



Planning Report

To: Municipality of Brockton Council

From: Benito Russo, Planner

Date: December 13, 2022

Re: Zoning By-law Amendment Application - Z-2022-101 (Albadon)

Recommendation:

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

That Council approve Zoning By-law Amendment Z-2022-101 as attached and the necessary by-law be forwarded to Council for adoption.

Summary:

The purpose of the application is to facilitate a surplus farm dwelling severance of a +/-0.8 hectare lot from a +/-60.7 ha agricultural parcel located at 3564 Highway 9 in the Municipality of Brockton. An amendment to the Zoning By-law is required to facilitate the severance.

The remnant agricultural lot will be rezoned from General Agriculture (A1) to General Agriculture Special (A1-1) and General Agricultural Special Holding (A1-1-H1) to prevent development of a future dwelling for the retained farm parcel. A holding provision requiring an Archaeological Assessment for the lands containing high archaeological potential is also proposed.

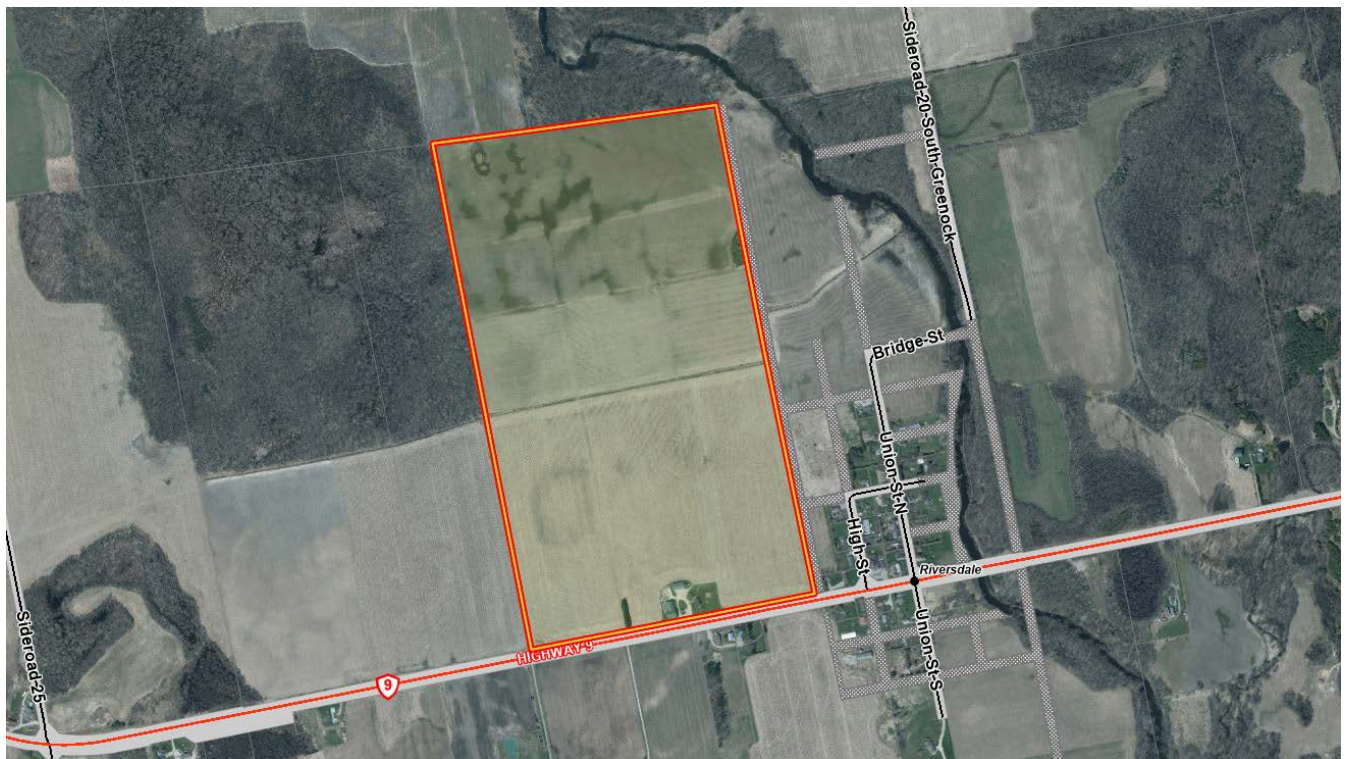
The severed non-farm residential lot is to be rezoned to General Agricultural Special (A1-143) to identify that any existing buildings or structures are deemed to comply with the provisions of the Zoning By-law. All future buildings and structures, or additions to existing buildings and structures, will need to comply with the provisions of the By-Law.

The Environmental Protection (EP) zone will remain unchanged.

