



Planning Report

To: Municipality of Brockton Council

From: Amy Rogers, Planner

Date: May 13, 2025

Re: Zoning By-law Amendment Application - Z-2025-009 (Purdy's Cemetery)

Recommendation:

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

That Council approve Zoning By-law Amendment Z-2025-009 as attached and the necessary by-law be forwarded to Council for adoption.

Summary:

The purpose of this application is for a Zoning By-law Amendment. It is proposed that +/- 0.15 ha of the subject lands be rezoned from General Agriculture (A1) to Institutional Rural Special (INR-1), and a holding (-H1) be applied in areas of high archaeological potential. If approved, this will facilitate a related consent for a lot addition of +/- 0.15 ha to the adjacent cemetery with the lands to be used for burial plots. The related consent file (B-2025-020) will be considered by the County at a later date.

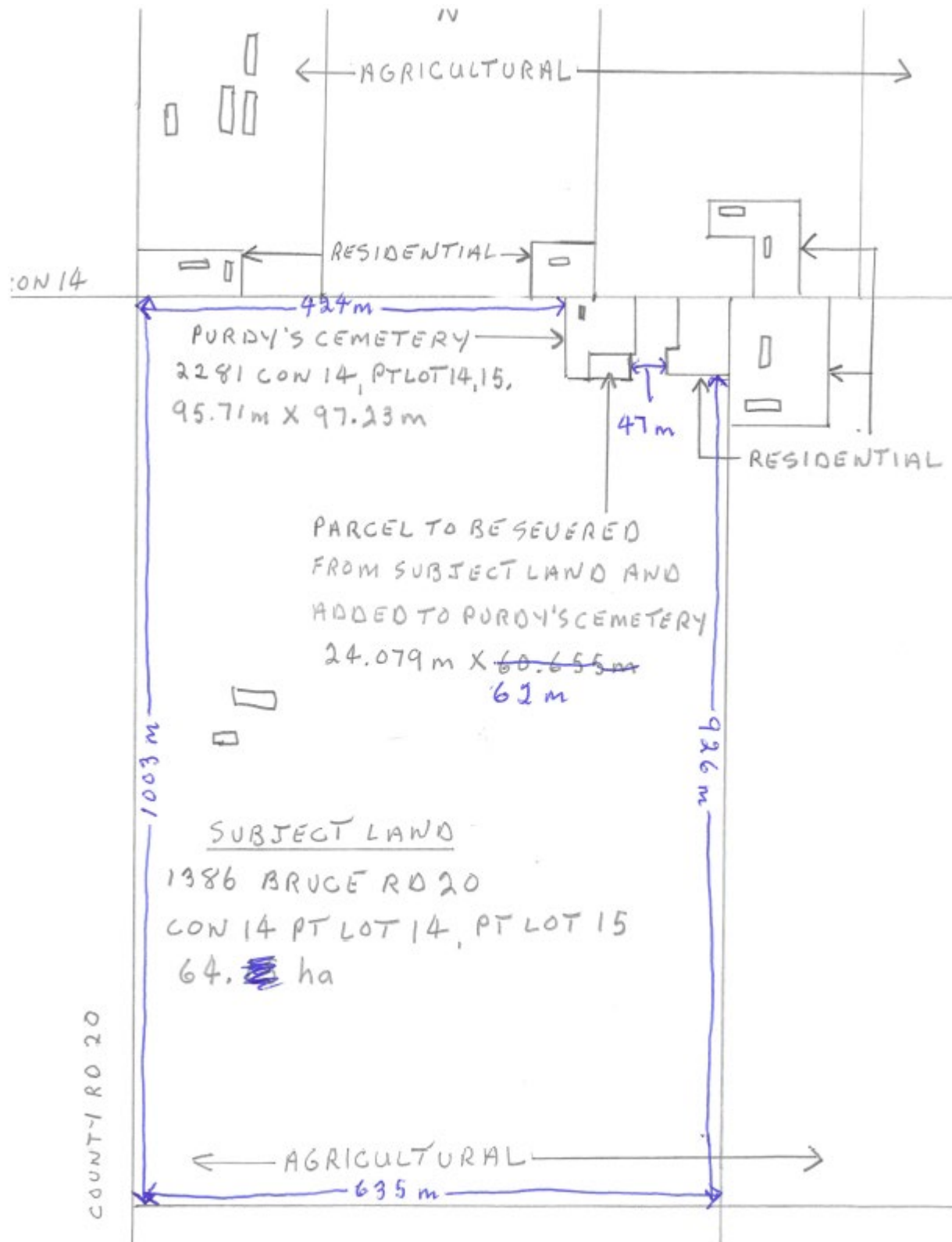
The subject property has a civic address of 2269 Concession 14 and is located north of Bruce Road 15, east of Bruce Road 20, south of Bruce Road 1, and west of the community of Pinkerton. It is surrounded by agriculture, non-farm residential, a cemetery, and natural area land uses.

