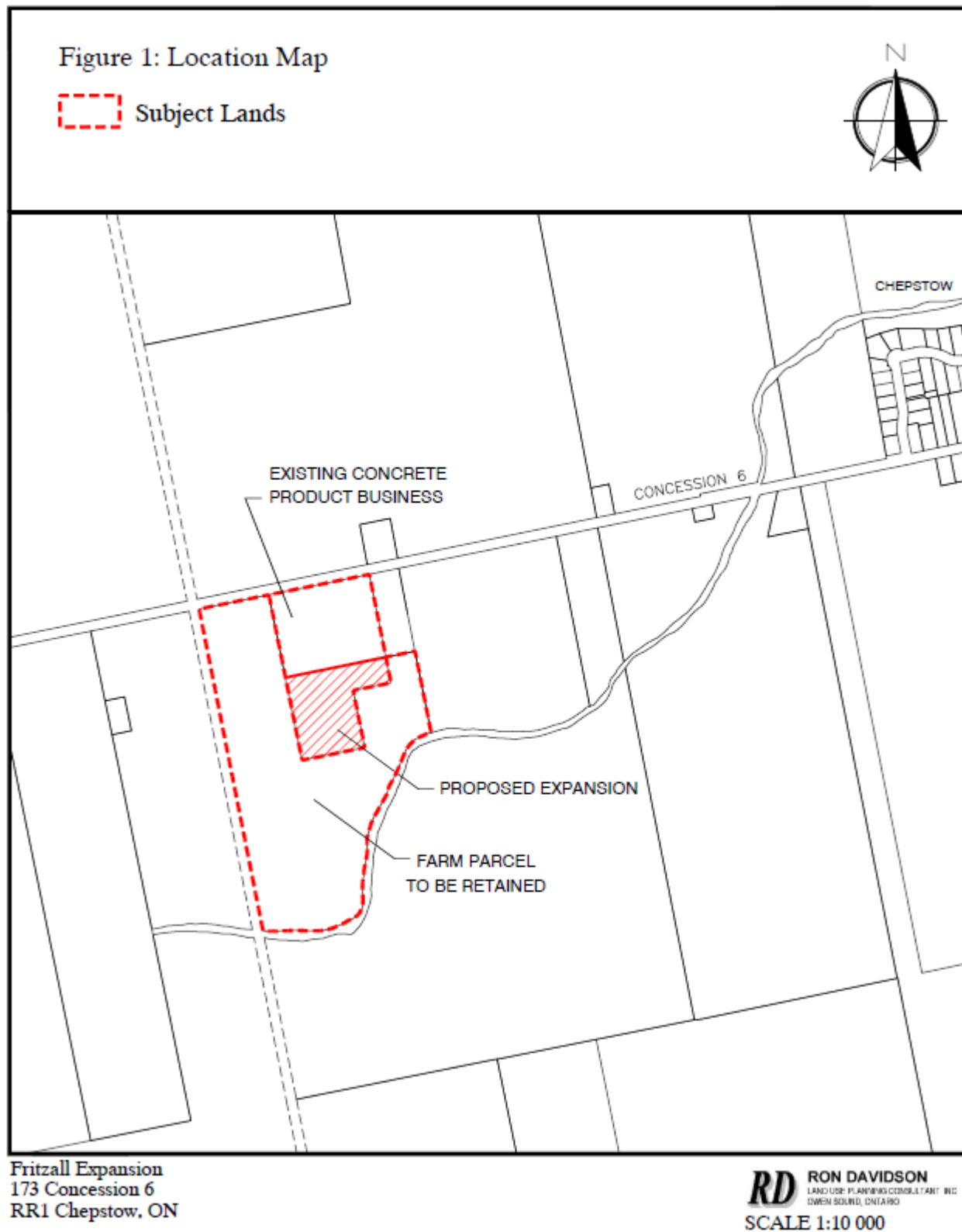
Appendix 4: Additional Information from the Applicant

The following information is provided by the applicant to understand more clearly the nature of the business and the markets they serve.

