



Municipality of Brockton Planning Report

To: Municipality of Brockton Council

From: Julie Steeper, Planner

Date: September 8, 2020

Re: Zoning By-law Amendment - Z-2020-039 (Wilkie)

Recommendation:

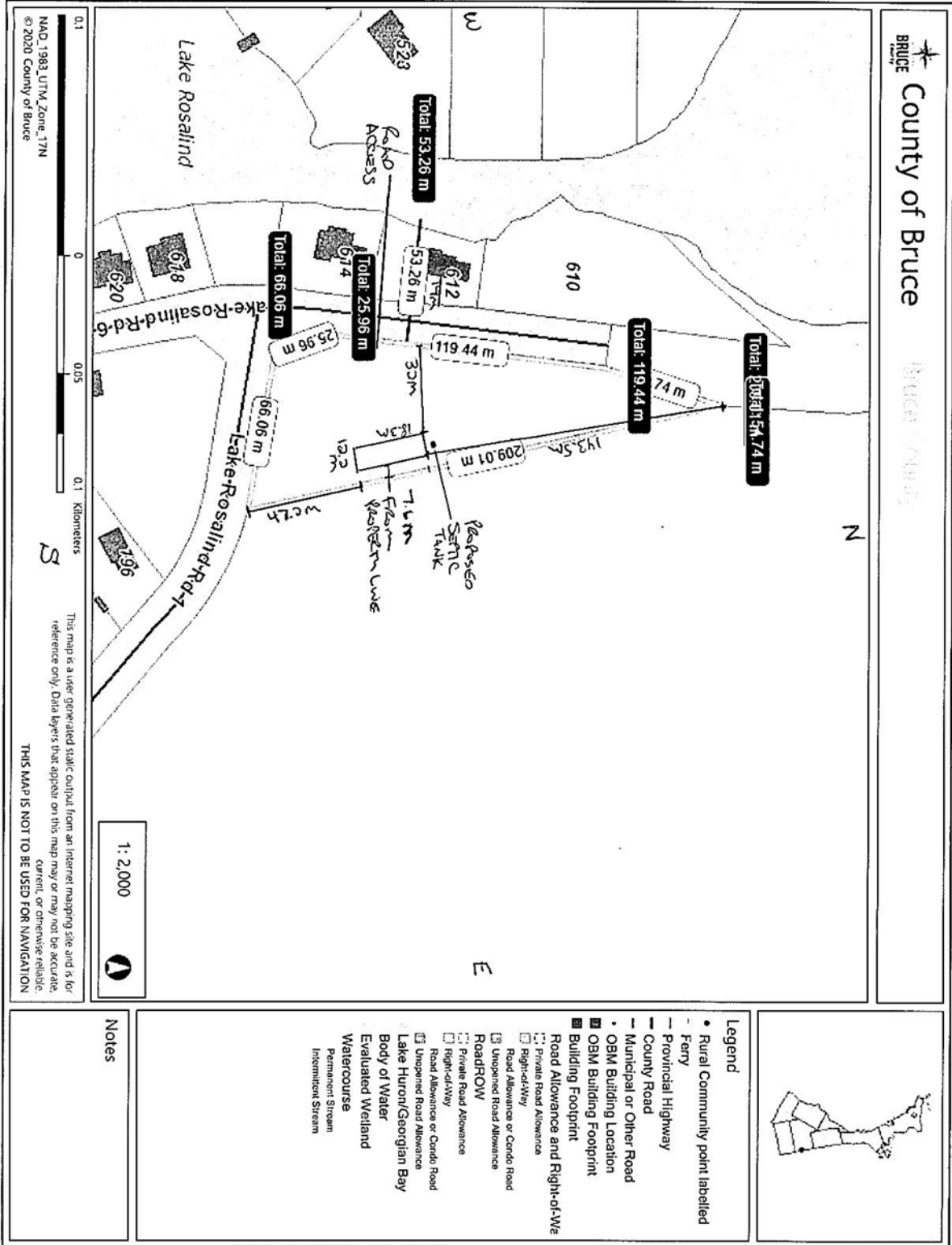
Subject to a review of submissions arising from the public meeting:

That Council approve Zoning By-law Amendment Z-2020-039 as attached and the necessary by-law be forwarded to Council for adoption.

