



Planning and Development Committee Agenda

Thursday, June 15, 2017

9:30 a.m.

Council Chambers

County Administration Centre, Walkerton

1. Declaration of Pecuniary Interest

2. Public Meetings

9:30 a.m. Bruce County Official Plan Amendment Number 222-17.34
(attached)

9:45 a.m. Bruce County Official Plan Amendment Number 223-17.34
(attached)

3. Delegation:

10:00 a.m. Robert Legace - Genesis Program (Environmental Stewardship Program)

10:15 a.m. Sally Kidson, Executive Director - Saugeen Memorial Hospital Foundation (presentation attached)

10:30 a.m. Hope and Dale MacCrostie (Regarding B-72-11.16)

4. Action Items

A. Conservation Agreement with Ducks Unlimited Canada (attached)

B. Recommendation for Refusal - B-72-11.16 (attached)

C. Northern Bruce Peninsula Sustainable Tourism Development Plan (attached).

5. Information Items

A. Ministry of Municipal Affairs - Appeals to County Official Plan Amendments (attached) and other various appeals to applications (attached)

6. Next Meeting

July 6, 2017, Township of Huron-Kinloss Council Chambers, 21 Queen Street, Ripley, Ontario.

7. Adjournment



Committee Report

To: Warden Mitch Twolan
Members of the Planning and Development Committee

From: David Smith, Planner

Date: June 15, 2017

Re: BCOPA 222-17.34 (Kanters) for lands described as Part Lot 74, Concession 2 North of Durham Road, geographic Township of Brant, Municipality of Brockton

Recommendation

That Bruce County Official Plan Amendment Number 222-17.34 be approved.

Background

The purpose and effect of the County Official Plan Amendment is to provide an exception to the 'Agricultural Area' designation policies of the Bruce County Official Plan to permit the conversion of an existing building (former church/assembly hall) for use as a Trades Persons Shop (specifically electrician).

The lands are designated as 'Agricultural Area' and are part of a fringe area adjacent to the Town of Hanover. In the Agricultural Area designation, agricultural, agricultural-related and secondary compatible uses are permitted.

The Trades Persons shop would be a stand-alone use not attached to a farming operation and is prohibited in the 'Agricultural Area' without an Amendment to the Official Plan. The previous use of the building, a church/assembly hall legally existed prior to the approval of the County Official Plan. The County plan recognizes that legally existing uses/buildings may be changed/re-used provided that the criteria set out in the Official Plan is met.

During agency circulation, the County of Bruce and County of Grey Highways Department expressed concerns regarding a secondary parking area at the south end of the property. The Departments request the secondary parking area be removed. There is a main parking area at the north end beside the entrance to the building.

Summary

The application is consistent with the Provincial Policy Statement (PPS) and represents good land use planning.

Context

Related File	Municipality of Brockton Zoning By-law Amendment File Number Z-31-17.34
Owner	Hoskan Holdings Inc. (Chris Kanters)
Legal Description	Part of Lot 74, Concession 2 NDR, geographic Township of Brant
Municipal Address	013494 Bruce Road 10
Lot Dimensions	Entire Parcel
Frontage	+/- 60.35 m (198 ft)
Width	+/- 60.35 m (198 ft)
Depth	+/- 40.23 m (132 ft)
Area	+/- 0.24 ha (0.6 ac)
Uses Existing	Church / gathering hall
Uses Proposed	Trades Persons Shop (electrician)
Structures Existing	Church
Structures Proposed	No new structures proposed
Servicing Existing	(Town of Hanover) municipal water and municipal sewer
Servicing Proposed	No change
Access	Bruce Road 10, a year-round County road
County Official Plan	Agricultural Area
Proposed Official Plan	Agricultural Area with Exceptions
Zoning By-law	'Rural Institutional Special (INR-2)' (with Airport overlay)
Proposed Zoning By-law	'Agriculture Commercial Industrial Special (ACI-X)' No change to the Airport overlay
Surrounding Land Uses	North -Commercial (Furniture sales); South and East - Residential; and, West - Commercial

Subject Lands



Matters Arising From Agency Circulation

Municipality of Brockton

Chief Building Official: No comments.

Fire Chief: No comments.

CAO/Clerk: No comments.

Works Superintendent: No comments.

Grey County

Grey County Transportation Services have reviewed the subject application and have no objections to the application. The County recommends eliminating the south entrance as only one entrance should be required.

County planning staff have no further concerns with the subject applications.

The County requests notice of any decision rendered with respect to these applications.

Town of Hanover

No concerns or objections.

Historic Saugeen Metis

No concerns or objections.

Bruce Grey Catholic School Board

No comments.

Bruce County Highway's Department

Bruce County Highways agrees that the south 'parking area' should be removed and new curbing and renovation completed to the satisfaction of the Highways Department.

Saugeen Valley Conservation Authority

Natural Hazard

In the opinion of SVCA staff, the property is not designated as Hazard Land Area in the County of Bruce Official Plan (OP) and not zoned Environmental Protection (EP) in the Municipality of Brockton Zoning By-law 2013-26.

Natural Heritage Feature

It has come to the attention of SVCA staff that habitat of endangered or threatened species may be located in the area of the property. Section 2.1.7 of the Provincial Policy Statement (PPS 2014) indicates that development and site alteration shall not be permitted in habitat of endangered species or threatened species, except in accordance with provincial and federal requirements. It is the responsibility of the applicant to ensure the endangered and threatened species policy referred to in the PPS has been appropriately addressed. Please contact the Ministry of Natural Resources and Forestry (MNRF) for information on how to address this policy.

SVCA Regulation

Please be advised that the property is not subject to the SVCA's Development, Interference with Wetlands and Alterations to Shorelines and Watercourses Regulation (Ontario Regulation 169/06, as amended). A permit from the SVCA will not be required for development proposed on the property.

Conclusion

All of the plan review functions listed in the Agreement have been assessed with respect to the application. The proposed official plan amendment and proposed zoning by-law amendment are acceptable to SVCA staff. We trust you find this information helpful. Should questions arise, please do not hesitate to contact this office.

Comments: The applicant has been advised by way of this report that they should contact MNRF to address the endangered and threatened species policy prior to any development.

The County of Bruce and County of Grey Highways Departments both agree that the southernmost parking area (Appendix 'B') should be removed to the satisfaction of the County of Bruce Highways Department. A 'H - Holding' provision may be used as part of the Zoning Amendment to ensure that the works take place.

Matters Arising From Public Circulation

All neighbouring property owners were circulated the application 20 days prior to the public meeting and a sign with information regarding the application was posted. At the time of writing this report, no public comments were received.

Matters Arising from Provincial Interests, Policy Statements or Plans

Under Section 3(5) of the *Planning Act*, the County "shall be consistent with" matters of provincial interest as set out in the Provincial Policy Statements (PPS). Since the subject lands are designated as 'Agricultural', agricultural policies of the PPS apply.

Section 2.3.3 permitted uses states in *prime agricultural areas*, permitted uses and activities are *agricultural uses, secondary uses and agriculture-related uses*.

Section 2.3.6 Non-Agricultural Uses in Prime Agricultural Areas provides a small 'exception' for planning authorities that permits non-agricultural uses in *prime agricultural areas* for:

- b) limited non-residential uses, provided that all of the following are demonstrated:
 1. the land does not comprise a *specialty crop area*;
 2. the proposed use complies with the *minimum distance separation formulae*;
 3. there is an identified need within the planning horizon provided for in policy 1.1.2 for additional land to be designated to accommodate the proposed use; and
 4. alternative locations have been evaluated, and
 - i. there are no reasonable alternative locations which avoid *prime agricultural areas*; and
 - ii. there are no reasonable alternative locations in *prime agricultural areas* with lower priority agricultural lands.

Section 2.3.6.2 requires the County to ensure that impacts from any new or expanding non-agricultural uses on surrounding agricultural operations and lands are mitigated to the extent feasible.

Comment: The subject property is located on the northwest fringe of the Town of Hanover settlement area. The buildings and uses in this fringe area pre-date the policies of the County of Bruce Official Plan and the PPS that restrict NEW development in this area. Overall, the PPS is supportive of curtailing/controlling growth in the fringe areas of existing settlement areas.

The existing building was used for a church/assembly hall and the immediately surrounding properties are a mix of residential and commercial uses. As the building is existing, in good physical condition and the lands cannot be returned to agriculture, the proposed change in use is consistent with the PPS guidance on permitting non-agricultural uses in a prime agricultural area.

Conclusion: In my opinion, the proposed amendment is 'consistent with' the Provincial Policy Statement.

Matters Arising from the Bruce County Official Plan

The subject lands are designated 'Agricultural Area'. In this designation, similar to the permitted uses in the PPS, agricultural, agricultural-related and secondary compatible uses are permitted. Permitted uses in the Agricultural designation must have a direct connection to a farming operation. The purpose of the Agricultural Area policies is to protect against the intrusion of incompatible land uses that are not compatible with agricultural uses.

The application was also reviewed against Section 5.5.2.2 Change in Permitted Use - Legal Conforming Use. A Council of a local municipality may zone to permit the change of a legally existing use, provided that:

- The proposed change is to a 'similar use' or is a use permitted in either the 'Rural' or 'Agriculture' designations; and
- The existing use of the land, buildings or structures is a legal use currently recognized in the implementing comprehensive zoning by-law or is a legal non-conforming use in the implementing comprehensive zoning by-law; and

- The proposed use does not require large volumes of water nor generate large volumes of effluent; and
- The proposed use has no adverse effect on the present use of the surrounding lands or the implementation of the provisions of the Plan and
- The proposed use is not located in a floodplain or floodway; and
- The proposed use has regard for the Minimum Distance Separation Formula as amended from time to time; and
- The proposed use is accessible by a public road which is maintained by the appropriate authority as open to traffic on a year-round basis; and
- The proposed use is subject to any conditions that may be contained in a local Municipal Official Plan; and
- The proposed use must be in appropriate proportion to the size of the existing use; and
- The proposed use will not create or further aggravate a traffic hazard.

Each case will be considered on its own merits by the Council of the respective local municipality and may be subject to site plan control.

Comment:

The proposed use of the property for a Trades Persons shop is consistent with the Official Plan criteria. While the new use will see more daily traffic it will be substantially less or non-existent on Sundays. The business will require small volumes of water, mostly for washroom and/or lunch room uses and is connected to the Hanover sewer and water system. There are no proposed changes to the property itself that would require review of stormwater management. The new use is not expected to raise any noise issues on the surrounding properties. There is no floodplain or floodway on this property and there are no MDS or other farm related issues. The business will be located on Bruce Road 10, a year-round County road and will not create or further aggravate a traffic hazard.

Summary: In my opinion, the application is consistent with the policies of the Bruce County Official Plan.

Municipality of Brockton Comprehensive Zoning By-Law

The applicants have submitted a concurrent Zoning By-law Amendment application to rezone the subject lands from 'Rural Institutional Special (INR-2)' to 'Agricultural Commercial Industrial Special (ACI-x)' to permit the Trades Persons' shop (specifically electrician). The rezoning will also recognize any deficiencies with respect to lot size and yard setbacks.

Financial/Staffing/Legal/IT Considerations

Possible Appeal to the Ontario Municipal Board.