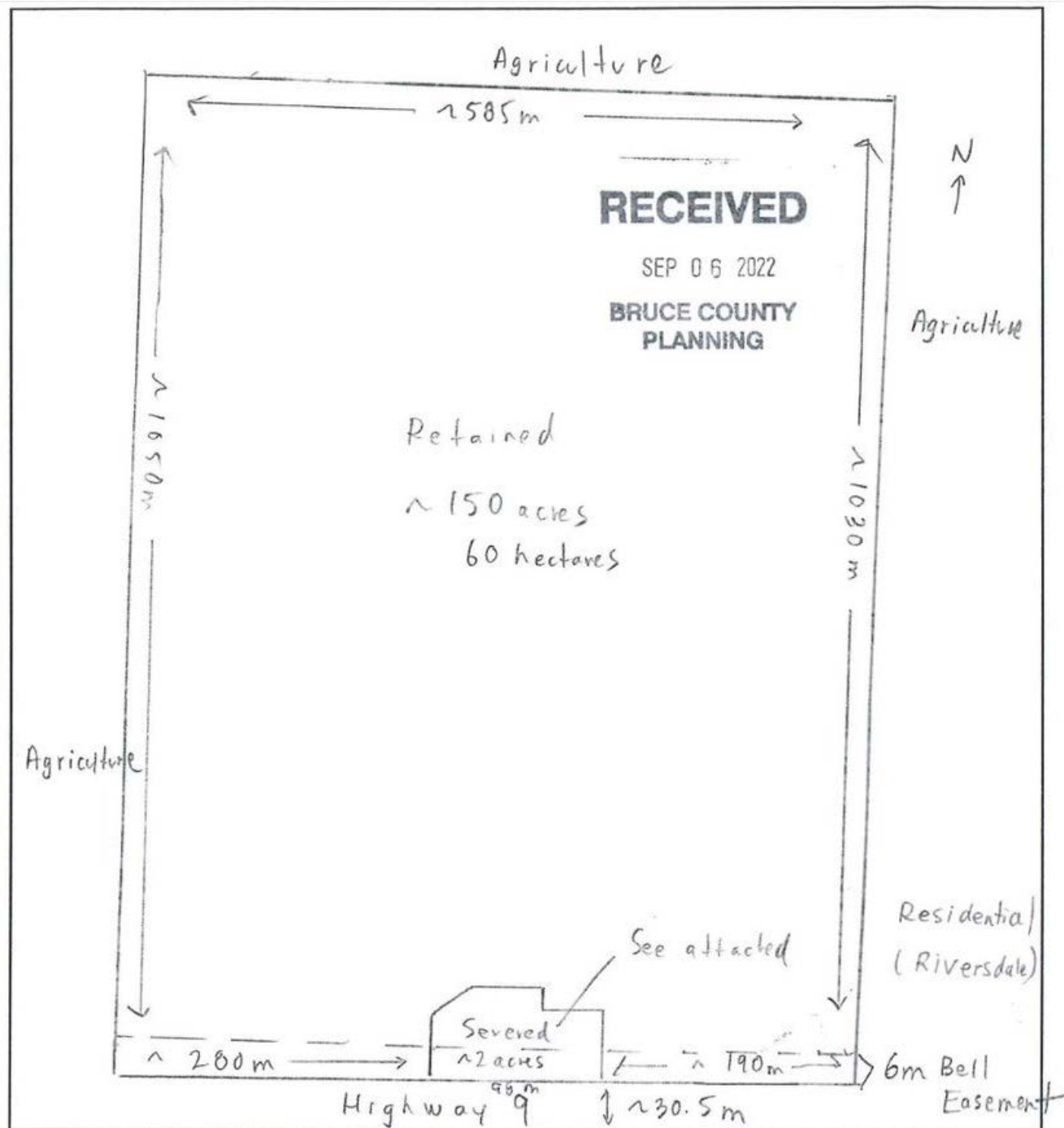
The related consent files (B-2022-109) will be considered by the County at a later date.

The subject property is located West of the hamlet of Riversdale, North of Highway 9. The subject property is surrounded by agricultural, natural areas, and residential land uses.

