



Planning Report

To: Municipality of Brockton Council

From: Benito Russo, Planner

Date: February 14, 2023

Re: Zoning By-law Amendment Application - Z-2022-120 (Wilkin)

Recommendation:

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

That Council approve Zoning By-law Amendment Application Z-2022-120 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 (ha) lot from a +/- 40.47 ha agricultural parcel located at 690 Concession 8 in the Municipality of Brockton. An amendment to the Zoning By-law is required to facilitate the severance.

The non-farm lot will be rezoned from General Agriculture (A1) to General Agriculture Special (A1-144) and General Agricultural Special Holding (A1-144-H1) to identify that any existing buildings or structures are deemed to comply with the provisions of the Zoning By-law. A holding provision requiring an Archaeological Assessment for the lands containing high archaeological potential is also proposed.

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 Environmental Protection (EP) zone will remain unchanged.

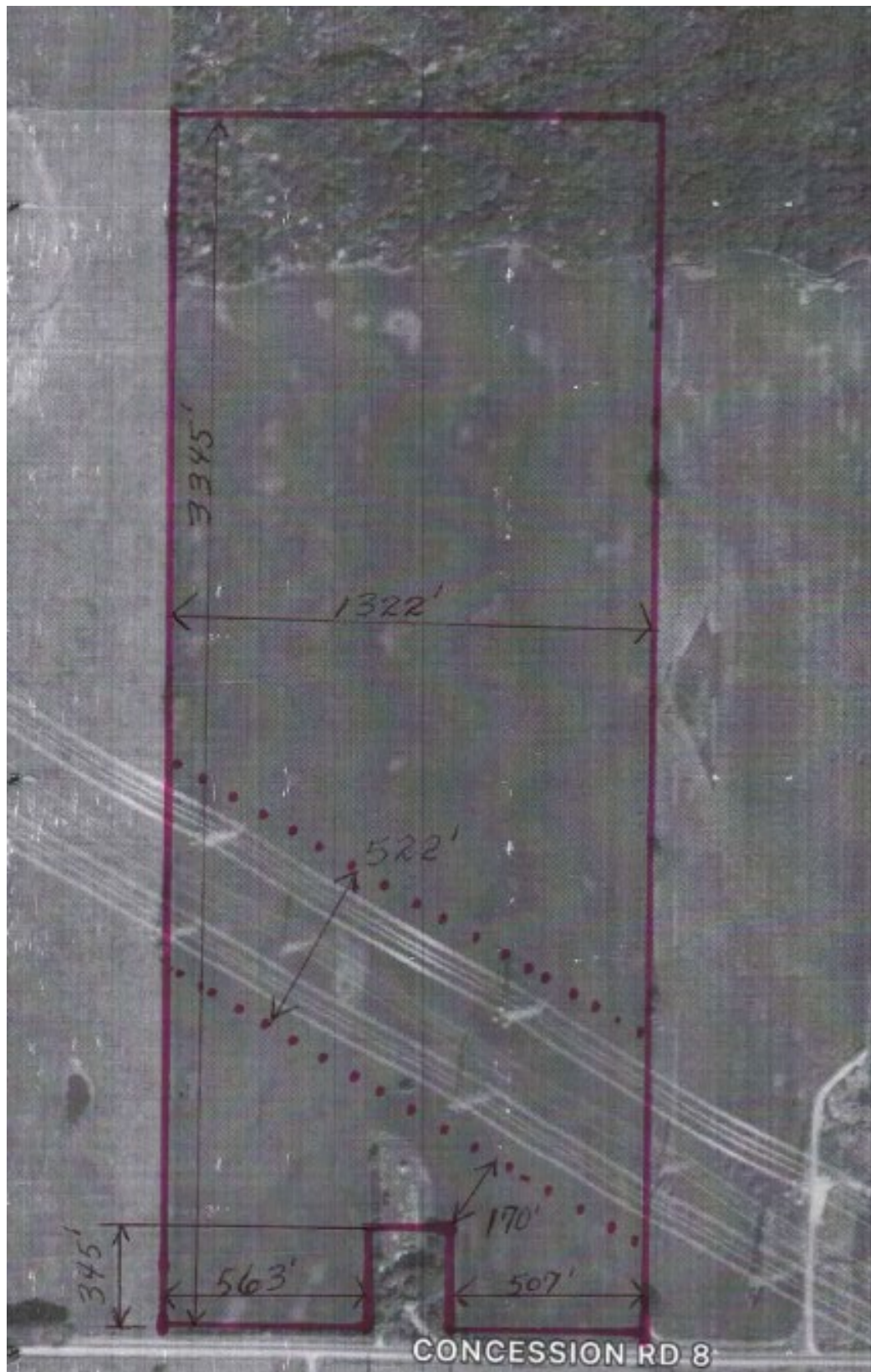
The related consent files (B-2022-118) will be considered by the County at a later date.