Summary:

The application proposes to seek a site-specific zoning provision to allow for an accessory building to be constructed in an A1 - General Agricultural zone prior to a principal dwelling at Concession 4 Part Lot 32 Registered Plan 3R7333; Part 1, in the Municipality of Brockton. The municipality's Zoning By-law currently requires the principle dwelling to be constructed prior to any accessory building or structure. The site-specific zoning will also address the height of the building. The proposed height is 6.47 m while the maximum height currently allowed in the Zoning By-law is 5 m. The lands currently zoned EP-10 -Environmental Protection Special on the subject site will remain unchanged. If approved, the subject Zoning By-law Amendment would facilitate the new construction of an 18.3 m X 12.2 m shed on the subject lands. The land is currently vacant with no existing buildings.

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 agency comments (attached) and planning policy sections.

Site Constraints and Required Amendments

The subject lands are designated Agricultural Area and Hazard Land Area in the Bruce County Official Plan. The proposed development complies with the Bruce County Official Plan policies as accessory structures are permitted in the Agricultural Area designation and the structure will not be in the Hazard Land Area designation.

The subject property is zoned A1 - General Agricultural and EP-10 - Environmental Protection Special in the Municipality of Brockton Zoning By-law and considered a non-farm lot that is 0.67 hectares in size. A non-farm lot is defined as a lot that is less than 4 hectares in size.

Accessory is defined in the Zoning By-law as any use, building or structure subordinate to the principal use located on the same lot. No accessory building or structure shall be erected until the principal building has been erected. The subject lands are currently vacant. The applicant resides on an adjacent lot at 612 Lake Rosalind Road 6. There are limitations to their lot that prevent them from locating the accessory building on the same lot as their single detached dwelling. There are significant elevation changes at the rear of their property that is in proximity to Lake Rosalind. The front of the property makes it difficult to accommodate an accessory building as the septic system and well are located on the southernly portion of the property. As such, the applicant is seeking to build the new shed on the adjacent vacant lot that they also currently own.

The maximum height for an accessory building is 5 m and the proposed is 6.4 m. The applicant is requesting a relief of 1.4 m in height. The effect of this amendment would facilitate the construction of an 18.3 m x 12.2 m shed that accommodates the applicant's needs. The accessory structure will be used for storage.

The land will be placed into an A1-111 - General Agricultural Special zone that will:

- permit an accessory building prior to a principle building; and
- permit the accessory building to be 6.4 m in height.

The lands currently zoned EP-10 - Environmental Protection Special will remain unchanged.