Respectfully submitted,



David Smith, RPP
Senior Planner, County of Bruce Planning and Development Department

Appendix A
Provincial Policy Statement 2014

Apply?	Policy Area	Comments
X	1.0 Building Strong Communities	
X	1.1 Managing and Directing Land Use	
X	1.1.3 Settlement Areas	
	1.1.4 Rural Areas in Municipalities	
	1.1.5 Rural Lands in Municipalities	
	1.1.6 Territory Without Municipal Organization	
	1.2 Coordination	
	1.2.6 Land Use Compatibility	
	1.3 Employment	
	1.3.2 Employment Areas	
	1.4 Housing	
	1.5 Public Spaces, Recreation, Parks, Trails and Open Space	
	1.6 Infrastructure and Public Service Facilities	
X	1.6.6 Sewage, Water and Stormwater	
	1.6.7 Transportation Systems	
X	1.6.8 Transportation and Infrastructure Corridors	
	1.6.9 Airports, Rail and Marine Facilities	
	1.6.10 Waste Management	
	1.6.11 Energy Supply	
	1.7 Long-Term Economic Prosperity	
	1.8 Energy Conservation, Air Quality and Climate Change	
	2.0 Wise Use and Management of Resources	
	2.1 Natural Heritage	
	2.2 Water	
	2.3 Agriculture	
	2.3.3 Permitted Uses	
	2.3.4 Lot Creation and Lot Adjustments	
	2.3.5 Removal of Land from Prime Agricultural Areas	
X	2.3.6 Non-Agricultural Uses in Prime Agricultural Areas	
	2.4 Minerals and Petroleum	
	2.4.2 Protection of Long-Term Resource Supply	
	2.4.3 Rehabilitation	
	2.4.4 Extraction in Prime Agricultural Areas	
	2.5 Mineral Aggregate Resources	
	2.5.2 Protection of Long-Term Resource Supply	
	2.5.3 Rehabilitation	
	2.5.4 Extraction in Prime Agricultural Areas	
	2.5.5 Wayside Pits and Quarries, Portable Asphalt Plants and Portable Concrete Plants	
	2.6 Cultural Heritage and Archaeology	
	3.0 Protecting Public Health and Safety	
	3.1 Natural Hazards	
	3.2 Human-made Hazards	

Other Provincial Interests

Ministry	Policy	Comment
MMAH		
MCuI		
MOE		
MTO		
MNR		
OMAF		

County of Bruce Official Plan

5.5 Agricultural Areas

Appendix B:



South Parking Area - To be Removed



Bruce County Official Plan



Existing Zoning



Appendix 'C'

**The Corporation of the County of Bruce
By-law Number 2017-xxx**

**A by-law to Adopt Amendment Number 222
To the County of Bruce Official Plan**

Authority is provided in Sections 17 and 21 of the Planning Act, R.S.O. 1990, as amended.

The Council for the Corporation of the County of Bruce enacts By-law 2017-xxx as follows:

1. Amendment Number 222 to the County of Bruce Official Plan, attached and forming part of this by-law is approved.
2. That this By-law come into force and take effect on the day of the final passing thereof, subject to the provisions of the Planning Act, R.S.O. 1990, as amended.

Passed this ____ day of _____ 2017.

Mitch Twolan
Warden

Donna VanWyck
Clerk

Part B - The Amendment

Introductory Statement

All of this part of the document entitled "Part B - The Amendment" and consisting of the following text, and attached map designated as Schedule "A", constitutes Amendment No. 222 to the Bruce County Official Plan.

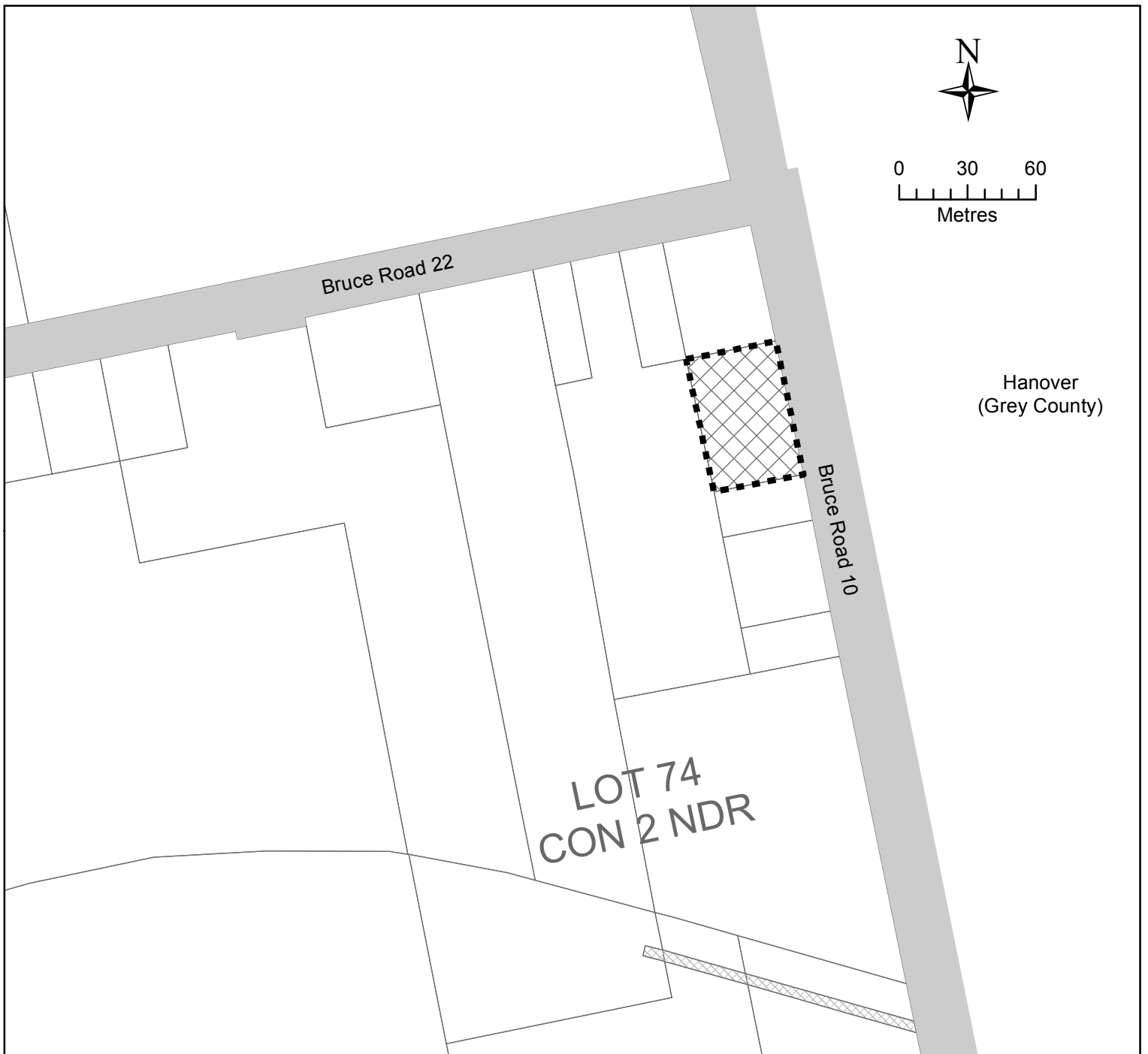
Details of the Amendment

The Bruce County Official Plan is amended as follows:

1. Re-designating lands from 'Agricultural Area' to 'Agricultural Area with Exceptions'; and further, adding the following to subsection 5.5.13 Exceptions - Agricultural Areas:

5.5.13.75

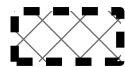
Notwithstanding the policies of Section 5.5 (Agricultural Areas) the lands described as Site Specific Policy Area 5.5.13.75 on Schedule 'A' Land Use Plan [Part Lot 74, Concession 2 NDR, geographic Township of Brant, Municipality of Brockton], may be used for a Trades Persons Shop (electrician, drywaller, plumber) but shall not include a Building Contractors' Yard, Heavy Equipment Contractors' Yard or similar, or any type of automobile related services. All other policies of this Plan shall apply.



Schedule 'A'

to
Amendment NO. 222
Bruce County Official Plan

Part of Lot 74, Concession 2 NDR
(Part 1, 3R-372)
013494 Bruce Road 10
Municipality of Brockton
(Township of Brant)
County of Bruce



Lands subject to section 5.5.13.75
 Agricultural Areas - Exceptions



Committee Report

To: Warden Mitch Twolan
Members of the Planning and Development Committee

From: David Smith, Planner

Date: June 15, 2017

Re: BCOPA 223-17.34 (Janssen) for lands described as Part Lot 74, Concession 2 North of Durham Road, geographic Township of Brant, Municipality of Brockton

Recommendation

That based on the review of the file, Planning staff are unable to find a reasonable basis for approval of Bruce County Official Plan Amendment Number 223-17.34; as such it is recommended that the Planning and Development Committee not approve BCOPA 223-17.34.

Background

The purpose and effect of the County Official Plan Amendment is to provide an exception to the 'Agricultural Area' designation policies of the Bruce County Official Plan to permit the severance of a vacant lot into two new residential lots with a lot area of 0.2 acres each on the fringe of the Town of Hanover Settlement Area.

The creation of a new lot in this location is a poor idea and in general is not in the best interests of the County of Bruce nor the Municipality of Brockton. In this case, the Town of Hanover would be the major beneficiary.

The existing lot can be used for residential purposes without any changes to the County Official Plan or the local Comprehensive Zoning By-law (provided the dwelling meets the zone provisions).

The Planning Department has supported the re-use or expansion of existing uses/buildings in locations such as these including the Remers/Heinz Autobody building expansion and the Kanters Tradespersons Shop re-use of an existing building however new lot creation on the fringe of another municipality is a poor idea for the following reasons:

X NO benefit to Walkerton merchants - these people will do all of their shopping in Hanover;

- X NO benefit to Brockton Recreation as the residents will associate with Hanover and may register children in Hanover programs rather than supporting Brockton programs;
- X New property owners will most probably use, and support, the Hanover Hospital and not the South Bruce Grey (Walkerton) facility;
- X All monies paid for sewer and water services go to the long term improvements to the Hanover system - there is no support for Walkerton system;
- X There are sufficient residential development opportunities in Walkerton. Additional lot creation in locations like this negatively impact the viability of subdivision and infill lot severances within the established urban areas;
- X Possible ratepayer complaints about County and Brockton taxes since they use more Grey/Hanover services than Bruce/Brockton;
- X New landowners would identify with Hanover needs and not with the interests of Brockton;
- X Encourages sprawl in an unplanned manner. Brockton has many parcels of land that border on Hanover, this is just one of many properties where people could look to capitalize on this situation to the negative benefit of Brockton and the County. There would be no end to the sprawl on the border;
- X These lots have no local park; no parkland dedication fees to the municipality where the owners (today or into the future) would probably spend the majority of their time;
- X No link to existing subdivisions or residential areas, dangerous location for additional housing on a major roadway;
- X Require a car to access any shopping;
- X Cannot walk to any school;
- X Lands developed on the fringe of another municipality are not subject to development charges even though the use may impose demands on the services of the abutting municipality;
- X Valuable highway commercial frontage lost to residential use - you cannot get this back;
- X No stormwater management;
- X If there is a noise complaint or other cross boundary issues is the Town of Hanover obligated to address them or will it end up with Brockton staff having to deal with;

Allowing new residential development outside of our towns and hamlets undermines efforts to promote and strengthen existing settlement areas. While it is tempting to think of the creation of these lots as a source of municipal tax revenue, the findings of studies that have been completed in North America over the past 20 years on this subject indicate that simply

creating new lots outside of our settlement areas is not an effective way to increase municipal revenue¹.

