



Municipality of Brockton Planning Report

Application: Zoning By-law Amendment
File Number: Z-12-19.34
Date: April 23, 2019

To: Mayor and Council Members, Municipality of Brockton
From: John Ghent, Planner for the Municipality of Brockton
Subject: Application by **Gerald Poechman** to sever a residence surplus to a farming operation and rezone the lands to facilitate the new lot

Recommendation:

That the Municipality of Brockton Council **APPROVE** the proposed Zoning By-law Amendment submitted by Gerald Poechman File: Z-12-19.34 and pass the site-specific By-law attached.

Reasons for and Nature of the Application:

The purpose of the application is to create a 'surplus farm dwelling lot' by way of consent and to rezone the retained farm lot.

Location:

The site is located at 164 Maple Hill Rd on the east side of the road, immediately south of the Saugeen River in the general area east of Walkerton.

Site Description:

The total land area is 41.19 ha with very narrow 'driveway' frontage of Maple Hill Rd. The majority of land is cropped except for the farmstead area, the entrance lane and the northerly edge of the property abutting the Saugeen River. The farmstead consists of a dwelling, barn and shed.

Proposal:

Consent application (File B-9-19.78):

- The area of the property is 41.19 ha.
- The retained lot (the farm lands) is proposed to be 39.65 ha.
- The severed lot with the existing dwelling and barn would be 1.62 ha.
- The related consent application will include a condition that the septic system for the house will be located wholly on the severed lot.

An easement is proposed over the laneway in favour of the owner of the retained lands. This easement is to provide for access to the farm lands over the long-term.

Zoning amendment application:

- The severed lands, on which the dwelling and farmstead is located, would be zoned from General Agriculture A1 to General Agriculture Special (A1-100). This zone will recognize any deficient setbacks resulting from the severance.

- The retained farm lands will be zoned from ‘A1- General Agriculture’ to ‘A1-1 General Agriculture Special’. A dwelling is not permitted on the retained farm lands under the Special Provisions. The A1-1 zone will also include a holding provision that would permit the existing agricultural uses to continue but would not permit further development until an archaeological study is completed.
- The ‘Environmental Protection (EP)’ zoning adjacent to the Saugeen River will remain unchanged.
- There is no new development proposed as part of this application.

Summary:

The proposal to amend the zoning that applies to the land is consistent with the Provincial Policy Statement and conforms to the Official Plan.

Staff recommend that this application be approved.

Agency Circulation:

Brockton: how will the retained land be accessed? Will the driveway be shared? Will an easement be required?

Historic Saugeen Metis: - no objection or concerns

Bruce Grey Catholic District School Board - no comments

SVCA: the proposal is acceptable

Public Comments:

The public have been notified of the Public Meeting scheduled for April 23, 2019. At the time of preparation of this report, no comments had been received from the Public.

Provincial Interests, Policy Statements or Plans

Under Section 3(5) of the *Planning Act*, the Township “shall be consistent with” matters of provincial interest as set out in the Provincial Policy Statements (PPS).

In the PPS lot creation in ‘prime agricultural areas’ is to be discouraged and only permitted for agricultural uses, infrastructure, agriculture-related uses and *a residence surplus to a farming operation*. A severance is permitted provided that it is the result of farm consolidation, the new lot is limited in size and that residential dwellings are prohibited on the remnant parcel.

Comment:

The farmed lands will remain in the ownership of Gerald Poechman who is a full-time farmer in the immediate area. He owns 165 acres and rents another 265 acres. His intention is to sell the severed land with the house, shed and barn which will be surplus to his needs. This severance is not taking any land out of active agricultural production.

The proposed zoning by-law amendment is consistent with Provincial Policy.

The PPS policies are reviewed in Appendix 2.

Bruce County Official Plan

The subject lands are designated 'Agricultural Area' and 'Hazard Land Area' under the Bruce County Official Plan. The consent policies permit a severance for the creation of a lot for an existing dwelling and buildings surplus to a farming operation as a result of a farm consolidation. To meet the policies, the owner of the farm lands must be a 'bona fide farmer'.

