



Planning Report

To: Municipality of Brockton Council

From: Benito Russo, Planner

Date: November 29, 2022

Re: Zoning By-law Amendment Application - Z-2022-099 (Threndyle)

Recommendation:

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

That Council approve Zoning By-law Amendment Z-2022-099 as attached and the necessary by-law be forwarded to Council for adoption.

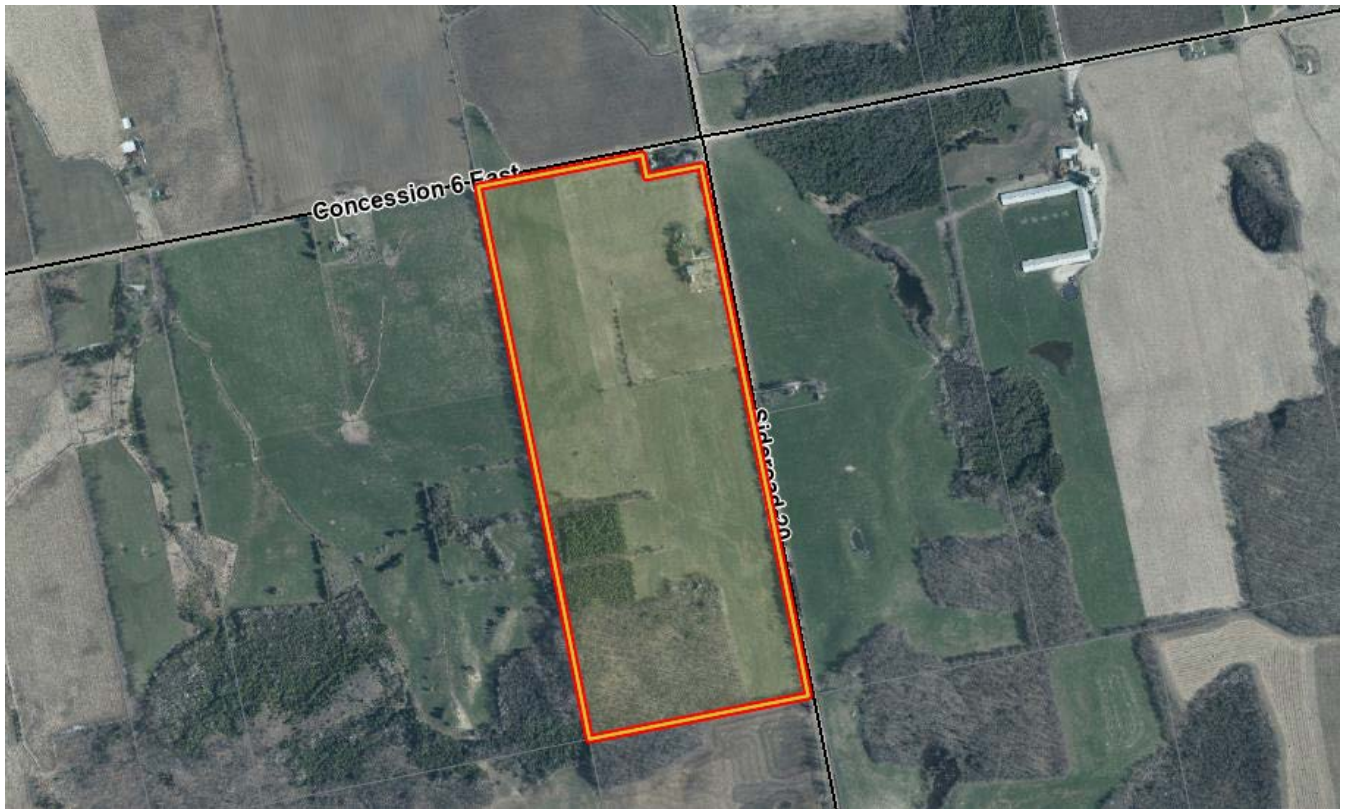
Summary:

