

Planning Brief

To: B. Russo, Planner

From: D. Kieffer, MCIP, RPP, Senior Development Planner

On behalf of our clients, Rebecca and Jairus Maus, COBIDE Engineering Inc. is pleased to submit this Planning Brief in support of the consent and zoning by-law applications for the property located at 348 Concession 16 in Brockton, ON (hereinafter called the subject lands).

This Planning Brief serves to analyze the land use planning merits of the application and determine the appropriateness of the proposed uses. The request will be analyzed within the context of the surrounding community and the relevant planning documents, including the Provincial Policy Statement (PPS), the Bruce County Official Plan (BCOP), and the Municipality of Brockton's Comprehensive Zoning By-law.

This Brief has been organized in an issue-based format, speaking to the planning policies within the context of the relevant issues identified in pre-consultation rather than a document-based format where each individual policy is addressed in each planning document. Should the approval authority require more information, please contact the author below.

Site Context:

The subject lands are located in the Municipality of Brockton in the former Township of Greenock fronting Concession 16 to the south, and Concession 18 to the north. The lot is approximately 42.09 hectares in size and is located in an agricultural area. The subject lands are host to a farmhouse and related accessory buildings.

A small watercourse, known as Snake Creek, runs through the south end of the property roughly parallel to Concession 16.

