



Planning Report

To: Municipality of Brockton Council

From: Coreena Smith, Senior Development Planner

Date: April 13, 2021

Re: Zoning By-law Amendment - Z-2020-052 (Young)

Recommendation:

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

That Council approve Zoning By-law Amendment Z-2020-052 as attached and the necessary by-law be forwarded to Council for adoption.

Summary:

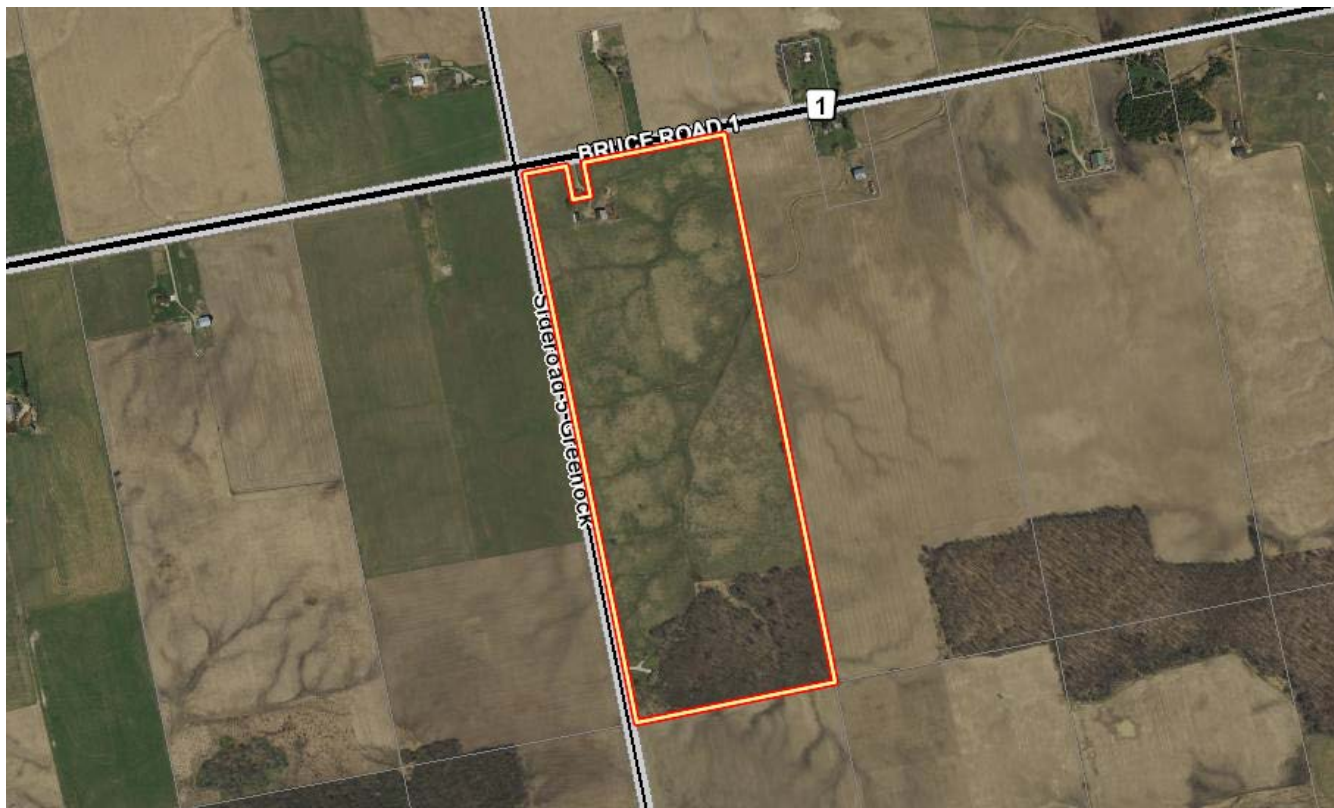
The purpose of the application is to facilitate the severance of a +/-1.2 ha surplus farm dwelling lot from a 35.74 ha parcel at 1960 Sideroad 5 Greenock, in the Municipality of Brockton.