For the purposes of this policy, the 'bona fide farmer' must:

- a) own and farm the lands on which the surplus dwelling is proposed to be severed;
- b) own and farm other lands; and,
- c) own a residence elsewhere, or reside as a tenant elsewhere, therefore rendering the residence on the subject farm surplus to their needs.

A 'bona fide farmer' is defined as to include a limited company, sole proprietorship, incorporated company, numbered company, partnership, non-profit and other similar ownership forms.

The Official Plan requires that the lot proposed for the residence and buildings surplus to the farming operation is to be limited in area and shall only be of sufficient size to accommodate the residence surplus to the farming operation, accessory buildings (where including accessory buildings does not render the lot excessively large in the opinion of the Land Division Committee), a well and a sewage disposal system, while ensuring that as little land as possible is removed from the agricultural lands.

The subject lands are identified as having a high archaeological potential because of their proximity to the Saugeen River. The manner in which this is dealt with would be to include in the amending By-law a Holding (H) provision that requires an archaeological study to be completed and recommendations implemented prior to any development proceeding.

Comment:

The applicant is a full-time farmer and the proposed severance is the result of a farm consolidation. The owner lives and farms in the immediate area. The severed portion is relatively small with no land taken out of active agricultural production.

The proposed zoning amendment conforms with the provisions of the Official Plan.

Zoning (Brockton Zoning By-law 2013-26)

The subject lands are currently zoned A1 - General Agriculture' and 'EP - Environmental Protection'.

The severed lot (residential land) will be zoned 'General Agriculture Special A1-100 which will:

- Limit the number of nutrient units on the severed parcel to 1.25 units per ha
- Recognize any buildings that do not meet the setbacks of the by-law.

The retained lands will be zoned 'General Agriculture Special A1-1, which will not permit a residential dwelling.

A Holding provision would be placed on the severed lands to require that an archeological study is undertaken, and recommendations implemented prior to any development of the severed land proceeding.

The 'EP' zone is proposed to remain the same.

Conclusion:

The lands are designated 'Agricultural Area' and 'Hazard Land' under the Bruce County Official Plan. The creation of a new lot that would encompass a 'surplus farm dwelling' is permitted in this designation provided that future dwellings are prohibited on the retained farm lot and that both the severed and retained lots are of an appropriate size for their intended use. The Plan requires that new land uses (including in this case, the creation of a non-farm lot) comply with the current Provincial Minimum Distance Formulae. The Plan also identifies the area as having a high potential for archeological resources. Prior to any use of the land other than the existing uses, an appropriate archeological study would be required to be undertaken. This is implemented by way of a Holding provision in the Zoning By-law.

No active farm land is taken out of production.

The application is consistent with the Provincial Policy Statement and conforms with the Bruce County Official Plan. Planning staff recommend the application be approved.

Respectfully submitted,



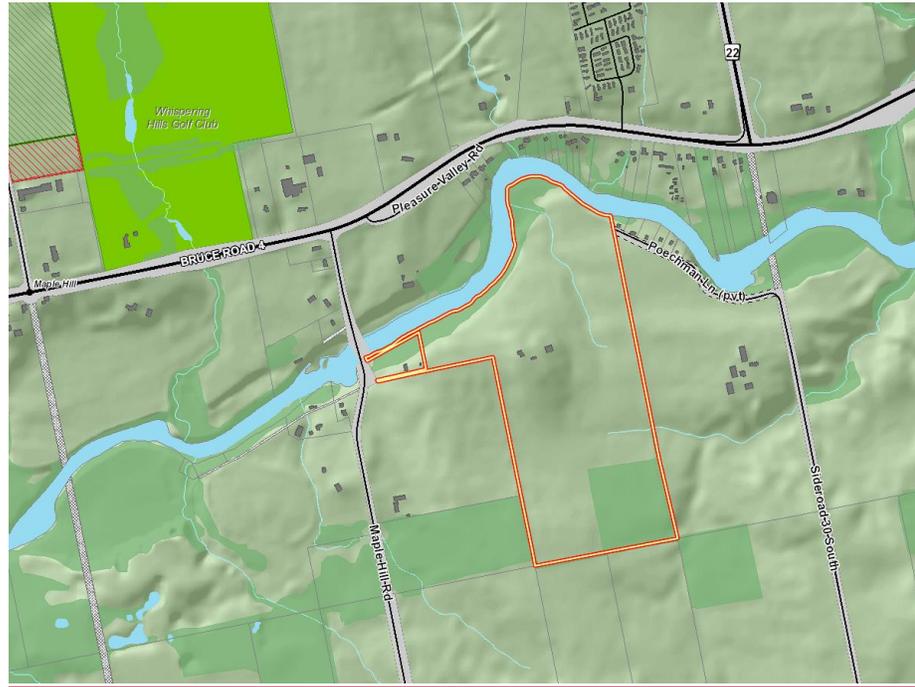
John Ghent, RPP
Planner - Municipality of Brockton
County of Bruce, Planning & Economic Development

