

JC Welding Brockton Ltd.

PLANNING JUSTIFICATION BRIEF

1028 BRUCE ROAD 3
MUNICIPALITY OF BROCKTON

DECEMBER 2024

COBIDE Engineering Inc
517 10th Street
Hanover, ON N4N 1R4
TEL: 519-506-5959
www.cobideeng.com

Planning Brief

To: B. Russo, RPP, Intermediate Planner

From: D. Kieffer, MCIP, RPP, Senior Development Planner

On behalf of our client, JC Welding Brockton Ltd., COBIDE Engineering Inc. is pleased to submit this Planning Brief in support of the lot addition for the property located at 1028 Bruce Road 3, Brockton (hereinafter called the subject lands).

This Planning Brief serves to analyze the land use planning merits of the applications and determine the appropriateness of the proposed uses. The request will be analyzed within the context of the surrounding community and the relevant planning documents, including the Provincial Policy Statement (PPS), the Bruce County Official Plan (BCOP) and the Municipality of Brockton Comprehensive Zoning By-law.

This Brief has been organized in an issue-based format, speaking to the planning policies within the context of the relevant issues identified in pre-consultation rather than a document-based format where each individual policy is addressed in each planning document. Should the approval authority require more information, please contact the author below.

Site & Business Context:

The subject lands are located in the south end of Brockton, fronting the corner of Bruce Road 3 and Highway 9. The lot is approximately 4,155 sq. m. in area and is surrounded by farmland.

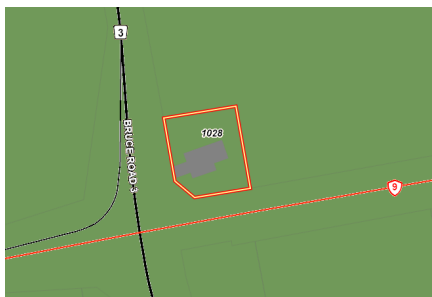
JC Welding produces structural steel for buildings. Approximately 25% of their business is agricultural related, mainly for constructing sheds and barns.



Figure 1: Aerial Photograph of the subject lands. Source: Bruce County Mapping 2020.

Planning Context:

The subject lands are designated Agricultural Area in the Bruce County Official Plan (BCOP) and are zoned ACI-4 – Agriculture Commercial Industrial with special provisions in the Municipality of Brockton Comprehensive Zoning By-law.



Bruce County Official Plan Map



Municipality of Brockton Comprehensive Zoning By-law Map

Development Concept:

The development concept proposes a 5990 sq. m. lot addition that will expand the subject lands to the north. After the lot addition, the subject lands will be 10,146 sq. m. A lot addition is required for three reasons:

1. The access from the road to the site is currently not on the property. The proposed lot addition would bring this access onto the property.
2. The existing septic system has failed and there is insufficient area on the lot for a replacement system.
3. Plans to add expand the business by adding a new storage area and to expand the

existing shop.

A site plan has been included in Appendix A to this report.

