



Planning Report

Application: Zoning By-law Amendment

File(s): Z-30-19.31 for Patrick Kelly for Ron and Nadine Wells c/o Les Young

Date: September 24, 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-30-19.31 for the property described as CON 14 PT LOTS 13 & 14, Geographic Township of Greenock, Municipality of Brockton (2253 Concession 14) be **approved**.

Summary:

The subject lands are located at 2253 Concession 14 and are host to a residence, barn and sheds. The applicant, Young Farms Ltd. and the Wells' have entered into a Purchase and Sale Agreement with the intention for Mr. Young to purchase the retained farmland. Mr. Young is considered to be a bona-fide farmer who owns and farms lands elsewhere, lives elsewhere and meets the Official Plan policies to apply for a surplus farm dwelling severance.

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

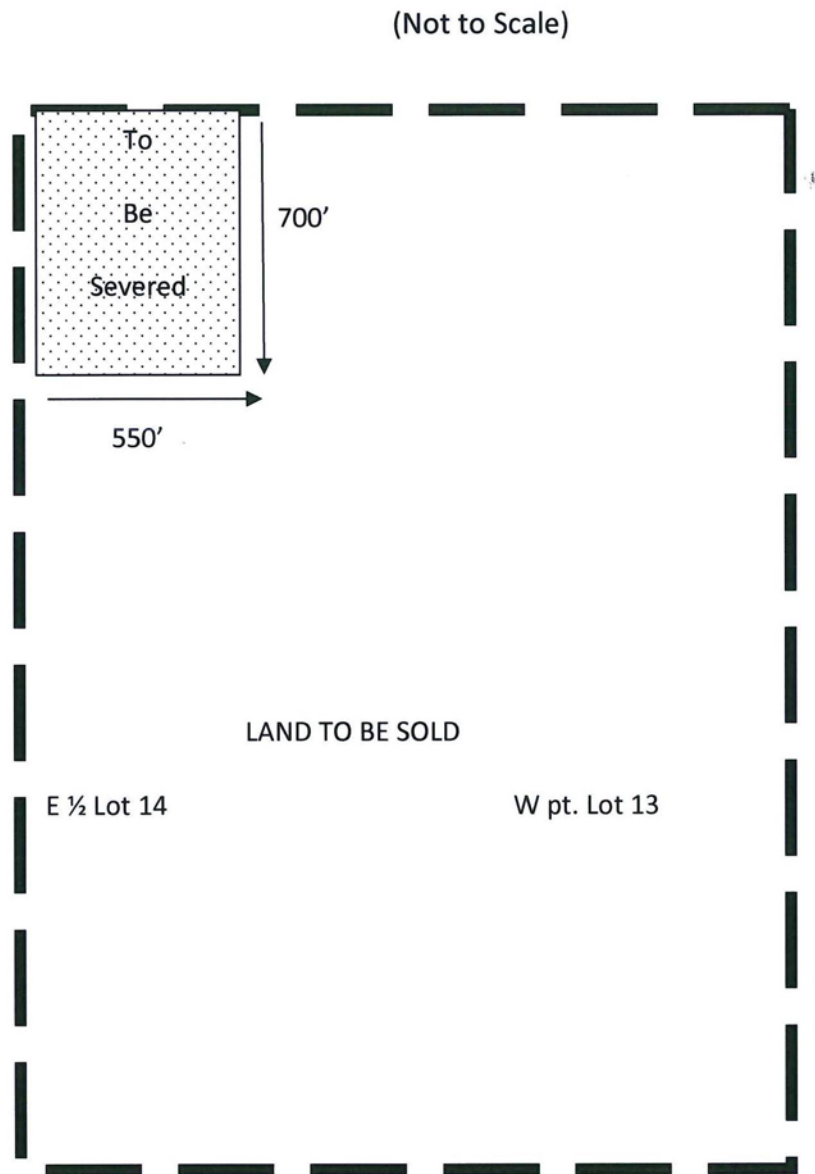
Section 'A': Property Information

The subject lands are located at 2253 Concession 14 and currently have a house, two sheds and a barn on the property. A small unnamed tributary of the Saugeen River crosses the property, and a portion of the Alexander Drain Branch A. A small portion of the property is Environmentally Protected.