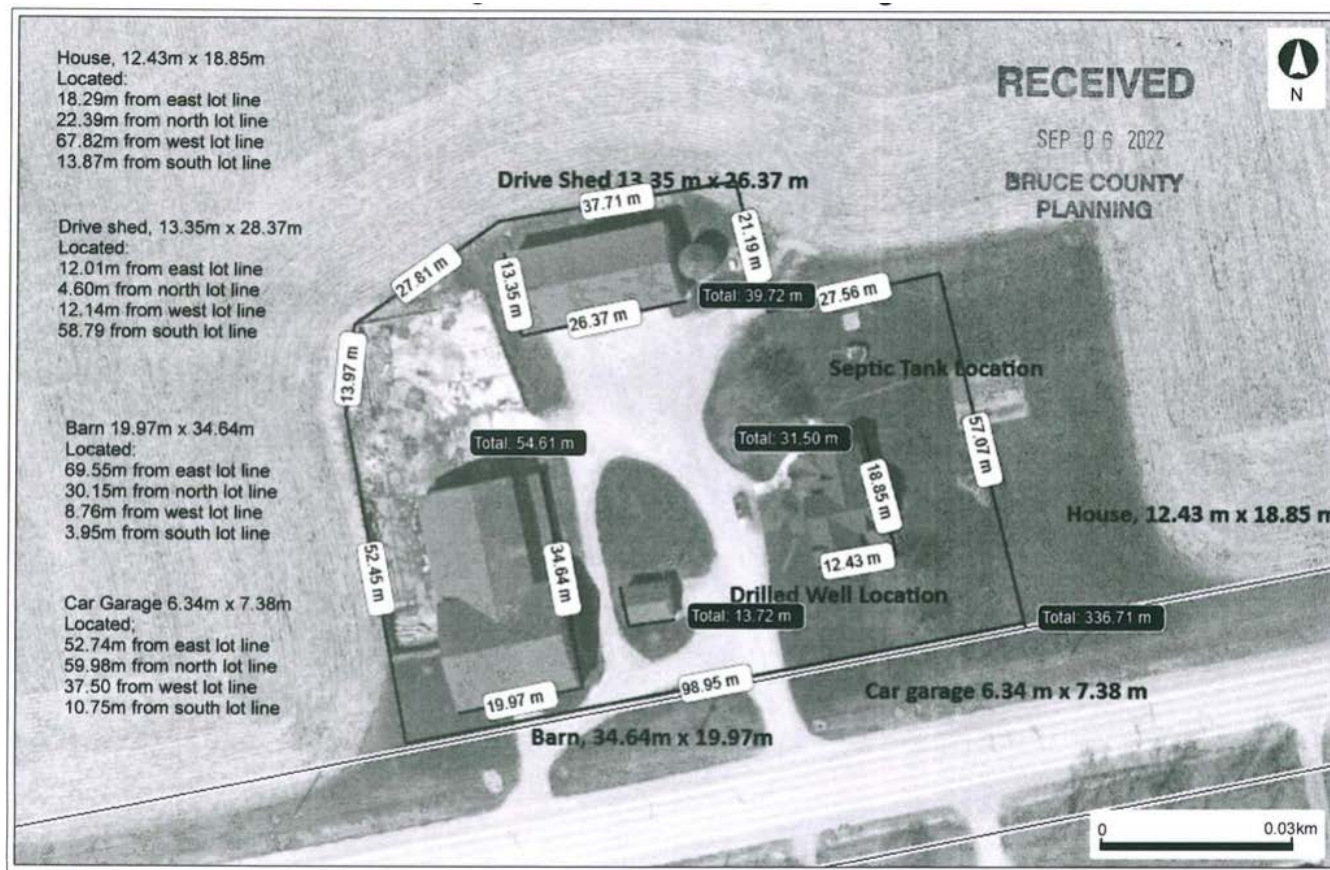
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Site Plan - Entire Property



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.

Surplus Farm Dwelling Severances

The Provincial Policy Statement and Bruce County Official Plan support the severance of a surplus farm dwelling for farm consolidations and consider this good planning, as it preserves agricultural lands and allows a bona fide farmer to dispose of a dwelling that serves no use to their operation.

The subject lands are designated Agricultural Area, and Hazard Area in the Bruce County Official Plan. The Official Plan sets out the following policies that must be satisfied for surplus farm dwelling severances:

- 1) The owner of the lands to be severed must be a bona fide farmer, and the dwelling must be surplus to their needs.
- 2) The lot proposed to be severed with the existing dwelling, and considered surplus, should be of limited size to accommodate the house, well and septic.

- 3) The remnant agricultural lands shall be rezoned to prohibit future development of residential dwellings.
- 4) The MDS 1 guidelines must be met for the proposed severed lot, if the retained parcel contains livestock facilities or an anaerobic digester.
- 5) The existing surplus farm dwelling is habitable at the time of severance.

The owner of the subject lands owns and farms other lands and is therefore considered a bona fide farmer. The proposed severed land is approximately +/-0.8 hectares in size, accommodating the existing dwelling, barn, garage, drive shed, septic and well. The existing dwelling is habitable. The zoning by-law amendment as proposed will prohibit the construction of residential dwellings on the agricultural lands, and a holding provision will be placed on lands identified as having high archeological potential.

The retained vacant farm parcel will be approximately +/-59.9 hectares and therefore meet the minimum farm size.

Required Zoning By-Law Amendments

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

The proposed non-farm residential lot will be rezoned from General Agriculture (A1) to General Agriculture Special (A1-144) with the following provisions:

- Notwithstanding their 'A1' Zoning designation, those lands delineated as 'A1-144' on Schedule 'A' to this By-law shall be used in accordance with the 'A1' Zone (Non-Farm Residential Lot) provisions contained in this By-law, excepting however, that:
 - i) Buildings and structures existing as of December 13, 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 remnant farm parcel will be rezoned from General Agriculture (A1) to General Agriculture Special Holding (A1-1-H1) and General Agricultural Special (A1-1) with the following provisions:

- Notwithstanding their 'A1' Zoning designation, those lands delineated as 'A1-1-H1' and 'A1-1' on Schedule 'A' to this By-Law, shall be used in accordance with the 'A1' Zone provisions contained in this By-Law excepting however that:
 - i) A 'Dwelling, - Accessory Detached' shall be prohibited.
 - ii) In areas of high archeological potential, lot grading; excavation; and/or construction shall not be permitted unless the Holding (H1) zone provision is removed.