An amendment to the Zoning By-law is required in order to facilitate the severance. The Zoning By-law amendment will limit the number of nutrient units to 1.25 units per hectare for the severed non-farm lot; prohibit an accessory detached dwelling on the retained agricultural lot; allow a minimum lot area of +/-34.54 ha instead of 39 ha on the retained agricultural lot; and recognize any existing buildings and structures on both the retained and severed lots which do not comply with the provisions of the By-Law. All future buildings and structures, or additions to existing buildings and structures, will need to comply with the provisions of the By-Law.

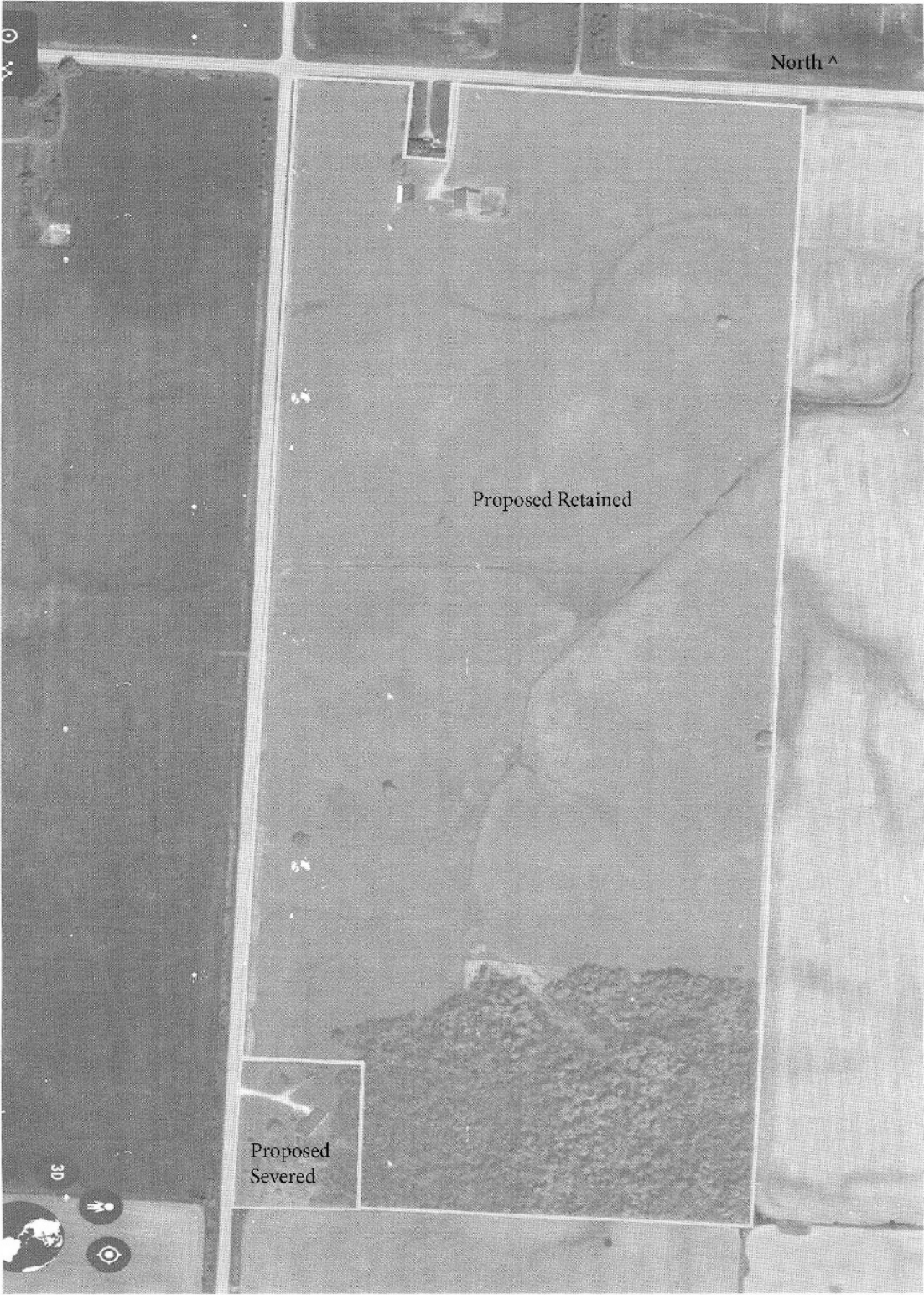
An amendment to the Bruce County Official Plan was approved on April 1, 2021 to allow a third parcel to be created from an original Crown surveyed lot; and, to allow the retained +/-34.54 ha parcel to be smaller than 40 ha (file C-2020-014).

