



# Planning Report

Application: Zoning By-law Amendment  
File(s): Z-38-19.31 for Thomas Dales  
Date: September 10, 2019  
To: Municipality of Brockton Council  
From: Dana Kieffer; Planner, Bruce County Planning & Development

## Preliminary Recommendation:

Subject to review of objections and submissions arising from the public hearing:

That the Zoning By-law Amendment Z-38-19.31 for the property described as CON 5 LOT 15 PT LOT 14, Geographic Township of Greenock, Municipality of Brockton (442 Bruce Road 20) be **approved**.

## Summary:

The subject lands are located at 442 Bruce Road 20 and are host to a residence, barn and two sheds. The applicant has recently purchased the lands and the residence is considered to be surplus to his needs since he lives and farms elsewhere.

The application will place the lands to be severed, including the house and outbuildings, into a special zone and the retained lands will be placed into an A1-1 zone that will not permit a residence.

The application is consistent with the Provincial Policy Statement and conforms to the County Official Plan and the intent and purpose of the local zoning by-law.

## Report Outline

A detailed review of the application is provided in the following pages and can also be reached through the table of contents (below). The review includes the following:

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**Further information**

Supporting documents related to this file are available on the [Bruce County Website](#) (direct live link) and in the paper file at the public meeting.

The draft by-law is attached as an appendix to this report

Respectfully submitted,

Dana Kieffer, Planner  
County of Bruce, Planning and Development

## Detailed Review

### Section 'A': Property Information

The subject lands are located at 442 Bruce Road 20 and currently have a house, two sheds and a barn on the property. An unnamed tributary of the Teeswater River crosses the property and portion of the property is host to the Greenock Swamp, an Evaluated Wetland. Therefore, there is significant portion of the property that is Environmentally Protected.

### Section 'B': Description of Proposal

- The severed lands, on which the dwelling and farmstead is located, would be zoned from General Agriculture A1 to General Agriculture Special (A1-107). This zone will recognize any deficient setbacks resulting from the severance and place a nutrient unit restriction on the property. The severed is proposed to be +/- 3.75 ac.
- The retained farmlands will be zoned from A1- General Agriculture to A1-1 General Agriculture Special. A dwelling is not permitted on the retained farmlands.
- A portion of the property will be zoned A1-1-H to recognize high archeological potential due to being located within 300m of a waterway.
- There is no new development proposed as part of this application.

Section 'C': Site Plan & Air Photo



## Section 'D': Provincial Interests

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 Tom Dales who qualifies as a bona-fide farmer. His intention is to sell the severed land with the house, shed and barn which is 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.

## Section 'E': Official Plan Review

The subject lands are designated ‘Agriculture’, ‘Rural’ 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 farmland must be a ‘bona fide farmer’.

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

1. own and farm the lands on which the surplus dwelling is proposed to be severed;
2. own and farm other lands; and,
3. 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 tributary of the Teeswater 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 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.

**Section 'F': Zoning By-law Review**

The subject lands are currently zoned A1 - General Agriculture' and 'EP - Environmental Protection' and 'EP-1 Environmental Protection Special'.

The severed lot (residential land) will be zoned 'General Agriculture Special A1-107 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' and 'EP-1 zones are proposed to remain the same.

**Section 'G': Agency Comments**

Municipality of Brockton: no comments

No objection or opposition from the Historic Saugeen Metis

Bruce-Grey Catholic District School Board: no comments

Saugeen Valley Conservation Authority:

SVCA staff is of the opinion that the natural heritage features and areas affecting the property include significant woodlands, fish habitat, potentially significant wildlife habitat, and potentially the significant habitat of endangered species and threatened species.

