



Planning Report

To: Municipality of Brockton Council

From: Monica Walker-Bolton, Sr. Policy Planner

Date: November 29, 2022

Re: Zoning By-Law Amendment Z-2022-094 Derible

Recommendation:

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

That Committee approve Zoning By-law Amendment Z-2022-094 as attached and the necessary by-law be forwarded to Council for adoption.

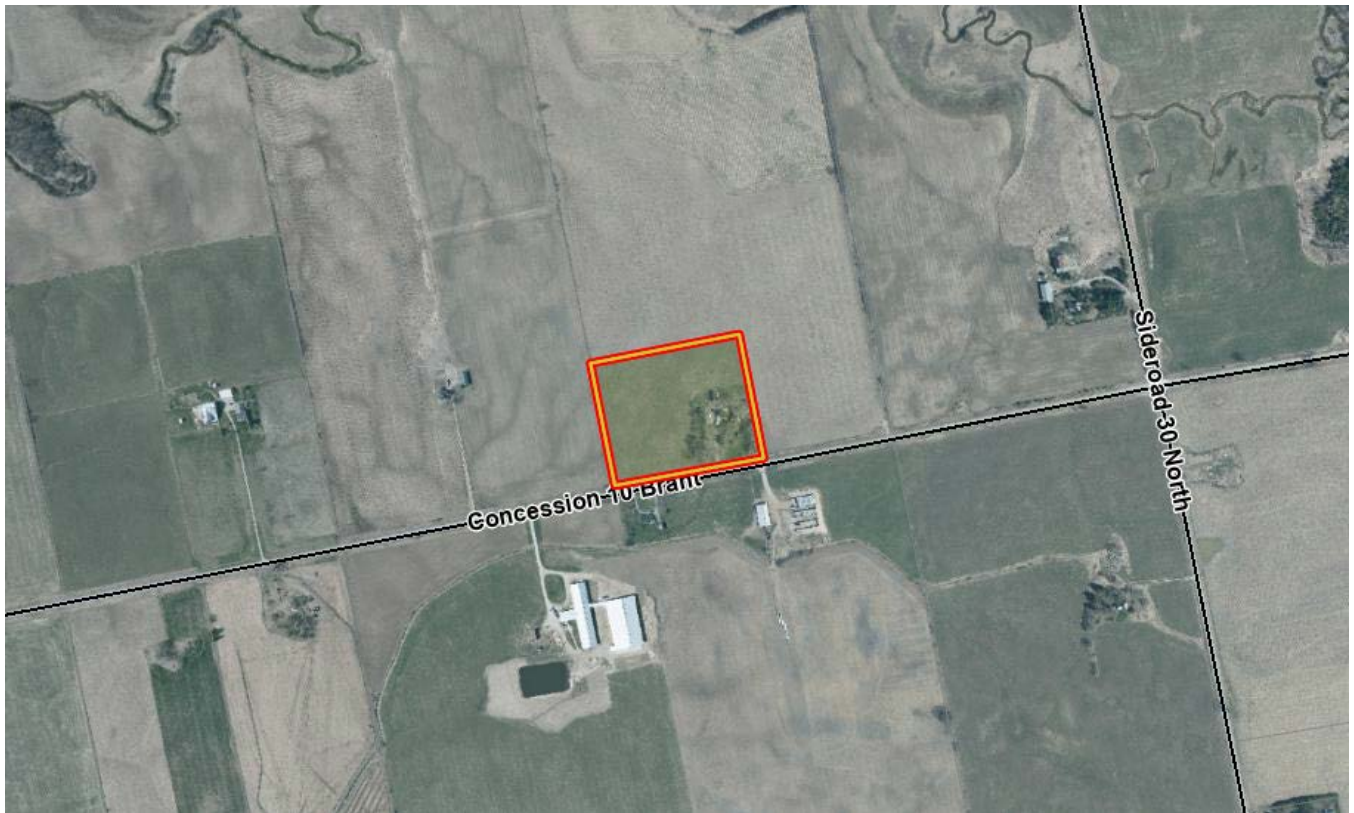
Summary:

This application proposes to rezone the property from General Agriculture (A1) to General Agriculture - Special Zones (A1-139). If approved, the application will facilitate the conversion of an existing outbuilding for use as an additional residential unit or allow a new building to be constructed for an additional residential unit. The amendment will also recognize a reduced Minimum Distance Separation of 264 metres for the additional residential unit from a neighbouring livestock barn and manure storage.