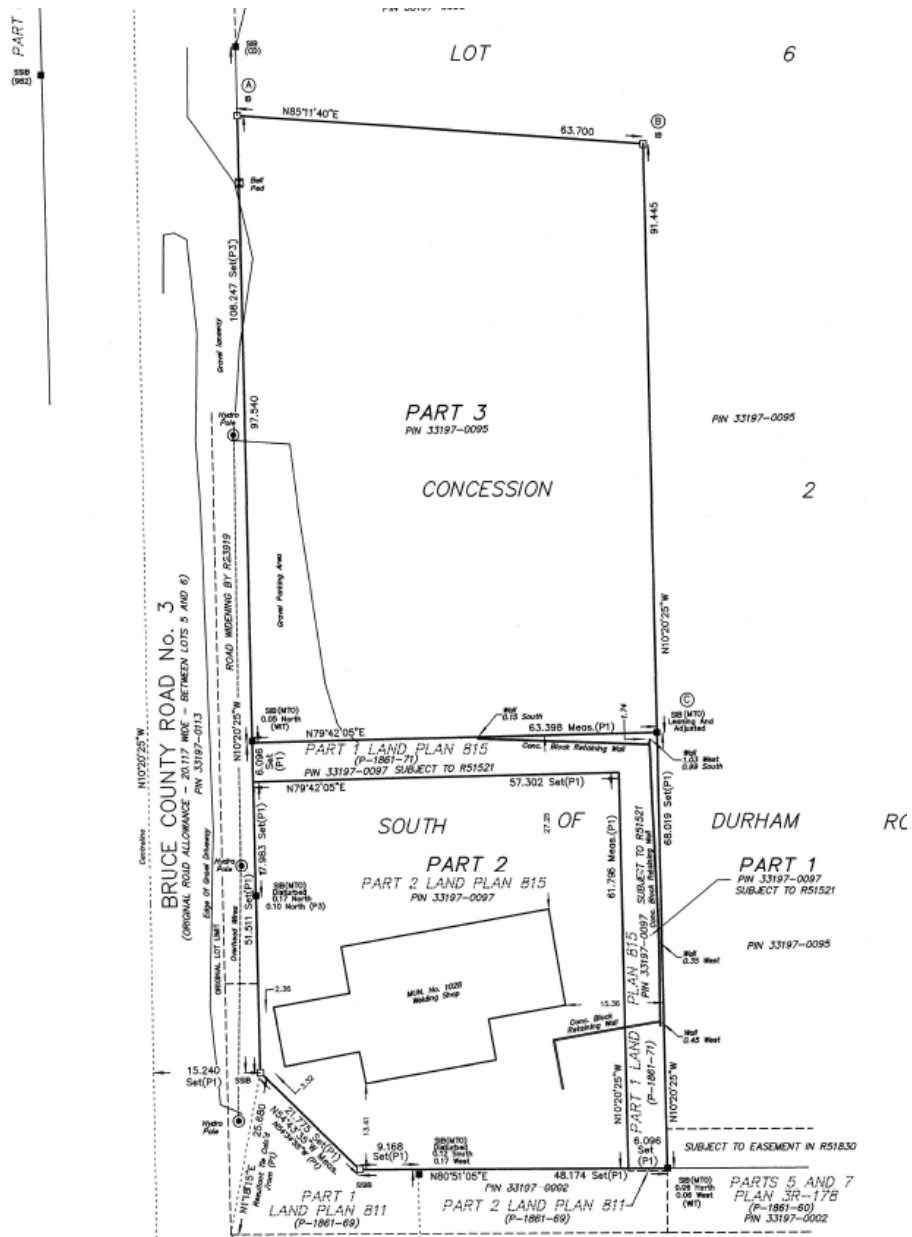


Figure 2: Survey of Subject Lands and Lot Addition.

Requested Applications and Supporting Materials

A lot addition is requested to create a new lot that will be merged with the subject lands.

A zoning by-law amendment is requested.

In addition to this Planning Brief, a Stormwater Management Brief was completed by Cobide

Engineering Inc to support the applications.

Agricultural Use Policies

The Provincial Policy Statement (PPS) defines prime agricultural areas as areas where prime agricultural lands predominate. The PPS stipulates under Section 4.3.1 that prime agricultural areas shall be protected over the long-term for the use of agriculture.

In prime agricultural areas, permitted uses include agricultural uses, agriculture-related uses and on-farm diversified uses (PPS policy 4.3.2.1). The BCOP mirrors these policies in Section 5.5.4.1 a, b and c. The BCOP defines and agriculture-related commercial and industrial uses as *“Be directly related to local farm operations and related to commercial scale agriculture as a primary activity and not have as a primary activity provision of goods or services that are normally required by the general public”*. It is acknowledged that while a portion of JC Welding’s business is agricultural in nature, it is not the business’s primary activity.

JC Welding was established in this location in 1979. While the use has been recognized in the Comprehensive Zoning By-law and “legalized”, the use of the lands is legal non-conforming to the designation of Agriculture in the Bruce County Official Plan. Section 6.5.2 permits legal non-conforming uses to continue regardless of the Plan.

Section 6.5.5 of the BCOP states that *“in the Agriculture and Rural designations, where a use has been recognized as a legal use in accordance with Section 6.5.4, the Councils of the local municipalities may zone to permit the continuation, expansion or enlargement of a legally existing use, or a change to a similar use.”* The development concept proposes an expansion and enlargement of a legally-existing use.

Section 6.5.5 of the BCOP requires the following to be considered:

Policy	Development Concept
The proposed use is permitted in either the ‘Rural’ or ‘Agricultural’ designations	Section 5.6.6.1 permits rural industrial uses and explicitly includes welding.
The existing use of the land, buildings or structures is a legal use currently recognized in the implementing comprehensive zoning by-law or is a legal nonconforming use under Section 34(9) of the Planning Act	The subject lands are zoned ACI- 4 which permits “industrial use-dry” which includes a welding shop.
The proposed use does not require large volumes of water nor generate large volumes of effluent	The proposed use neither uses large amounts of water nor generates large volumes of effluent.
The proposed use is subject to any conditions that may be contained in a local Municipal Official Plan The proposed use is subject to any conditions that may be contained in a local Municipal Official Plan	No local Municipal Official Plan are in effect on the subject lands.
The proposed use must be in appropriate	The proposed lot addition will more than

<p>proportion to the size of the existing use.</p>	<p>double the existing size of the lot. While the proposed lot addition represents a large increase, the owner is currently supplementing land deficiencies with adjacent lands they do not own. The subject lands do not have an access on the property and have been using the road allowance for a portion of the driveway, parking and outdoor storage. The subject lands do not have sufficient room on the current lands for a replacement septic system, it is therefore obvious the subject lands are undersized for the existing use as is, let alone to facilitate an expansion of the business.</p> <p>From a long-term planning perspective, it makes sense to resolve the existing and potential land use conflicts with this application. The resolution to the existing issues will require an increase in the amount of land available to support the existing use in addition to the lands needed to support an expansion.</p>
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The Brockton Zoning By-Law zones the subject lands ACI-4 which permits the following: 'Farm Implement Establishment', 'Industrial Use, Dry', 'Bulk Sales Establishment - Agricultural' as they existed on the date of passage of the By-law and in accordance with the ACI zone provisions.