The related consent file (B-2020-071) will be considered by the County at a later date.

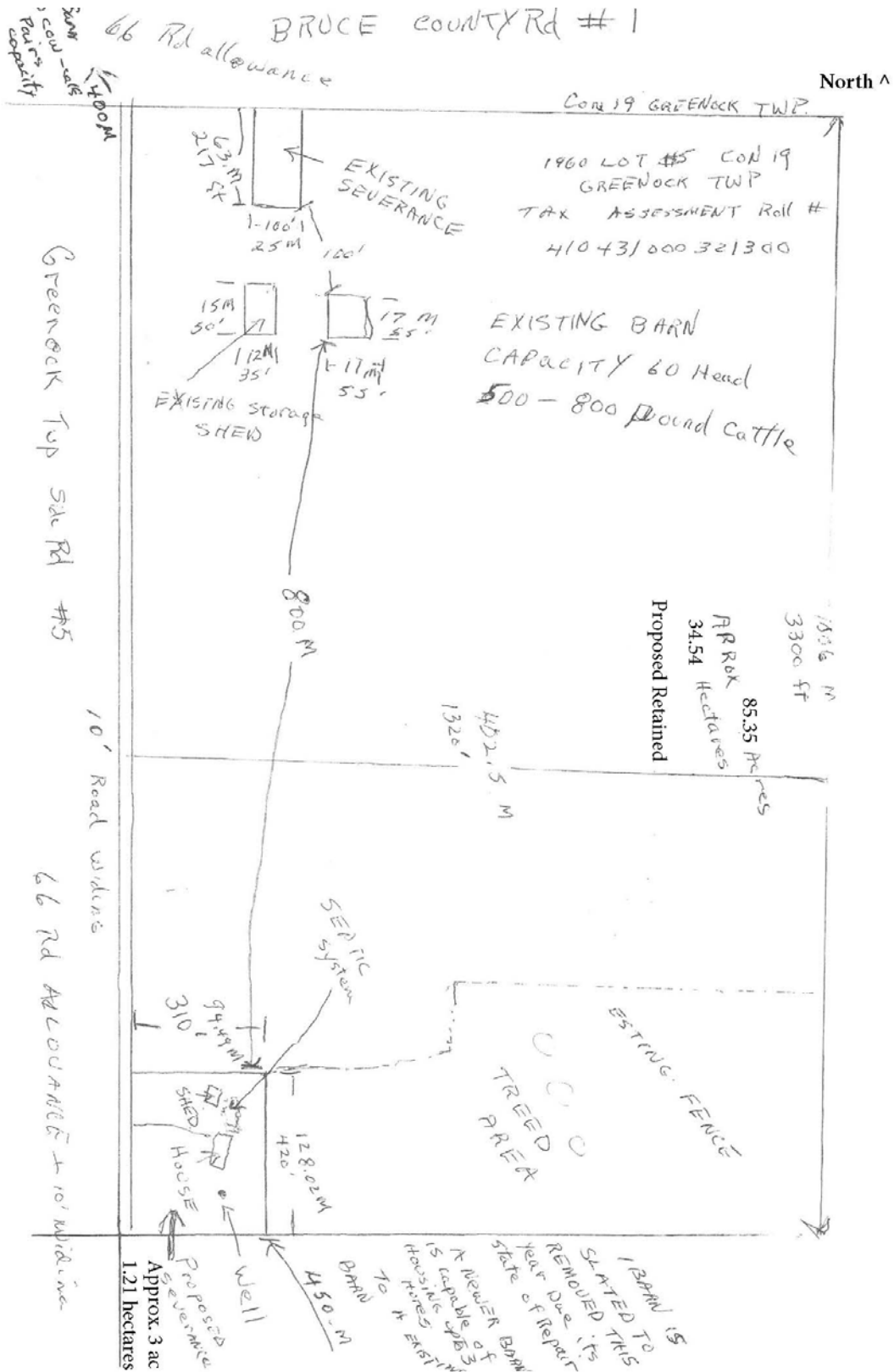
Airphoto



Site Plan



Site Plan with Details



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.

Surplus Farm Dwelling Severance

The lands are in a prime agricultural area. The Provincial Policy Statement (PPS) is restrictive in regard to severances in prime agricultural areas in order to limit the impacts to agricultural operations. Lot creation in prime agricultural areas is only permitted in the following circumstances:

- For agricultural uses;
- For agricultural related uses;
- For a dwelling surplus to a farming operation; and,
- For infrastructure.

Further, the PPS states that the surplus residential lots are to be limited in size to accommodate water and sewage, and that new residential dwellings be prohibited on the larger farm parcel (retained lands). The prohibition on future residential dwellings is included in the current Zoning By-law amendment as detailed later in this report.

The County Official Plan establishes criteria for agricultural severances in addition to the PPS policies. The lands are designated Agricultural Areas, which permits the severance of a surplus farm dwelling subject to the criteria below:

- The applicant must be a bona fide farmer;
- The farmer must own and farm the subject lands;
- They must own and farm other lands;
- They must reside elsewhere;
- The dwelling must be habitable; and,
- Minimal active farmland should be removed from agricultural production.

The applicant meets the definition of a bona fide farmer. He owns and rents multiple properties in the area for agricultural purposes. The existing dwelling on the subject lands is surplus to his needs. The proposal meets all the criteria established in the PPS and County Official Plan for agricultural severances, except for the minimum lot area and the number of parcels that can be created from an original Crown surveyed lot which are discussed below.