Airphoto



2269 Concession 14 and 1386 Bruce Road 20
CON 14 PT LOT 14 PT LOT 15 (Greenock)
Municipality of Brockton
Roll Number: 410431000312700

Site Plan



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.

Consents to Sever Land in Agricultural Areas

The subject lands are designated Agricultural Areas and Hazard Land Area in the Bruce County Official Plan. The Official Plan permits minor boundary changes and lot enlargements in Agricultural Areas provided no new lot is created and to accommodate existing institutional uses. The proposed +/-0.15 ha parcel to be severed will be merged with an adjacent cemetery, which is an institutional use.

The Official Plan permits Institutional Uses in Agricultural Areas, provided that the use shall be placed in a separate zoning category in the Zoning By-law; there is demonstrated need for the additional use; justification has been provided in support of the selected site, and; cemeteries are required to satisfy the minimum distance separation provisions of MDS I.

The Zoning By-law Amendment, as proposed, will rezone the severed portion to Institutional Rural Special (INR-1) so that zoning is consistent with the existing zone on the receiving parcel. The lot addition for expansion to the cemetery is needed as the cemetery is nearing capacity, the additional lands will be used for additional burial plots.

Site Selection and Minimum Distance Separation

The proposed area of the lot addition was selected based on the proximity to the existing cemetery and that it would result in configuring the lot in a regular rectangular shape as opposed to the existing irregular configuration.

The County Official Plan directs that new or expanding institutional facilities shall comply with the minimum distance separation formulae (MDS). The MDS considers siting requirements of sensitive land uses in relation to livestock operations in order to minimize conflict. The Bruce County Official Plan allows for cemeteries that are closed, receive low levels of visitation, or are not connected to a place of worship to be considered a Type A land use when calculating MDS.

The receiving cemetery lands do not contain a place of worship. In addition, at the time of staff's site visit it was observed that snow was not cleared from the site, preventing entry onto cemetery lands. As such, a Type A land use was considered to calculate MDS setbacks to the proposed expansion.

There are two farms with existing livestock barns within proximity to the proposed cemetery expansion where MDS would be applied. These properties include, 1386 Bruce Road 20 requiring an MDS setback of 519 m and 1461 Bruce Road 20 requiring an MDS setback of 577 m. The proposed lot addition to the cemetery expansion is located 464 m and 361 m, respectively, from the existing livestock barns.

In this circumstance, a new institutional land use would not comply with the required setback; however, a new use institutional use is not proposed but rather a minor expansion. The existing cemetery setbacks are legal non-conforming and establish MDS setback from the livestock barns.

Of significance is the fact that the proposed expansion is no closer to the existing barns than the current property boundary. Further, the cemetery expansion will be used for additional burial plots which is consistent with the existing uses. No new sensitive uses are introduced, and the new burial plots will be located at a distance which is equal to or greater than the distance of the existing burial plots in the cemetery.