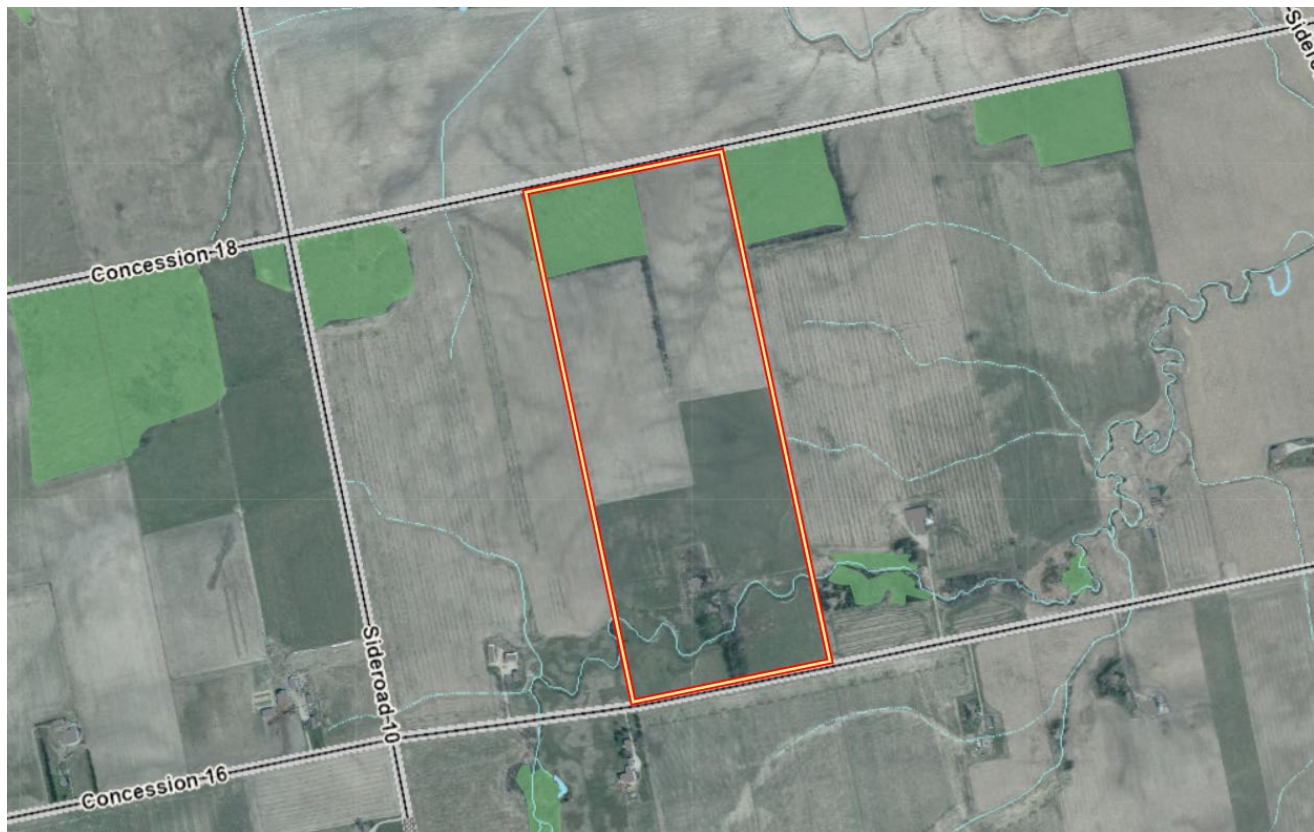


Figure 1: Aerial photograph of the subject lands. Source: Bruce County Mapping 2020

Planning Context:

The subject lands are currently designated Agricultural and Hazard Land Areas in the Bruce County Official Plan and zoned General Agriculture (A1) and Environmental Protection (EP) in the Municipality of Brockton Comprehensive Zoning By-law.



Bruce County Official Plan Map



Municipality of Brockton
Comprehensive Zoning By-law Map

Development Concept:

The development concept proposes to sever a new 1.89 hectare lot from the subject lands which will contain the existing residential dwelling and accessory buildings.

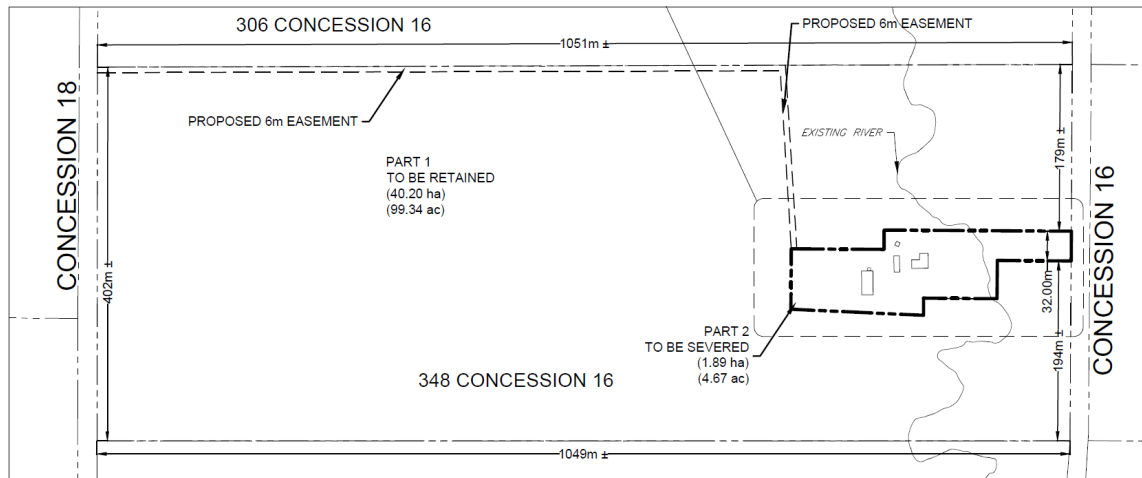


Figure 2: Site Plan.

Requested Applications and Supporting Materials

A surplus farm dwelling severance is requested to create a new lot which will include a Zoning By-law Amendment and Consent.

Agricultural Consent Policies:

The Provincial Policy Statement states that prime agricultural areas shall be protected for the long-term use for agriculture (policy 2.3.1).