In regards to positive aspects of the proposed development, the following were considered:

✓ Assessment growth - Creation of a new lot will add assessment value to Brockton. Assessment growth is not a valid planning justification otherwise all planning decisions would be solely based on whether the development increased the assessment base.

✓ Infilling - Creation of a new lot in an area that has other residential and commercial uses.

Common sense would suggest that the Planning Department should support proposals that put our Bruce County communities first - not somebody else's. Creating new residential lots on the edge of Hanover does not support Brockton nor the County.


Summary

The application is NOT consistent with the Provincial Policy Statement (PPS), does not conform to the policies of the County Official Plan and does not represent good land use planning.

Context

Related File	County of Bruce Consent Application File Number B-X-17.34
Owner	Teunis (Tim) and Wijnanda (Nancy) Janssen
Applicant	N/A
Legal Description	Part of Lot 74, Concession 2 NDR ,geographic Township of Brant
Municipal Address	No municipal address assigned
Lot Dimensions	Entire Lot
Frontage	+/- 40.23 m (132 ft)
Width	+/- 40.23 m (132 ft)
Depth	+/- 40.23 m (132 ft)
Area	+/- 0.16 ha (0.4 ac)
Lot Dimensions	Parcel to be Severed
Frontage	+/-20.1 m (66 ft)
Width	+/- 20.1 m(66 ft)
Depth	+/- 40.23 m (132 ft)
Area	+/- 0.08 ha (0.2 ac)

¹ Caldwell, Dodds-Weir and Eckert. (2012). Lot Creation in Ontario's Agricultural Landscapes: Trends, Impacts and Policy Implications.

Related File	County of Bruce Consent Application File Number B-X-17.34
Lot Dimensions	Parcel to be Retained
Frontage	+/- 20.1 m (66 ft)
Width	+/- 20.1 m (66 ft)
Depth	+/- 40.23 m (132 ft)
Area	+/- 0.08 ha (0.2 ac)
Uses Existing	Vacant
Uses Proposed	Residential
Structures Existing	Vacant
Structures Proposed	New single family residence per lot (two)
Servicing Existing	Town of Hanover municipal water and municipal sewer
Servicing Proposed	No change
Access	Bruce Road 10, a year-round County road
County Official Plan	Agricultural Area
Proposed Official Plan	'Agricultural Area with Exceptions'
Zoning By-law	'General Agriculture (A1)' (with Airport overlay)
Proposed Zoning By-law	'General Agriculture Special (A1-x)' No change to Airport overlay
Surrounding Land Uses	Residential to the North, South and East; Commercial to the West
Subject Lands	

Matters Arising From Agency Circulation

Ministry of Municipal Affairs/ Ministry of Agriculture Food & Rural Affairs

MMA and OMAFRA staff have reviewed these applications and offer the following comments for the consideration of the County of Bruce and the Municipality of Brockton.

It is understood that the applications would facilitate consent to sever an existing undersized lot into two 0.2 acre residential lots on lands designated 'Agricultural Area'. The proposed official plan amendment, if approved, would provide an exception to the 'Agricultural Area' designation to permit the severance.

The Provincial Policy Statement, 2014 (PPS) provides policy direction on matters of provincial interest related to land use planning and development. Section 3 of the Planning Act requires that decisions affecting planning matters "shall be consistent with" the PPS.

The PPS provides strong policy direction for protecting Ontario's prime agricultural areas, which are defined as areas of predominately Canada Land Inventory (CLI) Class 1, 2, and 3 lands and associated Canada Land Inventory Class 4 through 7 lands, and additional areas where there is a local concentration of farms which exhibit characteristics of ongoing agriculture.

PPS policy 2.3.4.3 sets out that the creation of new residential lots in prime agricultural areas shall not be permitted, except in accordance with PPS policy 2.3.4.1(c).

Specifically, PPS policy 2.3.4.1(c) allows for the creation of a lot for a residence surplus to a farming operation as a result of farm consolidation, with certain criteria. The proposed applications would facilitate the creation of an additional residential lot, which is not surplus to a farming operation, within a prime agricultural area.

Therefore, the County and the Municipality must ensure that decisions to approve the proposed applications would be consistent with the lot creation policies for prime agricultural areas, namely PPS policy 2.3.4.1(c).

Municipality of Brockton

Chief Building Official: No comments.

Fire Chief: No comments.

CAO/Clerk: No comments.

Works Superintendent: No comments.

Grey County

Transportation Services have reviewed the subject application and have no concerns or objections. County planning staff have no further concerns with the subject application. The County requests notice of any decision rendered with respect to this application

Town of Hanover

No concerns or objections.

Historic Saugeen Metis

No concerns or objections.

School Boards

No comments.

Bruce County Highway's Department

Entrance permits will be required.

Saugeen Valley Conservation Authority

Natural Hazard

In the opinion of SVCA staff, the property is not designated as Hazard Land Area in the County of Bruce Official Plan (OP) and not zoned Environmental Protection (EP) in the Municipality of Brockton Zoning By-law 2013-26.

Natural Heritage Feature

It has come to the attention of SVCA staff that habitat of endangered or threatened species may be located in the area of the property. Section 2.1.7 of the Provincial Policy Statement (PPS 2014) indicates that development and site alteration shall not be permitted in habitat of endangered species or threatened species, except in accordance with provincial and federal requirements. It is the responsibility of the applicant to ensure the endangered and threatened species policy referred to in the PPS has been appropriately addressed. Please contact the Ministry of Natural Resources and Forestry (MNRF) for information on how to address this policy.

SVCA Regulation

Please be advised that the property is not subject to the SVCA's Development, Interference with Wetlands and Alterations to Shorelines and Watercourses Regulation (Ontario Regulation 169/06, as amended). A permit from the SVCA will not be required for development proposed on the property.

Conclusion

All of the plan review functions listed in the Agreement have been assessed with respect to the application. The proposed official plan amendment and proposed zoning by-law amendment are acceptable to SVCA staff. We trust you find this information helpful. Should questions arise, please do not hesitate to contact this office.

Comments: The applicant has been advised by way of this report that they should contact MNRF to address the endangered and threatened species policy prior to any development.

Matters Arising From Public Circulation

All neighbouring property owners were circulated the application 20 days prior to the public meeting and a sign with information regarding the application was posted. At the time of writing this report, no public comments were received.

Matters Arising from Provincial Interests, Policy Statements or Plans

Under Section 3(5) of the *Planning Act*, the County "shall be consistent with" matters of provincial interest as set out in the Provincial Policy Statements (PPS). Since the subject lands are recognized as being outside of a settlement area and designated as part of a larger agricultural area, agricultural policies of the PPS apply.

Lot creation outside of settlement areas is discouraged and may only be permitted for agricultural uses, agricultural-related uses, surplus farm dwelling severances, and infrastructure. Lot adjustments in prime agricultural areas may be permitted for legal or technical reasons. The PPS leaves no room for interpretation on this matter - new residential lots are not permitted.

Conclusion: In my opinion, the proposed amendment is 'NOT consistent with' the Provincial Policy Statement.

Matters Arising from the Bruce County Official Plan

The subject lands are designated 'Agricultural Area'. In this designation, similar to the permitted uses in the PPS, agricultural, agricultural-related and secondary compatible uses are permitted.

Consents for commercial, industrial or institutional uses related to agriculture; dwellings surplus to a farming operation; or lot additions are permitted in the 'Agricultural Area' designation. New vacant residential building lots are not permitted, and as such require an amendment to the Plan.

The County Plan sets out a variety of goals and objectives regarding the location of new residential development in the following two sections:

4.4.3 Settlement Patterns

- .1 The County of Bruce does not contain a dominant Regional centre. Therefore, the majority of the expected population growth will occur within Primary Communities, Secondary Communities and Hamlet Communities.*
- .3 Non-farm development will be encouraged to locate in existing built-up areas in order to protect productive agricultural lands and to support the service centre function of the built-up areas.*

5.2.2.2 General Policies

- .1 It is the policy of County Council to encourage and strengthen the role of Primary Urban Communities as regional service centres within the County. These communities will accommodate the largest concentration and the widest range of residential, tourism, economic and social services and facilities. In addition, this Plan recognizes the importance of other urban communities in abutting Counties of a similar nature as the Primary Urban Communities in Bruce County. Where possible co-operative planning measures should be encouraged.*
- .2 It is the policy of County Council to direct the majority of anticipated permanent population growth to Primary Urban Communities.*

It is a stated County objective to direct the majority of its residential growth to its established settlement areas.

Summary: In my opinion, the application is NOT consistent with the policies of the Bruce County Official Plan.

Municipality of Brockton Comprehensive Zoning By-Law

The applicants have submitted a concurrent Zoning By-law Amendment application to rezone the subject lands to 'Agricultural General Special (A1-x) to permit the creation of the two 0,2 acre undersized lots.

Financial/Staffing/Legal/IT Considerations

Possible Appeal to the Ontario Municipal Board.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'David Smith', with a stylized flourish at the end.

David Smith, RPP

Senior Planner, County of Bruce Planning and Development Department

Appendix A
Provincial Policy Statement 2014

Apply?	Policy Area	Comments
X	1.0 Building Strong Communities	
X	1.1 Managing and Directing Land Use	
X	1.1.3 Settlement Areas	
	1.1.4 Rural Areas in Municipalities	
	1.1.5 Rural Lands in Municipalities	
	1.1.6 Territory Without Municipal Organization	
	1.2 Coordination	
	1.2.6 Land Use Compatibility	
	1.3 Employment	
	1.3.2 Employment Areas	
	1.4 Housing	
	1.5 Public Spaces, Recreation, Parks, Trails and Open Space	
	1.6 Infrastructure and Public Service Facilities	
X	1.6.6 Sewage, Water and Stormwater	
	1.6.7 Transportation Systems	
X	1.6.8 Transportation and Infrastructure Corridors	
	1.6.9 Airports, Rail and Marine Facilities	
	1.6.10 Waste Management	
	1.6.11 Energy Supply	
	1.7 Long-Term Economic Prosperity	
	1.8 Energy Conservation, Air Quality and Climate Change	
	2.0 Wise Use and Management of Resources	
	2.1 Natural Heritage	
	2.2 Water	
	2.3 Agriculture	
	2.3.3 Permitted Uses	
	2.3.4 Lot Creation and Lot Adjustments	
	2.3.5 Removal of Land from Prime Agricultural Areas	
X	2.3.6 Non-Agricultural Uses in Prime Agricultural Areas	
	2.4 Minerals and Petroleum	
	2.4.2 Protection of Long-Term Resource Supply	
	2.4.3 Rehabilitation	
	2.4.4 Extraction in Prime Agricultural Areas	
	2.5 Mineral Aggregate Resources	
	2.5.2 Protection of Long-Term Resource Supply	
	2.5.3 Rehabilitation	
	2.5.4 Extraction in Prime Agricultural Areas	
	2.5.5 Wayside Pits and Quarries, Portable Asphalt Plants and Portable Concrete Plants	
	2.6 Cultural Heritage and Archaeology	
	3.0 Protecting Public Health and Safety	
	3.1 Natural Hazards	
	3.2 Human-made Hazards	

