



Municipality of Brockton Planning Report



To: Municipality of Brockton Council
From: Dana Kieffer, Planner
Date: April 28, 2020
Application: Zoning By-law Amendment
File: Z-2020-028

Recommendation

That Zoning By-law Amendment Z-2020-028 by Bill Wells be approved as attached and the necessary by-law be forwarded to Council for adoption.

Summary

The application proposes to sever a surplus farm and outbuildings from the farmland.

The retained farm lot will be re-zoned from A1- General Agriculture and HR- Hamlet residential to A1-110 General Agriculture Special, A1-109 General Agriculture Special, and HR- Hamlet Residential. The part of the property that is in the Hamlet has had three residential lots severed. This surplus farm dwelling severance received conditional approval, but not final approval. Rezoning is a condition of approval.

The Environmental Protection (EP) zone is proposed to remain the same.

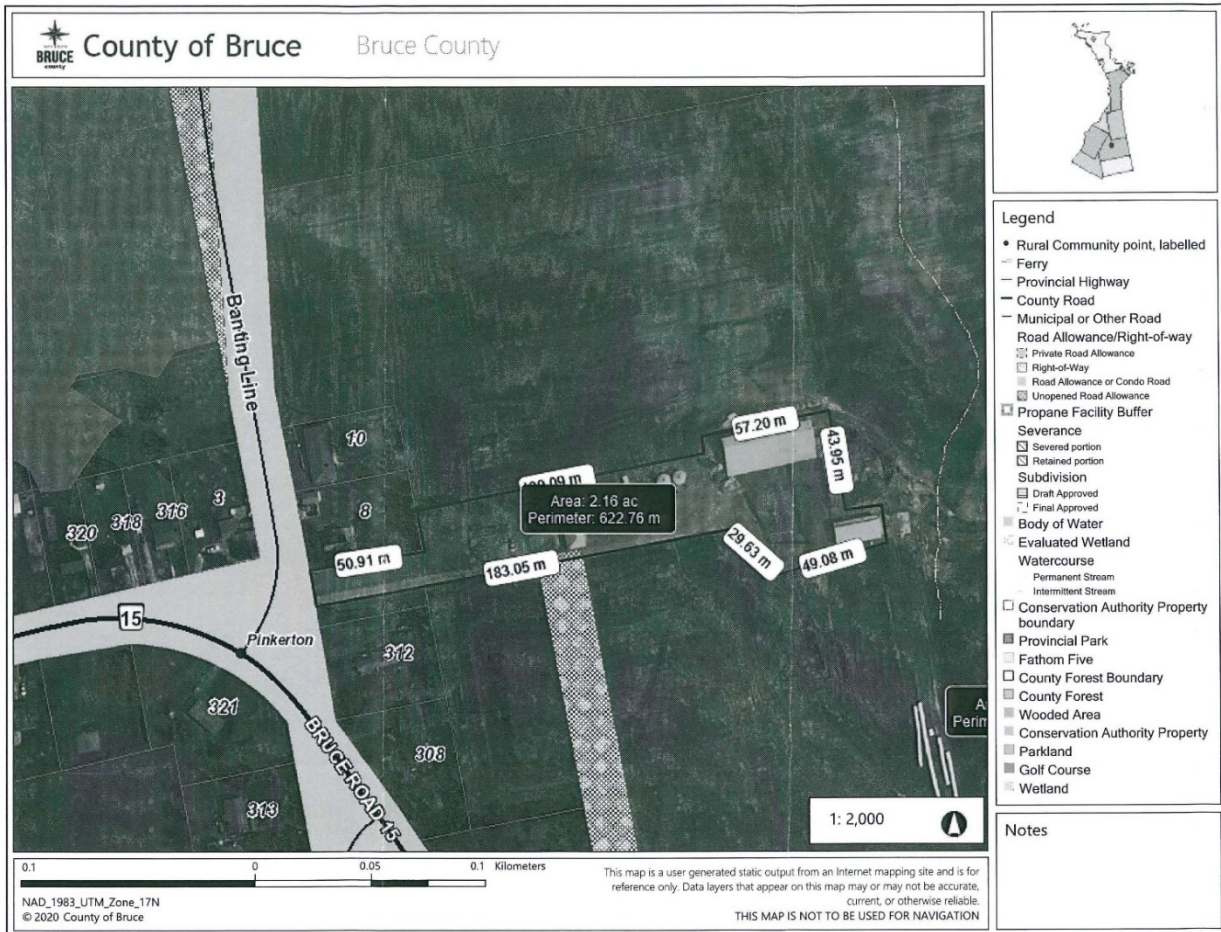
The new lot with farmhouse and outbuildings is about 2 acres and will be re-zoned to General Agriculture Special, which will place a nutrient restriction on the property. The retained farmland will be 74.54 acres and another dwelling will not be allowed under the proposed special zoning, in the usual manner for this type of application.