Archaeological Potential

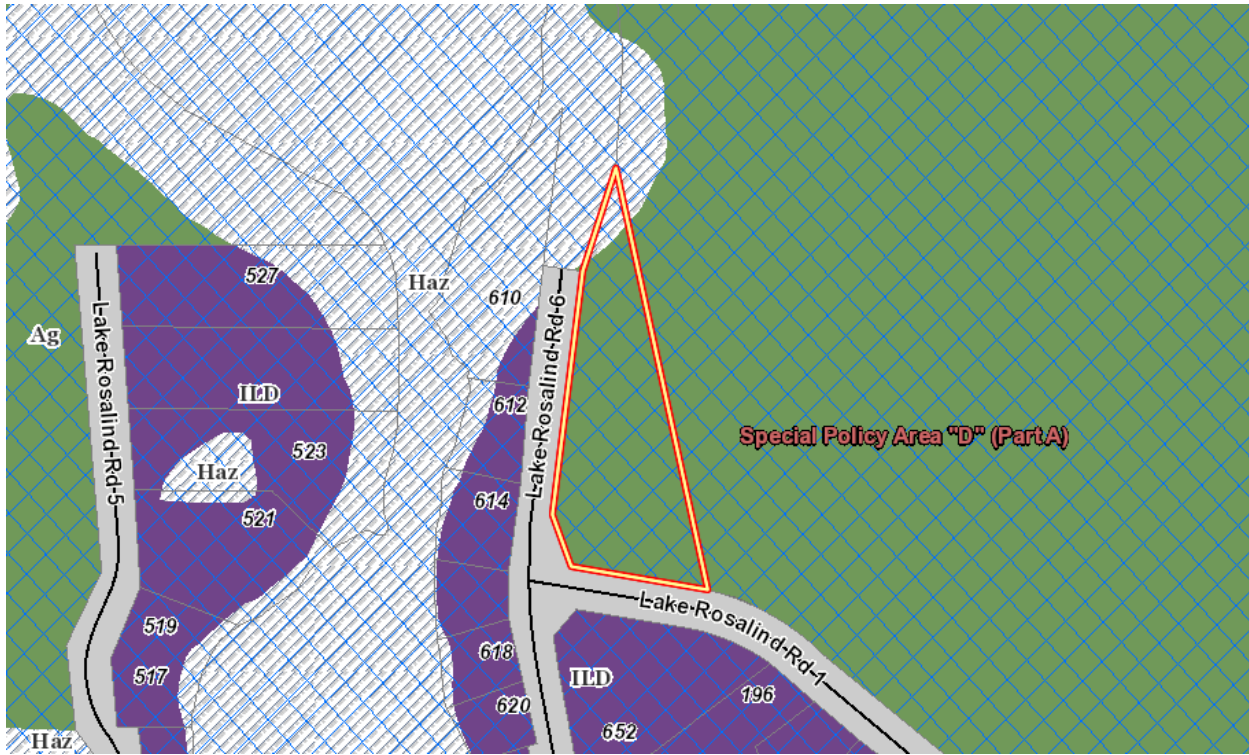
The land is designated to have high archeological potential given its proximity to Lake Rosalind, but due to previous historical disturbances which resulted in the creation of the lake, the archaeological assessment has deemed not to be required as per the Ministry of Tourism Culture and Sport, Criteria for Evaluating Archeological Potential checklist.

Appendices

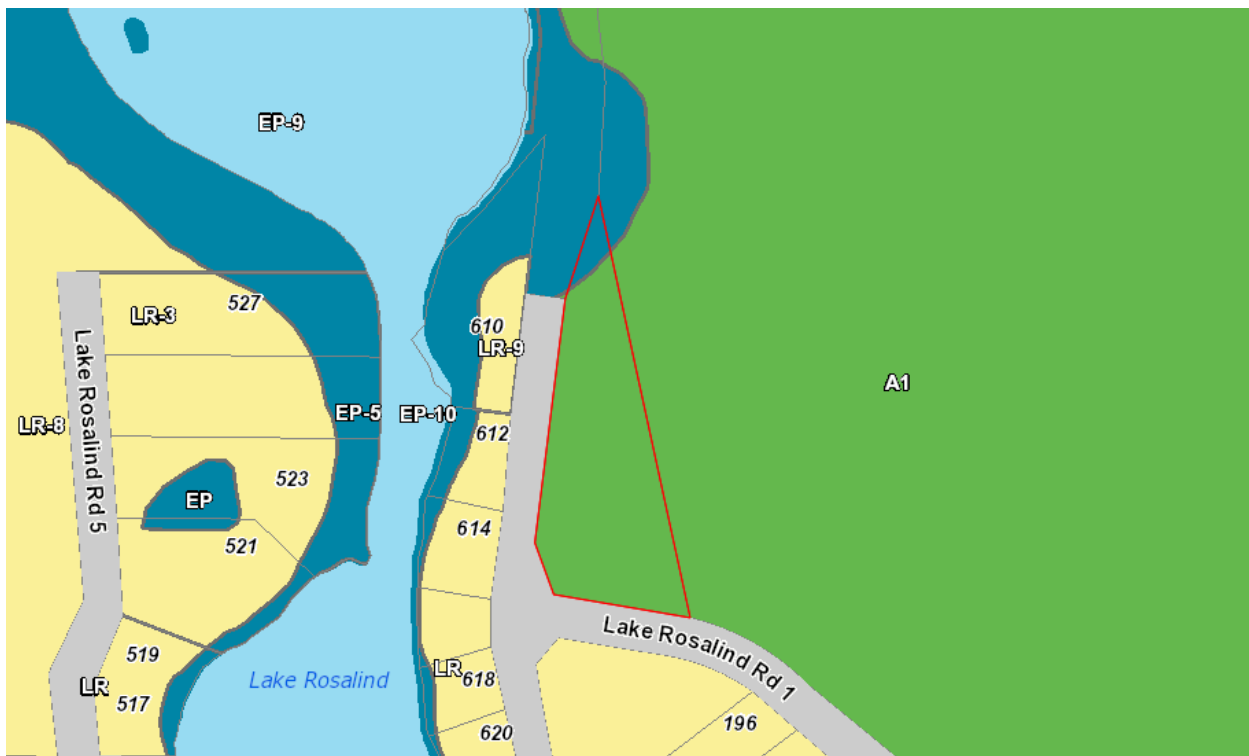
- County Official Plan Map
- Local Zoning Map
- Agency Comments