As the existing MDS non-compliance is not exacerbated by the proposal, the subject applications maintain the intent and purpose of the MDS statement.

Archaeological Potential

The subject property is considered to have high archaeological potential as identified within the Bruce County screening maps. These areas are consistent with the Ontario Ministry of Tourism and Culture Criteria for Evaluating Archaeological Potential.

The provincial requirements under the Planning Act require the protection of archaeological resources that may be present as part of an application.

The Zoning By-law Amendment, as proposed, will apply a holding provision to areas of high archaeological potential. Lot grading; excavation; and/or construction shall not be permitted unless the Holding (H1) zone provision is removed.

The holding provision fulfills the provincial requirements for the protection of any potential archaeological resources that may be present on the subject property.

Required Zoning By-law Amendments

An amendment to the Zoning By-law is required in order to facilitate the severance and expansion of the cemetery.

The proposed severed area for the lot addition will be rezoned from General Agriculture (A1) to Institutional Rural Special (INR-1) with the following provisions:

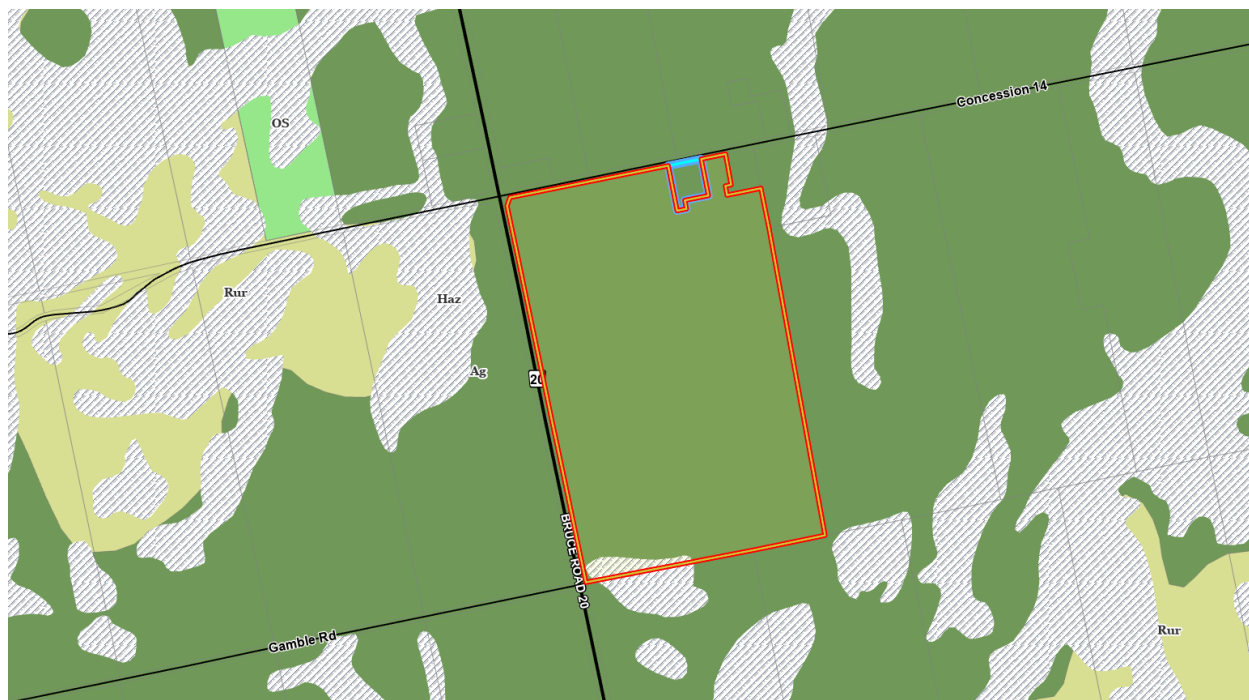
- Notwithstanding their 'IN' Zoning designation, those lands delineated as 'INR-1' on Schedule 'A' shall only be used for the purposes of a 'Cemetery', as it existed on the date of passage of this By-Law, and in accordance with the 'INR' Zone provisions contained in this By-Law.

