



## Municipality of Brockton Planning Report

Application: Zoning By-law Amendment  
File Number: Z-20-19.34  
Date: June 4, 2019

**To:** Mayor and Council Members, Municipality of Brockton

**From:** Dana Kieffer, Planner for the Municipality of Brockton

**Subject:** Application by **Sandy Ridge Ranch Co. c/o Larry Frieburger** to sever a residence surplus to a farming operation and rezone the lands to facilitate the new lot.

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### Recommendation:

That the Municipality of Brockton Council **Approve** the proposed Zoning By-law Amendment submitted by Sandy Ridge Ranch Co. c/o Larry Frieburger File: Z-20-19.34 and pass the site-specific By-law attached.

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### 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 & Site Description:

The site is located at 347 Concession 2 NDR E. The farmstead consists of a dwelling, barn and shed.

### Proposal:

Consent application (File B-18-19.34):

- The area of the property is 60 ha. (150 ac.)
- The retained lands are proposed to be 59.41 ha. (146.8 ac.)
- The severed lot with the existing dwelling and barn would be 1.31 ha. (3.2 ac.)
- The related consent application will include a condition that the septic system for the house will be located wholly on the severed lot.

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 (A1-103). This zone will recognize any deficient setbacks resulting from the severance and place a nutrient unit restriction on the property.
- 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.
- 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: no comments.

Historic Saugeen Metis: no objection or concerns

SVCA: The proposal is acceptable to the SVCA.

**Public Comments:**

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 Sandy Ridge Ranch Co. Limited who own and farm several other lands throughout Bruce County.

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, Rural Area and Hazard in 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.

**Comment:**

The owner 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.

**Brockton Comprehensive 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 A1-103, 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.

The Environmental Protection- EP lands will remain unchanged.

**Conclusion:**

The lands are designated Agricultural Area and Hazard Area in 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.

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,



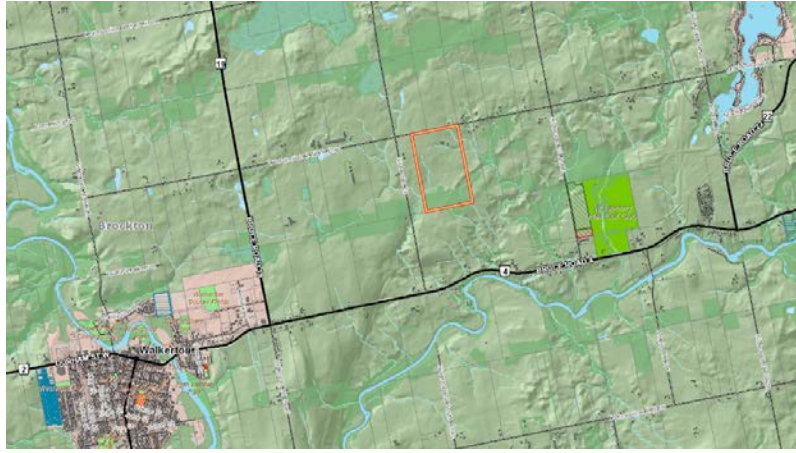
Dana Kieffer, M.Sc. (Planning)  
Planner – Municipality of Brockton  
County of Bruce, Planning & Economic Development

## Appendix 1 – Context / Background

<b>Development Proposal</b>	<p>To create zoning to permit a ‘surplus farm dwelling lot.’ The retained farm lot will be zoned from ‘General Agriculture (A1)’ to General Agriculture Special (A1-1)’ to prohibit a future dwelling on the retained lands. The proposed severed parcel will be re-zoned to recognize the existing site conditions and to limit the number of nutrient units permitted.</p> <p>The applicant’s Site Plans and other information can be obtained from the Bruce County website at <a href="https://brucecounty.on.ca/living/land-use">https://brucecounty.on.ca/living/land-use</a> by Municipality and File Number.</p>
<b>Related File</b>	County of Bruce Consent Application B-18-19.34
<b>Owner</b>	Sandy Ridge Ranch Co. Limited c/o Kevin Frieburger
<b>Agent</b>	Larry Frieburger
<b>Legal Description</b>	CON 2 NDR Lot 47 TO 49, Geographic Township of Brant, Municipality of Brockton
<b>Municipal Address</b>	347 Concession 2 NDR E
<b>Lot Dimensions</b>	<b>Entire Lot</b>
<b>Frontage</b>	+/- 599.24 m (1,966 ft)
<b>Width</b>	+/- 599.24 m (1,966 ft)
<b>Depth</b>	+/- 694.94 m (2,280 ft)
<b>Area</b>	+/- 60.71 ha (150 ac)
<b>Lot Dimensions</b>	<b>Severed Lot B-18-19.34</b>
<b>Frontage</b>	+/- 15.24 m (50 ft)
<b>Width</b>	+/- 105.16 m (345 ft)
<b>Depth</b>	+/- 234.70 m (770 ft)
<b>Area</b>	+/- 1.31 ha (3.20 ac)
<b>Uses Existing</b>	Residential
<b>Uses Proposed</b>	Residential
<b>Structures Existing</b>	Dwelling, Barn and related farm outbuildings
<b>Structures Proposed</b>	None