Other Provincial Interests

Ministry	Policy	Comment
MMAH		
MCuI		
MOE		
MTO		
MNR		
OMAF		

County of Bruce Official Plan

4.4.3 Settlement Patterns

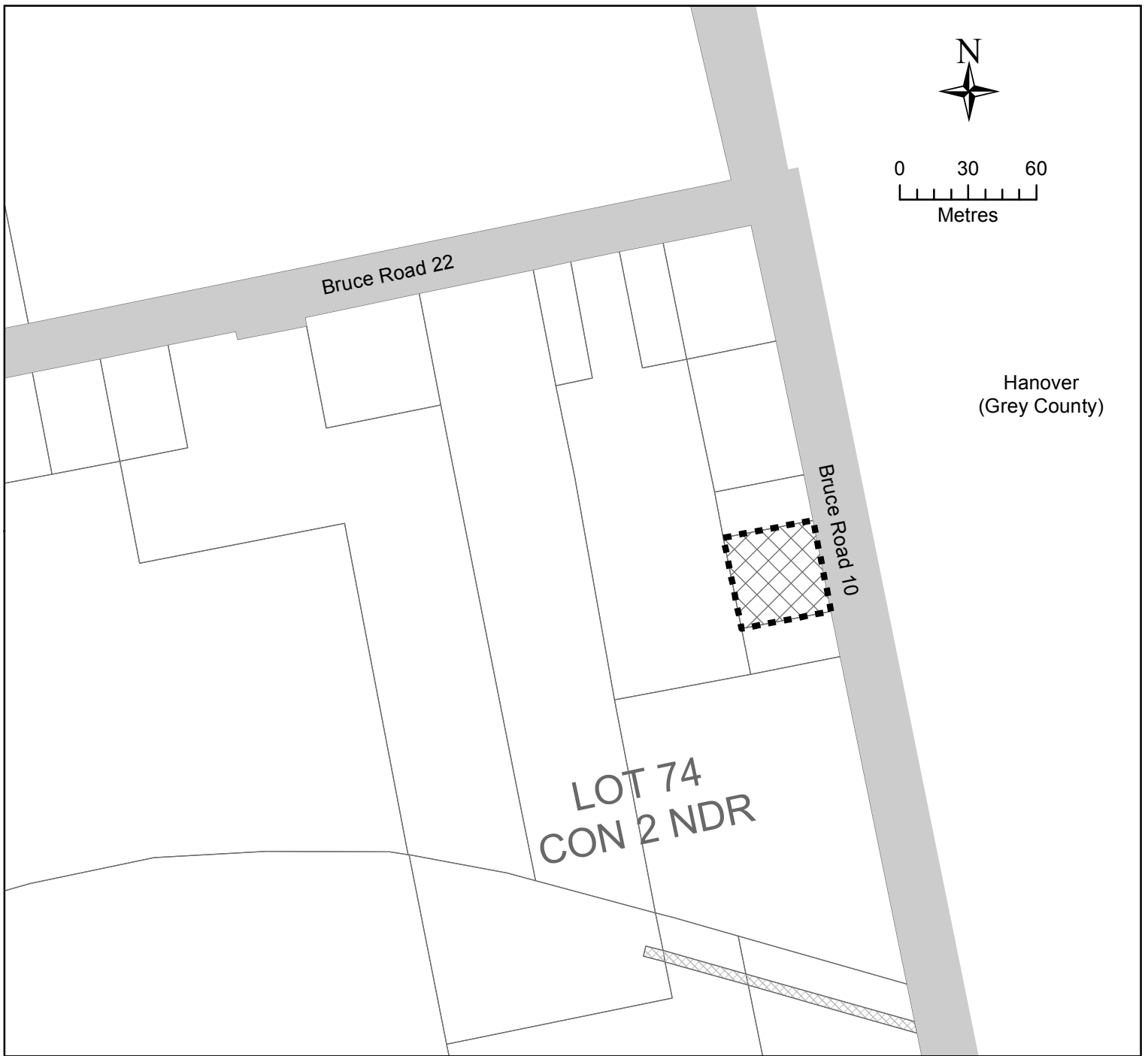
5.2.2.2 General Policies (Primary Urban Communities)

5.5 Agricultural Areas

Appendix B

Aerial Photo





Schedule 'A'
to
Amendment NO. 223
Bruce County Official Plan

Part of Lot 74, Concession 2 NDR
Bruce Road 10
Municipality of Brockton
(Township of Brant)
County of Bruce



Lands subject to section 5.5.13.74
Agricultural Areas - Exceptions



SAUGEEN MEMORIAL HOSPITAL FOUNDATION



340 High Street
Southampton, ON N0H 2L0

t. (519) 797-3230, ext. 3230

f. (519) 797-3247

info@smhfoundation.ca

www.smhfoundation.ca

May 30, 2017

Ladies and Gentlemen of the County of Bruce Planning & Development Committee,

The Saugeen Memorial Hospital Foundation is requesting approval in principal for a new, exciting fundraising event being planned by the Foundation for August 2018. This event is called a Gran Fondo cycle ride.

The 'Gran Fondo' (meaning long ride) event is to be a multi-distance bicycling tour that will involve use of County of Bruce roads, municipal roads, the support of the Ontario Provincial Police and the advice of the County of Bruce tourism staff. We respectfully ask that we may begin discussions with these various municipal departments to prepare for the race particulars. We look forward to their assistance in examining our proposed routes, suggesting key points of interest that may be new to us and informing us of any proposed road construction that might affect the route.

The date for the Gran Fondo is tentatively set for August 18, 2018, with an event launch date one year earlier – this August. The tour is to be modelled on other cycling events held in many other municipalities (all outside Bruce County) in Ontario with three distances – 25, 75 and 160 kilometres. There are to be planned shorter activities for children as well. In total it is hoped to draw in 1500 cyclists drawing from both our local area and as far afield as Quebec and Michigan.

In order to ensure a successful and well-run event, we are pleased to say that we have two experts to assist us in the planning and organization of the event. John Harding, summer resident, Foundation volunteer, avid cyclist and Managing Director RBC Capital Markets, and Jason Vurma, Director of Operations from Multisport Canada both have significant experience in organizing an event like this and are familiar with the minutiae of putting on such a cycling tour. We will be working with them on producing this potentially lucrative event. We believe it has the potential to draw in over \$100 000 per year for the Hospital Foundation in addition to the tourist dollars that will be spent by the visiting cyclists and their families.

In advance of the Planning & Development committee meeting, thank you for your consideration of this request. Please see our attached package for the details that we will be sharing with you on June 15th.

Sincerely,

Sally Kidson
Executive Director

GRAN FONDO

LAKE HURON



IN SUPPORT OF THE SAUGEEN MEMORIAL HOSPITAL FOUNDATION

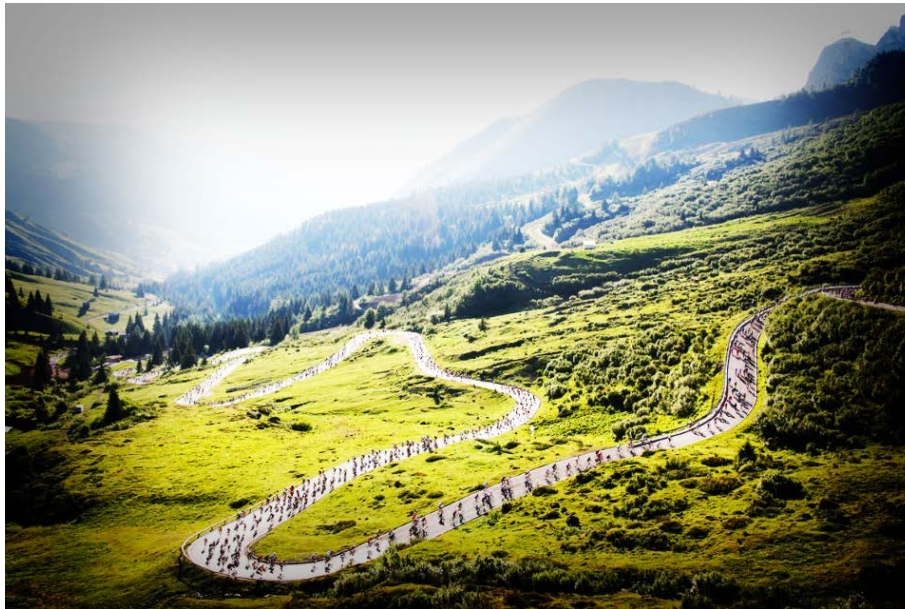
Inaugural Event

August 18, 2018



What is a Gran Fondo?

- Gran Fondo is an Italian term which loosely translates to “Big Ride”.
- Gran Fondo's are mass participation cycling events that have enjoyed ***incredible*** popularity in Europe for decades and have become popular in North America, Asia, Australia and Canada.



Our Vision

- To develop and execute a highly-professional long-distance cycling event that:
 - 1. Uniquely promotes the beautiful area in which we live – featuring communities along the Saugeen River and Lake Huron Shoreline,
 - 2. Raises significant funds for medical equipment, and
 - 3. Generates economic benefits for local businesses.



Key Partners and Supporters

Governments:

- Municipalities Along the Route
- County of Bruce
- Provincial Government
- Saugeen Shores and Ontario Provincial Police



Your Town

- We will be providing information to community groups & businesses in all communities indicating ways that they can participate in helping to ensure a fabulous experience for the cyclists!
- Examples – accommodation discounts, special healthy meals, fun rest stops, cheering, decorating the town with bicycles, music along the route.

Our Goals



1. Host a professionally organized and executed long distance cycling event that equals the caliber of other large cycling events.
2. ***Generate approximately \$375,000 in direct economic benefits for local businesses on the weekend of the ride (with possible return visits).***
3. Target **1,500** cyclists in the first year with 50 per cent coming from outside the community.
4. Raise **\$130,000** for the Saugeen Memorial Hospital Foundation with the potential to increase over the years.



Our Organizing Team

- Jonna Ebel, SMHF Chair
- Sally Kidson, SMHF Executive Director
- John Harding, SMHF Volunteer, Cyclist, Managing Director RBC Capital Markets
- Jason Vurma, Director of Operations, Multi-Sport Canada



Why This Makes Sense

- Long distance cycling is increasing in popularity at a significant rate and is the highest adult mass participation sport in Canada.
- Cycling has grown from 20% of the adult population in 2013 to over 30% in 2016...and continues to grow.
- Cyclists generally have higher incomes and are prepared to travel for an experience.
 - Over 16% of High Net Worth* individuals cycle more than 10 times a year
 - Nearly 1 in 5 corporate executives identify as 'avid' cyclists.
 - 35% of the Canadian High Net Worth* population are cyclists
- Significant local population of riders already exists. Summer residents add to this number.
- Other communities are tapping into the popularity of cycling already.
- Bruce County has some of the best riding routes in Ontario, but is mostly unexplored by the Southwestern Ontario riding community.

**Annual income of \$100,000 or more per year.*

For more statistics visit Ontario by Bike

http://www.ontariobybike.ca/images/stories/docs/From_Niche_to_Now-Cycle_Tourism_In_Ontario.pdf

The Event

- An untimed, single-day road cycling event on August 18, 2018.
- Three distances – 25, 75 & 160 km (100 Miles) – with rest stops along the way and lunch at the end. Start early morning with most riders finished by noon. Start & end in Saugeen Shores, wind through local inland communities, Mennonite country, beautiful farmland vistas, Saugeen River views, Lake Huron shoreline – lots of opportunities for rest stops in towns along the route.
- The event would be limited in its inaugural year to 1,500 participants and would leverage the natural beauty and unique geography of the area.
- Create additional local activities around the event.
 - Cyclists will be looking for accommodations throughout the district.
 - Each community can create a “festival” of activities to welcome cyclists and include their local residents. ie: shopping discounts, meet and greet, wellness fair, - whatever works for each town.
 - Cyclists will come for the ride...and stay to enjoy the community.