Retained Farm Lot Size and Number of Parcels Created

The County Official Plan requires a minimum lot area of 40 ha for new agricultural lots, and for an original Crown surveyed lot to be divided into no more than two (2) parcels including the retained portion.

The existing property is approximately 35.74 ha and is already considered undersized. This is due in part to a previous surplus farm dwelling severance that occurred in the 1970s, which severed off the original dwelling on the property and 0.19 ha of land. There were no restrictions placed on the retained lands at that time, which allowed for the existing second dwelling to be constructed. This second dwelling is now also proposed to be severed from the agricultural lands.

The intent of the policies is to maintain the viability of Bruce County's agricultural system by ensuring that lots are of sufficient size to support ongoing agricultural uses and limit potential incompatible uses.

It is the opinion of County staff that this proposed undersized lot maintains the overall intent of the agricultural policies. The lot is already smaller than the minimum size in the policy noted above. The farmable area is being retained and will continue to be farmed in the same manner as it currently is. The application will not introduce new impacts to surrounding farm operations. The amendment will allow the applicant to sever a house that is surplus to his needs while contributing to the ongoing viability of his farm operations.

The lands to be severed are also limited in size to accommodate the residence, an accessory building, a well and the existing sewage disposal system. As little land as possible is to be removed from the agricultural area.