The EP - Environmental Protection zone will remain unchanged.

Archaeological Potential

The parcel has a watercourse in the nearby vicinity of the property, as such, a portion of the property has been identified to be within an area of high archaeological potential. Therefore, as noted above, a holding provision is recommended for a portion of the remnant agricultural lot to ensure that any future development will require an archaeological assessment completed by a qualified individual, and that the recommendations of the assessment, if any, would be implemented prior to development on those lands. Normal farm practices can continue without the need for an assessment.

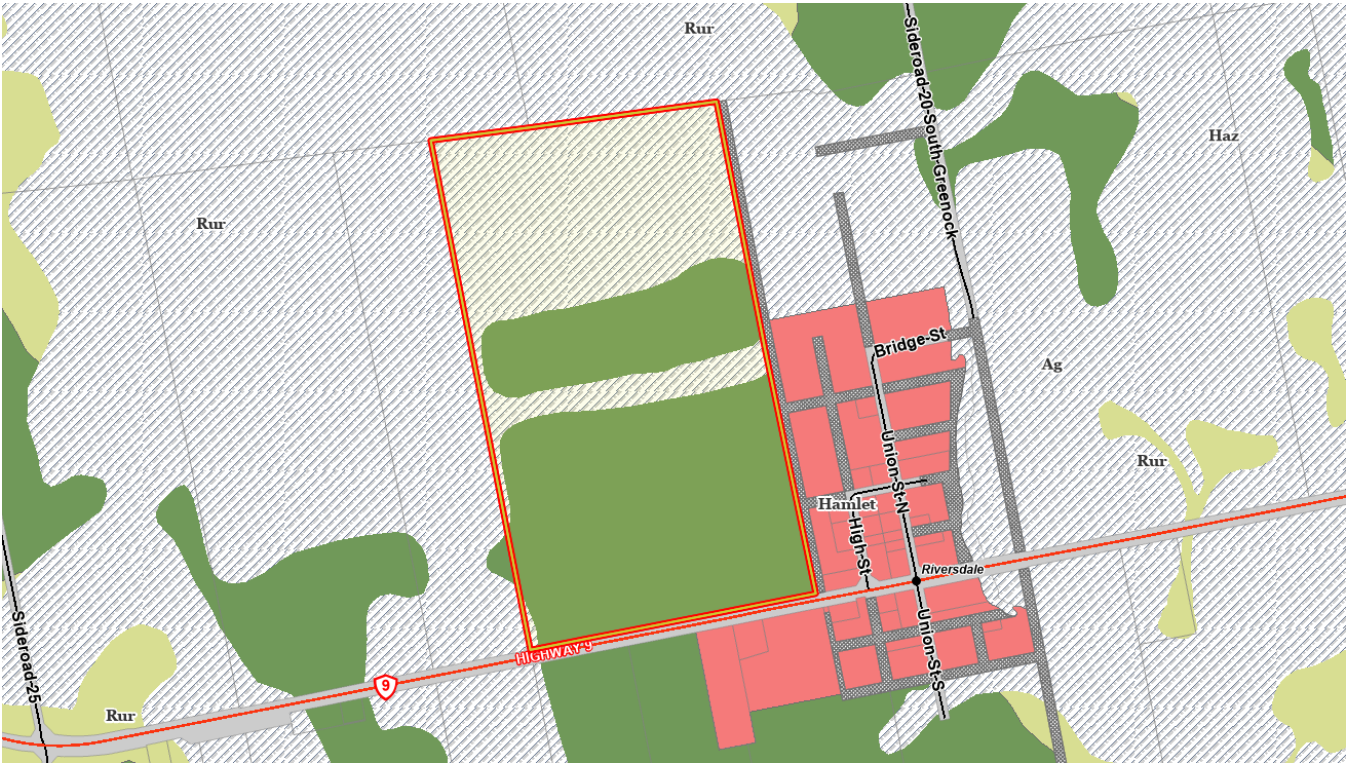
Natural Heritage and Hazards

Portions of the property are identified as hazard areas, associated with wetlands and watercourses on both the subject and adjacent properties. The property is bisected by a small watercourse, with features from the Greenrock Swamp Provincially significant wetland to the west, and the Teeswater River to the northeast. Development is not occurring in these areas, and the proposed EP zone will remain unchanged.