All of the plan review functions listed in the Agreement have been assessed with respect to the applications. The proposed zoning by-law amendment and proposed consent to

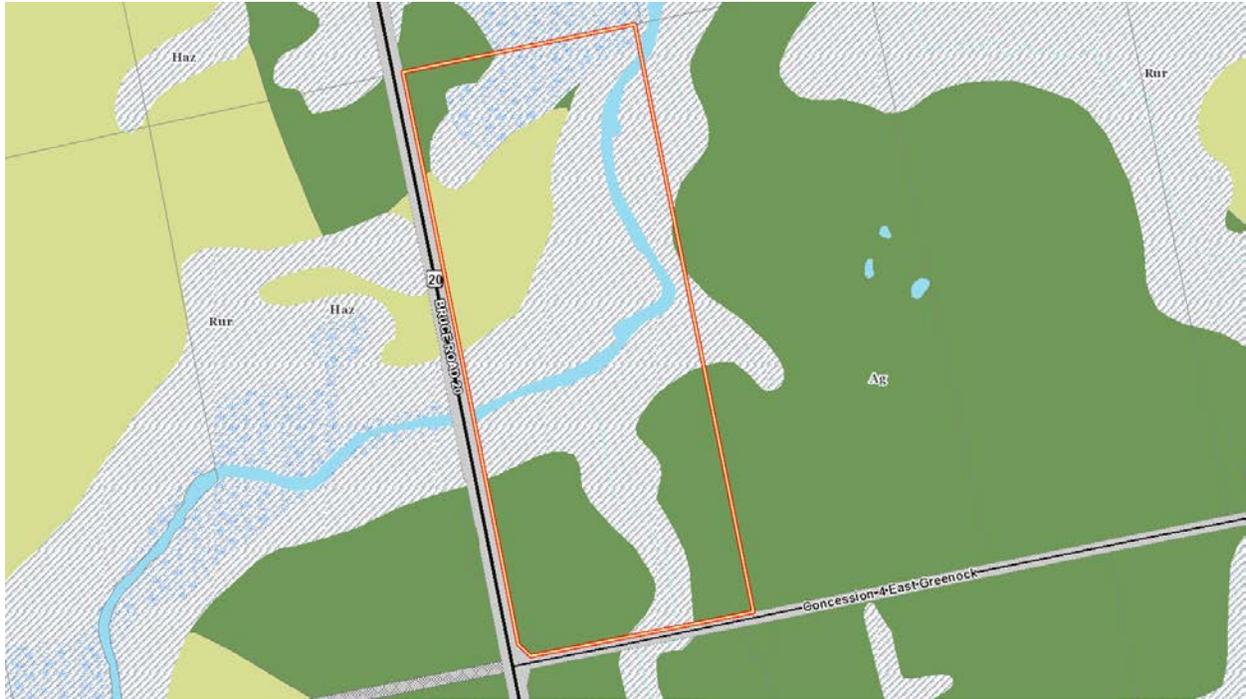
sever land are acceptable to SVCA staff.

Bruce County Transportation Services: no comments

### Section 'H': Public Comments

At the time of writing this report, no comments had been received from the Public.

### Section 'I': Maps



Bruce County Official Plan



Brockton Comprehensive Zoning By-law

## Appendix 1

### 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 15 and Part Lot 14, Concession 5 geographic Township of Greenock, Municipality of Brockton, from General Agriculture (A1) to:
  - a) General Agriculture Special A1-1 and A1-1- H; and
  - b) General Agriculture Special (A1-107)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 'A1-107' 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 September 3, 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.