Appendix 1 – Context / Background

Development Proposal	<p>To create a ‘surplus farm dwelling lot’ and to rezone the retained farm lot from ‘General Agriculture (A1)’ to ‘General Agriculture Special (A1-1)’ to prohibit a future dwelling on the retained lands.</p> <p>As part of the Consent application, an easement in favour of the owner of the retained land will be established over the driveway for access purposes.</p> <p>The applicant’s Site Plans and other information can be obtained from the Bruce County website at https://brucecounty.on.ca/living/land-use by Municipality and file number</p>
Related File	Z-12-19.34
Owner	Gerald Poechman
Legal Description	BRANT CON 1 SDR PT LOTS 62; AND 63 PLAN 171 PT LOTS 25; AND 26 AND RP 3R6756 PARTS 1;TO 4, Geographic Township of Brant, Municipality of Brockton
Municipal Address	164 Maple Hill Rd
Lot Dimensions	Entire Lot
Frontage	Irregular
Width	Irregular
Depth	Irregular
Area	+/- 41.19 ha (101.78 ac)
Lot Dimensions	Severed Lot B-9-19.34
Frontage	+/- 4.57 m (15 ft)
Width	Irregular
Depth	+/- 518 m (1,699.48 ft)
Area	+/- 1.62 ha (4.0 ac)
Uses Existing	Residential
Uses Proposed	Residential

Structures Existing	Single Detached Dwelling, Barn, Shed
Structures Proposed	No Change
Servicing Existing	Private water and septic
Servicing Proposed	No Change
Lot Dimensions	Retained Lot
Frontage	+/- m (ft)
Width	+/- m (ft)
Depth	+/- m (ft)
Area	+/- 39.65 ha (97.98 ac)
Uses Existing	Agriculture
Uses Proposed	Agriculture
Structures Existing	None
Structures Proposed	No Change
Servicing Existing	None
Servicing Proposed	No Change
Access	Maple Hill Rd, a Year Round Municipal Road
County Official Plan	Agricultural Areas, Hazard Lands Areas
Proposed Official Plan	No Change
Zoning By-law	'General Agriculture (A1)' and 'Environmental Protection (EP)'
Proposed Zoning By-law	'General Agriculture Special (A1-1)' and 'Environmental Protection (EP)'
Surrounding Land Uses	Saugeen River to the North; Agriculture Uses to the South, East and West

Subject Lands



Appendix 2 Provincial Policy Statement 2014

Does it Apply?	Policy Area
	1.0 Building Strong Communities
	1.1 Managing and Directing Land Use
	1.1.3 Settlement Areas
x	1.1.4 Rural Areas in Municipalities
x	1.1.5 Rural Lands in Municipalities
	1.16 Territory Without Municipal Organization
	1.2 Coordination
	1.2.6 Land Use Compatibility
	1.3 Employment
	1.3.2 Employment Areas
	1.4 Housing
	1.5 Public Spaces, Recreation, Parks, Trails and Open Space
	1.6 Infrastructure and Public Service Facilities
	1.6.6 Sewage, Water and Stormwater
	1.6.7 Transportation Systems
	1.6.8 Transportation and Infrastructure Corridors
	1.6.9 Airports, Rail and Marine Facilities
	1.6.10 Waste Management
	1.6.11 Energy Supply