Farm Size Policies

BCOP Policy 5.5.6 sets a minimum farm size of generally 40 ha to be established for new or remnant parcels.

BCOP Policy 6.24.5.4.1 ii) permits minor adjustments for access and servicing purposes that don't create new lots or increase development potential.

BCOP Policy 6.24.5.4.6 permits consents for lot adjustments, deed corrections or minor boundary changes, so long as no new lot is created.

The proposed lot addition for JC Welding will be 5990 sq. m. to be added to the existing subject lands (currently 4156 sq. m.) for a total of 10,146 sq. m. As per policy 6.24.5.4.4 ii) planning justification is required to be over a size of 0.81 ha. While the proposed lot addition represents a large increase from the existing, the overall lot size will be just over 1 ha or 2.5 acres after the applications. JC Welding is currently supplementing existing land

deficiencies with adjacent lands they do not own. The subject lands do not have an access on the property and have been using the road allowance for a portion of the driveway and outdoor storage. The subject lands do not have sufficient room on the current lands for a replacement septic system. It is therefore obvious the subject lands are undersized for the existing use as is, let alone to facilitate an expansion of the business in addition to a stormwater management pond.

The retained land will be approximately 38 ha after the expansion of JC Welding (this has not and will not be confirmed by survey). It is shown by the supporting survey for the lot addition, this particular farm, being on the corner of a Provincial Highway (Highway 9) and a County Road (Bruce County Road 3) has previously lost land area due to the required road widenings and sight triangle.

In our opinion, the reduction of the agricultural area by 5990 sq. m (or 1.5 acres) will not impact the agricultural viability of the retained and the retained parcel is still of a size that is consistent with the area and able to support an agricultural use.

The retained land will have to be recognized in the amending by-law as it is less than the 38 ha required by the General Agriculture (A1) zone.

Lot Adjustment Policies

Section 2.3.4.2 of the PPS states that lot adjustments in prime agricultural lands may be permitted for legal or technical reasons. Legal or technical reasons include severances for purposes such as easements, corrections of deeds, quit claims and minor boundary adjustments that do not result in the creation of a new lot.

The Bruce County Official Plan allows consents within the Agricultural designation for lot adjustments for easements, deed corrections, or minor boundary changes as long as no new lots are created (policies 6.24.5.4.1 ii) and 6.24.5.4.6)

Table 1: Section 6.24.5.4.7 Lot enlargements maybe permitted in the Agriculture designation subject to the following:

Policy	Development Concept
i) No new lot is created	No new lot will be created.
ii) If lands designated Hazard are to be included in the lot enlargement, there must be sufficient developable area outside of the Hazard designation, including applicable environmental setbacks, for the proposed development	No hazard lands will be included in the lot enlargement.
iii) lot enlargements to expand a non-farm use will be limited in area and will only be of sufficient size to	The lot will be enlarged to accommodate the septic system

<p>accommodate the residence, accessory buildings (where including accessory buildings does not render the lot excessively large), a well and a sewage disposal system, while ensuring that as little acreage as possible is removed from the agricultural lands. The enlarged lot size will generally not exceed 0.81 hectares.</p>	<p>and access. In the future, a new storage area and shop expansion is planned for the site. As little acreage as possible is proposed to be removed from the agricultural lands.</p>
<p>iv) A lot enlargement for the purpose of enlarging an agriculture use as a smaller specialized farm lot is permitted subject to the policies of Section 6.24.5.4.3, for enlargements of the expansion of an existing agricultural-related use as per Section 6.24.5.4.4, or existing institutional use as per Section 5.5.10 [Institutional Uses]. Such lot enlargements will be limited in area and will only be of sufficient size to accommodate the agriculture use, agricultural-related use, or institutional use, accessory buildings (where including accessory buildings does not render the lot excessively large), a well and a sewage disposal system, while ensuring that as little acreage as possible is removed from the agricultural lands.</p>	<p>N/A</p>

Minimum Distance Separation I

The development concept is subject to Minimum Distance Separation I and the calculations are attached. The land from which the parcel is to be severed has an existing unoccupied livestock barn. The calculation is contained in Appendix C.