The -H1 holding provision will be applied to areas of high archaeological potential on the retained farm parcel. Areas zoned Environmental Protection (EP) 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 Area)



Local Zoning Map (Zoned General Agriculture 'A1', Environmental Protection 'EP', Institutional Rural Special 'INR-1')



Agency Comments

Municipality of Brockton: No comments.

Saugeen Valley Conservation Authority: The proposed applications are acceptable to SVCA staff. Full comments are attached below.

Bruce County Transportation and Environmental Services: No comments.

Historic Saugeen Métis: No comments or objections.

Hydro One: No comments or concerns.

Public Comments

No comments were received from the public at the time of writing this report.

SENT ELECTRONICALLY: AMRogers@brucecounty.on.ca and bcplwa@brucecounty.on.ca

May 2, 2025

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

ATTENTION: Amy Rogers, Planner

Dear Amy Rogers,

RE: B-2025-020 and Z-2025-009 (Purdy's Cemetery)
1386 Bruce Road 20
Roll No. 410431000312700
Geographic Township of Greenock
Municipality of Brockton

The above-noted applications have been received by the Saugeen Valley Conservation Authority (SVCA) in accordance with the Mandatory Programs and Services Regulation (Ontario Regulation 686/21) made under the *Conservation Authorities Act* (CA Act). SVCA staff have reviewed the proposal for consistency with SVCA's environmental planning and regulation policies ([https://www.saugeenconservation.ca/en/permits-and-planning/resources/Environmental-Regulations/January-2019-Consolidated-Manual Interim.pdf](https://www.saugeenconservation.ca/en/permits-and-planning/resources/Environmental-Regulations/January-2019-Consolidated-Manual%20Interim.pdf)) made in conformance with the Provincial Planning Statement, CA Act, O. Regulation 41/24, and associated provincial guidelines. Where a Memorandum of Agreement (MOA) exists between a planning partner and the SVCA, staff have reviewed the applications for conformity with the natural hazard policies of the applicable County and/or Municipality.

Purpose

The purpose of the applications is a Consent for lot addition. It is proposed to sever +/-0.15 hectares to be merged with the adjacent cemetery lands. If approved, this will result in an expansion to the cemetery to be used for burial plots. It is proposed that +/-0.15 ha of the subject lands be rezoned from General Agriculture (A1) to Institutional Rural Special (INR-1), and a holding (-H1) be applied in areas of high archaeological potential.

Recommendation

The applications are acceptable to SVCA staff.

Documents Reviewed by Staff

Staff have received and reviewed the following documents submitted with this application:

- 1) Request for Agency Comments, dated April 14, 2025; and
- 2) Application, dated February 5, 2025;
- 3) Notice, dated April 14, 2025.

Site Characteristics

Based on SVCA mapping, there are no natural hazard features affecting the cemetery property or the lands to be severed and merged with the cemetery property. However, a small area in the southern part of the 1386 Bruce Road 20 property features land within SVCA's Screening Area. Based on SVCA mapping, the natural hazard features affecting that property may be low laying area and any wetland/swamp lands.

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, generally coincides with SVCA Hazard Lands as mapped by the SVCA for the 1386 Bruce Road 20 property, which is appropriate to represent the natural hazard features.

SVCA notes that a closed/tiled drain, part of Alexander Drainage Works, may be located near the parcel to be severed and merged. The drainage superintendent for the Municipality of Brockton should be contacted regarding questions about the closed/tiled drain.

Provincial Planning Statement (PPS, 2024)

In accordance with s. 7 of O. Regulation 686/21, SVCA shall act on behalf of the Province or as a public body under the *Planning Act* (PA) to ensure municipal decisions made under the PA are consistent with the natural hazards policies of the PPS, Chapter 5.