The purpose of the application is to facilitate a non-farm dwelling severance of an approximately +/-2.25 ha lot from an approximately +/-40.06 ha agricultural parcel located at 595 Sideroad 20 in the Municipality of Brockton. An amendment to the Zoning By-law is required to rezone the retained lands from General Agriculture (A1) to General Agriculture Special (A-141) to recognize the reduced farm lot size. The severed non-farm residential lot is to be rezoned to General Agricultural Special (A1-140) to recognize the new non-farm lot and identify that any existing buildings or structures are deemed to comply with the provisions of the Zoning By-law. Further, that all future buildings and structures, or additions to existing buildings and structures, will need to comply with the provisions of the Zoning By-Law.

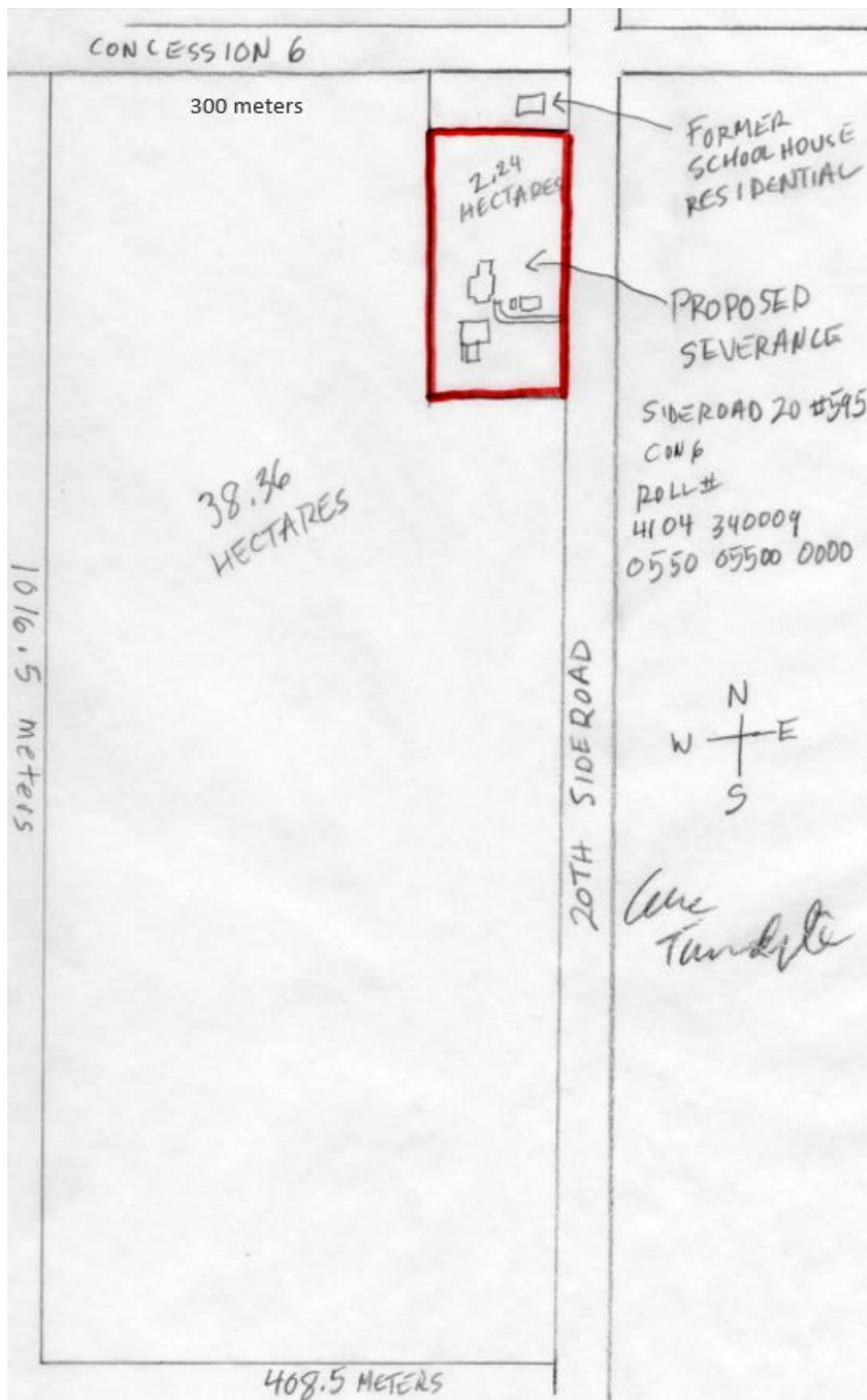
The related consent files (B-2022-107) will be considered by the County at a later date.