The subject property is located Northeast of Walkerton, West of Sideroad 20. The property is surrounded by agriculture, natural areas, and rural residential land uses.

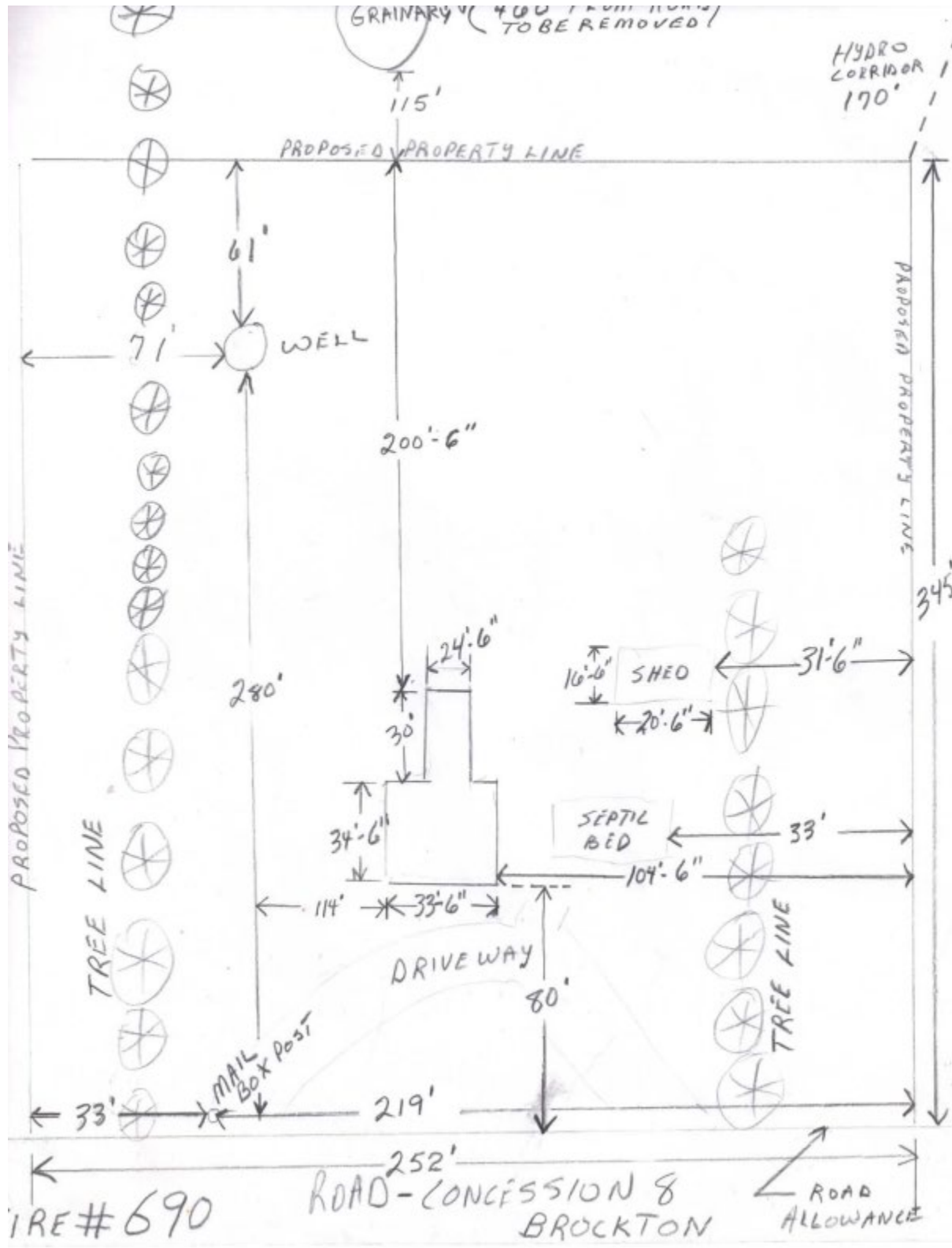
Airphoto



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.