<b>Servicing Existing</b>	Private water and septic
<b>Servicing Proposed</b>	No change
<b>Lot Dimensions</b>	<b>Retained Lot</b>
<b>Frontage</b>	+/- 584.00 m (1,916 ft)
<b>Width</b>	+/- 584.00 m (1,916 ft)
<b>Depth</b>	+/- 694.94 m (2,280 ft)
<b>Area</b>	+/- 59.41 ha (146.80 ac)
<b>Uses Existing</b>	Agriculture
<b>Uses Proposed</b>	Agriculture
<b>Structures Existing</b>	None
<b>Structures Proposed</b>	None
<b>Servicing Existing</b>	N/A
<b>Servicing Proposed</b>	N/A
<b>Access</b>	Concession 2 NDR East, a Year Round Municipal Road
<b>County Official Plan</b>	Agricultural Area, Rural Areas and Hazard Land Areas
<b>Proposed Official Plan</b>	No Change
<b>Zoning By-law</b>	'General Agriculture (A1)' and 'Environmental Protection (EP)' – Saugeen Airport Height Restrictions and Saugeen Airport Outer Surface Overlays
<b>Proposed Zoning By-law</b>	'General Agriculture Special (A1-1)' and 'Environmental Protection (EP)' - Saugeen Airport Height Restrictions and Saugeen Airport Outer Surface Overlays
<b>Surrounding Land Uses</b>	Agricultural uses surround the property

## 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
	1.1.4 Rural Areas in Municipalities
	1.1.5 Rural Lands in Municipalities
	1.1.6 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
x	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

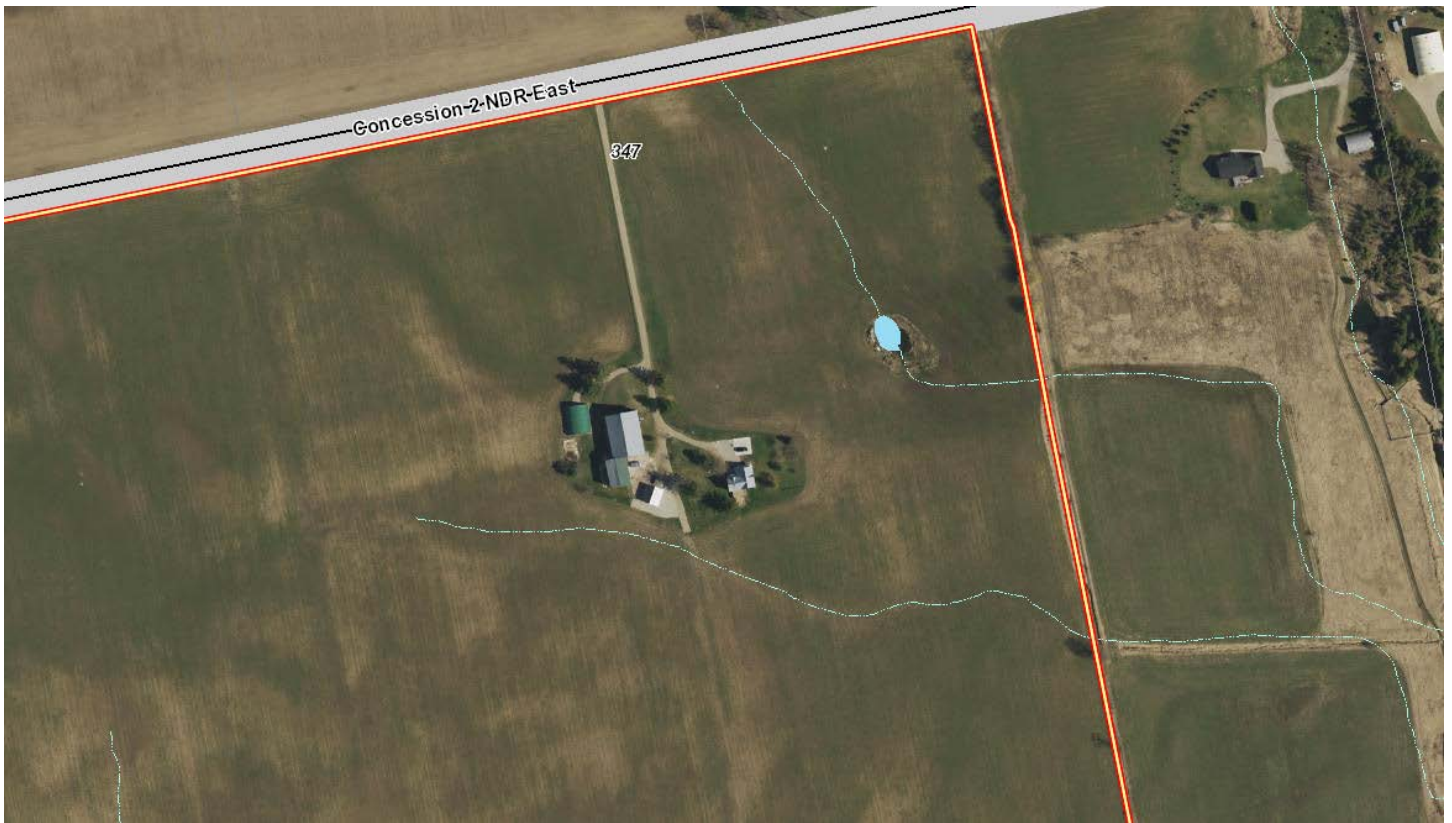
**Municipality of Brockton Zoning By-law 2013-26**