"1. Currently our precast product lines serves the agricultural and commercial fields almost equally with a small advantage to the commercial side of the business due to the sheer size of the those projects. One commercial job can have as much square footage as 4 or 5 agricultural jobs. For us, the two industries (ag and comm) complement each other in that when one industry isn't busy, we can fill that production space with the other. Due to the ever increasing costs of raw materials, we need to find ways to maintain our profit margins and to stay competitive in both market places. After many years of researching our options, we decided that expanding our manufacturing facility and adding more products to our repertoire would help us to even out the ups and downs of the precast industry. We looked at several different locations in Southwestern Ontario and even made an offer on 10 acres of land in Woodstock but decided that our current location in Chepstow is the best option for us so we can bring additional employment to our area and to share resources and equipment that would otherwise have to be purchased at an additional expense. Expanding our existing operation will make it possible for us to manufacture more slatted floors, wall panels, feed bunks as well as now offer pre-stressed beams and columns for the ag market. It will also allow us to produce floor panels for the commercial markets which means we can build a complete building out of precast (hollowcore and walls). Adding these new product lines will keep us busy year round which gives our employees stability as well as steady income.

2. The value of the existing plant of \$ 4M reflects the appraised, current value and not what the replacement cost would be. The existing facility is 40'-0" x 361'-0" and 105'-0" x 122'-0". The value of the new building at \$8M is based on current construction costs of the structure as well as the new concrete batching plant and forming and extruding equipment which is state of the art for the precast industry. This specialized equipment (from Finland) will help to keep our business profitable and offer more employment and benefits to our staff."

Appendix 5 - Development Concept



Appendix 6 - Bruce County Official Plan



Appendix 7 - Brockton Zoning By-law



Appendix 8
Draft Zoning By-law
The Corporation of the Municipality of Brockton
By-law No. 2019 - xxx

Being a By-Law to Amend the Municipality of Brockton Comprehensive Zoning By-Law No. 2013-26, As Amended,

The Council of the Corporation of the Municipality of Brockton pursuant to Section 34 of the Planning Act, 1990, therefore enacts as follows:

1. By-Law No. 2013-26, as amended, is further amended as follows:
2. That Schedule 'A' to By-Law No. 2013-26, as amended, is hereby further amended by changing the zoning on the Part of Lot 10, Concession 6, geographic Township of Greenock, Municipality of Brockton from General Agriculture (A1) to:
 - a) Agriculture Commercial Industrial (ACI-44-H) as shown on Schedule A attached and forming a part of this By-law.
 - b) General Agriculture A1-99-H as shown on Schedule 'A' attached hereto and forming a part of this By-law.
3. The lands zoned A1-99-H on Schedule A, shall be subject to a minimum lot area of 14 ha.
4. The lands zoned ACI-44-H may be used for the manufacturing of precast concrete, construction services and solar installation, however this use shall not be permitted until the Holding (H) provision is removed. The Holding (H) provision shall be removed when the following matters have been implemented:
 - a) the lands will be used for agricultural purposes until such time as the lands zoned ACI-44 are demonstrated as being needed for the industrial use to the satisfaction of the municipality;
 - b) a visual screen be provided in the form of a fence or a vegetative hedge across the front of the of the property in the area of the outside storage, to screen the outside storage from the public road to the satisfaction of the municipality;
 - c) the owner undertake a noise study to determine the noise impact on the abutting residential property to the east and implement recommended measures to mitigate excessive noise.
 - d) the lands may continue to be used for the same purposes as what they were used for at the time of the approval of this by-law (meaning agricultural uses) until the H - holding provisions are removed, and the Holding provisions may be removed subject to the preparation of an Archaeological Study to the satisfaction of the Ministry of Citizenship and Culture with the recommendations of the Ministry being implemented
5. The lands zoned A1-99-H may continue to be used for the same purposes as what they were used for at the time of the approval of this by-law (meaning no buildings or structures) until the H - Holding provisions are removed, and the Holding provisions may be removed subject to the preparation of an Archaeological Study to the satisfaction of the Ministry of Citizenship and Culture with the recommendations of the Ministry being implemented.

6. That this By-law shall come into force and effect on the final passing thereof by the Council of the Municipality of Brockton, subject to compliance with the provisions of the Planning Act, R.S.O. 1990.