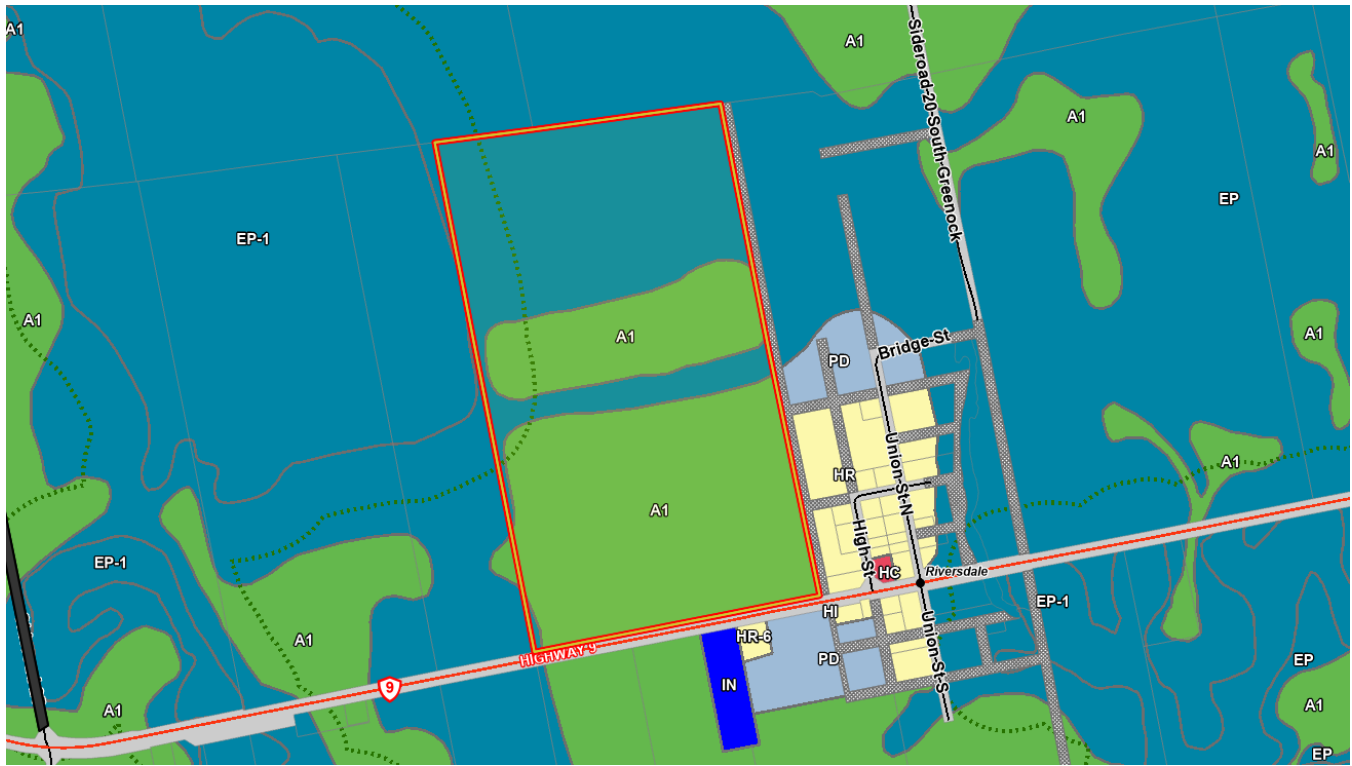
Appendices

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

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



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



Agency Comments

The Corporation of the Municipality of Brockton: 911 civic address to remain with the residential lot.

Bruce-Grey Catholic District School Board: No comments.

Hydro-One: No Comments or concerns.

Historic Saugeen Métis: No objection or opposition.

Saugeen Ojibway Nation: Does not have the resources to engage in consultation.

Saugeen Valley Conservation Authority: Provided in full below.

Public Comments: No comments received yet.

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

October 27, 2022

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

ATTENTION: Julie Steeper, Planner, Bruce County

Dear Ms. Steeper,

RE: Consent and Zoning By-law Amendment Applications: B-2022-109 and Z-2022-101
3564 HIGHWAY 9
CON 1 NDR LOT 26 TO 28
Roll No.: 410431000114600
Geographic Township of Greenock
Municipality of Brockton (Albadon)

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

A change is proposed, and we're asking for your input. The application proposes to sever a +/- 0.8-hectare parcel from a +/- 60.7-hectare agricultural parcel. Amendments to the Zoning Bylaw are required to facilitate the consent.

The following submitted documents have been reviewed in relation to these applications:

- 1) Applications and Site Plan dated September 7, 2022.
- 2) Request for Agency Comments dated October 24, 2022.

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 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:

The features affecting the property are the flooding and erosion hazards of the Teeswater River and the Riversdale Municipal Drain, and potential unstable organic soils associated with other wetlands and the Greenock Swamp Provincially Significant Wetland. 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- matches closely with Hazard Lands for the property as mapped by the SVCA. The existing development on the property is located outside of the hazard lands.

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.

As per the site plan provided, future development is not currently proposed. It is SVCA staff's opinion there is sufficient developable area outside of the hazard lands for future development on the severed and retained parcels. Safe access can be provided via Highway 9.

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:

The natural heritage features affecting the property include fish habitat, provincially Significant Wetland (PSW), Significant woodlands, other wetlands, potential significant wildlife habitat, and potential Endangered and Threatened species habitat.

Fish Habitat

The Teeswater River and Riversdale Municipal Drain are recognized as fish habitat.

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 there is room for development outside of this feature on 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.

Provincially Significant Wetland

SVCA mapping shows the subject property features the Greenock Swamp Provincially Significant wetland.

Provincial Policy Statement – Section 2.1

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

Bruce County OP Policies

It is the opinion of SVCA staff that section 4.3.2.5 of the County OP does not permit development except for infrastructure permitted by the PPS within PSW's; and that development within 120 metres to a PSW will only be permitted if an EIS demonstrates no loss of wetland function, there is no subsequent demand for future development, which will negatively impact on existing wetland functions; conflict with existing site specific wetland management practices are avoided; and there is no loss of contiguous wetland areas.