The subject property is located Northeast of the town of Walkerton, south of Concession 6 East, and West of Sideroad 20. The subject property is surrounded by agricultural, natural areas, and residential land uses.

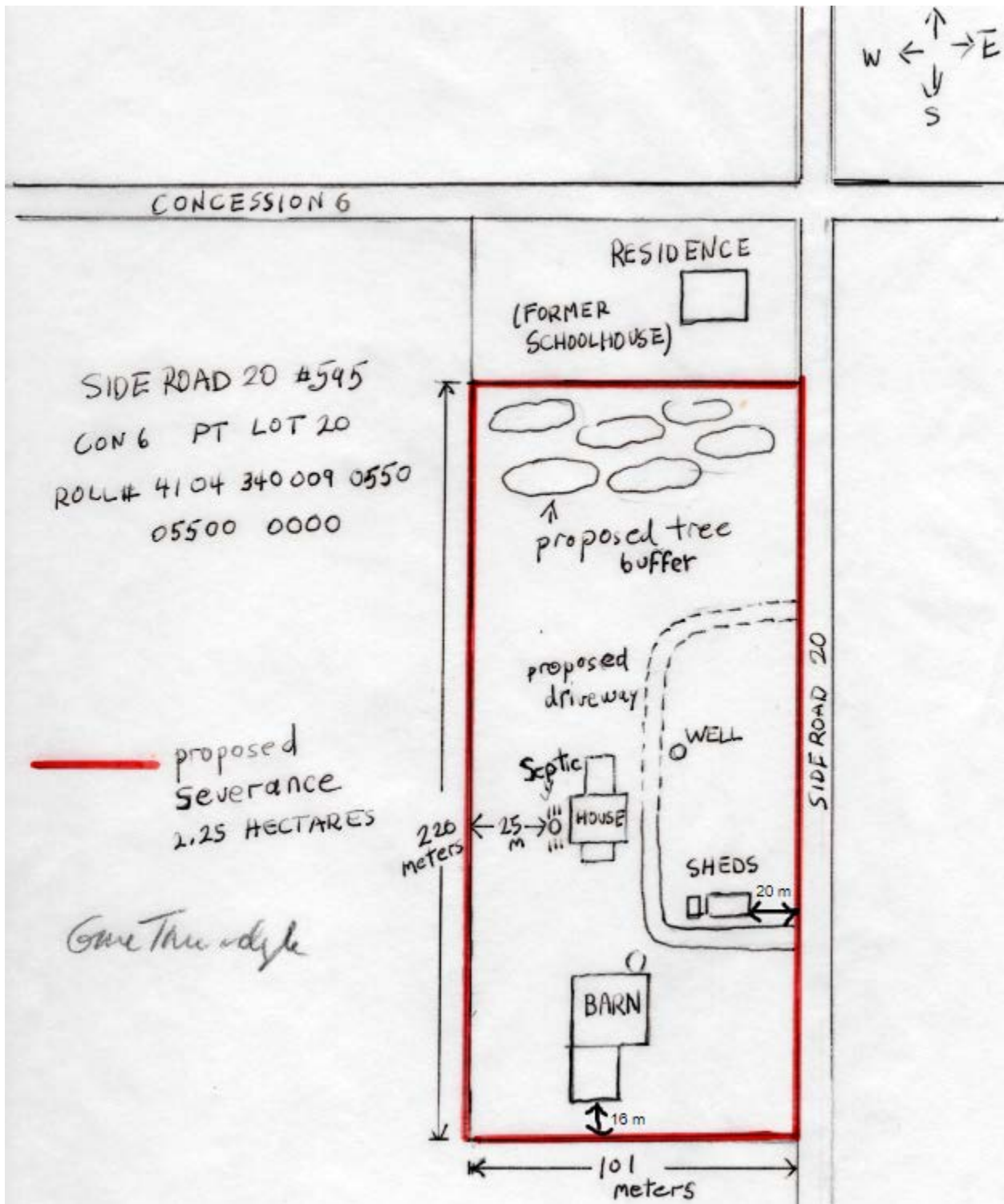
Airphoto



Site Plan - Entire Property



Site Plan - Proposed Severed Lot



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.

Rural Non-Farm Lot Creation

The subject lands are designated Rural Area and Hazard Land Area in the Bruce County Official Plan. The Official Plan policies of the County of Bruce Section 6.5.3.4 permit the severance of a non-farm lot from an original Crown surveyed lot in the Rural Area designation.

The Official Plan also contains several requirements found in Section 6.5.3.4.4 to permit the severance of Non-Farm/ Non-Farm Residential Lots. Among others, this includes Compliance with MDS I, and lot area considerations. The Zoning Amendment and subsequent Consent has been evaluated and conforms to these policies.

The applicant has provided justification for a lot size that is over 0.61 ha (1.5 acres). This states a desire to have an increased setback from the neighboring property, a comment regarding the degraded quality of soils resulting from roadwork completed in the 1980's on the subject lands, and an intent to re-vegetate 30% of the severance land with a variety of native tree species.

Retained Farm Lot Size

The existing property is +/-40.06 ha meeting the minimum farm lot size of 40 ha. The applicants are proposing to sever the existing residential dwelling and accessory buildings, and to retain the remaining rural lands for agricultural/natural lands. The proposed severance will result in the remaining parcel to be reduced below the minimum required size for a farm parcel in the Brockton Zoning By-law.

Required Zoning By-Law Amendments

An amendment to the Zoning By-law is required in order to facilitate the severance. The proposed severed lot will be rezoned from General Agriculture (A1) to General Agriculture Special (A1-140) with the following provisions:

- Notwithstanding their 'A1' Zoning designation, those lands delineated as 'A1-140' on Schedule 'A' to this By-law shall be used in accordance with the 'A1' Zone (Non-Farm Lot) provisions contained in this By-law, excepting however, that:
 - i) Buildings and structures existing as of November 29, 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.

The proposed retained farm parcel will be rezoned from General Agriculture (A1) to General Agriculture Special (A1-141) with the following provisions:

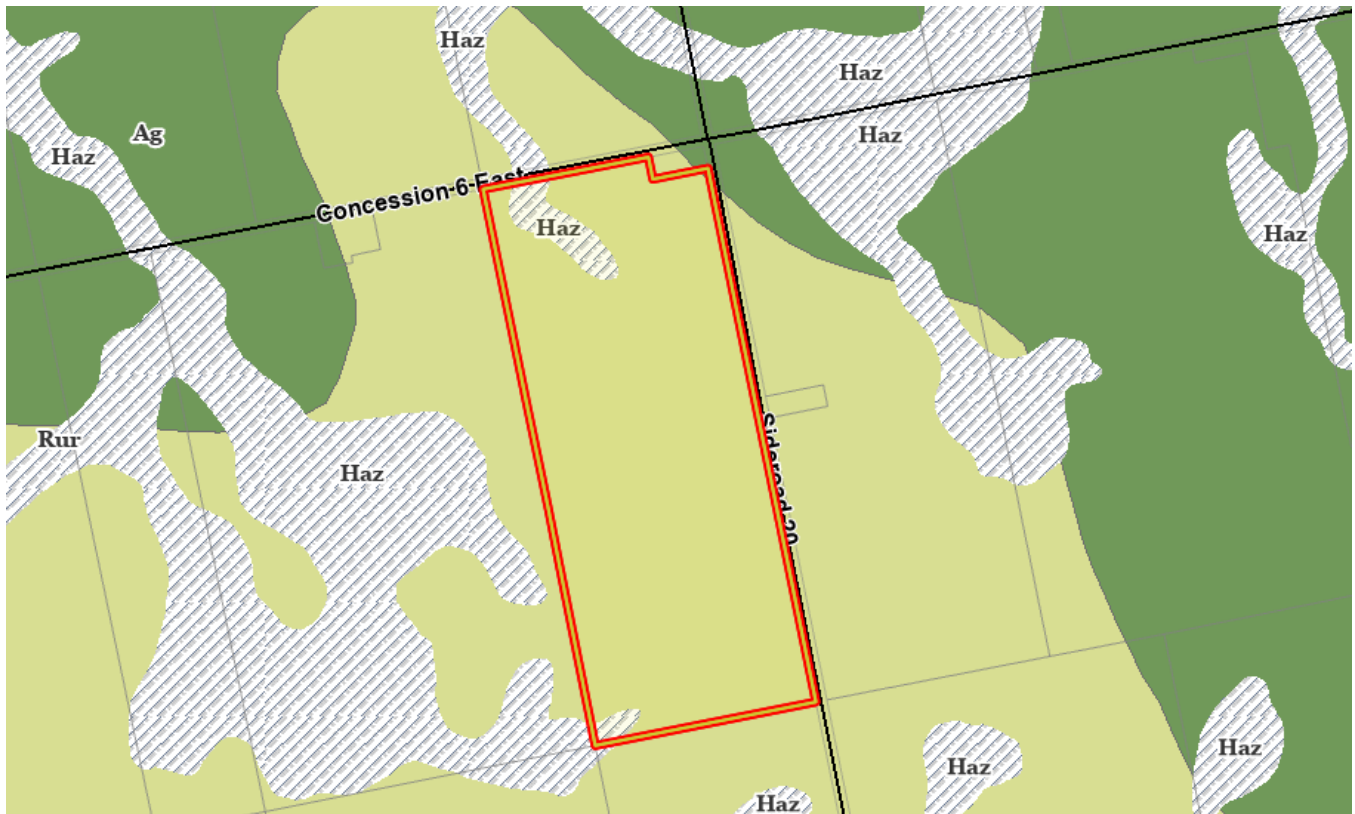
- That the lot area shall be no less than +/-37.8 ha. Areas zoned A1-141 and EP can be used in the calculation of lot area.

The EP - Environmental Protection zone will remain unchanged.

Appendices

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

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



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



Agency Comments

The Corporation of the Municipality of Brockton: No comments.

Bruce-Grey Catholic District School Board: No comments.

Hydro-One: No Comments or concerns.

Historic Saugeen Métis: No objection or opposition.

Saugeen Valley Conservation Authority: Provided in full below.

Public Comments

No comments received.

Public Notice

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

October 21, 2022

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

ATTENTION: Benito Russo, Planner, Bruce County

Dear Mr. Russo,

RE: Consent and Zoning By-law Amendment: B-2022-107 & Z-2022-099
595 SIDEROAD 20
CON 6 PT LOT 20
Roll No.: 410434000905500
Geographic Township of Brant
Municipality of Brockton

(Threndyle)

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 for Zoning By-law Amendment and Severance is for facilitating the severance of an approximately 2.25-hectare residential lot containing an existing house, shed and barn. The severed and retained lots will be rezoned to recognize the residential use of the severed property and the size of the retained agricultural lands.

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

- 1) Application and Site Plan, dated August 29, 2022,
- 2) Request for agency Comments, dated October 13, 2022, and
- 3) Justification Letter submitted by Gene Threndyle, not dated.