An amendment to the Bruce County Official Plan was approved to allow for an undersized agricultural lot and to allow an original Crown surveyed lot to be divided into more than two parcels including the retained lot.

[Required Zoning By-law Amendments](#)

An amendment to the Zoning By-law is required in order to facilitate the severance.

The proposed severed non-farm parcel will be rezoned from A1 - General Agriculture to A1-114 - General Agriculture Special with the following provisions:

- Limit the number of nutrient units to 1.25 units per hectare; and
- Recognize any existing buildings and structures which do not comply with the provisions of the By-Law. All future buildings and structures, or additions to existing buildings and structures, will need to comply with the provisions of the By-Law.

The proposed retained farm parcel will be rezoned from A1 - General Agriculture to A1-115 - General Agriculture Special with the following provisions:

- Prohibit an accessory detached dwelling;
- Allow a minimum lot area of +/-34.54 ha instead of 39 ha; and,
- Recognize any existing buildings and structures which do not comply with the provisions of the By-Law. All future buildings and structures, or additions to existing buildings and structures, will need to comply with the provisions of the By-Law.

The EP - Environmental Protection zone will remain unchanged.

Appendices

- County Official Plan Map
- Local Zoning Map
- List of Supporting Documents and Studies
- Agency Comments
- Public Notice
- Draft By-law and Schedule

County Official Plan Map (Designated Agricultural Areas and Hazard Land Areas)



Local Zoning Map (Zoned A1 - General Agriculture and EP - Environmental Protection)



List of Supporting Documents and Studies

- Justification Letter prepared by the Applicant.

Agency Comments

Municipality of Brockton: No comment.

Bruce County Transportation & Environmental Services: No comment.

Enbridge Gas Inc.: Enbridge Gas Inc., operating as Union Gas, does have service lines running within the area which may or may not be affected by the proposed severance. Should the proposed severance impact these services, it may be necessary to terminate the gas service and relocate the line according to the new property boundaries. Any Service relocation required due to a severance would be at the cost of the property owner. Also, should future gas service be required to either the severed or retained parcel, a request for gas service needs to be submitted to the District Office.

Hydro One Networks Inc.: No comments or concerns at this time. Their preliminary review considered issues affecting Hydro One's 'High Voltage Facilities and Corridor Lands' only. For proposals affecting 'Low Voltage Distribution Facilities', the applicant will need to consult the local area Distribution Supplier.

Historic Saugeen Metis: No objection or opposition.

Saugeen Valley Conservation Authority (attached): The proposed application is acceptable to SVCA staff.



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: CJSmith@brucecounty.on.ca and bcplwa@brucecounty.on.ca

February 15, 2021

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

ATTENTION: Coreena Smith, Planner

Dear Ms. Smith,

RE: Proposed Zoning By-law Amendment Z-2020-052, Proposed Consent to Sever Land B-2020-071, and
Bruce County Official Plan Amendment C-2020-014 (Young)
1960 Sideroad 5 Greenock
Roll No.: 410431000321300
Part Lot 5 Concession 19
Geographic Township of Greenock
Municipality of Brockton

Saugeen Valley Conservation Authority (SVCA) staff has reviewed the above-noted applications 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 Consent application is to facilitate the severance of a +/-1.2 ha surplus farm dwelling lot. An amendment to the Official Plan is required to allow a third parcel to be created from an original Crown surveyed lot; and, to allow the retained +/-34.54 ha parcel to be smaller than 40 ha. An amendment to the Zoning By-law is required to limit the number of nutrient units to 1.25 units per hectare for the severed non-farm lot; to prohibit an accessory detached dwelling on the retained agricultural lot; to allow a minimum lot area of +/-34.54 ha instead of 39 ha on the retained agricultural lot; and, to recognize any existing buildings and structures on both the retained and severed lots which do not comply with the provisions of the By-Law. All future buildings and structures, or additions to existing buildings and structures, will need to comply with the provisions of the By-Law.