It is SVCA staff's opinion that there is room for development outside of this feature on 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.

Significant Woodlands

SVCA mapping shows the subject property features Significant woodlands.

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 here will be no negative impacts on the natural feature or it's 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 feature or it's ecological functions.

Bruce County OP Policies

Section 4.3.2.6 of the County OP, in the opinion of SVCA staff, states that for Townships with less than 30% forest cover, wood lots of 40 hectares or greater are considered significant. Prior to development being permitted in significant woodlands or their adjacent lands the proponent of the development shall be required to undertake an Environmental Impact Study; and where it cannot be demonstrated through the preparations of an Environmental Impact Study that the proposed development will not impact on the habitat/resource function of the wood lot, the development shall be refused. It is SVCA staff's interpretation that Section 4.3.3.1 of the County OP requires development proponents to prepare an environmental impact study (EIS) for any proposal that is within 120 metres adjacent to significant woodlands.

It is SVCA staff's opinion that there is room for development outside of this feature on 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.

Other Wetlands

Other wetlands are potentially located on the eastern portion of 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 there is room for development outside of this feature on 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.

Habitat of Threatened and/or Endangered Species

It has come to the attention of SVCA staff that habitat of Endangered Species and Threatened Species may be located adjacent to the property.

Provincial Policy Statement – Section 2.1

Section 2.1.7 of the PPS states that development and site alteration shall not be permitted in habitat of endangered species and threatened species, except in accordance with provincial and federal requirements.

Bruce County Official Plan Policies

It is SVCA staff's opinion, section 4.3.2.7 of the County's OP does not permit development within habitat of threatened and endangered species; and that development and site alteration proposed within 50 metres adjacent will not be permitted unless an EIS demonstrates the proposed will not have an impact on the habitat or its ecological functions.

SVCA's role is to identify endangered/threatened species habitat via screening process in consideration of the PPS and local policies but we must direct applicants to Ministry of Environment, Conservation and Parks (MECP) for follow-up. It is the responsibility of the applicant to ensure the endangered species and threatened species policy referred to in the PPS has been appropriately addressed. Please contact the Ministry of Environment, Conservation and Parks (MECP) at SAROntario@ontario.ca for information on how to address this policy.

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 lands on or 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.

It is SVCA staff's opinion that there is room for development outside of this feature on 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.

Regarding the above, SVCA staff are of the opinion that the applications are in conformance 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.

The property contains a portion of SVCA Regulated Area. Development and/or site alteration within the SVCA Approximate Regulated Area and/or Approximate Screening Area on the property will 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.

SVCA Permission for Development or Alteration

The property features SVCA Regulated Area. As per the site plan provided, there is sufficient room outside of the regulated area for development. As such, permission from this office may not be required. If development within the SVCA regulated Area is proposed, permission from this office will be required.

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 the applicant contacting the Ministry of Environment, Conservation and Parks (MECP) regarding the potential for endangered and/or threatened species habitat.
- 3) Consistency with local planning policies for natural hazards and natural heritage has been demonstrated, with the exception of the applicant contacting the Ministry of Environment, Conservation and Parks (MECP) regarding the potential for endangered and/or threatened species habitat.