Recommendation

The proposed applications are acceptable to SVCA staff. We elaborate in the following paragraphs.

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 flooding hazards of a tributary of Pearl Creek and flood prone lands associated with low-lying wetland areas on the property. 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 matches closely with Hazard Lands for the property as mapped by the SVCA.

Provincial Policy Statement – Section 3.1

It is SVCA staff's interpretation that Section 3.1.1 of the PPS, 2020 states, in general, that development shall be directed to areas outside of hazardous lands (flooding hazards, erosion hazards, dynamic beach hazards), and hazardous sites (organic soils, leda clay, unstable bedrock.).

County of Bruce OP Policies

It is SVCA staff's interpretation that Sections 5.8.5.1 and 5.8.8.2 of the County OP do not support new development within lands affected by natural hazards in addition to Section 3.1 of the Provincial Policy Statement concerning development and site alterations in hazardous lands and sites.

The existing building is located outside hazard lands as mapped by the SVCA. It is SVCA staff's understanding that development is not proposed as a part of this application. It is SVCA staff's opinion that there is sufficient room outside of the designated hazard lands for future development. As such, it is SVCA staff's opinion that the applications are consistent with the natural hazard policies of the PPS (2020) and 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 other wetlands, significant woodlands, and adjacent lands to fish habitat.

Other Wetlands

SVCA's resource mapping shows that wetlands associated with a tributary of Pearl Creek may be located within the southwest woodlot on 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

Section 4.3.3.3 of the County OP states an EIS shall be prepared prior to any development approvals and any site alteration or development. In considering the loss of functions or features, particularly with regard to wetlands and fish habitat.

It is SVCA staff's opinion that no development is proposed within the wetlands, or their adjacent lands. Additionally, there is sufficient room outside of the heritage feature for future development. As such, SVCA staff are of the opinion that the impact to the feature will be negligible and the requirement for an EIS can be waived.

Significant Woodland

Although there is no County-wide mapping for significant woodlands, SVCA staff is of the opinion that the woodlands on the property form part of a larger woodland and therefore 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.

Provincial Policy Statement – Section 2.1

Section 2.1.5 b) of the PPS states that development and site alteration shall not be permitted in significant woodlands unless it has been demonstrated that there will be no negative impacts on the natural features or their ecological functions; and further that, section 2.1.8 states development and site alteration shall not be permitted on adjacent lands to significant woodlands unless it has been demonstrated that there will be no negative impacts on the natural features or their ecological functions.

Bruce County Official Plan Policies

It is SVCA staff's interpretation that as per Section 4.3.2.6.2 ii) of the Bruce County OP, for municipalities with greater than 30% forest cover, an Environmental Impact Study shall only be required for developments that propose four or more lots in one development, or that involve the removal of more than 1.0 ha of forest cover in a single proposal.

While the property contains significant woodlands, it is SVCA staff's opinion that there is sufficient area outside of the woodlands for future development. As such, SVCA staff are of the opinion that the impact to the feature will be negligible and the requirement for an EIS can be waived.

Fish Habitat

A tributary of Pearl Creek is located adjacent to the property. The watercourse is considered fish habitat by SVCA staff.

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

It is SVCA staff's opinion that no development is proposed within the above-mentioned heritage feature, or their adjacent lands. It is SVCA Staff's opinion that there is sufficient room outside of the heritage feature and its adjacent lands for future development.

As such, it is SVCA staff's opinion that the applications are consistent with the natural heritage policies of the PPS (2020) and the Bruce County OP.

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 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.

Small areas of the property associated with the watercourses and/or a wetland 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 confirm where the SVCA Approximate Regulated Area is located associated with our Regulation on the property, please refer to the attached map or SVCA’s online mapping program, available via the SVCA’s website at <http://eprweb.svca.on.ca>. The SVCA Approximate Regulated 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 15 meter offset distance outwards from the floodplain edge and/or any wetlands and a 30 meter distance outwards from any wetland 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 Regulated Area and/or Approximate Screening Area on the property, the SVCA should be contacted, as permission may be required. Please note, this letter is not permission for development.