Address	Required Setback	Provided Setback
2352 Highway 9	250 m	320 m

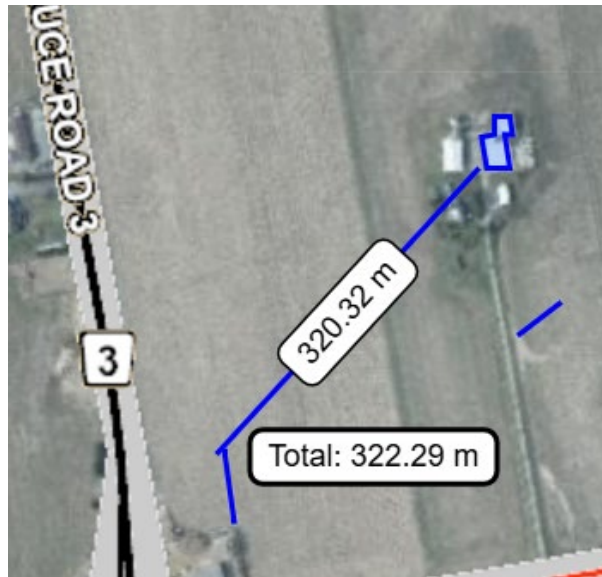


Figure 3: Setback from Lot Addition

Servicing Policies:

The PPS sets out a servicing hierarchy for water and sewage services and states that where private communal systems are not available planned or feasible, individual on-site sewage services and individual on-site water services may be used provided that site conditions are suitable for the long-term provision of such services with no negative impacts.

The current structure uses an individual on-site sewage and well, which is the norm for agricultural areas. The on-site system has failed and there is not enough room on the lot for a new one. The proposed lot addition will facilitate the replacement of this system.

Wellhead Protection Area (WHPA):

The subject lands are located within the WHPA boundary of Zone C – 10 years and thus must conform with the significant threat policies within the Saugeen-Grey-Sauble-Northern Bruce Peninsula Source Protection Plan. It is not anticipated that the development concept will have any negative impacts on drinking water.

Economic Policies:

Section 4.5.1 of the BCOP lists economic development objectives the County aims to achieve through a land use planning perspective. The development concept will help the County achieve the following objectives:

- Identify and support those industries and trends that are key to the County's economic future.
- Promote a broader range of growth to provide employment opportunities within the County.
- Make provisions for land, services and facilities to satisfy the requirements of economic activities.

- Encourage value added development of resources and products.

The development concept will help meet the economic policies and objective of both the PPS and the BCOP.

Zoning Bylaw

An amendment to the Brockton Comprehensive Zoning By-law (BCZBL) is requested. It is requested that the entirety of the lands, including the proposed lot addition, be re-zoned to ACI-4 and that the special provisions associated with that zone be amended as outlined below.

A draft Zoning By-law Amendment is included in Appendix B.

Table 2: provisions for non-residential uses in the ACI Zone.

Provisions	Required- Non-Residential Uses	Provided
Minimum Lot Area	0.8 hectares (2.0 ac)	10,146 sq. m.
Minimum Lot Frontage	30 metres	48 m
Minimum Front Yard	15 metres	13.41*
Minimum Side Yard	10 metres	2.36*
Minimum Rear Yard	10 metres	118 m
Minimum Height – Main Building	10 metres	<10 m
Maximum Lot Coverage	20%	<20%
Minimum Separation Distance From Accessory Detached Dwelling	30 metres	N/A

* denotes existing

Table 3: Section 3.17 Open Storage & Outdoor Display Areas- Industrial/Commercial Zones.

Required	Provided
The Open Storage Area is accessory to the principle use on the lot	The primary use of the lot is a welding shop, the outdoor storage supports and is accessory to this use by providing room to store raw materials and finished product.
No Open Storage Area shall be permitted in a front yard or exterior side yard	Open Storage is proposed to be set back 18.5 m from the exterior side yard
The Open Storage Area complies with the minimum yard requirements of the zone	A 6 m setback is requested for the East side of the development
The Open Storage Area is visually screened from the street by a 'Planting	Noted. Shown on site plan on the west side and to be included in Site Plan Approval. It

Area/Visual Screening' as per Section 3.15.	is further noted that MTO requires all buildings, structures and features integral to the site to be located a minimum of 14 metres from the highway property limit, inclusive of landscaping features, fire-lanes, parking and storm water management facilities. The existing building will not meet some of these requirements, nor is there room to include a planting area on that side.
Open Storage Areas and Outdoor Display Areas shall not cover more than 35% of the lot area.	38%

Table 4: Section 3.26 Off-Street Parking Regulations

Required	Provided
Industrial use, dry: 1 parking space for each 100 m ² (1,076 ft ²) of gross floor area plus 1 space for each 20m ² (215 ft ²) or fraction thereof, devoted to office use. 1306 m² total building area 20 m² office 13 parking spaces required for industrial use. 1 parking space required for office use.	23 parking spaces provided.