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.

A purchase agreement was provided by the applicant detailing that they will be purchasing the remnant agricultural lands. As such the applicant has provided that they own and farm 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, 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 farm parcel will be approximately +/-39.6 hectares and therefore meet the minimum farm size.

It is noted that a Granary and Hydro One transmission lines are present on the proposed remnant agricultural lands. As part of this application, it is proposed that the Granary will be demolished, and that there is no development occurring that would impact the electrical transmission lines.

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) and General Agriculture Special Holding (A1-144-H1) with the following provisions:

- Notwithstanding their 'A1' Zoning designation, those lands delineated as 'A1-144' and 'A1-144-H1' 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 February 14, 2023 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.
 - 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 remnant farm parcel will be rezoned from General Agriculture (A1) to General Agriculture Special (A1-1) and General Agricultural Special Holding (A1-1-H1) with the following provisions:

- Notwithstanding their 'A1' Zoning designation, those lands delineated as 'A1-1' and 'A1-1-H1' 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

A watercourse is 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 and a portion of the severed non-farm lot to ensure that any future development will require an archaeological assessment completed by a qualified individual, and that any recommendations would need to be implemented prior to development occurring on the property. 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. As part of this application development is not occurring in these areas, and the EP zone will remain unchanged.

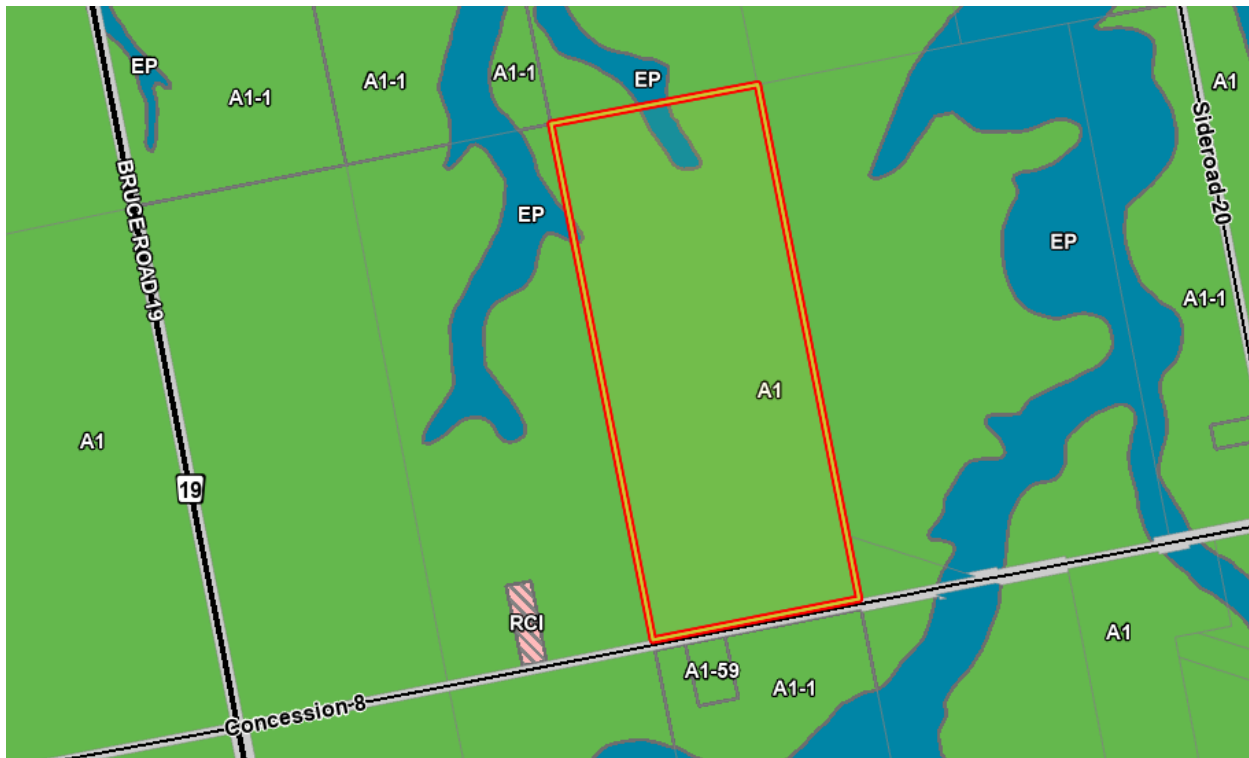
Appendices

- 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: That the civic address remains with the severed parcel.

Hydro-One: No objection in principle to the proposed severance. Full response below.

Historic Saugeen Métis: No objection or opposition.

Saugeen Ojibway Nation: As no construction is occurring, SON has no objection to the proposed application. If archaeological resources are revealed, please contact the Saugeen Ojibway Nation immediately.

Saugeen Valley Conservation Authority: SVCA find the applications acceptable. Response provided in full below.

Public Comments: No comments received yet.

Hydro One Networks Inc.
Facilities & Real Estate
P.O. Box 4300
Markham, Ontario L3R 5Z5
www.HydroOne.com



Courier:
185 Clegg Road
Markham, Ontario L6G 1B7

VIA E-MAIL ONLY TO Benito Russo <BRusso@brucecounty.on.ca>