Section 6     General Agriculture (A1)

Section 24    Environmental Protection (EP)



### Appendix 3 – Air Photo

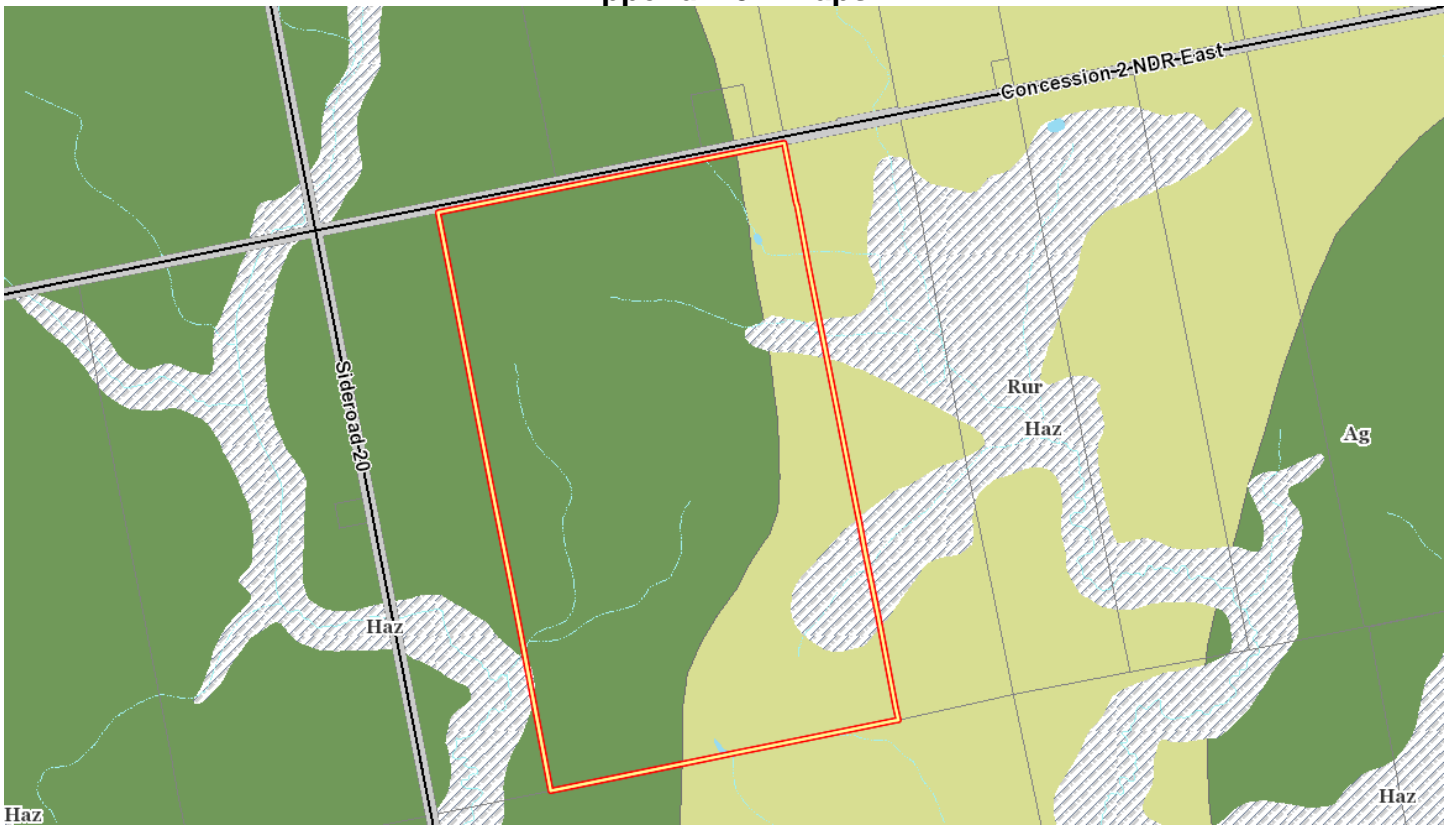


(2015)

# Appendix 4- Site Plan



## Appendix 5 – Maps



**Bruce County Official Plan**



**Brockton Comprehensive Zoning By-law**

## Appendix 6

### 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 Lot 47 to 49, Concession 2 NDR E, geographic Township of Brant, Municipality of Brockton, from General Agriculture (A1) to:
  - a) General Agriculture Special (A1-1) and
  - b) General Agriculture Special (A1-103)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 'A1-103' 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 May 25, 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.
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.

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Mayor - Chris Peabody

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Clerk - Fiona Hamilton