- Public Notice

County Official Plan Map



Local Zoning Map



Agency Comments

Municipality of Brockton: No comment.

Bluewater District School Board: No objections.

Historic Saugeen Metis: No concerns.

Saugeen Valley Conservation Authority: No concerns and provided in full below.

Saugeen Valley Conservation Authority Agency Comments



1078 Bruce Road 12, P.O. Box 150, Formosa ON Canada N0G 1W0
Tel 519-367-3040, Fax 519-367-3041, publicinfo@svca.on.ca, www.svca.on.ca

SENT ELECTRONICALLY ONLY: jsteeper@brucecounty.on.ca and bcplwa@brucecounty.on.ca

August 20, 2020

County of Bruce Planning & Development Department
30 Park Street
Walkerton, Ontario
N0G 2V0

ATTENTION: Julie Steeper, Planner

Dear Ms. Steeper,

RE: Proposed Zoning By-law Amendment Z-2020-039 (Wilkie)
Unassigned civic address
Roll No.: 410434001030010
Part Lot 32 Concession 4, Part 1 Plan 3R7333
Geographic Township of Brant
Municipality of Brockton

Saugeen Valley Conservation Authority (SVCA) staff has reviewed the above-noted application as per our delegated responsibility from the Province to represent provincial interests regarding natural hazards identified in Section 3.1 of the Provincial Policy Statement (PPS, 2020) and as a regulatory authority under Ontario Regulation 169/06 (SVCA's Development, Interference with Wetlands, and Alterations to Shorelines and Watercourses Regulation). SVCA staff has also provided comments as per our Memorandum of Agreement (MOA), dated September 2019, with the County of Bruce representing natural hazards, natural heritage, and water resources; and the application has also been reviewed through our role as a public body under the *Planning Act* as per our CA Member approved Environmental Planning and Regulations Policies Manual, amended October 16, 2018.

The purpose of the application is to seek a site-specific zoning provision to allow for an accessory building to be constructed prior to a principle dwelling on the site. The effect of the amendment will facilitate the new construction of a shed on the subject lands.

Recommendation

The proposed application is acceptable to SVCA staff.

Background

SVCA staff was contacted by Bruce County planning staff regarding preliminary pre-consultation comments for the application. SVCA staff provided preliminary comments to Bruce County planning staff dated July 10, 2020.



Watershed Member Municipalities

Municipality of Arran-Elderslie, Municipality of Brockton, Township of Chatsworth, Municipality of Grey Highlands, Town of Hanover, Township of Howick, Municipality of Morris-Turnberry, Municipality of South Bruce, Township of Huron-Kinloss, Municipality of Kincardine, Town of Minto, Township of Wellington North, Town of Saugeen Shores, Township of Southgate, Municipality of West Grey

Delegated Responsibility and Advisory Comments

SVCA staff has reviewed the application through our delegated responsibility from the Province to represent provincial interests regarding natural hazards identified in Section 3.1 of the Provincial Policy Statement (PPS, 2020). We have also reviewed the application through our responsibilities as a service provider to the County of Bruce in that we provide expert advice and technical clearance on *Planning Act* applications with regards to natural hazards, natural heritage, and water resources as set out in the PPS, 2020, County Official Plan (OP) and/or local official plans. Comments below only include features/technical requirements affecting the property.