Requested Variances

Minimum Front and Side Yard

These variances would recognize the existing legal non-complying structure. The proposed future addition would meet the requirements of the zone.

Planting Strip

In anticipation of MTO comments, it is requested that a planting strip not be required on the South side of the development or within 15 m of the Kings Highway 9. Due to the configuration of the existing building, there is insufficient room on this side of the development to accommodate this requirement.

Minimum Setback for Outdoor Storage Area

It is requested that the existing outdoor storage area on the East side of the building be recognized and permitted a setback of 6 m.

Open Storage Area

A small increase from the maximum permitted area open storage from 35% to 38% is requested. This will facilitate the storage of both raw and finished materials.

Conclusions:

It is my professional opinion that this application represents good land use planning for the following reasons:

1. The lot is undersized for the use's current land area needs. The lot adjustment is being requested in order to bring the existing access onto the subject lands, provide enough space for the septic system and facilitate an expansion of the business.
2. The expansion of the use and lot will support the economic diversity of Brockton and permit the expansion of an existing Brockton business. The business has existed since 1979 and is permitted under the special zoning provisions of ACI-4.
3. The development concept complies with the policy framework of the PPS and the BCOP related to lot additions/adjustments and expansions of legal and legal non-complying uses.

Thank you for the consideration of this application, please contact the undersigned with any questions.

Kind regards,

Cobide Engineering Inc.



Dana Kieffer, M.Sc. (Planning), MCIP, RPP
Senior Development Planner,
Cobide Engineering Inc.
519-506-5959 ext. 106
dkieffer@cobideeng.com