	1.7	Long-Term Economic Prosperity
	1.8	Energy Conservation, Air Quality and Climate Change
	2.0	Wise Use and Management of Resources
x	2.1	Natural Heritage
	2.2	Water
x	2.3	Agriculture
	2.3.3	Permitted Uses
x	2.3.4	Lot Creation and Lot Adjustments
	2.3.5	Removal of Land from Prime Agricultural Areas
	2.3.6	Non-Agricultural Uses in Prime Agricultural Areas
	2.4	Minerals and Petroleum
	2.4.2	Protection of Long-Term Resource Supply
	2.4.3	Rehabilitation
	2.4.4	Extraction in Prime Agricultural Areas
	2.5	Mineral Aggregate Resources
	2.5.2	Protection of Long-Term Resource Supply
	2.5.3	Rehabilitation
	2.5.4	Extraction in Prime Agricultural Areas
	2.5.5	Wayside Pits and Quarries, Portable Asphalt Plants and Portable Concrete Plants
	2.6	Cultural Heritage and Archaeology
	3.0	Protecting Public Health and Safety
x	3.1	Natural Hazards
	3.2	Human-made Hazards

County of Bruce Official Plan

- 5.5 Agricultural Areas
- 5.8 Hazard Land Area
- 6.5.3.4 Consents- Agricultural Areas

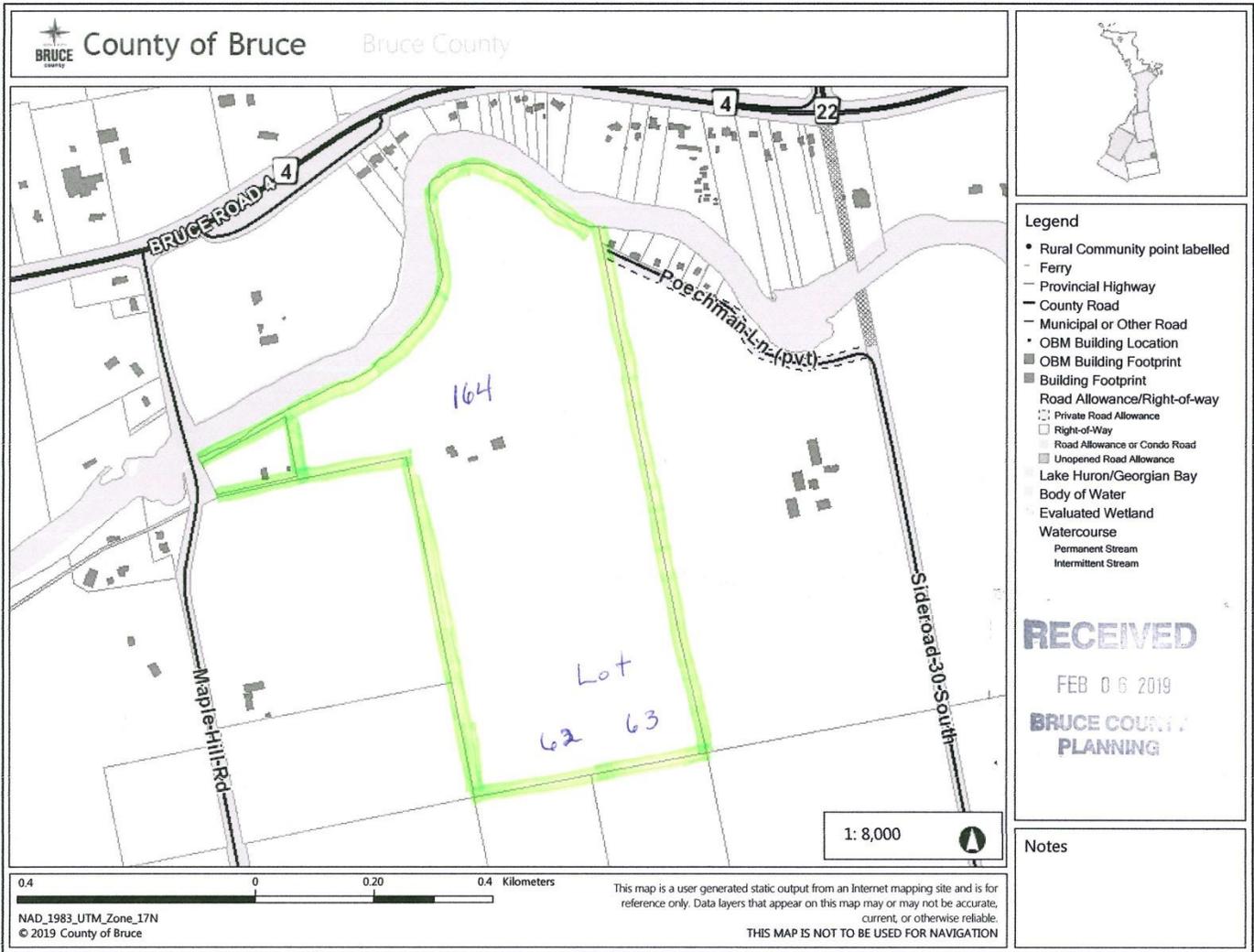
Municipality of Brockton Zoning By-law 2013-26