Recommendation

The proposed applications are acceptable to SVCA staff.



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

Site Characteristics

The majority of the property is pastured agricultural lands with woodlands in the southern portion of the property. Drainage that is not considered to be a watercourse flows northeasterly through the property and outlets to an open channel watercourse.

Delegated Responsibility and Advisory Comments

SVCA staff has reviewed the applications 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:

The natural hazard features affecting the properties are any wooded wetlands in the southern portion of the property and low-laying areas throughout the property. 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. It is the opinion of SVCA staff that the mapping is appropriate to represent the low-laying areas that are subject to overland water flow.

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 applications comply 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 applications appear to be consistent with the policies of the Bruce County OP.

Natural Heritage:

It is the opinion of SVCA staff that the natural heritage feature affecting the property is fish habitat and its adjacent lands (associated with the open channel watercourse).

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 except in accordance with the specified policies found in Section 2.1.

Bruce County OP Policies

Fish Habitat and its Adjacent Lands

As mentioned above, an open channel watercourse (an unnamed tributary of the Teeswater River) appears to headwater at the eastern property boundary and flows east. The watercourse 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 these applications will be negligible, and SVCA staff are not recommending the preparation of an EIS at this time.

Statutory Comments

SVCA staff has reviewed the applications 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.

None of the parcel proposed to be severed is subject to the SVCA's Ontario Regulation 169/06.

However, any wooded wetlands in the southern portion of the property; the open channel watercourse on lands adjacent to the east of the property; and an offset distance from these features is subject to the SVCA's Ontario Regulation 169/06. As such, development and/or site alteration to the watercourse within the SVCA Approximate Screening Area 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 parcel proposed to be retained, 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, including agricultural tile drainage and/or a watercourse cleanout, is proposed within the SVCA Approximate Screening Area on the parcel proposed to be retained, the SVCA should be contacted, as permission may be required. SVCA staff note that the planning justification letter that accompanies the applications states in part, that the property may be drained in the future. SVCA would request to be contacted should agriculture tile drainage be proposed on the property to ensure that impacts to any wetlands and the watercourse are addressed.

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*. Please provide a copy of this letter to the owner/applicant so that he is aware of SVCA's Regulation that is applicable to portions of the property.

The applications are 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; and
- 3) Consistency with local planning policies for natural hazards and natural heritage has been demonstrated.

Please inform this office of any decision made by the Municipality of Brockton and/or the County of Bruce with regards to the applications. 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)



County of Bruce
Planning & Development Department
30 Park Street, Box 8484
Walkerton, ON N0G 2V0
brucecounty.on.ca
1-226-909-5515



February 23, 2021

File Numbers: C-2020-014 & Z-2020-052

Public Meeting Notice

You're invited:

On-line Public Meeting to consider

Bruce County Official Plan Amendment file C-2020-014

Thursday, March 18, 2021 at 9:30 am; and

On-line Public Meeting to consider

Zoning By-law Amendment file Z-2020-052

Tuesday, April 13, 2021 at 7:00 pm

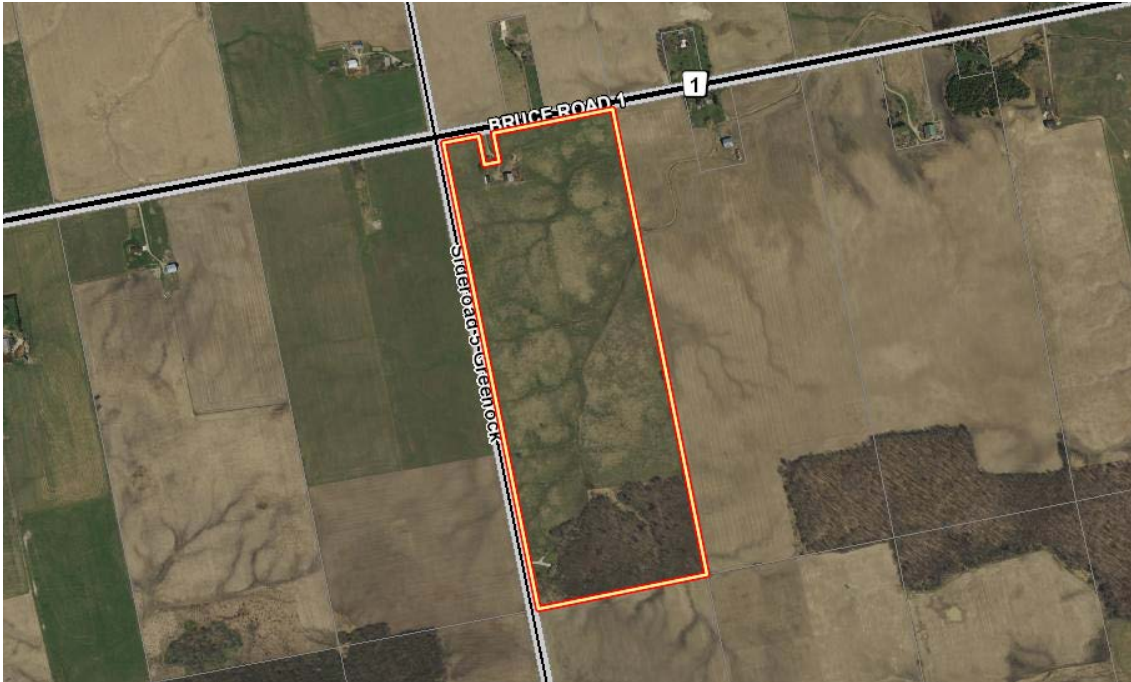
A change is proposed in your neighbourhood: The purpose of the related Consent application (B-2020-071) is to facilitate the severance of a +/-1.2 ha surplus farm dwelling lot. An amendment to the Official Plan is required to allow a third parcel to be created from an original Crown surveyed lot; and, to allow the retained +/-34.54 ha parcel to be smaller than 40 ha. An amendment to the Zoning By-law is required to limit the number of nutrient units to 1.25 units per hectare for the severed non-farm lot; to prohibit an accessory detached dwelling on the retained agricultural lot; to allow a minimum lot area of +/-34.54 ha instead of 39 ha on the retained agricultural lot; and, to recognize any existing buildings and structures on both the retained and severed lots which do not comply with the provisions of the By-Law. All future buildings and structures, or additions to existing buildings and structures, will need to comply with the provisions of the By-Law.

Learn more

You can view more information about the applications at <https://brucecounty.on.ca/living/land-use>. Our staff would be pleased to connect with you by email (bcplwa@brucecounty.on.ca) or phone (226-909-5515). Once our offices re-open, information about the applications 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).

The Planner on the file is: Coreena Smith

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



1960 Sideroad 5 Greenock - CON 19 PT LOT 5 (Greenock)
Municipality of Brockton, Roll Number 410431000321300

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.

Before the meetings: You can submit comments by email bcplwa@brucecounty.on.ca, mail, or phone (226-909-5515) if you have any questions, concerns or objections about the applications. Comments will be provided to the Committee and Council for its consideration.

On the day of and during the Bruce County Official Plan Amendment Public Meeting you can participate by telephone. Please call or email the County as above to make a request and provide a number that we can reach you at during the meeting. You can also submit a comment to

publicmeetingcomments@brucecounty.on.ca

Comments received by email at this address before the end of the public input portion of the meeting for this application will be read into the record.

On the day of and during the Zoning By-law Amendment Public Meeting you can participate electronically or by telephone.

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

How to access the County public meeting

As a result of the COVID-19 Pandemic, the County Public Meeting will be held in electronic format.