January 26, 2023

Attention: Benito Russo

Dear Benito Russo:

Re: Proposed Application for Consent, Elda Threndyle
690 Concession 8 – Con 9 Lot 18
Bruce County
File: B-2022-118

Please be advised that Hydro One Networks Inc. ("HONI") has completed a preliminary review of the above noted consent to sever application. As the subject property is abutting and/or bisected by a HONI high voltage transmission corridor (the "transmission corridor"), HONI has no objection *in principle* to the proposed severance, provided HONI's easement rights are protected and maintained.

Please be advised that any placement of permanent structures, facilities or landscaping within the transmission corridor is **prohibited** without the prior written approval of HONI.

If in the future the owner proceeds with a site plan, plan of subdivision and/or plan of condominium application, the owner must make arrangements satisfactory to HONI for lot grading and drainage, and any proposed uses on the transmission corridor. The costs of any relocations or revisions to HONI facilities which are necessary to accommodate this proposal will become the responsibility of the developer.

Our preliminary review only considers issues affecting HONI's transmission facilities and transmission corridor lands. For any proposals affecting distribution facilities (low voltage), the developer should consult the local distribution supplier.

If you have any questions, please contact me at dennis.derango@hydroone.com or at 905-946-6237.

Yours truly,

A handwritten signature in black ink that reads "Dennis De Rango".

Dennis De Rango
Specialized Services Team Lead, Real Estate
Hydro One Networks Inc.

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

January 25, 2023

County of Bruce
Planning & Development Department
30 Park Street, P.O. Box 848
Walkerton, ON N0G 2V0

ATTENTION: Benito Russo, Planner, Bruce County

Dear Benito Russo,

RE: Applications for Consent and Zoning By-law Amendment: B-2022-118 and Z-2022-120
690 CONCESSION 8
CON 9, LOT 18
Roll No. 410434000910000
Geographic Township of Brant
Municipality of Brockton (Wilkin)

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 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) with the County of Bruce representing natural hazards. The applications have also been screened to determine the applicability of the Saugeen, Grey Sauble, Northern Bruce Peninsula Source Protection Plan, prepared under the Clean Water Act, 2006.

Purpose

The purpose of the applications is to facilitate a surplus farm dwelling severance of a +/- .8 ha lot from a +/- 40.47 ha agricultural parcel. To facilitate the severance, the Zoning By-law will be amended to prevent any future dwellings on the agricultural lands, and a holding is proposed in areas of high archeological potential.