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/

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



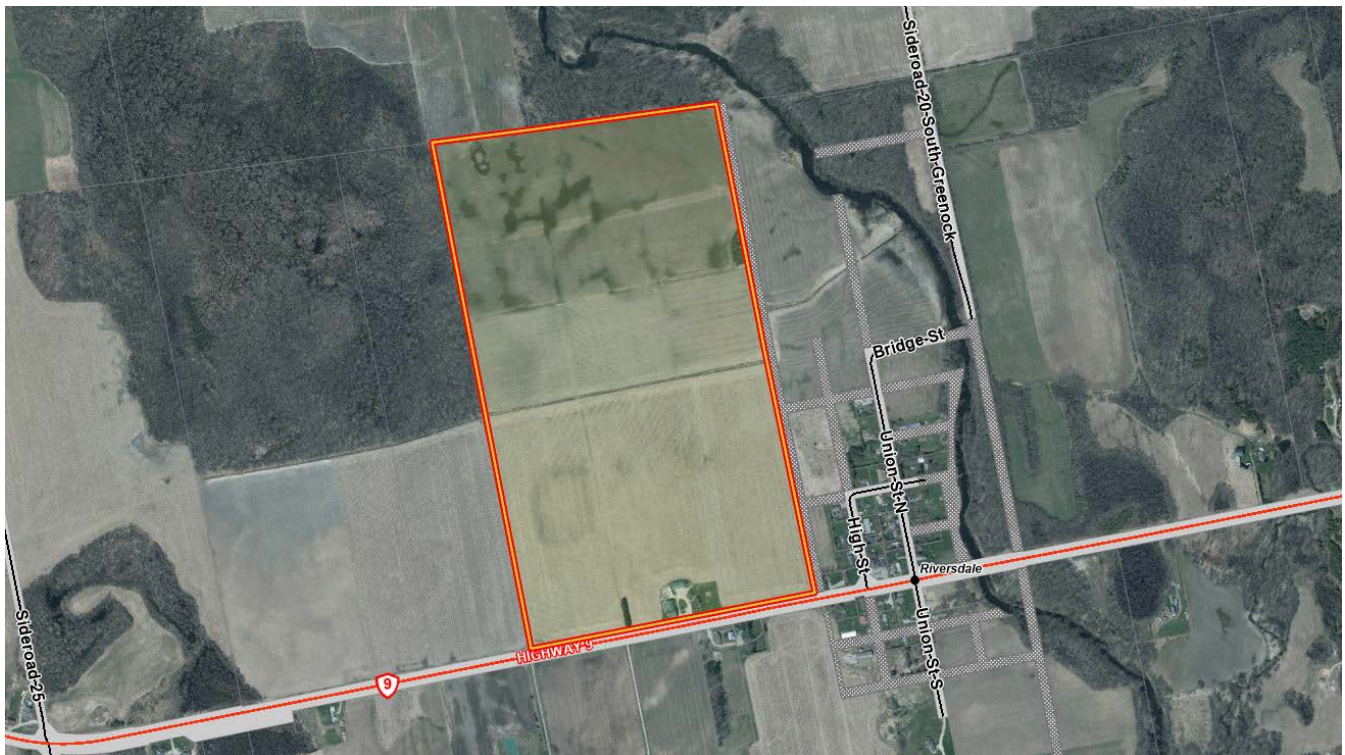
November 18, 2022

File Number: Z-2022-101

Public Meeting Notice

**You're invited: Public Meeting
to consider a Zoning By-law Amendment
Tuesday, December 13th, 2022 at 7:00 pm**

A change is proposed in your neighbourhood: The application proposes to sever a +/-0.8-hectare parcel from a +/- 60.7-hectare agricultural parcel. Amendments to the Zoning Bylaw are required to facilitate the consent. The related Consent file is B-2022-109.



3564 HIGHWAY 9 – CON 1 NDR LOT 26 TO 28 (Greenock)
Municipality of Brockton, Roll Number 410431000114600

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 December 5, 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 are currently hosting hybrid meetings, in-person and electronically using Zoom. Virtual attendance is recommended.

Please click the link below to join the webinar:

<https://us02web.zoom.us/j/88012748759?pwd=VTFXM2M5VDgzKzM2N25xcTJKZFo4dz09>

Passcode: 702830

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

Canada: +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 or +1 438 809 7799

Webinar ID: 880 1274 8759

Passcode: 702830

International numbers available: <https://us02web.zoom.us/j/kxHlgt5eC>

You can also attend the Public Meeting in-person at the Bruce County Administration Centre, 30 Park Street, Walkerton, ON N0G 2V0. Space is limited and preference will be given to planning and delegation matters.

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.