The subject property is located west of Elmwood on Concession Road 10 in the former Brant Township.

The property is surrounded by agricultural uses.

Airphoto



Site Plan

Aug 17 2022

iMessage
Today 2:55 PM

outside
building.



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.

Additional Residential Unit

The subject property is designated Agriculture in the Bruce County Official Plan. Section 4.4.4.1 of the plan allows one additional residential unit on properties in the Agriculture designation. The additional residential unit for the subject property will share the existing driveway and will be located within the existing building cluster. This meets the requirements of Section 4.4.4.1 and Section 5.5.12 of the Bruce County Official Plan.

Natural Heritage & Natural Hazards

Saugeen Valley Conservation Authority (SVCA) has provided comments indicating that they find the application acceptable.

There are no natural hazard or regulated features on the subject property.

The property is adjacent to Municipal Drain #6, which is recognized as the natural heritage feature of fish habitat. The property is also identified as featuring significant wildlife habitat. The SVCA has determined that impact to fish habitat and significant wildlife habitat for the proposed development will be negligible because the development will be located on previously disturbed land.

Minimum Distance Separation

There is an existing dairy operation to the south of the subject property. The required minimum distance separation (MDS) from the livestock barn has been calculated to be 356m and the required minimum distance from the manure storage is 485m.

The proposed additional residential unit in the existing accessory building is approximately 265 metres from the livestock barn and approximately 396 from the manure storage on the neighbouring farm.

Section 5.5.11 of the Bruce County Official Plan recognizes that a Minor Variance or Zoning Amendment can allow for a reduction in the Provincial Minimum Distance Separation requirements.

The MDS policies of the Official Plan and provisions of the zoning by-law are intended to prevent problems with odour from livestock operations impacting sensitive uses such as homes. The proposed reduction in MDS is unlikely to cause any issues with compatibility as the proposed dwelling will be clustered with the main residence and is only approximately 30 metres closer to the livestock operation than the existing house.

The proposed Zoning By-Law Amendment proposes a reduction in the Minimum Distance Separation (MDS) for the new additional residential unit of 264 metres from the neighbouring barns and/ or manure storage. The required minimum setback is one metre less than the measured distance of the existing accessory building to allow a margin for error in measurement. The reduced MDS setback would permit the additional residential unit in an existing accessory building on the property, or for a new building to be constructed so long as the setback of 264 metres from the livestock operation is met.

The reduction will be minor in its effect, will not introduce an environmental impact and is beneficial for the development of the subject property to allow an additional residential unit within the existing building cluster.

Trees on the subject property help to provide a visual buffer between the livestock operation and the proposed additional residential unit use.

Appendices

- County Official Plan Map
- Local Zoning Map
- Agency Comments
- Public Notice

County Official Plan Map (Designated Agricultural Areas)



Local Zoning Map (Zoned General Agriculture 'A1')



Agency Comments

Historic Saugeen Métis: No objection or opposition.

Municipality of Brockton Building Department: A building permit or change of use permit will be required for the use of the existing building for a residential use. Should constraints or difficulties arise related to conformity to the Building Code with respect to the change of use of the existing building consideration should be given to allowing an additional residential unit elsewhere on the property.

Saugeen Ojibway Nation: Currently Saugeen Ojibway Nation Environment Office does not have resources to engage in consultation on this project. No further comments.

Saugeen Valley Conservation Authority: Provided in full below

SENT ELECTRONICALLY ONLY (MWalkerBolton@brucecounty.on.ca and bcplwa@brucecounty.on.ca)

October 18, 2022

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

ATTENTION: Monica Walker Bolton, Planner, Bruce County

Dear Ms. Walker Bolton,

RE: Zoning By-law Amendment: Z-2022-094
CON 11 S PT LOT 29
Roll No.: 410434000706300
Geographic Township of Brant
Municipality of Brockton

(Derible)

Saugeen Valley Conservation Authority (SVCA) staff has reviewed the above-noted application 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 application is to rezone the property from General Agriculture (A1) to General Agriculture - Special Zones (A1-139). If approved, the application will facilitate the conversion of an existing outbuilding for use as an additional residential unit and recognize a reduced Minimum Distance Separation of 264 metres of the additional dwelling unit from a neighbouring livestock barn and manure storage.

The following submitted documents have been reviewed in relation to this application:

- 1) Application for Zoning-By Law Amendment dated August 17, 2022.
- 2) Request for Agency Comments dated October 7, 2022.
- 3) Conversion Plan not dated.