The following considerations were reviewed in the Planning Analysis for this report:

- Surplus Farm Dwellings
- Required Amendments

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. The proposal is good land use planning.

Site Plan



Planning analysis

The following section provides an overview of the planning considerations that were factored into the staff recommendation for this application, including relevant planning policy sections, and agency and public comments, where applicable.

Surplus Farm Dwelling Severances

Surplus farm dwellings are generally considered to be good for agriculture, on balance, because they enable farmers who have consolidated different lots into one operation to dispose of houses on the land that are surplus to the needs of the operation.

The only kind of residential severance allowed under the Provincial Policy Statement is a surplus farm dwelling severance 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.

The subject lands are designated Agricultural and Hazard Area in the Bruce County Official Plan. To meet the Official Plan policies for surplus farm dwelling severances, the owner of the farmlands 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 including 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 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 retained lands will continue to be farmed and remain in the ownership of Bill Wells who meets the criteria for a bonafide farmer. His intention is to sell the severed land with the house, shed and barn which will be surplus to his needs. He will continue to farm the remaining acreage. The owner lives and farms in the immediate area.

The zoning will place a nutrient unit restriction on the severed and place a restriction on the retained to not permit another house. This would implement Provincial and Official Plan policies.

Required Amendments

The severed parcel A1-109

The severed will be placed into the special zone that will:

- limit the number of nutrient units to 1.25/ha.
- permit a reduced frontage of +/- 19m from the required 40 m.

The retained parcel A1-110

The retained will be placed into a special zone that will:

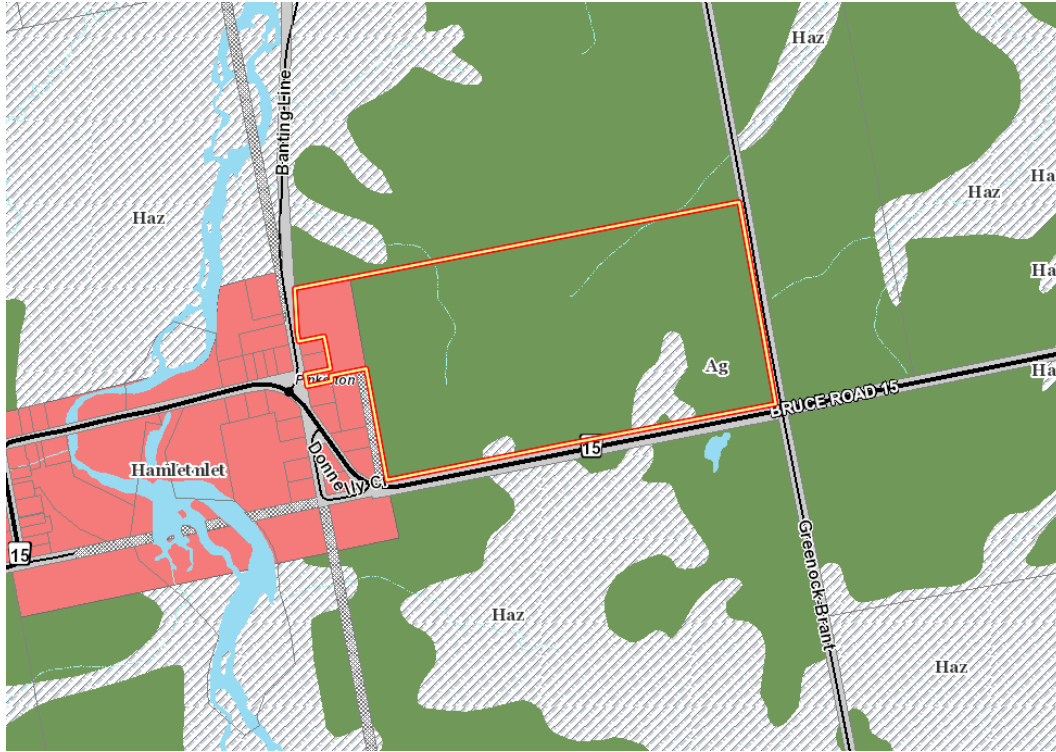
- not permit a residence
- permit a reduced size of +/- 29 ha from the required 39 ha

The Bruce County Official Plan also requires a minimum size of 40 ha but since a large portion of the farm was in the original surveyed settlement area of Pinkerton and has been separated for this reason, it can be considered a public purpose. This means the lot can be viewed as an original crown lot and the smaller size can be allowed in this instance.