Staff have received and reviewed the following documents submitted with these applications:

- 1) Notice of Public Meeting dated January 20, 2023
- 2) Request for Agency Comments dated January 19, 2023
- 3) Consent Application Notice dated January 20, 2022

Recommendation

SVCA Staff find the applications acceptable. We elaborate in the following paragraphs.

Site Characteristics

Access to the lot is provided via Concession 8. The parcel is mainly agricultural lands with some woodlands in the northern portion. There is existing development in the south-central section of the parcel. A tributary of Pearl is on the property.

Delegated Responsibility and Advisory Comments

Natural Hazards

Portions of the subject property have been identified as Hazard associated with a floodplain hazard of a tributary of Pearl Creek and unstable organic soils. It is SVCA staff's interpretation that the current SVCA hazard mapping is consistent with the Municipality of Brockton Zoning By-Law Environmental Protection (EP) zone and designated Environmental Hazard in the Bruce County Official Plan (OP). In general, it is SVCA staff's interpretation that no new buildings or structures are permitted within the Environmental Hazard Designations.

The following is a summary of Provincial, County and Municipal natural hazard policies that affect the subject property.

Provincial Policy Statement – Section 3.1

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.).

Bruce County Official Plan Policies

It is SVCA staff's interpretation that flood and erosion susceptible areas are considered a Hazard Land Area per Section 5.8.1 of the Bruce County Official Plan. Further, these policies state that buildings and structures are generally not permitted within these lands.

Based on site plan submitted, the proposed development will be limited to an area outside of the identified hazard lands and safe access can be provided via Concession 8. 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.

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 Seider at c.seider@greysauble.on.ca.

SVCA Regulation 169/06

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.

Portions of the subject property are within the SVCA 'Approximate Screening Area' associated with Ontario Regulation 169/06. As such, development and/or site alteration within this area requires the permission from SVCA, prior to carrying out the work.

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

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

And;

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

To determine the SVCA Approximate Regulated Area on the property, please refer to the SVCA's online mapping program, available via the SVCA's website at <http://eprweb.svca.on.ca>. Should you require assistance, please contact our office directly.

SVCA Permission for Development or Alteration

As per the site plan provided, development is not proposed within a SVCA Regulated Area. As such, permission from this office is not required. If future development is proposed within the SVCA Screening Area, please contact this office as permission may 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.

SVCA staff find the applications acceptable.

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 has been demonstrated.
- 2) Consistency with local planning policies for natural hazards has been demonstrated.

Please inform this office of any decision made by County/Municipality with regard to these applications. We respectfully request to receive a copy of the decision and notice of any appeals filed.

Should you have any questions, please contact the undersigned at m.cook@svca.on.ca.

Sincerely,



Michael J. Cook

Environmental Planning Technician, Environment Planning and Regulations Department
Saugeen Valley Conservation Authority
MC/

cc: Dieter Weltz, CBO, Municipality of Brockton (via email)
Gregory McLean, SVCA Member representing Brockton (via email)



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



January 20, 2023

File Number(s): Z-2022-120

Public Meeting Notice

You're invited:

**On-line Public Meeting
to consider a Zoning By-law Amendment
Tuesday, February 14th, 2023 at 7:00 pm**

A change is proposed in your neighbourhood: The purpose of the application is to facilitate a surplus farm dwelling severance of a +/- .8 hectare lot from a +/- 40.47 hectare agricultural parcel. To facilitate the severance, the Zoning By-law will be amended to prevent any future dwellings on the agricultural lands, recognizing the existing buildings on the severed parcel, and a holding is proposed in areas of high archeological potential. The related consent file is B-2022-118.



690 CONCESSION 8 - CON 9 LOT 18 (Brant Township)
Municipality of Brockton
Roll Number 410434000910000

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 February 13, 2023 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/83760873073?pwd=NXZ5MjN4cDdYMjNaZ1B2Y3pydjRBQT09>

Passcode: 117469

Or Telephone:

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

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

Webinar ID: 837 6087 3073

Passcode: 117469

International numbers available: <https://us02web.zoom.us/j/83760873073?pwd=NXZ5MjN4cDdYMjNaZ1B2Y3pydjRBQT09>

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

Stay in the loop

If you'd like to be notified of the decision of the approval authority on the proposed 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 municipality 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 municipality 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 municipality 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 - Severance Area