Lot creation in Agricultural Areas is discouraged and is only permitted for:

- a) Agricultural uses;
- b) Agricultural-related uses;
- c) A residence surplus to a farming operation as a result of a farm consolidation, provided that;
 - i) the new lot will be limited to a minimum size needed to accommodate the use and appropriate sewage and water services; and
 - ii) the planning authority ensures that new residential dwellings are prohibited on any remnant parcel of farmland created by the severance. The approach used to ensure that no new residential dwellings are permitted on the remnant parcel may be recommended by the Province, or based on municipal approaches which achieve the same objective; and
- d) Infrastructure

Section 5.5.3.2 of the BCOP states that lands designated 'Agricultural Areas' have been identified as generally prime agricultural soils in the County, based upon the Canada Land Inventory mapping.

Under Section 2.3.4.1 c) of the PPS, 6.24.5.4 .5 of the Bruce County Official Plan imposes the following:

- i) The owner of the lands to be severed is 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

- from;
- 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
- ii) In situations where the agricultural portion of the subject lands is rented in whole or in part to others, the owner of the subject lands will not qualify as a 'bona fide farmer'. A 'bona fide farmer' will be defined as to include a limited company, partnership, non-profit and other similar ownership forms;
- vii) The existing surplus dwelling/residence must be habitable at the time of application.

The applicant and proposed purchaser of the subject lands currently rents and farms the lands on which the surplus dwelling is proposed to be severed from, owns and farms other lands and owns a residence elsewhere. A Surplus Farm Severance Information Sheet outlining their operation has been submitted in support of the application. The existing surplus dwelling is currently habitable. Therefore, the agricultural policies of the PPS and bona-fide farmer policies of the BCOP are satisfied.

Size and Configuration of Proposed Severed Lot

PPS policy 2.3.4.1.c.1 directs that the new lot will be limited to a minimum size needed to accommodate the use and appropriate sewage and water services.

BCOP policy 6.24.5.4.5.iii states that the proposed lot for a surplus farm dwelling severance shall be limited in size to accommodate the surplus residence, accessory buildings (where including accessory buildings does not render the lot excessively large), a well and septic system while ensuring that as little land as possible is removed from the agricultural lands.

The pre-consultation guidance given to the applicant was that 1-2 acres was the preferred size for surplus farm dwelling severances. It was further recommended to consider a more rectangular lot area or square lot shape for surplus farm dwelling severances, while minimizing the total lot area.

The proposed new 4.67 acre lot is larger than the recommended size, but the proposal takes no land out of active agricultural production. The house on the subject property is set back 154 m (~500 ft.) from Concession 16 and none of the land between Snake Creek and Concession 16 has been used as cultivated agricultural land due to the soil moisture, small configuration and challenges to access and maneuvering large farm equipment in this portion of the lands. This is reflected in both the current Official Plan designation and zoning which places the majority of this portion of the subject lands into a Hazard designation and Environmental Protection zone respectively.

Further, a portion of these lands have historically been used as buffer strips between the agricultural land and the stream. The Ontario Federation of Agriculture (OFA) recommends a buffer strip from the top of a streambank noting that "farm traffic – whether from field equipment or grazing livestock – that regularly comes too close to the top of an unprotected streambank will cause bank failure, slumping and streambank erosion. Buffer strips help keep farming separated from surface waters." It is recommended that these buffers are anywhere between 3-50 m in width depending on the site specific qualities of the

watercourse ([source](#)). It appears from aerial photography that these best practices are being followed.



Figure 3: Aerial photo of Snake Creek historic setbacks

A more rectangle/square lot space was considered however, it would have resulted in a larger lot area.

Environmental Policies:

PPS Policy 3.1.2 c) prohibits development and site alteration in areas that would be rendered inaccessible to people and vehicles during times of flooding hazards, erosion hazards and/or dynamic beach hazards, unless it has been demonstrated that the site has safe access appropriate for the nature of the development and the natural hazard. The subject land's access is obtained through the floodplain of Snake Creek, which is shown as hazard lands on Schedule A of the BCOP.