Natural Hazards:

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 for the property. We note that only a small portion of the very northern part of the property is mapped as Hazardous Lands.

Provincial Policy Statement – Section 3.1

Section 3.1 of the PPS, 2020 states in part that development shall generally be directed to areas outside of: b) hazardous lands adjacent to river, stream and small inland lake systems which are impacted by flooding and erosion hazards; and c) hazardous sites. It is the opinion of SVCA staff that the application and the site plan included with the application complies with Section 3.1. of the PPS, 2020.

County of Bruce OP Policies

Section 5.8 of the County of Bruce OP generally directs development to be located outside of Hazardous Land Area. It is the opinion of SVCA staff that the application and the site plan included with the application complies with the policies of the Bruce County OP.

Natural Heritage:

It is the opinion of SVCA staff that the natural heritage features affecting the property are fish habitat and its adjacent lands, and habitat of endangered species and threatened species.

SVCA staff note that although the entirety of the property is wooded and the woodlands on the property are connected to adjacent woodlands, the total of these woodlands do not appear to meet the 40 hectare/100 acre requirement to be considered significant woodlands as per the Section 4.3.2.6 of the Bruce County OP.

Provincial Policy Statement – Section 2.1

Section 2.1 of the PPS, 2020 states in part that development shall not be permitted in fish habitat and its adjacent lands, and habitat of endangered species and threatened species, and the adjacent lands to the above referenced features except in accordance with the specified policies found in Section 2.1.

Bruce County OP Policies

Fish Habitat and its Adjacent Lands

Lake Rosalind is located within the adjacent lands to the property. Lake Rosalind is considered fish habitat by SVCA staff. Section 4.3 of the Bruce County OP generally prohibits development within fish habitat and its adjacent lands, except in accordance with applicable policies. SVCA staff are of the opinion that the negative impacts to fish habitat and its adjacent lands as a result of this proposal will be negligible, and SVCA staff are not recommending the preparation of an EIS at this time.

Habitat of Endangered Species and Threatened Species

Although not mapped in the Bruce County OP, it has come to the attention of SVCA staff that habitat of endangered species and threatened species may be located on and/or on lands adjacent to the property. Section 4.3.2.7 of the Bruce County OP states in part that development will not be permitted within habitat of endangered species and threatened species, and their adjacent lands. It is the role of the SVCA to identify habitat of endangered species and threatened species through a screening process in consideration of the PPS, 2014 and local policies, however it is the responsibility of the applicant to ensure the endangered species and threatened species policy referred to in the PPS, 2014 has been appropriately addressed. Please contact the Ministry of Environment, Conservation and Parks (MECP) for information on how to address this policy. MECP inquiries can be addressed to SAROntario@ontario.ca.

Statutory Comments

SVCA staff has reviewed the application as per our responsibilities as a regulatory authority under Ontario Regulation 169/06 (SVCA's Development, Interference with Wetlands, and Alterations to Shorelines and Watercourses Regulation). This regulation, made under Section 28 of the *Conservation Authorities Act*, enables SVCA to regulate development in or adjacent to river or stream valleys, Great Lakes and inland lake shorelines, watercourses, hazardous lands and wetlands. Subject to the CA Act, development taking place on or adjacent to these lands may require permission from SVCA to confirm that the control of flooding, erosion, dynamic beaches, pollution or the conservation of land are not affected. SVCA also regulates the alteration to or interference in any way with a watercourse or wetland.

The northern portion of the property is within the SVCA Approximate Screening Area associated with Ontario Regulation 169/06. As such, development and/or site alteration within the SVCA Approximate Screening Area, on the parcel to be retained, may require permission from SVCA, prior to carrying out the work.