Appendix A

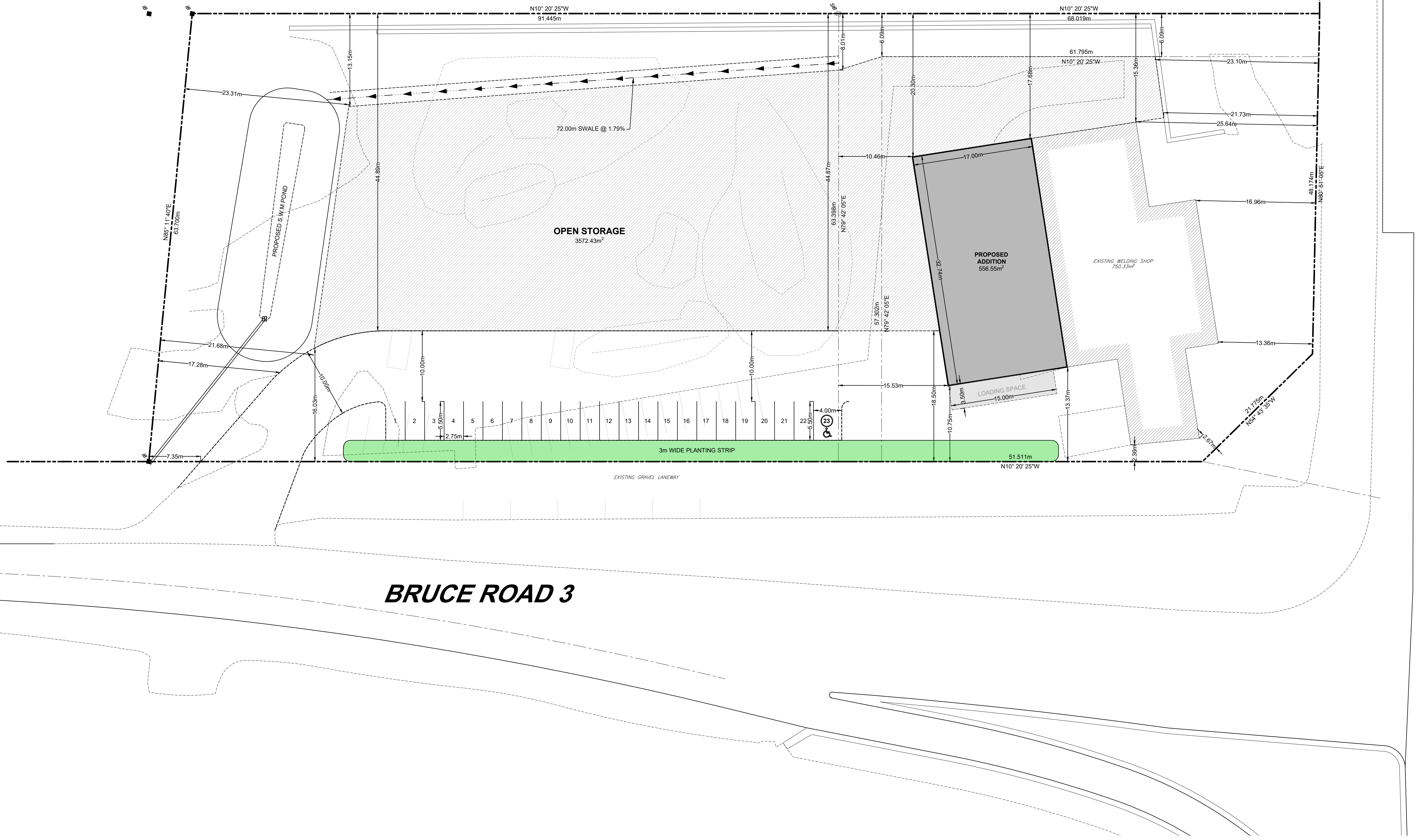
SITE SKETCH

H:\Planning\13015 - JC Welding Lot Addition\Drawings\Submissions\2024-09-29 Final Submission\13015 - JC Welding Lot Addition Base Plan 2024-12-03.dwg Dec 05, 2024 - 3:28pm

LEGEND

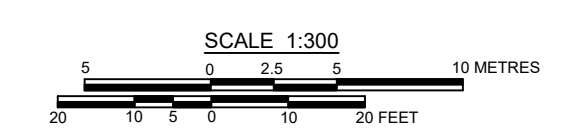
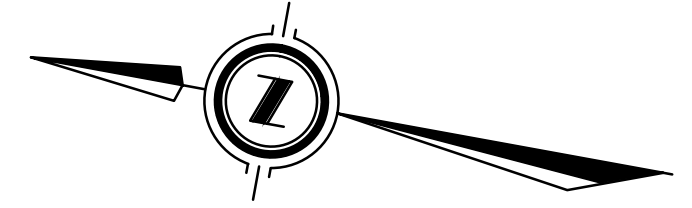
<ul style="list-style-type: none"> --- PROPERTY BOUNDARY - - - EDGE OF EXISTING PAVEMENT - - - EDGE OF EXISTING GRAVEL --- PROPOSED SANITARY SEWER --- EXISTING SANITARY SEWER --- PROPOSED STORM SEWER --- EXISTING STORM SEWER --- PROPOSED SUBDRAIN --- PROPOSED WATERMAIN --- EXISTING WATERMAIN 	<ul style="list-style-type: none"> ● SANMH ○ STMMH ○ STSMH ○ CBMH ○ TICBMH ○ TICB ○ 	<ul style="list-style-type: none"> ○ PROPOSED SANITARY MANHOLE ○ EXISTING SANITARY MANHOLE ○ PROPOSED STORM MANHOLE ○ EXISTING STORM MANHOLE ○ PROPOSED CATCHBASIN MANHOLE ○ PROPOSED TRANSFORMER ○ PROPOSED TWIN INLET CATCHBASIN MANHOLE ○ PROPOSED TWIN INLET CATCHBASIN ○ PROPOSED LIGHT POLE 	<ul style="list-style-type: none"> ■ CB □ DICB ○ HYD ○ HV ○ 	<ul style="list-style-type: none"> ○ PROPOSED CATCH BASIN ○ EXISTING CATCH BASIN ○ PROPOSED DITCH INLET CATCHBASIN ○ PROPOSED HYDRANT SET ○ EXISTING FIRE HYDRANT ○ PROPOSED GATE VALVE ○ EXISTING GATE VALVE ○ PROPOSED BEND c/w RESTRAINTS 	<ul style="list-style-type: none"> ○ PROPOSED TEE c/w RESTRAINTS ○ PROPOSED CAP c/w THRUST BLOCK ○ PROPOSED BLOWOFF ○ BENCHMARK ○ PROPOSED ELEVATION ○ EXISTING ELEVATION ○ EXISTING CONTOUR LINE ○ PROPOSED TACTILE PLATES
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LOT STATISTICS:
 OVERALL LOT AREA = 10145.75m²
 BUILDING FOOTPRINT (INCLUDES EXISTING SHOP) = 1306.88m²
 OPEN STORAGE AREA = 34.21%



CAUTION:
 THE POSITION OF POLE LINES, CONDUITS, WATERMANS, SEWERS AND OTHER UNDERGROUND AND OVERGROUND UTILITIES AND STRUCTURES IS NOT NECESSARILY SHOWN ON THE DRAWINGS, AND, WHERE SHOWN, THE ACCURACY OF THE POSITION OF SUCH UTILITIES AND STRUCTURES IS NOT GUARANTEED. BEFORE STARTING WORK, THE CONTRACTOR SHALL INFORM HIMSELF OF THE EXACT LOCATION OF ALL SUCH UTILITIES AND STRUCTURES, AND SHALL ASSUME ALL LIABILITY FOR DAMAGE TO THEM.