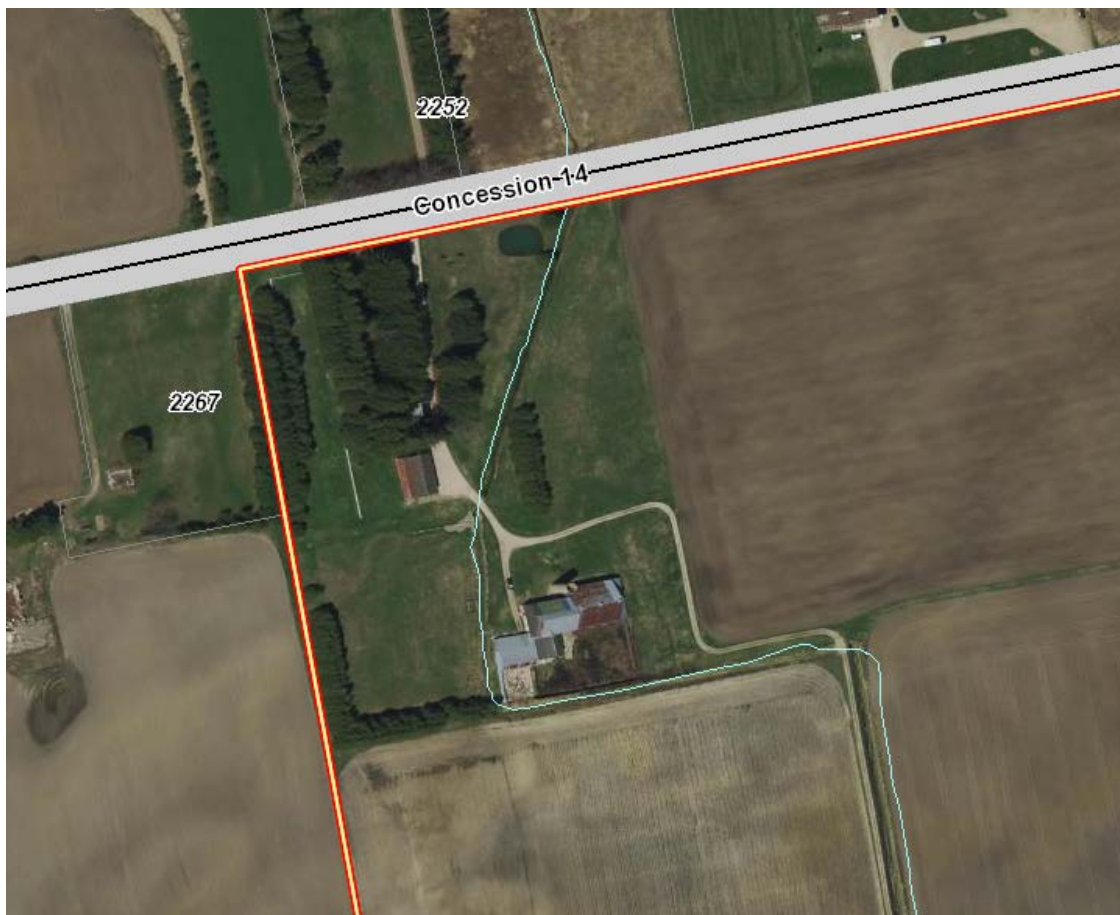
Section 'B': Description of Proposal

- The severed lands, on which the dwelling and farmstead is located, would be zoned from General Agriculture A1 to General Agriculture Special (A1-108). 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 +/- 8.33 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.
- The Environmental Protection- EP zoning will not change.
- There is no new development proposed as part of this application.

Section 'C': Site Plan & Air Photo



2015 Air Photos



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 be transferred into the ownership of Les Young Jr. who qualifies as a bona-fide farmer. This will be a condition of consent. The current owners are to remain in the house.

The proposed zoning by-law amendment is consistent with Provincial Policy due the fact it is implementing a restriction on residential dwellings on the retained.

Section 'E': Official Plan Review

The subject lands are designated ‘Agriculture’ 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 be 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:

Young Farms Ltd. can be considered to meet the Official Plan provisions to be a bona

fide farmer.

Planning staff took the application before Land Division Committee (LDC) September 19, 2019 to determine whether the lot met the intent of the Bruce County Official Plan. LDC approved the lot and therefore, the issue of whether the size of the severed lot conforms with the Official Plan is considered resolved and 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'.

The severed lot (residential land) will be zoned 'General Agriculture Special A1-108 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 'EP' zone is proposed to remain the same.

Section 'G': Agency Comments

Municipality of Brockton:

- The Plan does not show the location of the septic, and the septic must be located 3m from the property line.
- The civic address is to stay with the severed lands.

Saugeen Valley Conservation Authority:

- SVCA staff is of the opinion that the natural heritage features and areas affecting the property include fish habitat, potentially significant wildlife habitat, and potentially the significant habitat of endangered species and threatened species.
- The proposed zoning by-law amendment and proposed consent to sever land are acceptable to SVCA staff.

No objection or opposition from the Historic Saugeen Metis

Section 'H': Public Comments

Planning Staff have fielded several calls in regard to the application and have received one letter from a neighbour, Dusty Lair, which is included below.

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 CON 14 PT LOTS 13 & 14, Geographic Township of Greenock, Municipality of Brockton, from General Agriculture (A1) to:
 - a) General Agriculture Special A1-1; and
 - b) General Agriculture Special (A1-108)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 'A1-108' 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.
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.