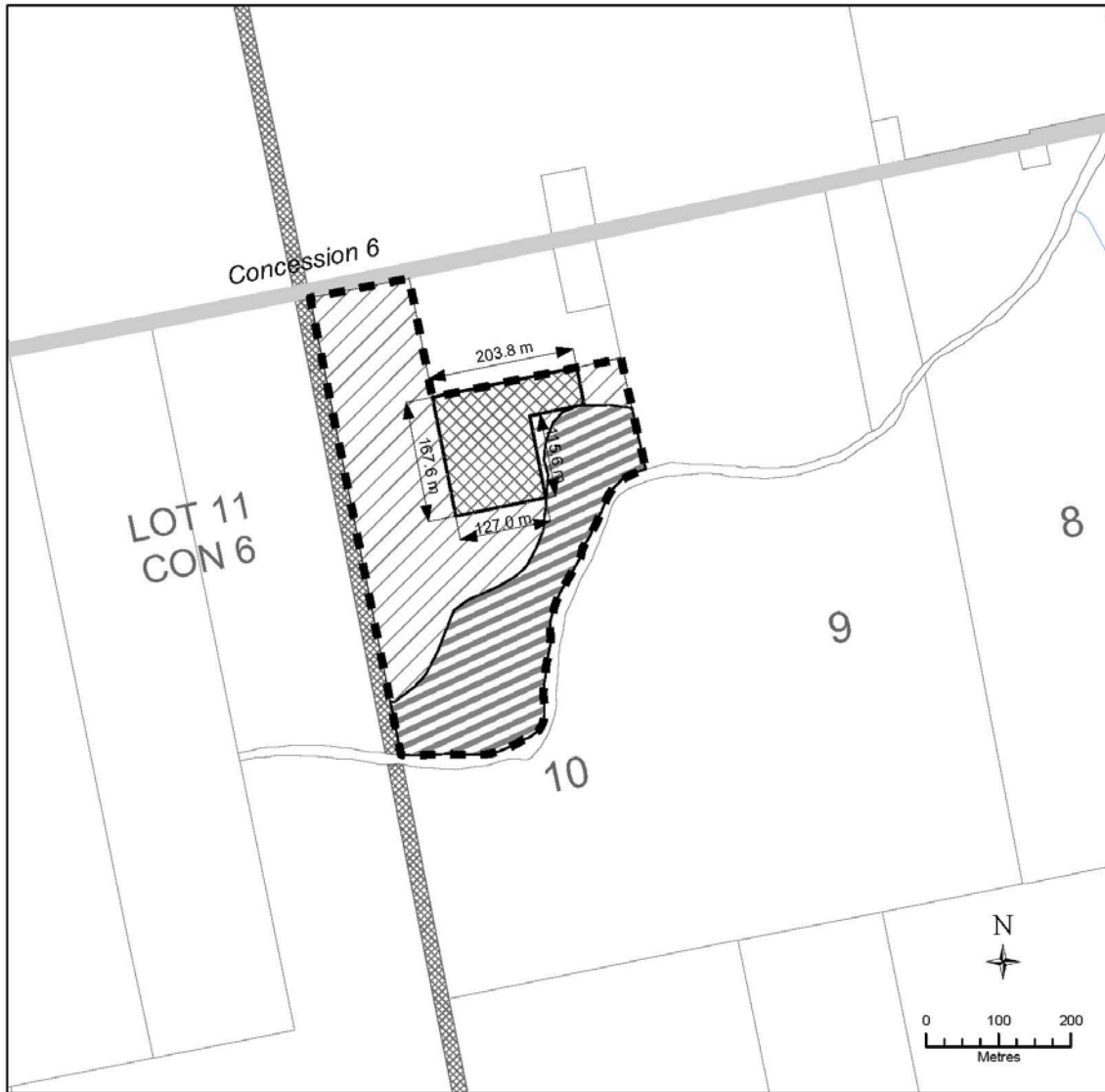
Read, Enacted, Signed and Sealed this _____ day of _____ 2019.





Mayor - C Peabody

Clerk - Fiona Hamilton

Schedule 'A'

Part of Lot 10, Concession 6 (189 Concession 6)
Municipality of Brockton (geographic Township of Greenock)



-  Subject Property
-  Lands to be zoned 'ACI-44-H - Industrial Special Holding'
-  Lands zoned 'A1-99-H - General Agriculture Special Holding'
-  Lands zoned 'EP - Environmental Protection'

This is Schedule 'A' to the zoning by-law
Amendment No. _____ passed this
_____ day of _____

Mayor _____
Clerk _____