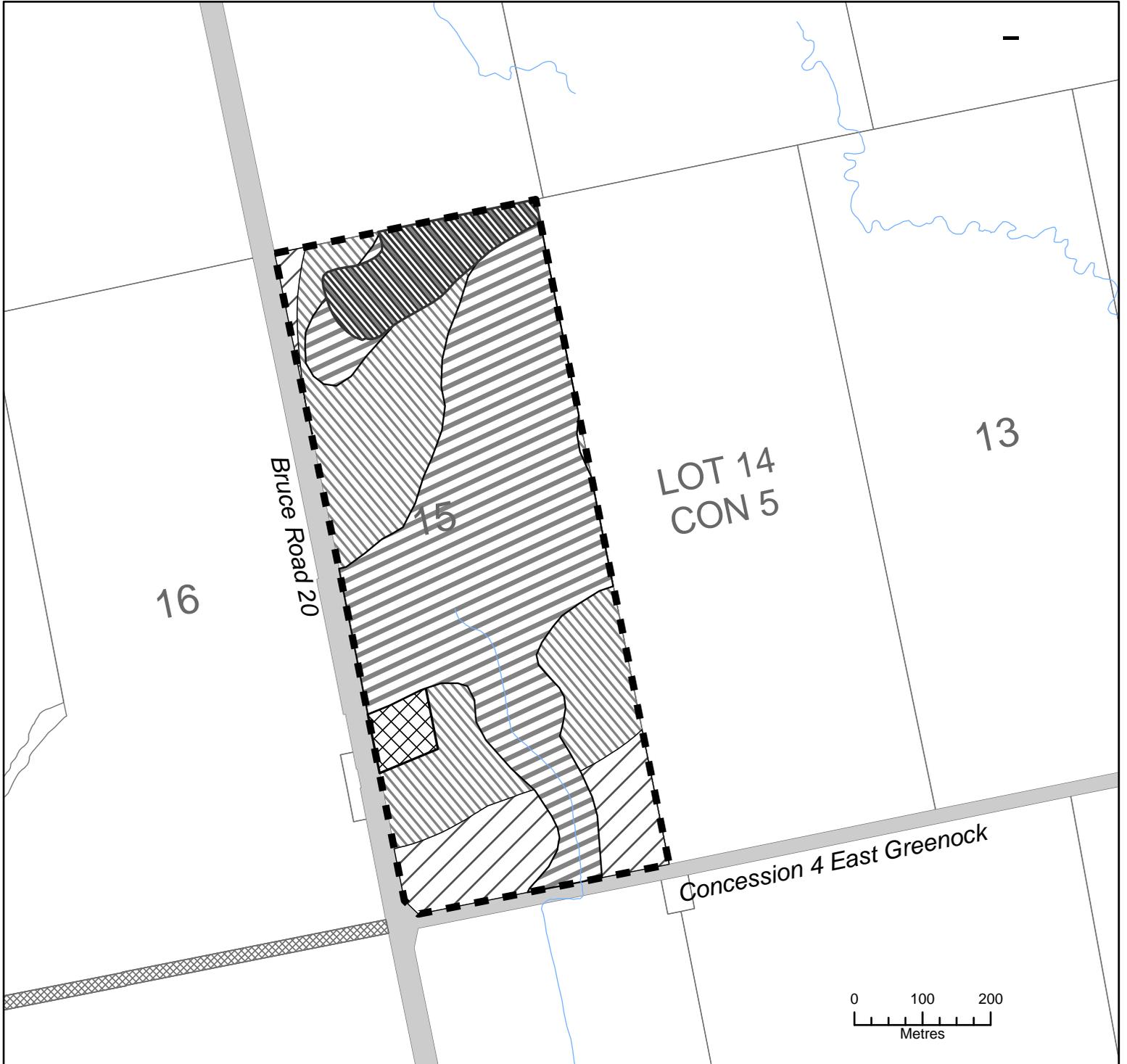
Read, Enacted, Signed and Sealed this \_\_\_\_\_ day of \_\_\_\_\_ 2019.

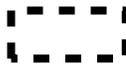
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Mayor - Chris Peabody

\_\_\_\_\_  
Clerk - Fiona Hamilton

# Schedule 'A'

Concession 5, Lot 15 (442 Bruce Road 20)  
Municipality of Brockton (geographic Township of Greenock)



-  Subject Property
-  Lands to be zoned A1-107 - General Agriculture Special
-  Lands to be zoned A1-1 - General Agriculture Special
-  Lands zoned EP - Environmental Protection
-  Lands zoned EP-1 - Environmental Protection Special
-  Lands subject to H1 - Holding Zone

This is Schedule 'A' to the zoning by-law  
Amendment No. \_\_\_\_\_ passed this  
\_\_\_\_\_ day of \_\_\_\_\_

Mayor \_\_\_\_\_  
Clerk \_\_\_\_\_