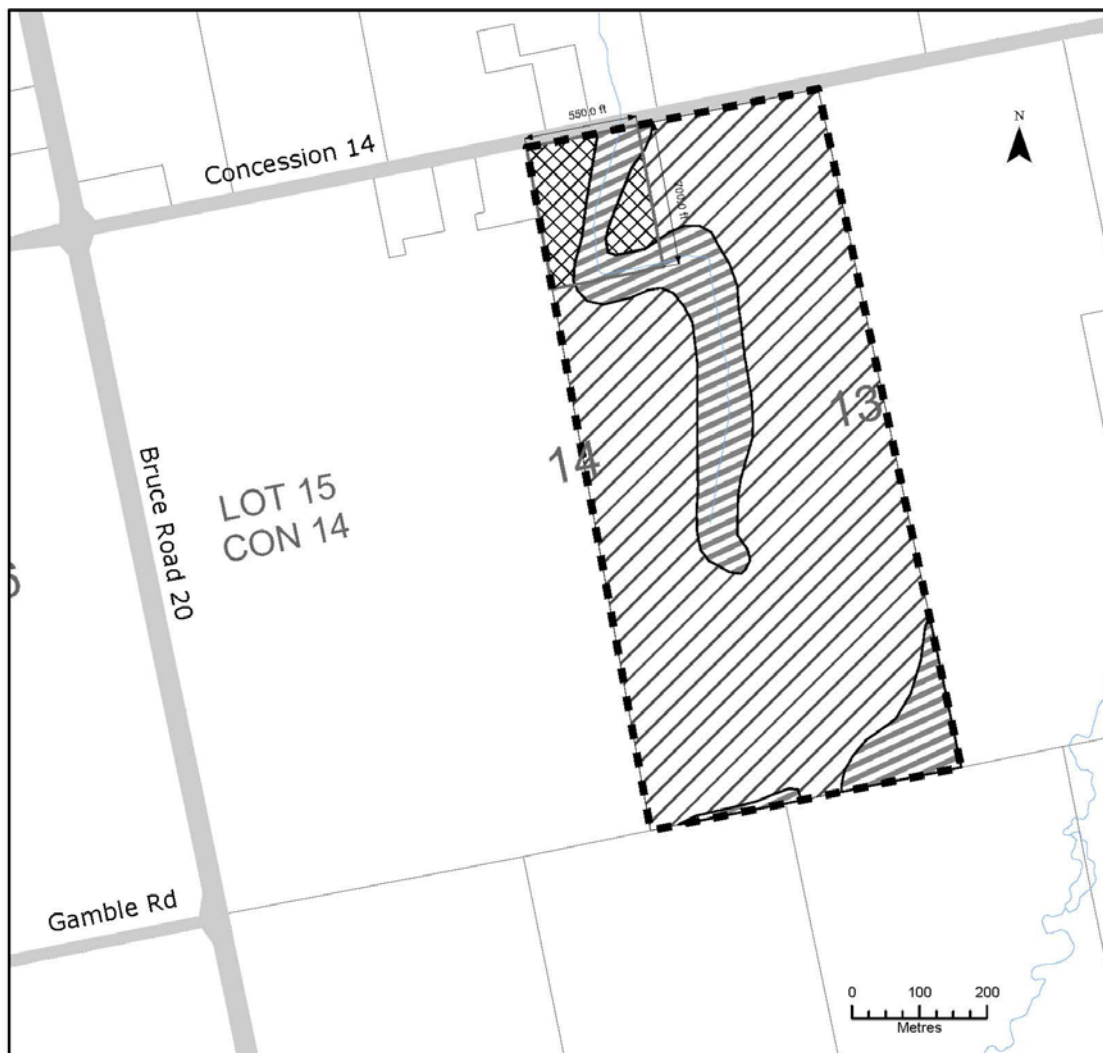
Read, Enacted, Signed and Sealed this _____ day of _____ 2019.





Mayor - Chris Peabody

Clerk - Fiona Hamilton

Schedule 'A'

Concession 14, Part Lots 13 & 14 (2253 Concession 14)
Municipality of Brockton (geographic Township of Greenock)



-  Subject Property
-  Lands to be zoned A1-108 - General Agriculture Special
-  Lands to be zoned A1-1 - General Agriculture Special
-  Lands zoned EP - Environmental Protection

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

Mayor _____
Clerk _____

Appendix 2

August 22, 2019

VIA E-MAIL: bcplwa@brucecounty.on.ca

Attn: Mr. Bruce Stickney
County of Bruce Planning & Development
Administration Centre
30 Park St.,
Walkerton, Ontario N0G 2V0

RECEIVED

AUG 29 2019

**BRUCE COUNTY
PLANNING**

Dear Mr. Stickney:

Re: Severance- PT Lot 13 and PT Lot 14, Concession 14, Township of Greenock

I reside at 2176 Concession 14 in the Township of Greenock. I am writing with regard to the recent approval of the severance of the buildings on the Wells farm at Part lot 13 and Part lot 14, Concession 14, Township of Greenock.

I am in favour of surplus farm dwelling severances, and I have no ill will towards either the Wells family or the Young family, as I understand they are parties to an Agreement of Purchase and Sale and the severance application. My concern is with regard to the size of the severance, which is approximately 8-10 acres. This is essentially an estate lot and takes prime agricultural land out of production, which is contrary to the Provincial Planning Statement. I am concerned that this application, if it is approved as submitted, would create a dangerous precedent in the County of Bruce to allow large estate type lot severances to occur, resulting in the reduction in not only viable farm size, but prime agricultural land being taken out of production.

Yours very truly,

Dusty Lair