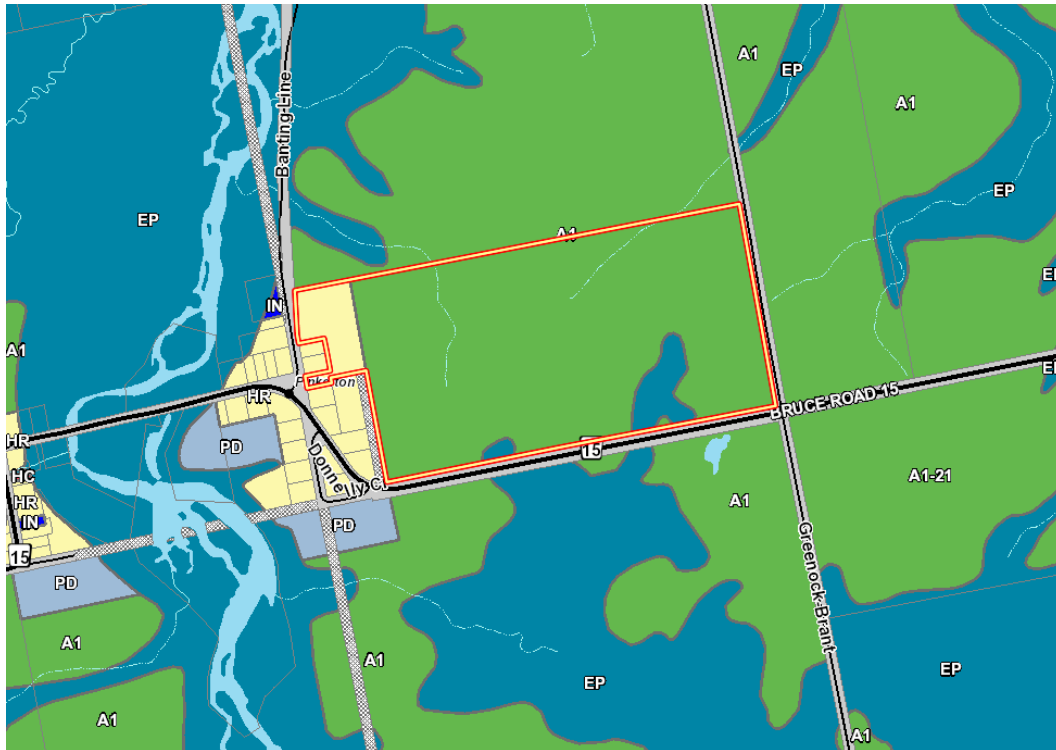
Appendices

- County / Local OP / zoning maps
- Public Notices
- Agency Comments

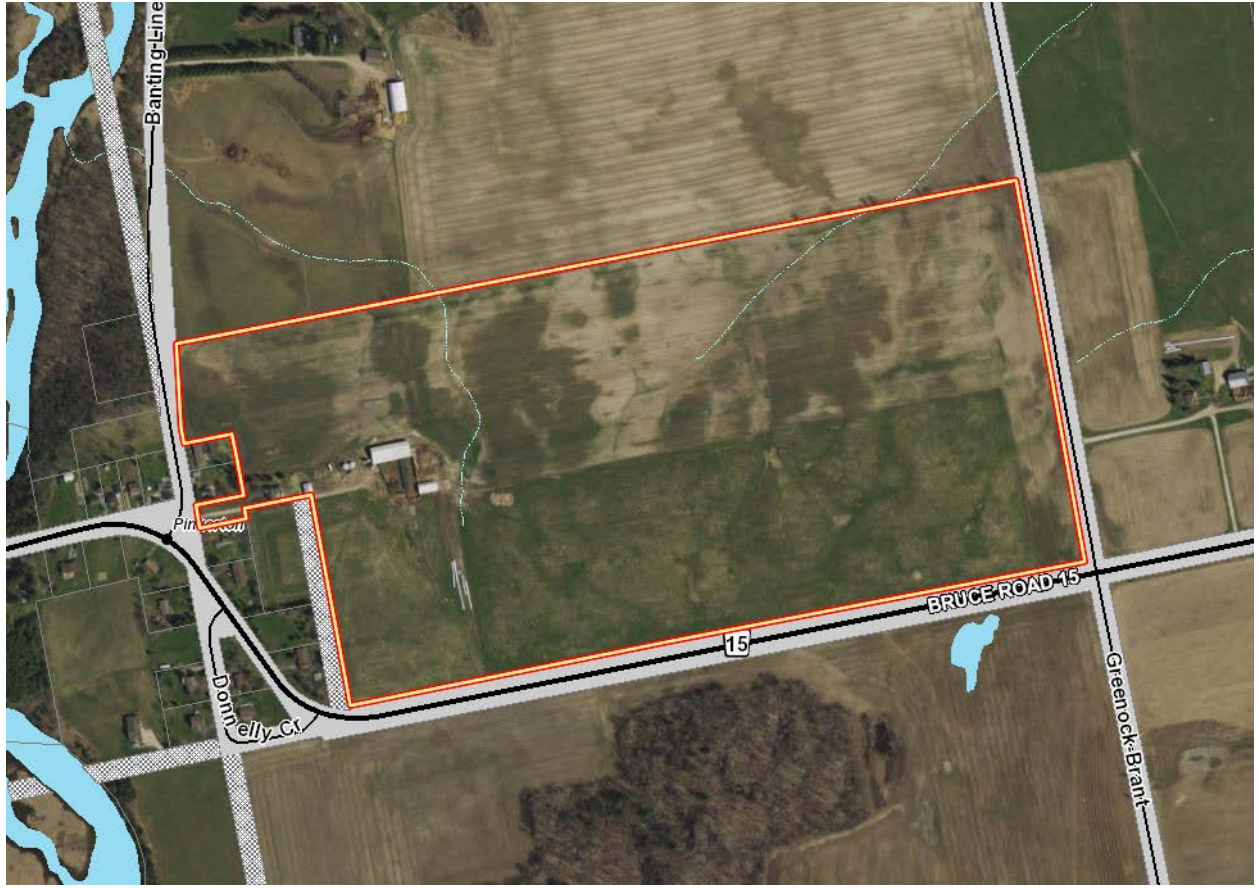
Appendix 1 – Maps



Bruce County Official Plan- designated Agricultural Areas, Hamlet Community, Hazard



Municipality of Brockton Comprehensive Zoning By-law- Zoned Hamlet Residential (HR), General Agriculture (A1) and Environmental Protection (EP)



Air Photo (2015)

Appendix 2 – Public Notice



County of Bruce
Planning & Development Department
30 Park Street, P.O. Box 848
Walkerton ON N0G 2V0
brucecounty.on.ca
1-226-909-5515



April 6, 2020

File Number: Z-2020-028

Public Meeting Notice

You're invited to participate

Tuesday, April 28, 2020, 7:00 pm

As a result of the COVID-19 Pandemic, the Municipality of Brockton has closed the Municipal Office to the public. The Public Meeting will be held in electronic format only.

For information on how to participate in the public meeting, please visit the municipal website at: <https://www.brockton.ca/en/our-services/Current-Council-Meeting-Agenda.aspx>.

Please contact the Municipality of Brockton at fhamilton@brockton.ca or 519 881 2223 ext 124 if you have any questions regarding how to participate in the meeting.

A change is proposed in your neighbourhood: The applicant proposes to do a Surplus Farm Dwelling Severance and sever the house and outbuildings from the agricultural lands. The house and outbuildings will have a nutrient unit restriction placed on them and a reduction in lot frontage. The retained lands will be zoned to not permit another dwelling to be built on the lands. The related consent file is B-2020-040.



4 Banting Line
CON A PT LOT 29 PL 63 PT
LOT;59 RP3R 5464 PART 1
(Greenock)
Municipality of Brockton
Roll Number 410431000326300

COVID-19 Notice: All Bruce County and Municipal offices are closed to the public until further notice. Our staff would be pleased to connect with you by email or phone.

Learn more

You can view more information about the applications at <https://brucecounty.on.ca/living/land-use>. Once our offices re-open, information about the application will be available in person at the County of Bruce Planning Office noted above, between 8:30 a.m. and 4:30 p.m. (Monday to Friday).

Have your say

Comments and opinions submitted on these matters, including the originator's name and address, become part of the public record, may be viewed by the general public and may be published in a Planning Report and Council Agenda.

1. Please contact us by email bcplwa@brucecounty.on.ca, mail, or phone (226-909-5515) if you have any questions, concerns or objections about the application.
2. You can participate in the public meeting. For information on how to participate in the public meeting, please visit the municipal website at: <https://www.brockton.ca/en/our-services/Current-Council-Meeting-Agenda.aspx>.

The Planner on the file is: Dana Kieffer

Stay in the loop

If you'd like to be notified of the decision of the Municipality of Brockton on the proposed application, you must make a written request to the Bruce County Planning Department.