Event Management



- Multisport Canada (MSC) was founded by John Salt and Mike Buck in 2002 when they first Triathlon event at the Erin Meadows Community Centre in Mississauga.
- Their events have now grown into Canada's largest triathlon series with over 9,000 athletes participating in multiple races.
- MSC now owns and produces the Sketchers Performance Triathlon Series, the Niagara Falls Barrelman and The Ontario Women's Triathlon.
- MSC has also grown into one of Canada's premier event management companies.
- Over the past 10 years, MSC has been contracted to work on some of the Canada's largest mass-participation, on-road events: Sporting Life 10K; the RBC Race for the Kids; Centurion Blue Mountain; and the Highway of Heroes Ride.
- MSC also works on a host of smaller community events that support both local and regional charities and foundations.



Who is Jason Vurma?

- Designer of over 40 different outdoor endurance events (Road and Off-Road Triathlons, Road & Trail Runs, Road & Mountain Bike Events)
- Developer of multiple proprietary event management planning tools for dynamic mass-participation events
- Course Director for two of Toronto's largest Running Events (Sporting Life 10K and RBC Race for the Kids)
- Avid Mountain Biker and Cross Country Ski Racer
- Former Competitive Adventure Racer



Our Model...Long Term Vision



Similar Events in Southwestern Ontario

- In Canada, there are over 130 - competitive (43) and non-competitive (89) - cycling events, with the large majority concentrated in the east (~71%).

Name	Location	Charity	Lead Sponsor	Date
MS 150 Bike Tour	London to Grand Bend	MS	PwC	July 29-30th
Bluewater International GranFondo	Sarnia	St Joseph's Hospice Bluewater Health Foundation	NGL Supply Co Limited	August 6 th
Blue Mountain Centurion	Collingwood	Assorted Charities	Subaru	September 15 – 17
Epic Tour	Halton	Georgetown and Milton Hospital Foundation	PwC	September 10 th
Ride for Heart	Toronto	Heart and Stroke Foundation	Becel	June 4 th
Cambridge Tour De Grand	Cambridge	No Charity	No Major Sponsor	June 11 th

Saugeen Memorial Hospital Foundation

Why now? Aren't there enough events/fundraisers for the Foundation?

Annual Needs to Reach \$750,000

- Anticipating the increase in costs, added new ER, and changes in technology

Currently Raise \$500,000 per Year

- This event will help to fill the gap

Help us Save Lives!



Timing and Launch of Event

- Launch event mid-August, 2017
 - Announce event and title sponsor
 - Significant marketing, social media and publicity campaign – show design of advertising, video, promotional materials, etc.
 - Activate and introduce website featuring sponsorship and registration modules

Thank You and Next Steps

Many thanks for your time today.

We are seeking your expertise and information – thoughts, feedback, assistance in route development, capital projects for 2018 that affects roads – connect us to your employees.

Are you interested in having the ride go through your community?



Thank You!



Corporation of the County of Bruce
Planning and Development

brucecounty.on.ca

Committee Report

To: Warden Mitch Twolan
Members of the Planning and Development Committee

From: Chris LaForest
Director of Planning

Date: June 15, 2017

Re: Conservation Agreement with Ducks Unlimited Canada

Recommendation:

That the County of Bruce enter into a Conservation Agreement with Ducks Unlimited Canada (DUC) to maintain and improve a portion of the Lindsay Tract as habitat for wildlife and waterfowl, and grant permission to the Director of Planning to be the signing authority of this agreement.

Background:

Ducks Unlimited Canada's habitat conservation program has existed in Ontario since 1974. Within that time, they have completed more than 3000 habitat projects across the province, and have conserved close to one million acres of wetlands.

One of these projects was the construction of an earth dyke to restore some wetland habitat on the Bruce Peninsula (see map, Appendix) approximately 25 years ago. The majority of the wetland is actually located on private land adjacent to the County owned land, however much of the wetland retention infrastructure is on County property.

The existing water control structures associated with the earth dyke are at the end of their functional life expectancy, and maintenance is required to ensure the integrity of the wetland. The plan is to install new riprap spillways, update the existing water control structure with an improved Agri-Drain, and replace the culvert through the berm with one of the same size. The area will then continue to function as a healthy wetland for decades.

Overview:

The property owned by County where the earth dyke is located is Part Lot 19-20, Concession 3, West of the Bury Road, in Lindsay Township, in the Municipality of Northern Bruce Peninsula, on the northern edge of the Lindsay Tract. The equipment access will be through an adjacent privately owned property. The agreement will grant Ducks Unlimited Canada



Corporation of the County of Bruce
Planning and Development

brucecounty.on.ca

such rights as access to build the dam/other works, the ability to regulate water levels, and permission to use images and information about the location with others.

Financial/staffing/legal/IT considerations:

None.

Interdepartmental Consultation:

None.

Link to strategic goals and elements:

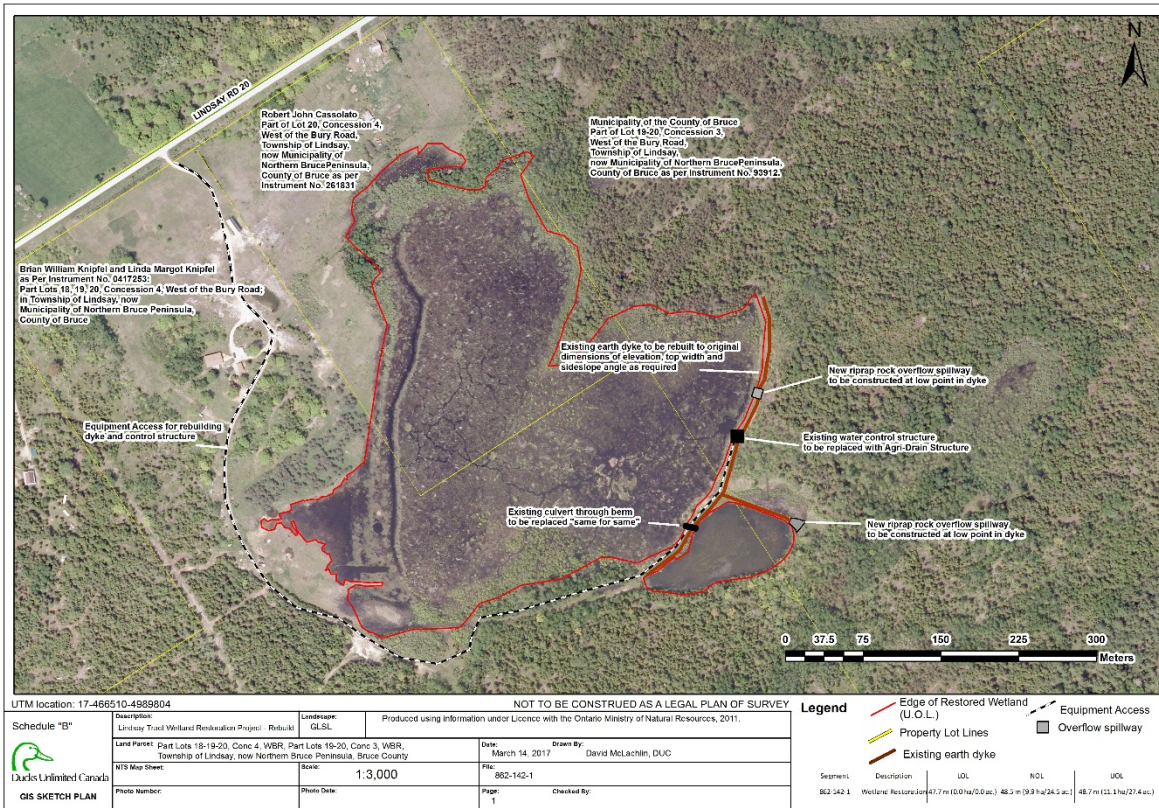
6. Explore alternate options to improve efficiency, service:

D. Coordinate working with other agencies.

Written by Kevin Predon, Forestry Technician

Approved by:

Kelley Coulter
Chief Administrative Officer





Committee Report

To: Warden Mitch Twolan
Members of the Planning and Development Committee

From: David Smith, Planner

Date: June 15, 2017

Re: Application to create new vacant residential lot outside of Settlement Area - John and Patricia Holder (B-72-11.16) Part Lot 37 (being Parts 3 and 4 on RP 3R-5720) Concession 11, Township of Huron-Kinloss (geographic Township of Huron)

Recommendation

That Bruce County Consent Application B-72-11.16 be refused.

Background

John and Patricia Holder have applied for a severance to permit the creation of a vacant residential parcel, +/- 0.19 ha (0.46 ac) in the 'Agricultural Areas' designation.

The subject lands are part of an eight (8) lot non-farm residential cluster that was created in the early 1990s. At the time of lot creation, a road was required to be built to provide frontage and access for five of the eight non-farm residential lots. The Township of Huron-Kinloss deemed Hampshire Court Road an open public road in 2010.

The Planning Department has supported multiple surplus farm severances and the creation of vacant lots in the RURAL area but cannot support the creation of vacant new residential lots in locations such as proposed.

X There are sufficient residential development opportunities in Ripley and along the Township of Huron-Kinloss lakeshore. Additional lot creation in locations like this negatively impacts the viability of subdivision and infill lot severances within the established urban areas;

X Encourages sprawl in an unplanned manner. Huron-Kinloss has many parcels of land that are in proximity to the lakeshore or border on settlement areas or on recreational such as golf courses. This is just one of many properties where people could look to capitalize on this situation to the negative benefit of Huron-Kinloss. There would be no end to the sprawl outside of the urban areas;

X These lots have no local park;

X No link to existing subdivisions or residential areas, dangerous location for additional housing on a major roadway;

X Require a car to access any shopping;

X Cannot walk to any school;

Allowing new residential development outside of our towns and hamlets undermines efforts to promote and strengthen existing settlement areas. While it is tempting to think of the creation of these lots as a source of municipal tax revenue, the findings of studies that have been completed in North America over the past 20 years on this subject indicate that simply creating new lots outside of our settlement areas is not an effective way to increase municipal revenue¹.

Summary

The application is NOT consistent with the Provincial Policy Statement (PPS) and does not represent good land use planning.

Context

Related File(s)	Bruce County Official Plan Amendment File Number BCOPA 155-11.16; Township of Huron Kinloss Zoning By-Law Amendment File Number Z-54-11.16. The BCOPA and ZBA file were approved in 2011.
Owner	John Holder
Legal Description	Part of Lot 37, Concession 11 (being Parts 3 and 4 on 3R-5720), geographic Township of Huron
Municipal Address	2285 Concession 12
Lot Dimensions	Entire Lot
Frontage	+/- 60.35 m (198 ft)
Width	+/- 60.35 m (198 ft)
Depth	+/- 91.44 m (300 ft)
Area	+/- 0.55 ha (1.36 ac)
Lot Dimensions	Lands to be Severed
Frontage	+/- 31.09 m (102 ft)
Width	+/- 31.09 m (102 ft)
Depth	+/- 60.04 m (197 ft)
Area	+/- 0.19 ha (0.46 ac)

¹ Caldwell, Dodds-Weir and Eckert. (2012). Lot Creation in Ontario's Agricultural Landscapes: Trends, Impacts and Policy Implications.

