



Municipality of Brockton Planning Report

Application: Zoning By-law Amendment
File Number: Z-22-19.34
Date: June 4, 2019

To: Mayor and Council Members, Municipality of Brockton

From: Dana Kieffer, Planner for the Municipality of Brockton

Subject: Application by H & L Koelen Farms Ltd. 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 H & L Koelen Farms Ltd. File: Z-22-19.34 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 & Site Description:

The site is located at 963 Concession 12 Brant. There is dwelling on the lot. The Saugeen River intersects the property at the Northwest corner, and because of this, a large portion of the property is zoned Environmental Protection- EP.

Proposal:

Consent application (File B-25-19.34):

- The area of the property is 40.87 ha. (101 ac.)
- The retained lands are proposed to be 38.81 ha. (97.02 ac.)
- The severed lot with the existing dwelling will be 1.59 ha. (3.93 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 (A1-104). 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.
- A portion of the property will be zone A1-1-H to recognize high archeological potential due to being located within 300m of a waterway (The Saugeen River).
- The Environmental Protection zone is proposed to be amended as per SVCA's recommendation.

- There is no new development proposed as part of this application, although the new owner is proposing to build an accessory building in the future.

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 from the Clerk or CBO

Bruce Grey Catholic District School Board: no comments

Historic Saugeen Metis: no objection or concerns

SVCA:

- It is the opinion of SVCA staff that the Hazard Land designation and EP zone can be revised as part of the application. Therefore, please find attached SVCA mapping dated May 24, 2019 [attached in Appendix 3] which shows in part SVCA staff recommended Hazard Land designation and EP zone for the northeastern part of the property, shown on the SVCA map as SVCA Hazardous Lands. It is the opinion of SVCA staff that even with the SVCA staff recommended revision to the Hazard Land designation and EP zone, that the location of the future shop should be shifted slightly east to be located outside the SVCA staff recommended Hazard Land designation and EP zone.
- SVCA staff conducted a site inspection to the property on May 24, 2019. SVCA staff's site inspection focused on the area of the parcel to be severed. The proposed zoning by-law amendment and proposed consent to sever land are acceptable to SVCA staff.

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 H & L Koelen Farms Ltd. 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 (BCOP)

The subject lands are designated Agricultural 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.

In Section 7.0 Interpretation, the BCOP states that while Schedule 'A' shows the boundaries of the designations included in the plan, minor deviations are permitted to more accurately reflect the site conditions and these small amendments may not require an amendment to the BCOP.

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.

SVCA has conducted a site visit and has proposed a minor boundary adjustment to more accurately reflect the hazards present on the subject lands. Due to the minor nature of this change, an Official Plan Amendment to the Hazard boundaries was not required.

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 A1-104, 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 portion of the land will be zoned A1-1-H to recognize archeological potential due to being located within 300 of the Saugeen River.

The Environmental Protection- EP lands are proposed to be slightly adjusted as per the SVCA's recommendation. The map the SVCA provided is included in Appendix 3

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,

A handwritten signature in cursive script that reads "Dana Kieffer".

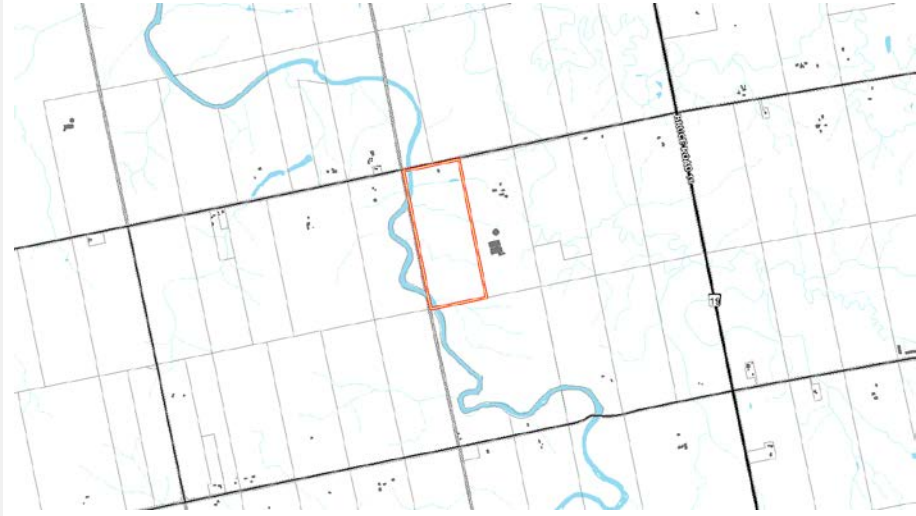
Dana Kieffer, M.Sc. (Planning)
Planner - Municipality of Brockton
County of Bruce, Planning & Economic Development

Appendix 1 – Context / Background

Development Proposal	<p>The purpose of the application is to create a +/- 1.59 ha (3.93 ac) 'surplus farm dwelling lot' as shown on Schedule 'A'. The land is subject to an application for rezoning and the retained farm lot is to be re-zoned to 'A1-1 – General Agriculture Special' to prohibit a future dwelling on those lands. A portion of these lands will also include an H-Holding for Archaeological potential due to the proximity to the Saugeen River. The severed 'surplus farm dwelling' lot and is to be rezoned to 'A1-x – General Agriculture Special' to recognize any deficient setbacks resulting from the severance and place a livestock restriction on the lands to be severed. Changes are also proposed to the 'Environmental Protection (EP)' zone to allow for the construction of a future detached accessory building (shop) on the lands to be severed.</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	County of Bruce Application for Consent B-25-19.34
Owner	H & L Koelen Farms Ltd.
Applicant	Harry Koelen
Legal Description	CON 12 LOT 11, Geographic Township of Brant, Municipality of Brockton
Municipal Address	963 Concession 12 / 969 Concession 12
Lot Dimensions	Entire Lot
Frontage	+/- 400 m (1,312.34 ft)
Width	+/- 400 m (1,312.34 ft)
Depth	+/- 1000 m (3,280.84 ft)
Area	+/- 40.87 ha (101 ac)
Lot Dimensions	Severed Lot B-25-19.34
Frontage	+/- 200 m (656.17 ft)
Width	+/- 200 m (656.17 ft)
Depth	+/- 100 m (328.08 ft) / 45 m (147.64 ft)
Area	+/- 1.59 ha (3.93 ac)