Notes



HIGHWAY 9

Benchmark Information

No.	DATE	DESCRIPTION	ID	TLB

No.	DATE	DESCRIPTION	BY	APPD

No.	DATE	DESCRIPTION	BY	APPD
1	DEC 05/24	FIRST SUBMISSION	ID	TLB

Seal not valid unless signed and dated



JC WELDING LOT ADDITION
 COUNTY OF BRUCE
 MUNICIPALITY OF BROCKTON

DEVELOPMENT SITE PLAN

Client: JC WELDING

Design: TLB	Scale: 1:300
Drawn: ID	Approved:
Checked: SJC	
Date: DECEMBER 2024	Design Engineer

DRAWING No. 13015-C1

Appendix B

DRAFT ZONING BYLAW AMENDMENT

By-Law 2024-xx

Being a By-Law to amend the Municipality of Brockton Comprehensive Zoning By-law No. 2013-26, As Amended

Whereas Section 34 and 36(1) of the *Planning Act, R.S.O. 1990*, as amended, permit bylaws to be amended by Councils of Municipalities.

And Whereas the Council of the Corporation of the Municipality of Brockton is desirous and it is in the public interest to amend bylaw No. 2013-26, as amended, being the Municipality Brockton Comprehensive Zoning Bylaw.

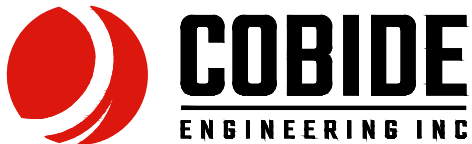
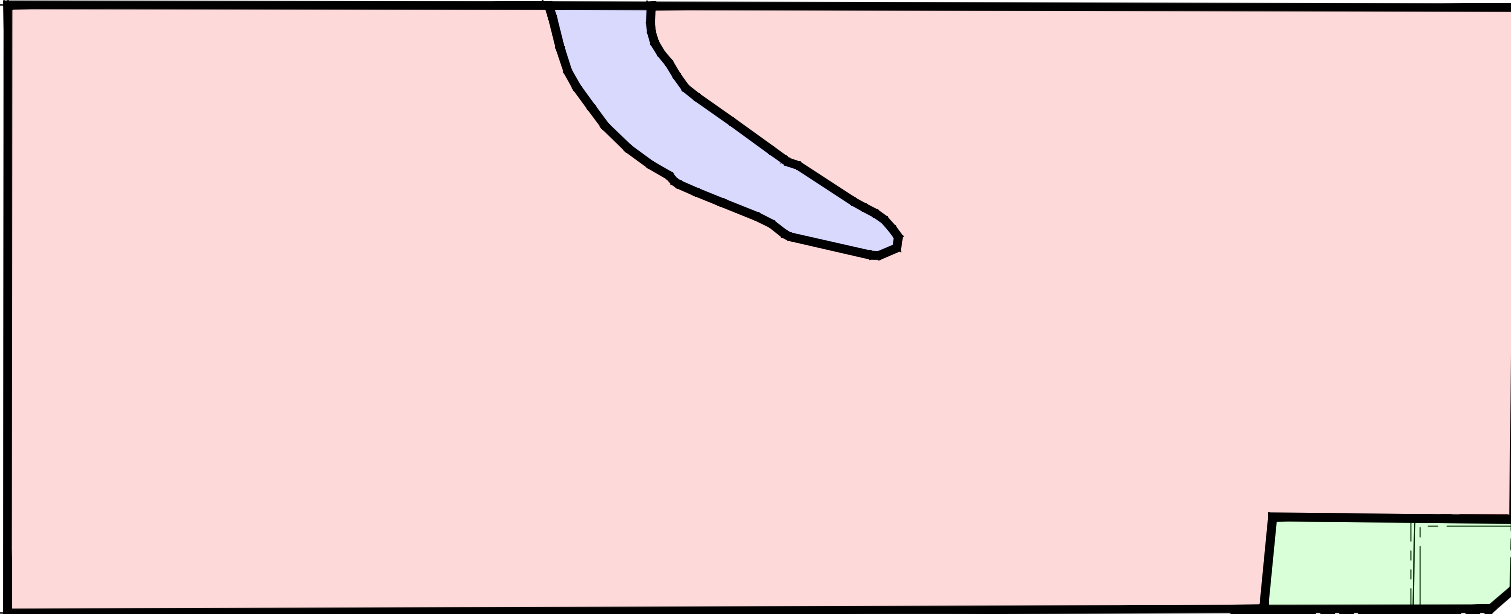
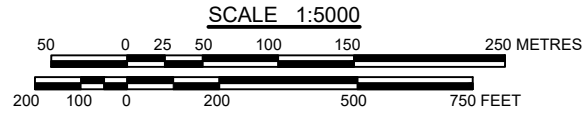
Now Therefore the Council of the Corporation of the Municipality of Brockton **Enacts as Follows:**