The agenda and a video livestream will be publicly streamed from the County of Bruce website. Following the meeting, a video will be posted to the same site. You can access the agenda and the livestream at this link:

<https://brucecounty.on.ca/government/agendas-and-minutes>

How to access the Municipality of Brockton public meeting

As a result of the COVID-19 Pandemic, the Municipality of Brockton Public Meeting will be held in electronic format.

For information on how to participate in the public meeting for the Zoning By-law Amendment, 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.

Stay in the loop

If you'd like to be notified of the decision of the approval authority on the proposed application(s), you must make a written request to the Bruce County Planning Department.

Know your rights

Section 17(36) of the [Planning Act](#) outlines rights of appeal for Official Plan Amendment applications.

If a person or public body would otherwise have an ability to appeal the decision of the County of Bruce 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 proposed official plan (or official plan amendment) is adopted, 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 proposed official plan (or official plan amendment) is adopted, 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 add the person or public body as a party.

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

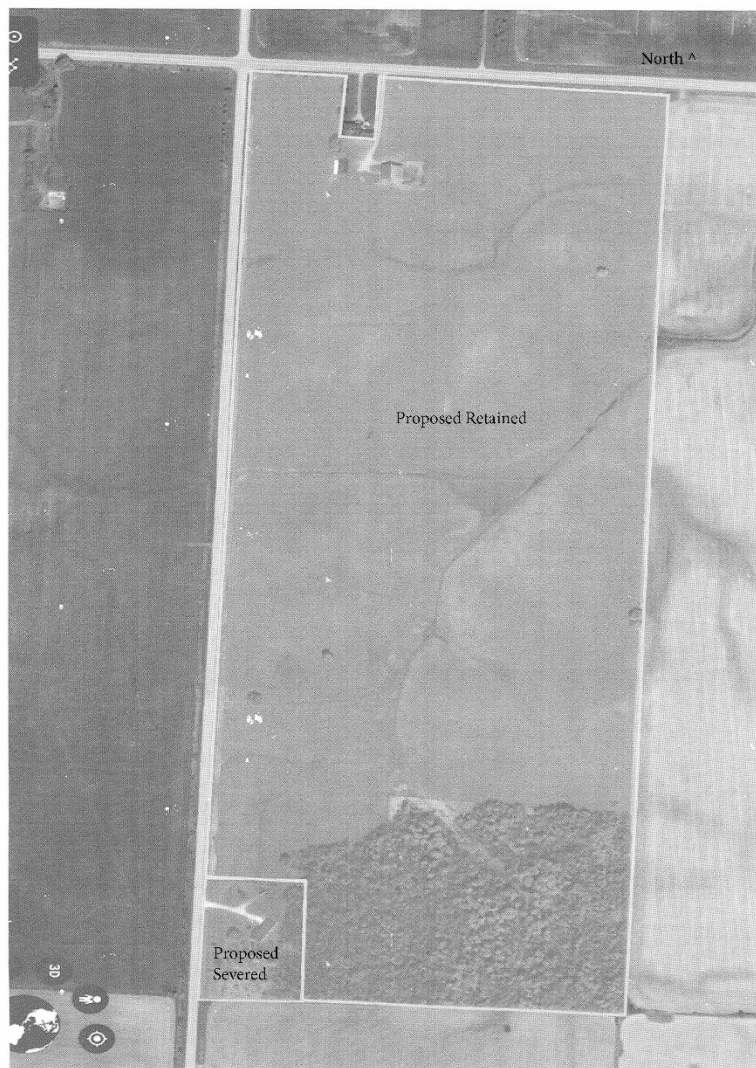
COVID-19 Notice: Bruce County Planning offices are closed to the public until further notice. Our staff would be pleased to connect with you by email or phone.

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://olt.gov.on.ca/tribunals/lpat/about-lpat/>.

Site plan



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