Section 5.1 of the PPS, 2024 states in part that development shall be directed away from areas of natural or human-made hazards where there is an unacceptable risk and not create new or aggravate existing hazards. Furthermore, Section 5.2 states in part that development shall generally be directed to areas outside of hazardous lands and hazardous sites. It is the opinion of the SVCA that the proposal is consistent with Chapter 5 of the PPS, 2024.

Bruce County Official Plan and Municipality of South Bruce Official Plan Policies

The following comments are made in accordance with the MOA with the County of Bruce.

Section 5.8 of the Bruce County OP states in part that development should not be located within the Hazard Lands designation. It is the opinion of SVCA staff that the applications are consistent with section 5.8 of the Bruce County OP.

Conservation Authorities Act and O. Regulation 41/24

Within SVCA's regulated areas and in accordance with the CA Act and O. Regulation 41/24, a permit from the SVCA is required to change or interfere with watercourses or wetlands and for development

activities in or adjacent to hazardous lands, wetlands, river or stream valleys, Great Lakes and inland lake shorelines. When reviewing an application, SVCA staff must assess the proposal for impacts to the control of flooding, erosion, dynamic beaches, or unstable soil or bedrock, and ensure the activity will not create conditions or circumstances that, in the event of a natural hazard, might jeopardize the health or safety of persons or result in the damage or destruction of property. Provided staff are satisfied the proposal is consistent with SVCA's policies, designed to mitigate these risks, a permit can be issued.

The parcel to be severed and added with existing cemetery is not within the SVCA Approximate Screening Area associated with the SVCA's Prohibited Activities, Exemptions and Permits Regulation (Ontario Regulation 41/24).

However, as mentioned above, a small area in the southern part of the 1386 Bruce Road 20 property features land within SVCA's Screening Area. Based on SVCA mapping, the natural hazard features affecting that property may be low laying area and any wetland/swamp lands. The SVCA Approximate Screening Area includes these features as well as an offset distance outwards from these features.

To determine the SVCA Approximate Regulated Area on the property, please refer to the SVCA's online mapping, available via SVCA's website

<https://camaps.maps.arcgis.com/apps/webappviewer/index.html?id=f0ec744c8d6d4e499895aaaab3d83761.>) Should you require assistance, please contact our office directly.

SVCA Permit

In accordance with SVCA's policies made under the CA Act and O. Regulation 41/24, no new buildings or structures are proposed within the SVCA Approximate Screening Area on the property and so a permit from the SVCA is not required.

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.

Summary

SVCA staff have reviewed the proposal for consistency with SVCA's policies made in conformance with the Provincial Planning Statement, CA Act, O. Regulation 41/24, and associated provincial guidelines. Where a Memorandum of Agreement (MOA) exists between a planning partner and the SVCA, staff have reviewed the application for conformity with the natural hazard policies of the applicable County and/or Municipality.

Given the above comments, it is the opinion of the SVCA staff that:

- 1) Consistency with the Natural Hazard policies of the PPS, Chapter 5 has been demonstrated.
- 2) Consistency with local planning policies for natural hazards has been demonstrated.

Please inform this office of any decision made by the County of Bruce regarding the applications. We respectfully request to receive a copy of the decisions and notice of any appeals filed. Should you

B-2025-020 and Z-2025-009 (Purdy's Cemetery)

May 2, 2025

Page 4 of 4

have any questions, or require this information in an accessible format, please contact the undersigned.