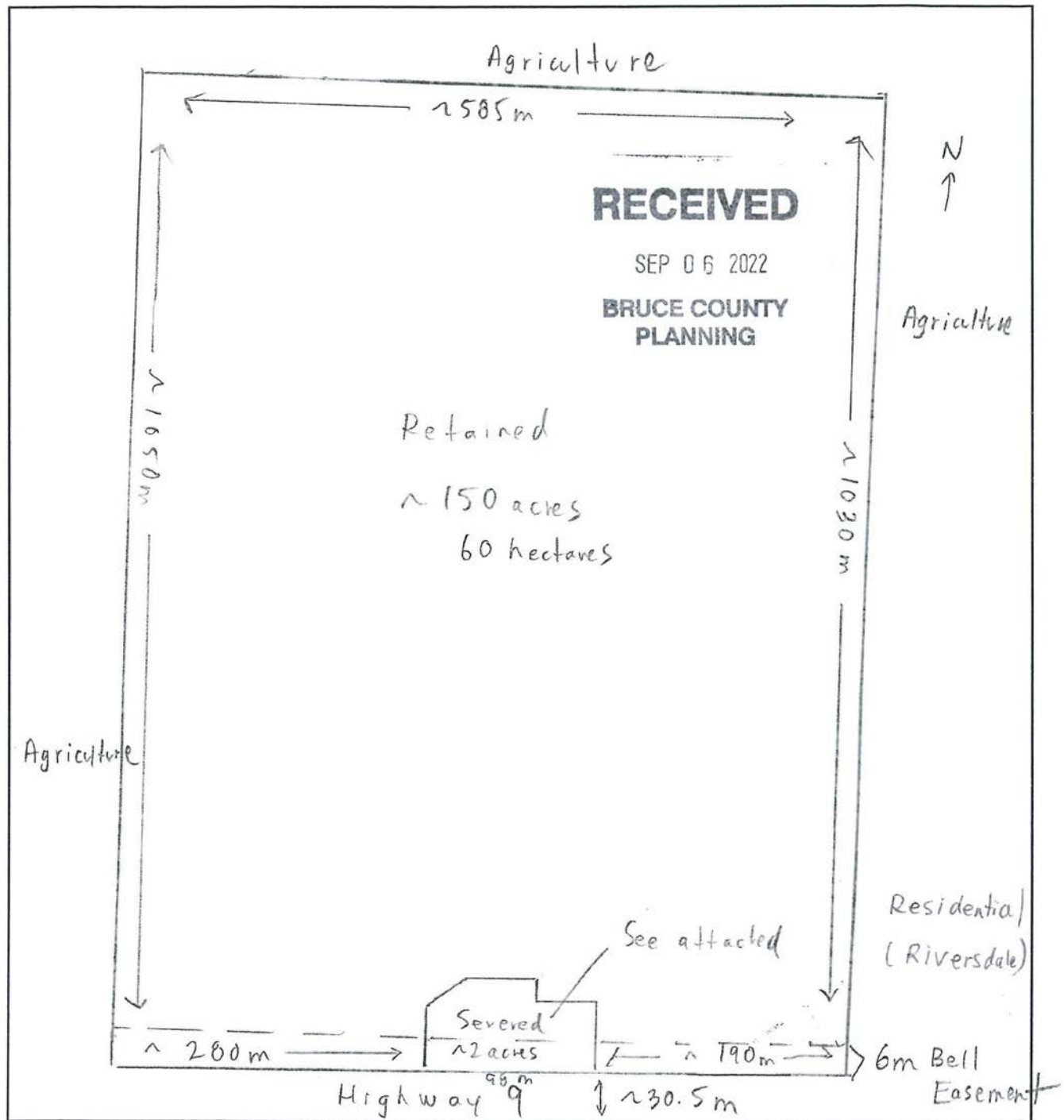
Know your rights

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.

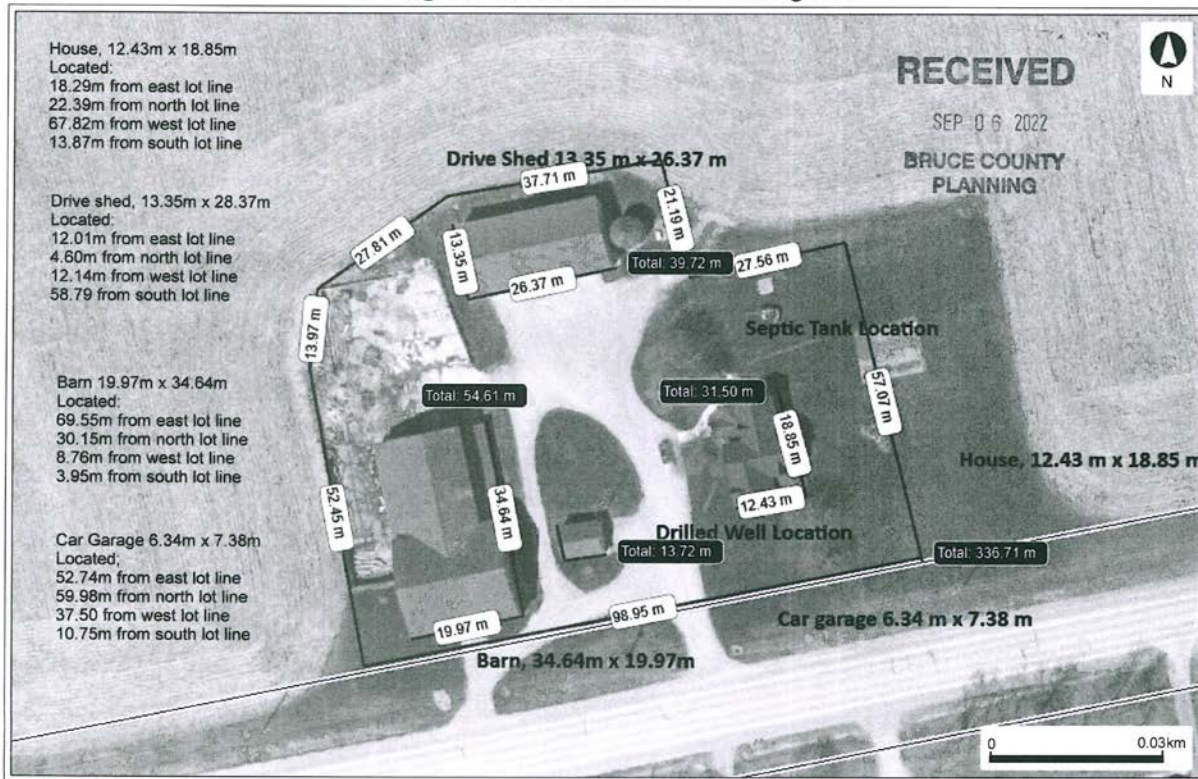
For more information please visit the Ontario Land Tribunal website at <https://olt.gov.on.ca/appeals-process/>.

Site plan - entire property



Site plan - proposed severed lot

O'Hagen Farm severance, Building size



This map should not be relied on as a precise indicator of routes or locations, nor as a guide to navigation. The Ontario Ministry of Agriculture, Food and Rural Affairs (OMAFRA) shall not be liable in any way for the use or any information on this map. of, or reliance upon, this map.