Recommendation

The proposed application is acceptable to SVCA staff. We elaborate in the following paragraphs.

Delegated Responsibility and Advisory Comments

SVCA staff has reviewed the application 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 application through our responsibilities as a service provider to the County of Bruce in that we provide expert advice and technical clearance on *Planning Act* application 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:

Based on SVCA staff's desktop review of the application, the property does not contain any natural hazards nor regulated features.

Natural Heritage:

Based on SVCA staff's desktop review of the application, it is our opinion that the natural heritage features affecting the property include adjacent lands to fish habitat and potential significant wildlife habitat.

Fish Habitat

Municipal Drain #6 is recognized as fish habitat and is adjacent to the property.

Provincial Policy Statement – Section 2.1

It is SVCA staff's interpretation that the PPS does not have policies specific to other wetlands; however, the PPS (2020) generally recognizes other wetlands as natural heritage features.

Bruce County OP Policies

It is SVCA staff's interpretation, s. 4.3.2.1 of the County OP does not permit development within 30 metres to the banks of a cold water stream or 15 metres of a warm water stream; and that landowners are encouraged to forest the area within any stream to maintain and improve fish habitat ecological functions of the stream and to increase natural connections. Furthermore, s. 4.3.3 of the OP requires that an EIS shall be required for development and site alteration proposed within 120 metres of fish habitat

The property features adjacent lands to fish habitat. Development will be restricted to previously disturbed lands. As such, SVCA staff are of the opinion that the impact to this feature will be negligible and the requirement for an EIS can be waived.

It is SVCA staff's opinion that the proposed development is in accordance with the natural heritage policies of the PPS (2020) and the Bruce County Official Plan.

Significant Wildlife Habitat

While mapping showing significant wildlife habitat is not included in the Bruce County OP, it has come to the attention of SVCA staff that significant wildlife habitat may be located on and/or on lands adjacent to the property.

Provincial Policy Statement – Section 2.1

Section 2.1.5 (d) of the Provincial Policy Statement dictates that development and site alteration shall not be permitted in significant wildlife habitat nor shall it be permitted on adjacent lands (Section 2.1.8) to significant wildlife habitat unless it has been evaluated and demonstrated that there will be no negative impacts. While the development proposed may be within significant wildlife habitat, The site features sufficient area outside of the feature for future development on previously disturbed lands on adjacent properties, and SVCA staff are of the opinion that the impact to the habitat will be negligible.

Bruce County Official Plan Policies

In the opinion of SVCA staff, Section 4.3.2.10 of the Bruce County OP states, in part, that development proposed within significant wildlife habitat requires an EIS that demonstrates there will be no negative impact on the feature.

The property features potential significant wildlife habitat. Development will be restricted to previously disturbed lands. As such, SVCA staff are of the opinion that the impact to this feature will be negligible and the requirement for an EIS can be waived.

It is SVCA staff's opinion that the proposed development is in accordance with the natural heritage policies of the PPS (2020) and the Bruce County Official Plan.

Drinking Water Source Protection

The subject property appears to SVCA staff to not be located within an area that is subject to the local Drinking Water Source Protection Plan. To confirm, please contact Carl Sieder or Karen Gillian (RMO) at RMO@greysauble.on.ca.

Statutory Comments

SVCA staff has reviewed the application 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.

The property does not contain any hazard features nor regulated area. As such, development and/or site alteration within the SVCA Approximate Regulated Area and/or Approximate Screening Area, on the property will not 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.

The property does not contain regulated area.

SVCA Permission for Development or Alteration

The property does not feature and hazards nor regulated area. As such, permission from this office will not be needed prior to development.

Summary

SVCA staff has reviewed the application 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 application is 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.
- 3) Consistency with local planning policies for natural hazards and natural heritage has been demonstrated.

Please inform this office of any decision made by the Municipality of Brockton and/or the County of Bruce with regards to the application. 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 at m.cook@svca.on.ca.