- Section 3.3.4 Minimum Distance Separation Guidelines (MDS)
- Section 6 General Agriculture (A1)
- Section 24 Environmental Protection (EP)

Appendix 3 – Air Photo



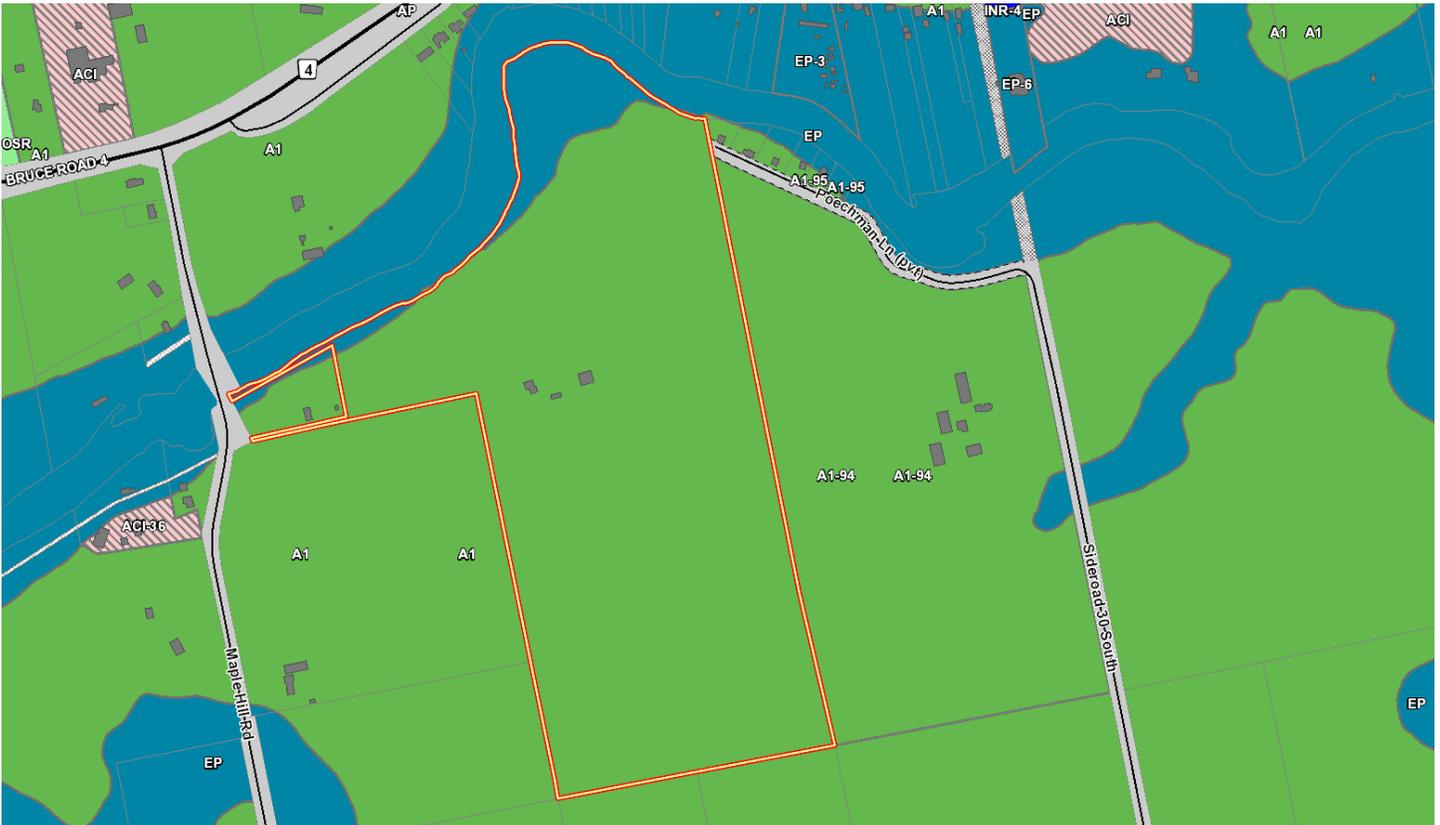
Appendix 4 – Proposed Severance



Appendix 5 - Official Plan



Appendix 6 - Current Zoning



Appendix 7

Draft Zoning By-law Amendment The Corporation of the Municipality of Brockton By-Law No. 2019-xxx

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

The Council of the Corporation of the Municipality of Brockton pursuant to Section 34 of the Planning Act, 1990, therefore enacts as follows:

1. That Schedule 'A' to By-Law No. 2013-26, as amended, is hereby further amended by changing the zoning symbol on Part Lot 29, Concession 9, geographic Township of Brant, Municipality of Brockton, from General Agriculture (A1) to:
 - a) General Agriculture Special A1-1 and A1-1- H; and
 - b) General Agriculture Special (A1-100)as shown on Schedule 'A' attached hereto and forming a part of this By-law.
2. That By-law No. 2013-26, as amended, is hereby further amended by adding the following subsection to Section 6.3 thereof:
 - a) The lands zoned as 'A1-100' on Schedule 'A' to this By-law shall be used in compliance with the 'A1' (Non-Farm Lot) zone provisions contained in this By-law, excepting however:
 - i. The number of nutrient units shall be limited to 1.24 units per hectare;
 - ii. Buildings and structures existing as of April 23, 2019 which do not comply with the provisions of this By-law are hereby recognized. All future buildings and structures, or additions to existing buildings and structures, shall comply with the provisions of this By-law.
 - b) The lands zoned A1-1-H on Schedule A to this By-law may continue to be used for the same purposes as what they were used for at the time of the approval of this by-law (meaning agricultural uses) until the H - holding provisions are removed, and the Holding provisions may be removed subject to the preparation of an Archaeological Study to the satisfaction of the Ministry of Citizenship and Culture with the recommendations of the Ministry being implemented.
3. That this By-law shall come into force and effect on the final passing thereof by the Council of the Municipality of Brockton, subject to compliance with the provisions of the Planning Act, R.S.O. 1990.

Read, Enacted, Signed and Sealed this _____ day of _____ 2019.