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;
- 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 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 at m.cook@svca.on.ca.

Sincerely,



Michael Cook
Environmental Planning Technician
Saugeen Conservation

MC/

County of Bruce Planning & Development Department
Consent and Zoning By-law Amendment: B-2022-107 & Z-2022-099 (Threndyle)
October 21, 2022
Page 6 of 6

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

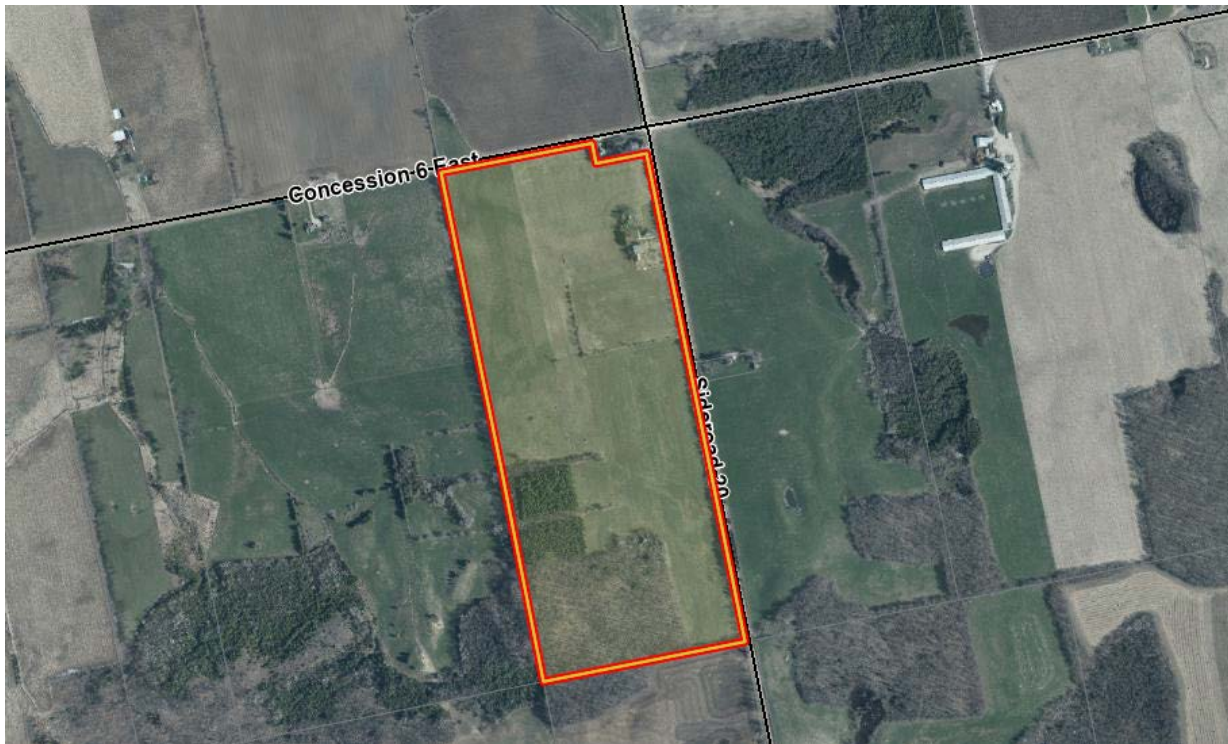
File Number: Z-2022-099

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: The purpose of this Application is for a Zoning By-law Amendment and severance. If approved the application would facilitate the severance of an approximately 2.25 hectare residential lot containing an existing house, shed and barn. The severed and retained lots will be rezoned to recognize the residential use of the severed property and the size of the retained agricultural lands. The related Consent file is B-2022-107.



595 SIDEROAD 20 – CON 6 PT LOT 20 (Brant)
Municipality of Brockton, Roll Number 410434000905500

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: Benito Russo

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.