Know your rights

Section 34(11) of the [Planning Act](#) outlines rights of appeal for Zoning By-law Amendment applications.

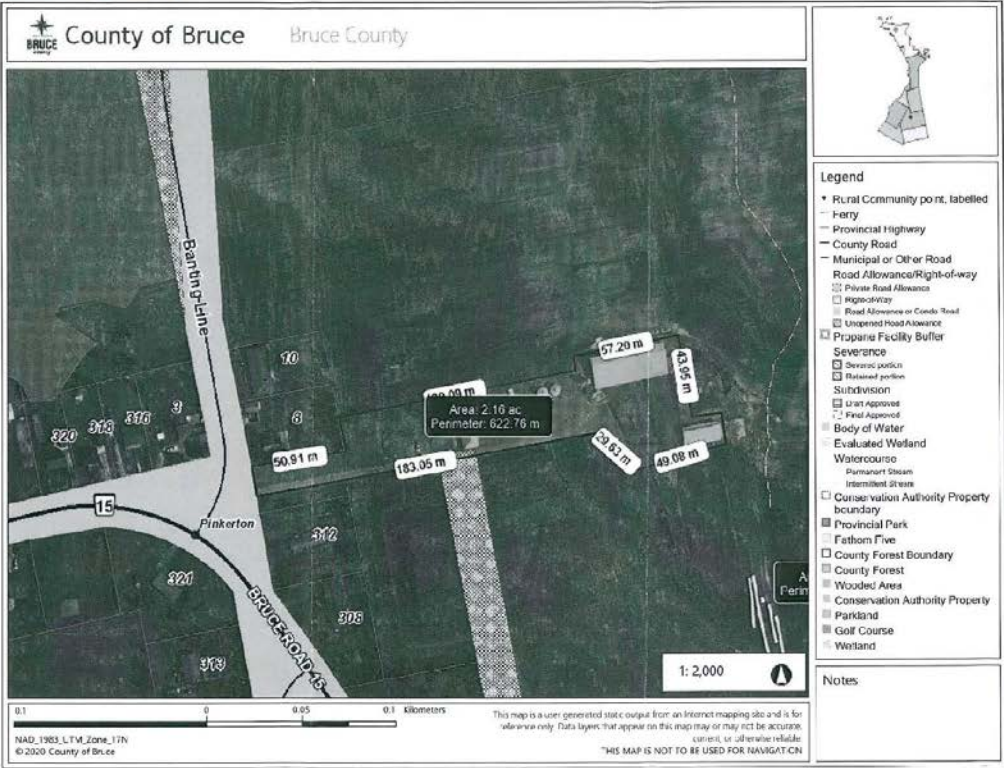
If a person or public body would otherwise have an ability to appeal the decision of the Council of the Municipality of Brockton to the Local Planning Appeal Tribunal but the person or public body does not make oral submissions at a public meeting or make written submissions to the Bruce County Planning Department before the by-law is passed, the person or public body is not entitled to appeal the decision.

If a person or public body does not make oral submissions at a public meeting, or make written submissions to the Bruce County Planning Department before the by-law is passed, the person or public body may not be added as a party to the hearing of an appeal before the Local Planning Appeal Tribunal unless, in the opinion of the Tribunal, there are reasonable grounds to do so.

For more information please visit the Local Planning Appeal Tribunal website at <https://elto.gov.on.ca/tribunals/lpat>.

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Site plan



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Appendix 3 – Agency Comments

Municipality of Brockton

- 1) The plan will need to ensure that the both the septic system and the well are both on the severed portion and located no closer than ten (10) feet to the new lot lines.
- 2) The civic address is to remain with the house and barn.

SVCA

The proposed applications are acceptable to SVCA staff.

The natural hazard feature affecting the property is the low-laying area long Bruce Road 15. It is SVCA staff's opinion that the Hazard Lands designation as shown on Schedule A to the Bruce County OP and the Environmental Protection (EP) Zone as shown in the Municipality of Brockton Zoning By-law 2013-26, generally coincides with SVCA Hazard Lands as mapped by the SVCA. The parcel to be severed is not subject to any natural hazard features.

It is the opinion of SVCA staff that the natural heritage feature affecting the property significant woodlands. However, according to Section 4.3.2.6.2ii of the Bruce County OP, there is no requirement for the preparation of an Environmental Impact Study to address the woodlands, based on the proposal.

Bruce County Transportation & Environmental Services

No comments

Historic Saugeen Metis

No objection or opposition to the proposed development, land re-designation, zoning, land severance, Official plan and/or Zoning By-law Amendments.

Hydro One

No comments or concerns