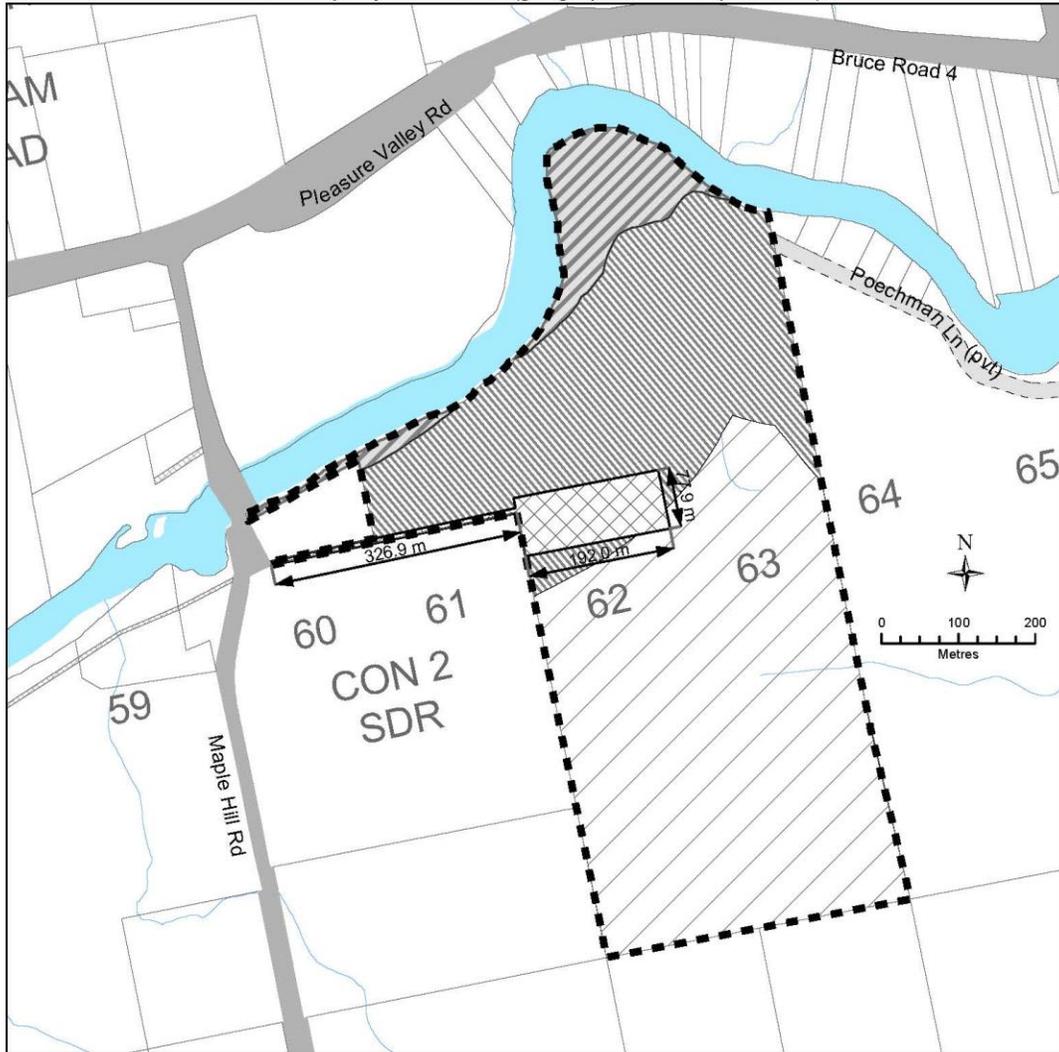
Mayor - Chris Peabody

Clerk - Fiona Hamilton

Schedule 'A'

Concession 1 SDR, Part Lots 62 & 63, Plan 171 Part Lots 25 & 26 and RP 3R6756 Parts 1; to 4
(164 Maple Hill Rd)

Municipality of Brockton (geographic Township of Brant)



- Subject Property
- Lands to be zoned A1-100 - General Agriculture Special
- Lands to be zoned A1-1 - General Agriculture Special
- Lands to be zoned A1-1-H - General Agriculture Special Holding
- Lands to remain zoned EP - Environmental Protection

This is Schedule 'A' to the zoning by-law
amendment number _____ passed this
_____ day of _____

Mayor _____
Clerk _____

File: Z-12-2019.34

Applicant: Gerald Poechman

Date: April, 2019