Related File(s)	Bruce County Official Plan Amendment File Number BCOPA 155-11.16; Township of Huron Kinloss Zoning By-Law Amendment File Number Z-54-11.16. The BCOPA and ZBA file were approved in 2011.
Lot Dimensions	Lands to be Retained
Frontage	+/- 60.35 m (198 ft)
Width	+/- 60.35 m (198 ft)
Depth	+/- 60.35 m (198 ft)
Area	+/- 0.36 ha (0.9 ac)
Uses Existing	Residential
Uses Proposed	No change
Structures Existing	Residence
Structures Proposed	Residence proposed on newly created lot
Servicing Existing	Private water and septic system
Servicing Proposed	Private water and private septic (for proposed residence)
Access	Concession 12, year-round municipal road Hampshire Court, a year-round municipal road
County Official Plan	Agricultural Area with Exceptions (5.5.13.46)
Zoning By-law	'General Agriculture (AG)', 'General Agriculture Special (AG-77)' and General Agriculture Special with Holding (AG-96-H)'
Surrounding Land Uses	Agricultural uses, residential uses; a golf course and trailer park surround the subject lands



Matters Arising From Agency Circulation

Township of Huron-Kinloss

The Township will require legal transfer of the 1 foot reserve to be assumed as part of the Township highway at the expense of the applicant.

Creation of a new lot will require the following fees to be paid as part of the severance application:

<i>Park Land Dedication Fees</i>	<i>\$750.00</i>
<i>Development Charges</i>	<i>\$1018.60</i>
<i>Total:</i>	<i>\$1768.60</i>

BM Ross (Septic Inspection)

The application proposes to sever land for the creation of a new lot for residential purposes. The application has been reviewed by OBC Part 8 Inspector Dave Bell (BCIN# 34600).

The septic system located on the existing property was inspected under the Huron-Kinloss Community Septic Inspection program on June 17, 2015, and at that time was evaluated as 'System appears to be in good working order. No evidence of malfunction observed' with a risk assessment as 'Medium - Age'.

The proposed severed lot is to contain a residence and on-site sewage system. The size of the proposed severed lands is sufficient in size and layout for an on-site sewage system to be installed. An application under the OBC Part 8 and associated fee will be required for the installation of an on-site sewage system.

We have no objections to this proposal provided that the proposed on-site system meets the requirements under the OBC.

Historic Saugeen Metis

No concerns or objections.

School Boards

No comments.

Saugeen Valley Conservation Authority

Natural Hazard

In the opinion of SVCA staff, the property is not designated as Hazard Land Area in the Bruce County Official Plan (OP), and is not zoned Environmental Protection (EP) in the Township of Huron-Kinloss Zoning By-law 2001-87, as amended. In general no new buildings or structures are permitted in the Hazard Land Area designation or in the EP zone.

However, part of Branch "F", of Stewart Municipal Drain (MD), may be located on or adjacent to the property according to SVCA mapping. Therefore section 5.25 b) of the Huron-Kinloss Zoning By-law 2001-87, as amended, may apply.

Natural Heritage

SVCA staff are of the opinion that the natural heritage feature affecting the property includes potentially significant wildlife habitat. While there is no County-wide mapping of significant wildlife habitat, it has come to the attention of SVCA staff that significant wildlife habitat may be located on lands adjacent to the property. Section 4.3.2.10 of the Bruce County OP states in part that development and site alteration shall not be permitted within significant wildlife habitat, or their adjacent lands, unless it has been demonstrated through an acceptable Environmental Impact Study (EIS) that there will be no negative impacts to the natural features or their ecological functions. However, SVCA staff are of the opinion that the completion of an EIS to address potential impacts to significant wildlife habitat is not warranted for this proposal as it is unlikely that suitable habitat exists on or within the adjacent lands to the property.

SVCA Regulation

Please be advised that although the majority of the property is within the Approximate Screening Area associated with our Regulation, the property is not subject to the SVCA's Development, Interference with Wetlands and Alteration to Shorelines and Watercourses Regulation (Ontario Regulation 169/06, as amended). Permission from the SVCA will not be required for the proposed development of the property.

Conclusion

All of the plan review functions listed in the Agreement have been assessed with respect to the application. The proposed consent to sever land is acceptable to SVCA staff.

Comments: No outstanding concerns.

Matters Arising From Public Circulation

All neighbouring property owners were circulated the application 20 days prior to the public meeting and a sign with information regarding the application was posted.

Received one phone call from a neighbouring property owner. No details were provided.

Matters Arising from Provincial Interests, Policy Statements or Plans

Under Section 3(5) of the *Planning Act*, the County "shall be consistent with" matters of provincial interest as set out in the Provincial Policy Statements (PPS). Since the subject lands are recognized as being outside of a settlement area and designated as part of a larger agricultural area, agricultural policies of the PPS apply.

Lot creation outside of settlement areas is discouraged and may only be permitted for agricultural uses, agricultural-related uses, surplus farm dwelling severances, and infrastructure. Lot adjustments in prime agricultural areas may be permitted for legal or technical reasons. The PPS leaves no room for interpretation on this matter - new residential lots are not permitted.

Conclusion: In my opinion, the proposed severance is 'NOT consistent with' the Provincial Policy Statement.

Matters Arising from the Bruce County Official Plan

The County of Bruce approved Official Plan Amendment #155 in 2012. The Official Plan Amendment are designated the lands as Special Policy Area 6.5.3.3. The SPA permits the severance of a 0.19 hectare parcel.

Summary: In my opinion, the application is consistent with the policies of the Bruce County Official Plan.

Township of Huron-Kinloss Comprehensive Zoning By-Law

The Township of Huron-Kinloss passed By-law No. 2012-35 in April 2012. The By-law re-zoned the lands to 'AG-96-H - General Agriculture Special Holding' to permit the creation of an undersized non-farm residential parcel.

Lands zoned 'AG-96-H' shall be used in compliance with the 'AG' Zone provisions contained in this by-law, excepting however, that:

- i) The permitted uses shall be limited to a 'single detached dwelling'; and 'accessory uses';
- ii) Minimum lot area shall be no less than 0.2 hectares;
- iii) Minimum lot width shall be no less than 31 metres;
- iv) Minimum front yard shall be no less than 7.5 metres;
- v) Minimum rear yard shall be no less than 10.0 metres;
- vi) Minimum side yard shall be no less than 1.5 metres;
- vii) Minimum side yard, unattached garage, shall be no less than 3.0 metres;
- viii) Maximum building height shall be no greater than 10 metres;
- ix) Maximum lot coverage shall not exceed 20%;
- x) Sanitary services shall be limited to a private tertiary sewage system, as identified in Part 8: Class Sewage System of the Ontario Building Code and to be used in perpetuity;
- xi) 'Single detached dwelling' and 'accessory uses' shall be prohibited until the 'H' provision is removed. The 'H' provision may be removed once the following conditions have been met:
 - (1) A 0.3 metre reserve as shown on Registered Plan 3R-6293 as Part 7 is transferred to the Township of Huron-Kinloss and incorporated as required into the Township road system.
 - (2) Consent certification has been granted by the Approval Authority of the County of Bruce.

Summary: In my opinion, the application is consistent with the Township of Huron-Kinloss Zoning By-law.

Financial/Staffing/Legal/IT Considerations

Possible Appeal to the Ontario Municipal Board.

Respectfully submitted,



David Smith, RPP

Senior Planner, County of Bruce Planning and Development Department

Appendix A
Provincial Policy Statement 2014

Apply?	Policy Area	Comments
X	1.0 Building Strong Communities	
X	1.1 Managing and Directing Land Use	
X	1.1.3 Settlement Areas	
	1.1.4 Rural Areas in Municipalities	
	1.1.5 Rural Lands in Municipalities	
	1.16 Territory Without Municipal Organization	
	1.2 Coordination	
	1.2.6 Land Use Compatibility	
	1.3 Employment	
	1.3.2 Employment Areas	
	1.4 Housing	
	1.5 Public Spaces, Recreation, Parks, Trails and Open Space	
	1.6 Infrastructure and Public Service Facilities	
X	1.6.6 Sewage, Water and Stormwater	
	1.6.7 Transportation Systems	
	1.6.8 Transportation and Infrastructure Corridors	
	1.6.9 Airports, Rail and Marine Facilities	
	1.6.10 Waste Management	
	1.6.11 Energy Supply	
	1.7 Long-Term Economic Prosperity	
	1.8 Energy Conservation, Air Quality and Climate Change	
	2.0 Wise Use and Management of Resources	
	2.1 Natural Heritage	
	2.2 Water	
	2.3 Agriculture	
	2.3.3 Permitted Uses	
X	2.3.4 Lot Creation and Lot Adjustments	
	2.3.5 Removal of Land from Prime Agricultural Areas	
X	2.3.6 Non-Agricultural Uses in Prime Agricultural Areas	
	2.4 Minerals and Petroleum	
	2.4.2 Protection of Long-Term Resource Supply	
	2.4.3 Rehabilitation	
	2.4.4 Extraction in Prime Agricultural Areas	
	2.5 Mineral Aggregate Resources	
	2.5.2 Protection of Long-Term Resource Supply	
	2.5.3 Rehabilitation	
	2.5.4 Extraction in Prime Agricultural Areas	
	2.5.5 Wayside Pits and Quarries, Portable Asphalt Plants and Portable Concrete Plants	
	2.6 Cultural Heritage and Archaeology	
	3.0 Protecting Public Health and Safety	
	3.1 Natural Hazards	
	3.2 Human-made Hazards	