"Development" as defined under the *Conservation Authorities Act* means:

- a) *the construction, reconstruction, erection or placing of a building or structure of any kind;*
 - b) *any change to a building or structure that would have the effect of altering the use or potential use of the building or structure, increasing the size of the building or structure or increasing the number of dwelling units in the building or structure;*
 - c) *site grading; or,*
 - d) *the temporary or permanent placing, dumping or removal of any material, originating on the site or elsewhere.*
- And;

"Alteration" as per Section 5 of Ontario Regulation 169/06 generally includes the straightening, diverting or interference in any way with a river, creek, stream or watercourse, or the changing or interfering in any way with a wetland.

To determine where the SVCA Approximate Screening Area is located associated with our Regulation on the property, please refer to the SVCA's online mapping program, available via the SVCA's website at <http://eprweb.svca.on.ca>.

SVCA Permission for Development or Alteration

If development or alteration including construction, reconstruction, conversion, grading, filling or excavation, is proposed within the SVCA Approximate Screening Area on the property, the SVCA should be contacted, as permission may be required.

Based on the plan submitted with the application, the proposed accessory building and septic tank will not be located within the SVCA Approximate Screening Area, therefore a permit from the SVCA is not required for the construction of the accessory building or septic tank.

Summary

SVCA staff has reviewed the application in accordance with our MOA with the County of Bruce, and as per our mandated responsibilities for natural hazard management, including our regulatory role under the *Conservation Authorities Act*.

The application is acceptable to SVCA staff.

Given the above comments, it is the opinion of the SVCA staff that:

- 1) Consistency with Section 3.1, Natural Hazard policies of the PPS, 2020 has been demonstrated;
- 2) Consistency with Section 2.1, Natural Heritage policies of the PPS, 2020 has been demonstrated, with the exception of habitat of endangered species and threatened species which must be addressed by the applicant/landowner; and
- 3) Consistency with local planning policies for natural hazards and natural heritage has been demonstrated, with the exception of habitat of endangered species and threatened species which must be addressed by the applicant/landowner.

Please inform this office of any decision made by the Municipality of Brockton and/or the County of Bruce with regards to the application. We respectfully request to receive a copy of the decisions and notices of any appeals filed. Should you have any questions, please contact the undersigned.

Sincerely,



Michael Oberle
Environmental Planning Technician
Saugeen Conservation
MO/

cc: Fiona Hamilton, Clerk, Municipality of Brockton (via email)
Dan Gieruszak, Authority Member, SVCA (via email)

Public Notice



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



August 13, 2020

File Number: Z-2020-039

Public Meeting Notice

You're invited to participate

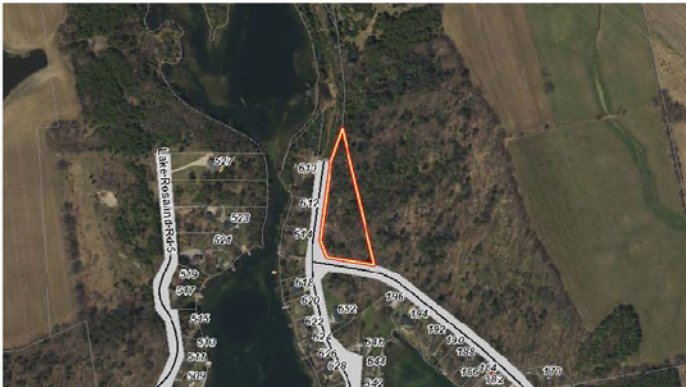
Tuesday, September 8, 2020 at 7:00 pm

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 purpose of the application is to seek a site-specific zoning provision to allow for an accessory building to be constructed prior to a principle dwelling on the site. The site specific zoning will also address the height of the building. The proposed height is 6.47 m and the maximum height currently allowed is 5 m. If approved, the effect of the amendment will facilitate the new construction of 18.3 m X 12.2 m shed on the subject lands.



CON 4 PT LOT 32
RP 3R7333;PART 1 (Brant)
Municipality of Brockton
Roll Number 410434001030010

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: Julie Steeper

Stay in the loop

If you'd like to be notified of the decision of the Municipality of Brockton on the proposed application(s), 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.