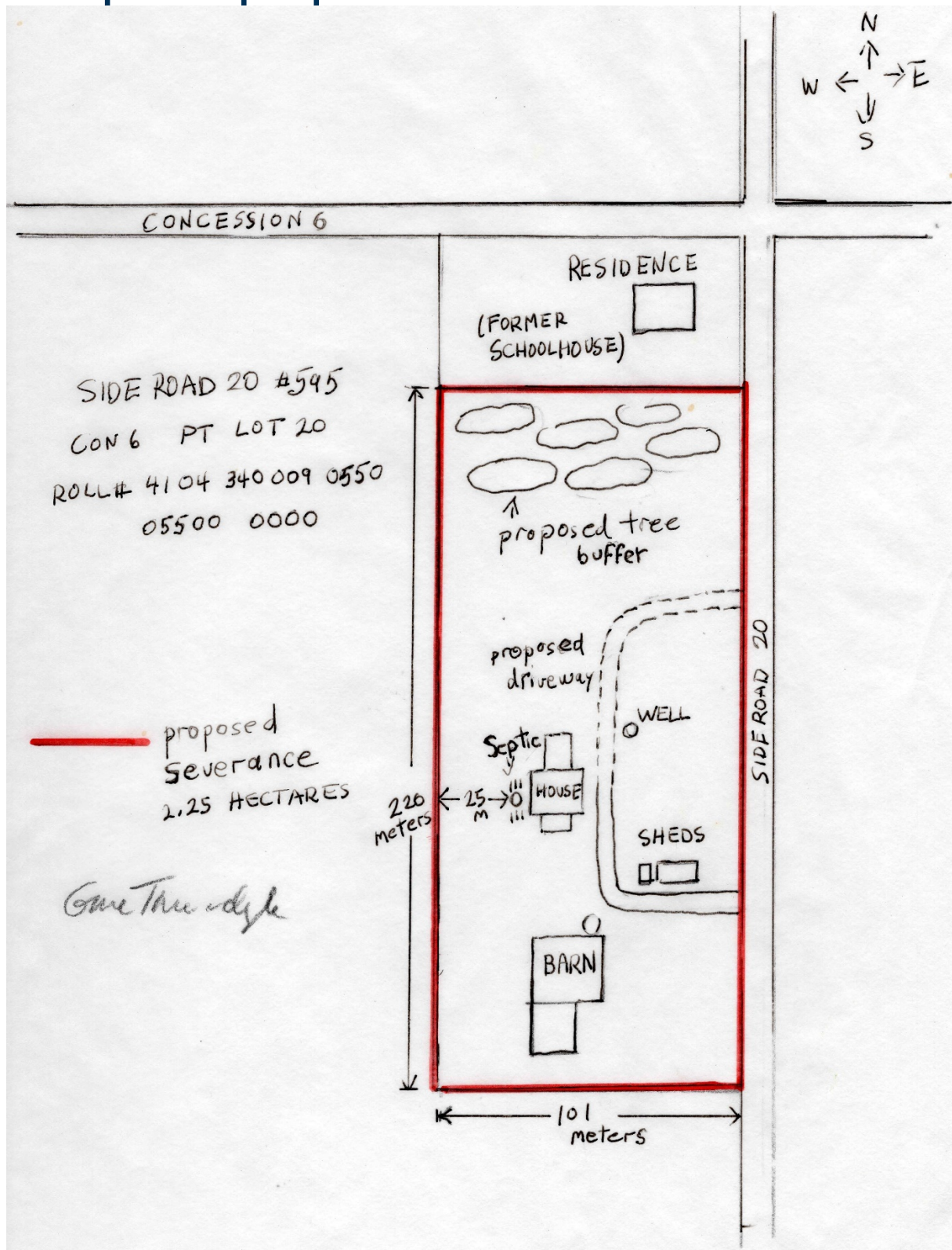
Know your rights

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 - proposed severed lot



Site plan - entire property