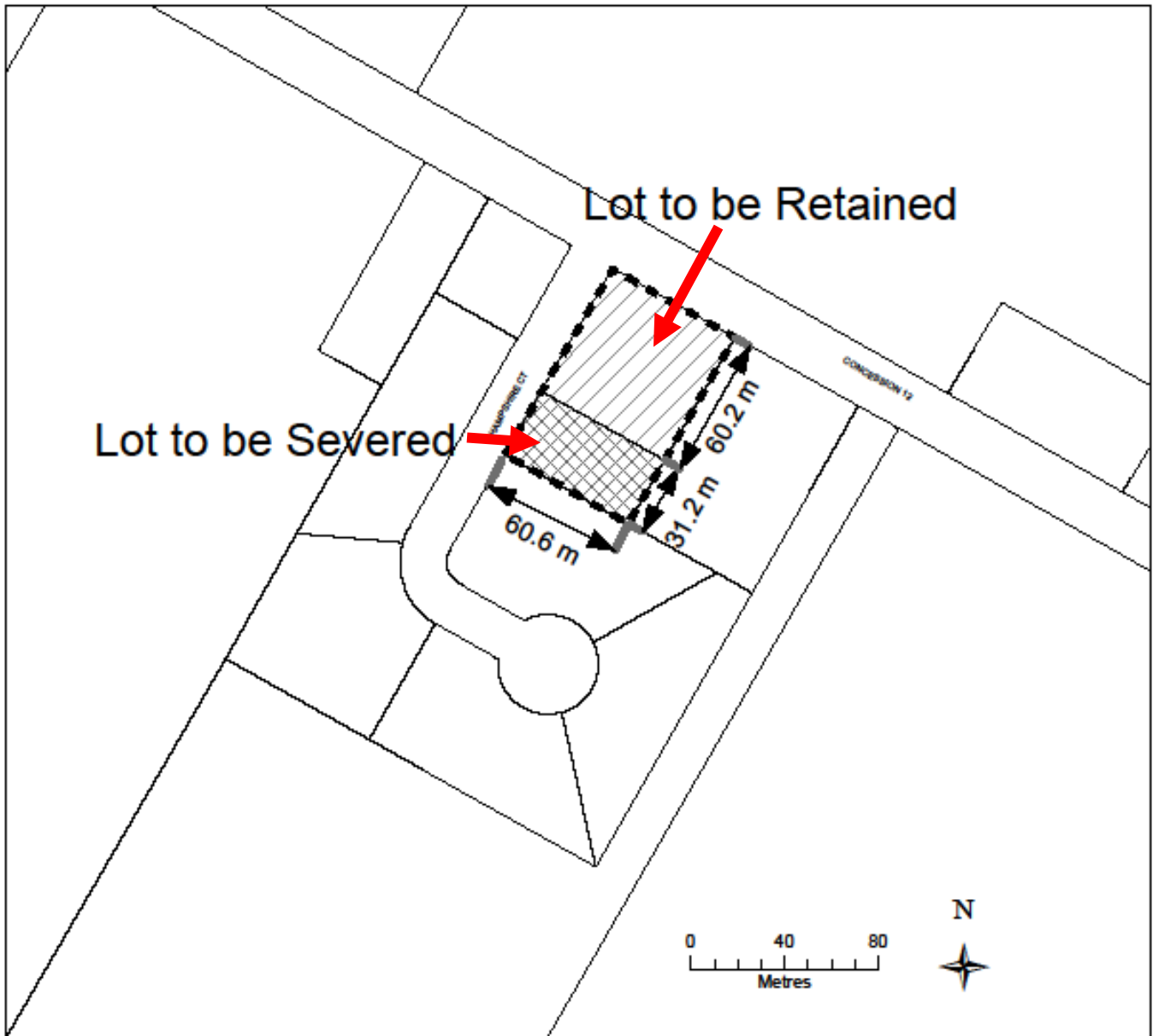
Other Provincial Interests

Ministry	Policy	Comment
MMAH		
MCul		
MOE		
MTO		
MNR		
OMAF		

County of Bruce Official Plan

5.5.13 Agricultural Areas - Exceptions

Appendix B: Proposed Severance



Aerial Photo





Committee Report

To: Warden Mitch Twolan
Members of the Planning and Development Committee

From: Chris LaForest
Director of Planning and Development

Date: June 15, 2017

Re: NBP Sustainable Tourism Destination Management Plan

Recommendation:

THAT the Planning and Development Committee support the concept of the development of a Sustainable Tourism Destination Management Plan for Northern Bruce Peninsula as outlined;

AND THAT Committee acknowledge the commitment of a \$5,000 County contribution to the Project to be funded out of current 2017 budget resources.

Background:

Building on the two (2) well attended public meetings hosted by Bruce Peninsula Environment Group (BPEG) and the Tobermory and District Chamber of Commerce, Megan Myles and Brian McHattie from BPEG, made a presentation to Northern Bruce Peninsula's Council on May 23rd in order to seek support for the creation of a Sustainable Tourism Destination Management Plan. At that meeting, it was discussed that the County would also be a logical partner in this Plan's development.

The Plan will, at a minimum, inventory public and private assets (attraction focused), review sustainable capacity expansion, consider options for future amenities and attractions and the business needs that support any potential growth (including accommodation and labour force). All of these objectives need to be considered within an approach that recognizes the protection of natural resources and organizational capacities to implement.

Although there are some questions regarding what new information can or will be gleaned from the development of the Plan, the financial request is minimal and worth exploring as a partnership with our local municipality in order to support them in the exploration of the expansion of one of our key economic sectors. It is anticipated that a model will be developed through this process that other municipalities could utilize going forward.



BRUCE county

Financial/Staffing/Legal/IT Considerations:

The Plan is estimated to cost between \$60,000 and \$70,000. Regional Tourism Organization 7 (RTO7) is considering funding 2/3 of the Plan. It has been brought forward that the remaining 1/3 of the contribution be made up by Parks Canada, the County and the Municipality of North Bruce Peninsula. The County has been asked to contribute \$5000.00 which can be funded out of 2017 budget resources.

Both Northern Bruce Peninsula and Parks Canada are considering their participation in the study if the other partners formally sign on.

If County staff and resources are needed to support the development of the Plan, it is recommended that there be one County representative to sit on the Study Steering Committee and minimal assistance outside of that representation.

Link to Strategic Goals and Elements:

7. Stimulate and reward innovation and economic development.

D. Vocally support all industry in Bruce County

F. Try small and then go big - act on ideas and take calculated risks.

G. Assignment to seek out like-minded partners for retail, agricultural industrial development

Written by: Kara Van Myall, Manager of Corporate Policy and Economic Development

Approved by:

Kelley Coulter

Chief Administrative Officer



Environment and Land Tribunals Ontario
Ontario Municipal Board
 655 Bay Street, Suite 1500 Toronto, Ontario M5G 1E5
 TEL: (416) 212-6349 or Toll Free: 1-866-448-2248
 FAX: (416) 326-5370
 www.elto.gov.on.ca

RECEIVED

MAY 12 2017

**APPELLANT FORM (A1)
 PLANNING ACT**

**BRUCE COUNTY
 PLANNING**

**SUBMIT COMPLETED FORM
 TO MUNICIPALITY/APPROVAL AUTHORITY**

Date Stamp - Appeal Received by Municipality

Receipt Number (OMB Office Use Only)

①

Part 1: Appeal Type (Please check only one box)

SUBJECT OF APPEAL	TYPE OF APPEAL	PLANNING ACT REFERENCE (SECTION)
Minor Variance	<input type="checkbox"/> Appeal a decision	45(12)
Consent/Severance	<input checked="" type="checkbox"/> Appeal a decision	53(19)
	<input type="checkbox"/> Appeal conditions imposed	
	<input type="checkbox"/> Appeal changed conditions	53(27)
	<input type="checkbox"/> Failed to make a decision on the application within 90 days	53(14)
Zoning By-law or Zoning By-law Amendment	<input type="checkbox"/> Appeal the passing of a Zoning By-law	34(19)
	<input type="checkbox"/> Application for an amendment to the Zoning By-law – failed to make a decision on the application within 120 days	34(11)
	<input type="checkbox"/> Application for an amendment to the Zoning By-law – refused by the municipality	
Interim Control By-law	<input type="checkbox"/> Appeal the passing of an Interim Control By-law	38(4)
Official Plan or Official Plan Amendment	<input type="checkbox"/> Appeal a decision	17(24) or 17(36)
	<input type="checkbox"/> Failed to make a decision on the plan within 180 days	17(40)
	<input type="checkbox"/> Application for an amendment to the Official Plan – failed to make a decision on the application within 180 days	22(7)
	<input type="checkbox"/> Application for an amendment to the Official Plan – refused by the municipality	
Plan of Subdivision	<input type="checkbox"/> Appeal a decision	51(39)
	<input type="checkbox"/> Appeal conditions imposed	51(43) or 51(48)
	<input type="checkbox"/> Failed to make a decision on the application within 180 days	51(34)

Part 2: Location Information

Lot 17 and South 1/2 Lot 18, Concession A

Address and/or Legal Description of property subject to the appeal:

Municipality/Upper tier: Township of Brant - Municipality of Brockton

**Environment and Land Tribunals
Ontario**
Ontario Municipal Board

655 Bay Street, Suite 1500
Toronto ON M5G 1E5
Telephone: (416) 212-6349
Toll Free: 1-866-448-2248
Fax: (416) 326-5370
Website: www.elto.gov.on.ca

**Tribunaux de l'environnement et de
l'aménagement du territoire Ontario**
Commission des affaires municipales
de l'Ontario

655 rue Bay, suite 1500
Toronto ON M5G 1E5
Téléphone: (416) 212-6349
Sans Frais: 1-866-448-2248
Télécopieur: (416) 326-5370
Site Web: www.elto.gov.on.ca



Instructions for preparing and submitting the Appellant Form (A1)

- **Complete one form for each type of appeal you are filing.**
- **Please print clearly.**
- **A filing fee of \$300 is required for each type of appeal you are filing. To view the Fee Schedule, visit the Board's website.**
- **The filing fee must be paid by certified cheque or money order, in Canadian funds, payable to the Minister of Finance.**
- **If you are represented by a solicitor the filing fee may be paid by a solicitor's general or trust account cheque.**
- **Do not send cash.**
- **Professional representation is not required but please advise the Board if you retain a representative after the submission of this form.**
- **Submit your completed appeal form(s) and filing fee(s) by the filing deadline to either the Municipality or the Approval Authority as applicable. Do NOT send directly to the Ontario Municipal Board.**
- **The Municipality/Approval Authority will forward your appeal(s) and fee(s) to the Ontario Municipal Board.**
- **The *Planning Act* and the *Ontario Municipal Board Act* are available on the Board's website.**

Part 5: Language and Accessibility

Please choose preferred language: English French

We are committed to providing services as set out in the *Accessibility for Ontarians with Disabilities Act, 2005*. If you have any accessibility needs, please contact our Accessibility Coordinator as soon as possible.

Part 6: Appeal Specific Information

1. Provide specific information about what you are appealing. For example: Municipal File Number(s), By-law Number(s), Official Plan Number(s) or Subdivision Number(s):

(Please print)
File # B-1-17.34
Schedule "A" to By-Law No. 2013-26
Appeal of the decision made by Bruce County dated April 25 2017
Asking for "Applicant's Preferred Option" Severance of +/- 1.17ha (2.9ac) of general Agriculture land. - see attached App 'C'

2. Outline the nature of your appeal and the reasons for your appeal. Be specific and provide land-use planning reasons (for example: the specific provisions, sections and/or policies of the Official Plan or By-law which are the subject of your appeal - if applicable). **If more space is required, please continue in Part 9 or attach a separate page.

(Please print)
Appealing the decision based on Bruce County decision for Lang and Kanters severance. They were granted severances of close to 5 acres this sets a precedent, that was zoned General Agriculture.

THE FOLLOWING SECTIONS (a&b) APPLY ONLY TO APPEALS OF ZONING BY-LAW AMENDMENTS UNDER SECTION 34(11) OF THE PLANNING ACT.

a) DATE APPLICATION SUBMITTED TO MUNICIPALITY: Feb. 13 2017
(If application submitted before January 1, 2007 please use the O1 'pre-Bill 51' form.)

b) Provide a brief explanatory note regarding the proposal, which includes the existing zoning category, desired zoning category, the purpose of the desired zoning by-law change, and a description of the lands under appeal:
****If more space is required, please continue in Part 9 or attach a separate page.**

Existing Category; currently zoned General Agriculture (A1)
Desired zoning will stay the same

Bill 73 - This question applies only to official plans/amendments, zoning by-laws/amendments and minor variances that came into effect/were passed on or after July 1, 2016.

- 1. Is the 2-year no application restriction under section 22(2.2) or 34(10.0.0.2) or 45(1.4) applicable?
 - a. No
 - b. Yes

Part 7: Related Matters (if known)

Are there other appeals not yet filed with the Municipality? YES NO

Are there other planning matters related to this appeal? YES NO
(For example: A consent application connected to a variance application)

If yes, please provide OMB Reference Number(s) and/or Municipal File Number(s) in the box below:

Part 3: Appellant Information

First Name: Kevin and Brenda Last Name: O'Hagan

Applicant Marty Cassidy

Company Name or Association Name (Association must be incorporated – include copy of letter of incorporation)

Professional Title (if applicable): _____


E-mail Address: Martyhcassidy@gmail.com

By providing an e-mail address you agree to receive communications from the OMB by e-mail.

Daytime Telephone #: 519-389-7027 Alternate Telephone #: 519-889-1167

Fax #: 784

Mailing Address: <u>984 Greenock Brant line</u>	<u>RR#4</u>	<u>Walkerton</u>
Street Address	Apt/Suite/Unit#	City/Town
<u>ON</u>		<u>N0G 2V0</u>
Province	Country (if not Canada)	Postal Code

Signature of Appellant:  Date: May 9/17
(Signature not required if the appeal is submitted by a law office.)