A pre-consultation was undertaken with Saugeen Valley Conservation Authority (SVCA) and the letter is attached in support of these applications. As an alternative to completing a flood study and confirming safe access to Concession 16, where the driveway currently goes, it is proposed that a 6 m wide walking easement across the proposed retained lands, as shown on 'Figure 2: Site Plan' fulfil the requirements for safe access as this easement can be used in the event of a flood if safe access could not be obtained to Concession 16. The proposed easement makes the proposed applications consistent with the policies of the SVCA, PPS and BCOP.

Zoning By-law

The retained agricultural parcel will be rezoned from A1 to A1-1 to prohibit the erection of a new residential dwelling.

Section 5.2 of the Municipality of Brockton Comprehensive Zoning By-law speaks to Surplus Farm Dwelling Severances:

County of Bruce or its delegate has approved the severance of a surplus farm dwelling property the following provisions shall have effect:

- i. Notwithstanding the General Agriculture Zone Section 6.2 provisions to the contrary, the height, yard setbacks, lot coverage, and ground floor area for legally existing buildings and structures are recognized;
- ii. The property containing the surplus farm dwelling(s) and any accessory buildings or structures is recognized as a non-farm lot in accordance with Section 6.1 a);
- iii. All future buildings and structures, or additions to existing buildings and structures, shall comply with the provisions of this By-law;
- iv. The Lot Frontage for severed surplus farm dwelling lots may be reduced below the required Zone provisions and shall be in accordance with Section 3.26.9;
- v. Agricultural lot sizes may be reduced below the minimum required lot area provided that an agricultural lot is not reduced below 4.0 hectares;
- vi. A minimum lot size of 0.4 hectares is required for the severed surplus farm dwelling lot;
- vii. Shall comply with the requirements of the Minimum Distance Separation Formulae;
- viii. Where a dwelling does not exist on the remnant agriculture parcel, the appropriate Zone Map in this By-law shall be amended to change the A1 General Agricultural Zone to A1-1 General Agricultural Special for the agricultural parcel preventing the future erection of a new dwelling; and,
- ix. The appropriate Zone Map in this By-law shall be amended for areas of the land that are within an area noted as “High Archaeological Potential” in the Bruce County screening maps and may be zoned with a -H1 holding in accordance with Section 4.4.

Provisions	Existing or New ‘Non-Farm Lot’ Between 0.5 ha and 4.0 ha	Provided
Minimum Lot Area	0.5 ha	1.89 ha
Minimum Lot Frontage	40 m	32 m
Minimum Front Yard	10 m	154 m
Minimum Exterior Yard	6 m	N/A
Minimum Rear Yard	10 m	13 m
Minimum Interior Side Yard	4.5 m	24 m

Minimum Lot Frontage:

A minimum lot frontage reduction from 40 metres to 32 metres is requested. This zoning by-law provision applies to all non-farm lots within A1 – General Agriculture Zone and does not consider dwellings that are significantly set back from the public right-of-way and have a long driveway. The driveway width is requested to be reduced to reduce the overall lot area. As noted in Section 5.2, these reductions can be considered and are still consistent with Section 3.26.9.

Conclusions:

This application represents good land use planning for the following reasons:

1. Safe access will be provided by an easement from Concession 18 through the proposed retained lands to the severed residential dwelling. This meets safe access requirements of the PPS.
2. The proposed purchaser farms the land on which the severance is taking place, owns and farms land elsewhere and has a residence elsewhere and the existing dwelling is habitable at the time of this application. Therefore, the residential dwelling on the property is a surplus farm dwelling according to County policy. A purchase and sale agreement supports the applications.
3. The size of the severed parcel is larger than the recommended 1-2 acres for surplus farm dwelling severances. The severance will not result in agricultural lands being taken out of production and makes sense due the configuration of buildings and natural features on the site.
4. New residences will be prohibited on the retained farmland consistent with PPS policy.

Thank you for the consideration of this application, please contact the undersigned with any questions.

Kind regards,

Cobide Engineering Inc.



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Client: **MAUS**

Design:	-	Scale:	1:1000 / 1:5000
Drawn:	JHL	Approved:	Design Engineer
Checked:	DK		
Date:	APR 2024		

DRAWING No.	13016-SK1
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