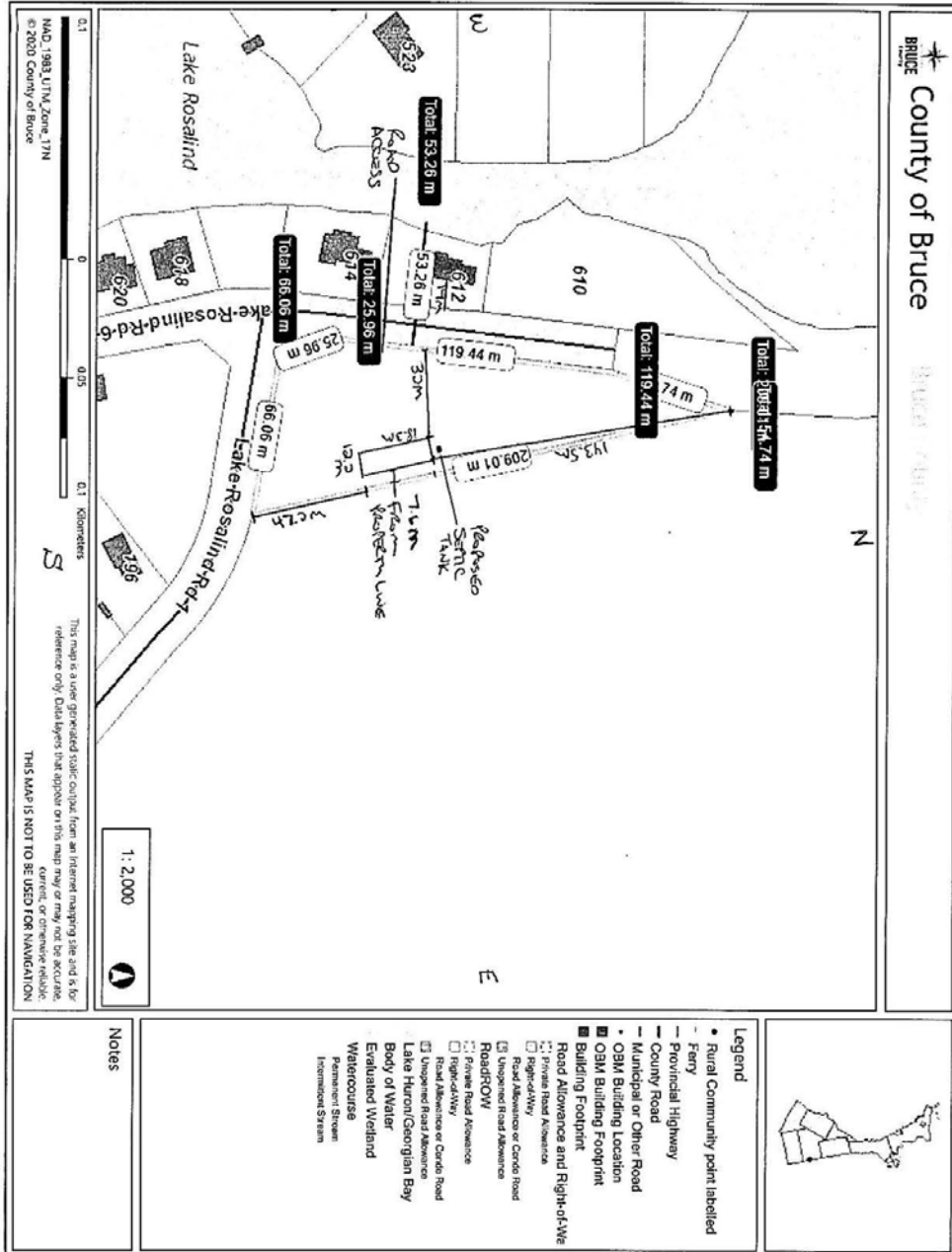
If a person or public body would otherwise have an ability to appeal the decision of the Council of the Municipality of Brockton to the Local Planning Appeal Tribunal but the person or public body does not make oral submissions at a public meeting or make written submissions to the Bruce County Planning 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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