- 1.0 That Bylaw No. 2013-26 is hereby amended by changing the zone symbols on Part Lot 6, Concession 2, Plan 815, Parts 1 & 2, geographic Township of Brant, Municipality of Brockton, County of Bruce AND Part Lots 6 & 7 RP 3R10696 Part 1, geographic Township of Brant, Municipality of Brockton, County of Bruce from Environmental Protection (EP), General Agriculture (A1) and Agriculture Commercial Industrial Special (ACI-4) to Environmental Protection (EP), General Agriculture Special (A1-x) and Agriculture Commercial Industrial (ACI-4).
- 2.0 That a Minimum Lot Size of 37 hectares be permitted in General Agriculture Special (A1-x).
- 3.0 That the provisions in Section 17.4.4 are hereby amended to the following:
 - I. That the existing buildings' setbacks on the subject lands are hereby recognized. All future additions must comply with the provisions of the Zoning By-law.
 - II. Notwithstanding their 'ACI' Zoning designation, those lands delineated as 'ACI-4' on Schedule 'A' shall be permitted the following additional uses:
 - 'Industrial Use, Dry'
 - II. Notwithstanding Section 3.17, an Open Storage Area shall:
 - i. Have a minimum 6 m setback from the East property boundary;
 - ii. shall not cover more than 38% of an ACI-4 zone;
 - iii. shall not be required to be screened from the street by a 'Planting Area/ Visual Screening' on the south side of the subject lands or within 15 m of Highway 9.
- 4.0 This By-law takes effect from the date of passage by Council and comes into force and effect pursuant to the provisions of the Planning Act, R.S.O. 1990, as amended.
- 5.0 This By-Law may be cited as the "JC Welding By-Law".

Read, Enacted, Signed and Sealed this _____, 2024.

Mayor – Chris Peabody

Director of Legislative and Legal Services (Clerk)
– Fiona Hamilton



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LANDS TO BE RE-ZONED **A1-x** (AGRICULTURE SPECIAL)



LANDS TO BE RE-ZONED **ACI-4** (AGRICULTURE COMMERCIAL INDUSTRIAL SPECIAL)



LANDS TO REMAIN **EP** (ENVIRONMENTAL PROTECTION)

Client/Project

JC WELDING LOT ADDITION
COUNTY OF BRUCE
MUNICIPALITY OF BROCKTON

Figure No.

A-1

Title

SCHEDULE A-1

Appendix C

MDS I CALCULATION


MDS I

General information


Application date
Dec 2, 2024

Municipal file number

Proposed application
New or expanding zone or designation for an industrial use outside of a settlement area

Applicant contact information 



JC Welding
1028 Bruce Road 3
Walkerton, ON

Location of subject lands 

County of Bruce
Municipality of Brockton
BRANT
Roll number: 4104


Calculations

Farm 1

Farm contact information 	Location of existing livestock facility or anaerobic digester 	Total lot size 93 ac
ON	County of Bruce Municipality of Brockton BRANT Roll number: 4104	

Livestock/manure summary

Manure Form	Type of livestock/manure	Existing maximum number	Existing maximum number (NU)	Estimated livestock barn area
Solid	Unoccupied Livestock Barn	7764 ft ²	36.1 NU	7764 ft ²

 **Unoccupied Barn or Unused Storage (Farm 1)**
The calculated setback is based on assumptions for an unoccupied barn or unused storage that may not reflect the actual design capacity.

Setback summary

Existing manure storage	V3. Solid, outside, no cover, >= 30% DM		
Design capacity	36.1 NU		
Potential design capacity	108.2 NU		
Factor A (odour potential)	1	Factor B (design capacity)	324.59
Factor D (manure type)	0.7	Factor E (encroaching land use)	1.1
Building base distance 'F' (A x B x D x E) (minimum distance from livestock barn)			250 m (820 ft)
Actual distance from livestock barn			NA
Storage base distance 'S' (minimum distance from manure storage)			No existing manure storage
Actual distance from manure storage			NA

Preparer signoff & disclaimer

Preparer contact information

Dana Kieffer
Cobide Engineering Inc.
517 10th St.
Hanover, ON
N4N 1R4
519-506-5959
dkieffer@cobideeng.com

Signature of preparer

Dana Kieffer

Date (mmm-dd-yyyy)

Note to the user

The Ontario Ministry of Agriculture, Food and Rural Affairs (OMAFRA) has developed this software program for distribution and use with the Minimum Distance Separation (MDS) Formulae as a public service to assist farmers, consultants, and the general public. This version of the software distributed by OMAFRA will be considered to be the official version for purposes of calculating MDS. OMAFRA is not responsible for errors due to inaccurate or incorrect data or information; mistakes in calculation; errors arising out of modification of the software, or errors arising out of incorrect inputting of data. All data and calculations should be verified before acting on them.

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