Sincerely,

Michael Oberle

Environmental Planning Technician

Saugeen Conservation

MO/

cc: Fiona Hamilton, Clerk, Municipality of Brockton (via email)

Gregory McLean, SVCA member representing the Municipality of Brockton (via email)



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



April 14, 2025

File Number(s): Z-2025-009

Public Meeting Notice

You're invited:

Public Meeting

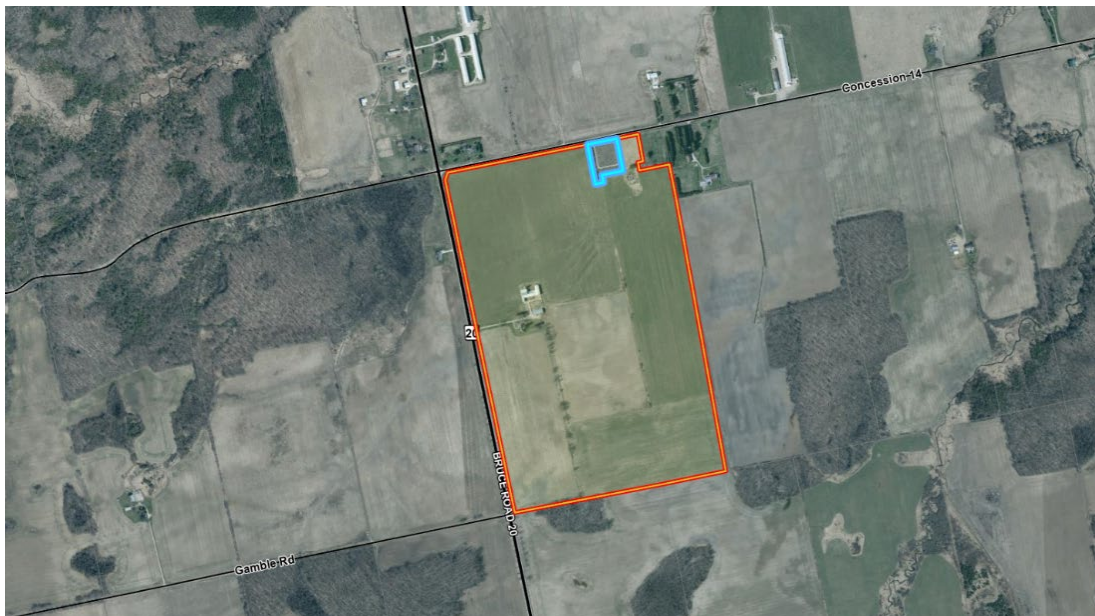
to consider Zoning By-Law Amendment / file Z-2025-009

May 13, 2025, at 7:00 p.m

County Council Chambers, 30 Park Street, Walkerton

A change is proposed in your neighbourhood: The purpose of this application is for a Zoning By-law Amendment. It is proposed that +/-0.15 ha of the subject lands be rezoned from General Agriculture (A1) to Institutional Rural Special (INR-1), and a holding (-H1) be applied in areas of high archaeological potential. If approved, this will facilitate a related consent for a lot addition of +/-0.15 ha to the adjacent cemetery with the lands to be used for burial plots.

The related consent file is B-2025-020



1386 BRUCE
ROAD 20 and 2269
Concession 14

CON 14 PT LOT 14
PT LOT 15
(Greenock)

Municipality of
Brockton

Roll Number:
410431000312700

Learn more

Additional information about the application is available online at <https://www.brucecounty.on.ca/active-planning-applications>. 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: Amy Rogers

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 May 5, 2025 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.

Before the meeting: You can submit comments by email bcplwa@brucecounty.on.ca, mail, or phone (226-909-5515) if you have any questions, concerns or objections about the application. Comments will be provided to the Council for its consideration.

How to access the public meeting

For information on how to participate in the public meeting, please visit the municipal website at www.brockton.ca under "Current Council Meeting Agenda". Please contact the Municipality at fhamilton@brockton.ca or 519-881-2223 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.

Notice to Landlords

If you are a landlord of lands containing seven (7) or more residential units, please post a copy of this notice in a location that is visible to all the residents.

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 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 Municipality of Brockton 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 of Brockton 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.

Please note that third parties (anyone who is not a specified person or public body) do not have the right to appeal a decision to the Ontario Land Tribunal.

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

Site plan