Sincerely,



Michael Cook
Environmental Planning Technician
Saugeen Conservation

MC/

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



November 7, 2022

File Number: Z-2022-094

Public Meeting Notice

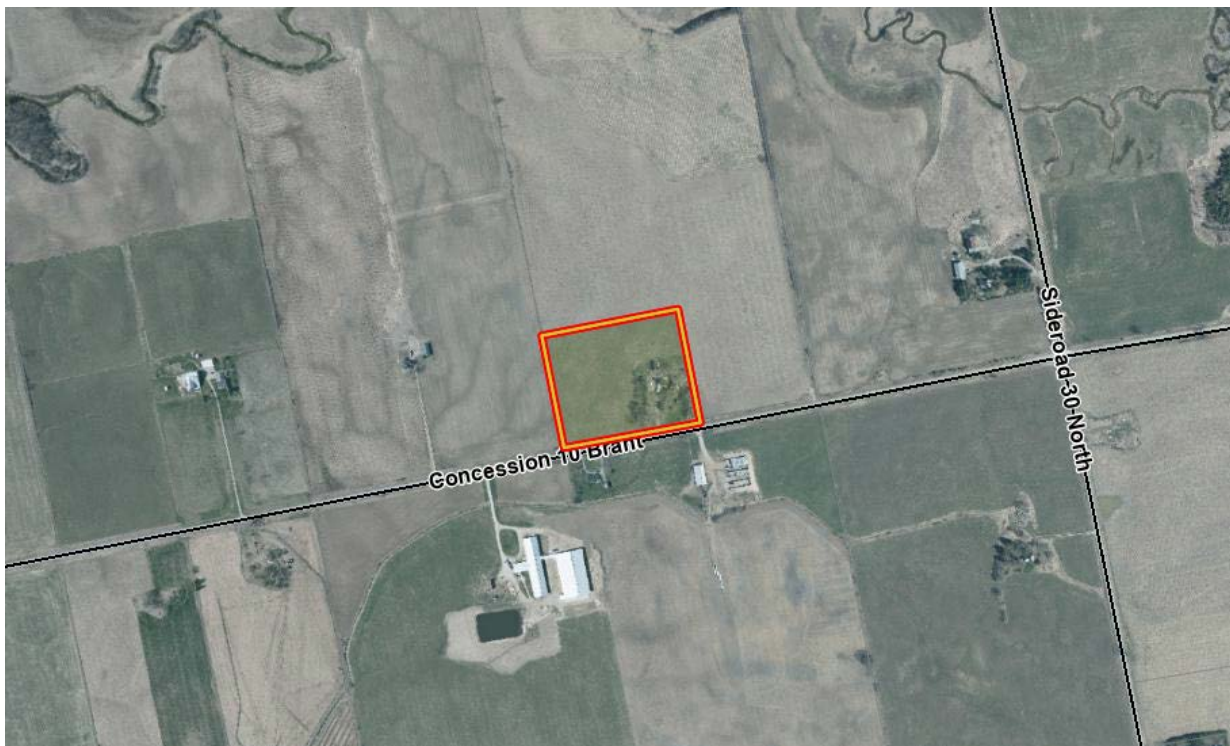
You're invited:

On-line Public Meeting

to consider a Zoning By-law Amendment

Tuesday, November 29th, 2022 at 7:00 pm

A change is proposed in your neighbourhood: This application proposes to rezone the property from General Agriculture (A1) to General Agriculture - Special Zones (A1-139). If approved, the application will facilitate the conversion of an existing outbuilding for use as an additional residential unit or allow a new building to be constructed for an additional residential unit. The amendment will also recognize a reduced Minimum Distance Separation of 264 metres of the additional dwelling unit from a neighbouring livestock barn and manure storage.



186 CONCESSION 10 BRANT – CON 11 S PT LOT 29 (Brant)
Municipality of Brockton, Roll Number 410434000706300

Learn more

You can view limited information about the application at <https://brucecounty.on.ca/living/land-use>. Additional information, including the supporting materials, can be provided upon request by e-mailing bcplwa@brucecounty.on.ca or calling 226-909-5515. Information can also be viewed 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: Monica Walker Bolton

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. Comments received after November 21, 2022 may not be included in the Planning report but will be considered if received prior to a decision being made, and included in the official record on file.

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

The Municipality of Brockton council meetings are being held in electronic format.

Please click the link below to join the webinar:

<https://us02web.zoom.us/j/83315676261?pwd=Z3IKL25VWVd4aUFsL0pjUFdNOGh0dz09>

Passcode: 569710

Or Telephone:

Dial(for higher quality, dial a number based on your current location):

Canada: +1 438 809 7799 or +1 587 328 1099 or +1 647 374 4685 or +1 647 558 0588 or +1 778 907 2071 or +1 780 666 0144 or +1 204 272 7920

Webinar ID: 833 1567 6261

Passcode: 569710

International numbers available: <https://us02web.zoom.us/j/83315676261?pwd=Z3IKL25VWVd4aUFsL0pjUFdNOGh0dz09>

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 Municipality of Brockton on the proposed application(s), 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