Uses Existing	Agricultural and Residential
Uses Proposed	Residential
Structures Existing	Single Family Dwelling
Structures Proposed	40' x 70' Accessory Building (Shop)
Servicing Existing	Private Water and Septic
Servicing Proposed	No Change
Lot Dimensions	Retained Lot
Frontage	+/- 200 m (656.17 ft)
Width	+/- 200 m (656.17 ft) front / 400 m (1,312.34 ft) rear
Depth	+/- 1000 m (3,280.84 ft)
Area	+/- 38.81 ha (97.025 ac)
Uses Existing	Agricultural
Uses Proposed	Agricultural
Structures Existing	None
Structures Proposed	None
Servicing Existing	N/A
Servicing Proposed	N/A
Access	Concession 12, 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	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
7.0	Interpretation

Municipality of Brockton Zoning By-law 2013-26

Section 6 General Agriculture (A1)

Section 24 Environmental Protection (EP)

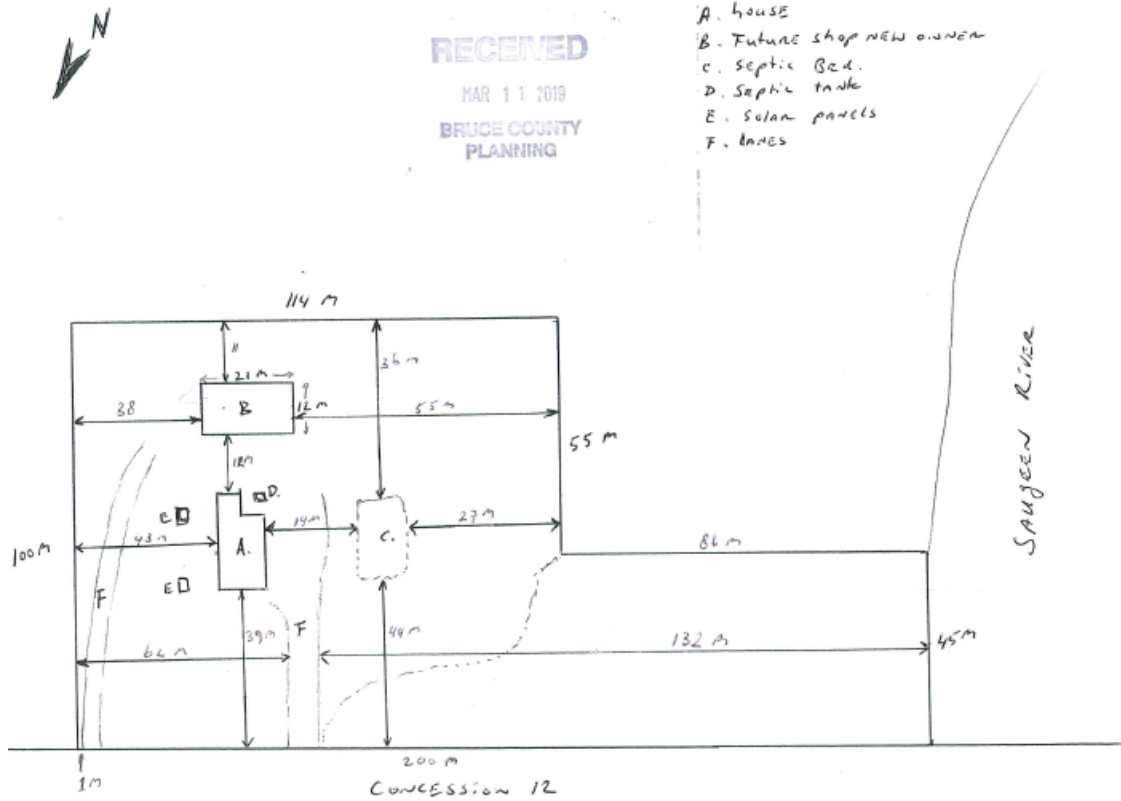
Appendix 3- SVCA Map



Appendix 4 – Air Photo



Appendix 5- Site Plan



This map illustrates a rural landscape with various land use zones. The map features a winding river, a road labeled 'BRUCE ROAD 19', and several areas labeled 'OS', 'Haz', 'Rur', and 'Ag'. A red rectangle highlights a specific area in the center of the map.

[illegible]

Z-22-19.34

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 Lot 11, Concession 2, geographic Township of Brant, Municipality of Brockton, from General Agriculture (A1) to:
 - a) General Agriculture Special (A1-1),
 - b) General Agriculture Special (A1-104), and
 - c) General Agriculture Special with Special Holding (A1-1-H1)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:
 - .104 The lands zoned as 'A1-104' 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 the lands described as A1-1-H1 meet the provisions of Section 4.4.3 of By-law No. 2013-26 prior to permitting lot grading or construction of any buildings.
4. 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