Please note: You must notify the Ontario Municipal Board of any change of address or telephone number in writing. Please quote your OMB Reference Number(s) after they have been assigned.

Personal information requested on this form is collected under the provisions of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended, and the *Ontario Municipal Board Act*, R.S.O. 1990, c. O. 28 as amended. After an appeal is filed, all information relating to this appeal may become available to the public.

Part 4: Representative Information (if applicable)

I hereby authorize the named company and/or individual(s) to represent me:

First Name: _____ Last Name: _____

Company Name: _____

Professional Title: _____

E-mail Address: _____

By providing an e-mail address you agree to receive communications from the OMB by e-mail.

Daytime Telephone #: _____ Alternate Telephone #: _____

Fax #: _____

Mailing Address: _____		
Street Address	Apt/Suite/Unit#	City/Town
_____		_____
Province	Country (if not Canada)	Postal Code

Signature of Appellant: _____ Date: _____

Please note: If you are representing the appellant and are NOT a solicitor, please confirm that you have written authorization, as required by the Board's Rules of Practice and Procedure, to act on behalf of the appellant. Please confirm this by checking the box below.

I certify that I have written authorization from the appellant to act as a representative with respect to this appeal on his or her behalf and I understand that I may be asked to produce this authorization at any time.

Part 10: Required Fee

Total Fee Submitted: \$ 300.00

Payment Method: Certified cheque Money Order Solicitor's general or trust account cheque

- The payment must be in Canadian funds, **payable to the Minister of Finance.**
- **Do not send cash.**
- **PLEASE ATTACH THE CERTIFIED CHEQUE/MONEY ORDER TO THE FRONT OF THIS FORM.**



1

Committee Report

To: Warden Mitch Twolan
Members of the Planning and Development Committee

From: Brianne Labute, Planner

Date: September 15, 2016

Re: Application for Consent/Severance - B-48-16.34 - Lang Farms Limited c/o C. Kieffer

RECOMMENDATION:

That Bruce County Consent Application B-48-16.34 for a surplus farm dwelling severance of +/- 0.72 ha (1.79 acres) as modified and recommended by the Planning Department be approved, versus the +/- 2.34 ha (7.78 acres) severance as requested by the applicant; and

That the Director or Manager of Land Use Planning be authorized to prepare and sign the authorizing provisional consent documents.

SUMMARY:

The purpose of the application is to create a 'surplus farm dwelling lot'. Mr. Lang requested a lot size of +/- 2.34 ha (5.78 ac) [Appendix 'B': Applicant Preferred Option] which would include lands deemed not suitable for agriculture by Mr. Lang. The Planning Department generally recommends a greatly reduced size of the severed lot, aiming for a range of 1-3 acres. The Provincial Policy Statement requires that new lots are limited to the minimum size needed to accommodate the use and appropriate sewage and water systems. The Department therefore recommends a smaller severed lot area of approximately 0.72 ha (1.79 acres) [Appendix 'B' Recommended Option] which would result in the farmland remaining with the farm parcel.

The zoning application (Z-57-16.34) for the surplus farm severance dwelling was presented to Brockton Council on July 18, 2016. Council approved the zoning for Mr. Lang's requested +/- 2.34 ha (5.78 acre) lot. The appeal period ended on August 16, and no appeals were received. For the consent portion of the application, the Planning Department maintains its original recommendation for approval of a smaller lot size of +/- 0.72 ha (1.79 acres).

Related File(s)	County of Bruce Zoning File Number Z-57-16.34
Owner	Lang Farms Limited
Agent	Cathy Kieffer
Legal Description	Lots 1 to 3, Part Lot 4, Concession 2 SDR, geographic Township of Brant
Municipal Address	2430 Highway 9
Lot Dimensions	Entire Parcel



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Lot Frontage	+/- 724.81 m (2,378 ft.)
Lot Width	+/- 804.67 m (2,640 ft.) at rear
Lot Depth	+/- 1005.84 m (3300 ft.)
Lot Area	+/- 80.62 ha (194.9 ac.)
Lot Dimension	Lands to Severed (Applicant Option)
Lot Frontage	+/- 352.9 m (1157.8 ft.)
Lot Width	Irregular
Lot Depth	Irregular
Lot Area	+/- 2.34 ha (5.78 ac.)
Lot Dimension	Lands to Severed (Planning Department Recommendation)
Lot Frontage	+/-101 m (331 ft.)
Lot Width	Irregular
Lot Depth	Irregular
Lot Area	+/- 0.72 ha (1.79 ac.)
Lot Dimension	Lands to be Retained
Lot Frontage	+/- 400.81 m (2326 ft.)
Lot Width	Irregular
Lot Depth	+/- 1005.84 m (3300 ft.)
Lot Area	+/- 76.53 ha (189.12 ac.)
Proposed Use	Non-Farm Residential
Existing Servicing	Private water and private septic (outhouse)
Proposed Servicing	No change
Structures Existing	Residence
Structures Proposed	No new structures proposed
Access	Provincial Highway Number 4
County Official Plan	Agricultural Area
Proposed Official Plan	No change
Local Official Plan	N/A
Proposed Official Plan	N/A
Zoning By-law	'General Agriculture Special' (A1-77) 'General Agriculture Special' (A1-1) 'General Agriculture' (A1) - Municipality of Brockton By-law Number 2016-052.
Surrounding Land Uses	Agricultural and non-farm residential uses surround the subject lands
Subject Lands	



MATTERS ARISING FROM AGENCY CIRCULATION

Municipality of Brockton

CAO/ Clerk: No comments

Works Superintendent: No comments

Fire Chief: No comments

Chief Building Official: Brockton has an active building permit for this property.

Comment: The building permit is ongoing for renovations to the house, no concerns.

Saugeen Valley Conservation Authority

The Application for Consent is acceptable to Authority staff.

Historic Saugeen Metis

No objection or opposition to the proposed Zoning By-law.

Ministry of Transportation

The subject property meets the pre-severance frontage requirement to qualify for severance (500m) and the desired access density has not been exceeded for this section of Highway 9.

For the reasons noted above the subject property meets the qualifications for severance. MTO does not have any concerns with the approval of the subject planning application.

Bruce Grey Catholic District School Board

No comments.

Hydro One

No comments or concerns.

Comment: No outstanding concerns.

MATTERS ARISING FROM PUBLIC CIRCULATION

At the time of writing this report, no comments had been received from the Public.

Comment: No outstanding concerns.

MATTERS ARISING FROM PROVINCIAL INTERESTS, POLICY STATEMENTS OR PLANS

Provincial Policy is evaluated in Appendix 'A' to this report. Under Section 3(5) of the *Planning Act*, the County "shall be consistent with" matters of provincial interest as set out in the Provincial Policy Statements (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*. The severance will be permitted provided that it is: the result of farm consolidation, **the new lot is limited in size** and that residential dwellings are limited on the remnant parcel.



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Comment: Lang Farms Ltd. propose a +/- 2.34 ha (5.78 acre) non-farm lot. The Planning Department believes this size to be excessive due to the fact that the proposed lot would include land that is not currently in the building cluster or for residential use. While it is acknowledged there is a significant hill that precludes tillage with large equipment, such as that used by Lang Farms Limited, there are many potential agricultural uses that this portion of the property could be used for. For example, if it stays with the retained land it could be used for pasture land etc. The trees at the top of the ridge also provide a wind break.

Due to the fact that Lang Farms Ltd. meets the policies to qualify for a surplus farm dwelling severance, the Planning Department is not recommending refusal and can support an alternative option that would create a lot approximately 0.72 ha (1.79 ac) in size that would include all of the buildings/structures and current lawn.

Upon review of the PPS and relevant policies as identified in Appendix 'A' to this report, the lot size proposed by Lang Farms Ltd. is **not consistent** with the PPS.

If the lot size/configuration is reduced to 'Appendix 'B' Recommended Option' then I am of the opinion the application would be consistent with the PPS.

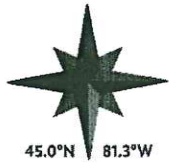
MATTERS ARISING FROM THE BRUCE COUNTY OFFICIAL PLAN

The subject lands are designated 'Agricultural Area' which permits a severance for the creation of a surplus dwelling lot. To meet the policies, the owner of the lands to be severed 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 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. A 'bona fide farmer' shall be defined as to include a limited company, sole proprietorship, incorporated company, numbered company, partnership, non-profit and other similar ownership forms. Also that the lot proposed for the residence and buildings surplus to the farming operation shall 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.

It is a policy of the County Official Plan that farms shall be generally a minimum of 40 ha (100 ac) in size, and original Crown lots are to be divided into no more than two parcels, including the retained.

Comments: Lang Farm Ltd. would be considered a 'bona fide farmers' as defined in the Official plan as they own an additional sixteen farms across Bruce County and reside elsewhere.

The lot size proposed by the Lang Farms Ltd. does not meet the intent of the County policy. The Department uses a number of factors to determine the 'appropriate' size of the non-Farm Lot:



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- a) A minimum lot size of 1.0 acres, provided the existing septic system and well are located within the proposed boundaries. A size in this range generally provides sufficient room for any future changes that would be needed;
- b) Tillable farm land (including rough or bottom land that is grazed or used for hay crops) should not be included with the new lot unless needed to fulfill the min.1.0 acre size;
- c) Existing lawn, tree breaks, concrete barn yard pads etc. are a starting point in determining where lot boundaries should be established;
- d) 'Flag Lots' are permissible;
- e) Lot boundaries can be squared off for surveying purposes but in doing so should take in a minimal amount of tillable land;
- f) A sufficient setback between buildings and on the new lot and the abutting farm lot should be incorporated to ensure that noise/dust from farm operations does not intrude excessively

The lot proposed by Lang Farms Ltd. is outside of the guidelines our Department uses for approval of lot size as it takes in extra land not needed to support the dwelling or outbuildings.

The lot has previously had a surplus farm dwelling severance. Since the current farm parcel is made up of four original 50 acre Crown lots, this severance did not occur off the original Crown lot that is now part of this application. The restriction for building a dwelling has been applied to the retained land through the new zoning for the property.

MATTERS ARISING FROM LOCAL PLANNING DOCUMENTS

A new site-specific By-law was approved by Brockton Council on July 18, 2016. The appeal period for the zoning ended on August 16, 2016. No appeals were received. The zoning was changed to:

- 'A1-1' to prohibit a residential dwelling on the retained portion;
- 'A1-77' to limit the number of nutrient units to 1.25 nutrient units/ ha on the severed portion. This provision is applied to address the limited land base to support manure application. The Bylaw also recognized any deficient setbacks the proposed lot lines may cause.

The application met all remaining provisions of the 'A1' zone.

FINANCIAL/STAFFING/LEGAL/IT CONSIDERATIONS:

Possible appeal to the Ontario Municipal Board.

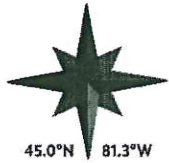
Respectfully submitted,

Brianne Labute, M.Sc.,
Planner



Appendix A
Provincial Policy Statement 2014

Apply	Policy Area	Comments
	1.0 Building Strong Communities	
	1.1 Managing and Directing Land Use	
	1.1.3 Settlement Areas	
	1.1.4 Rural Areas in Municipalities	
	1.1.5 Rural Lands in Municipalities	
	1.16 Territory Without Municipal Organization	
	1.2 Coordination	
	1.2.6 Land Use Compatibility	
	1.3 Employment	
	1.3.2 Employment Areas	
	1.4 Housing	
	1.5 Public Spaces, Recreation, Parks, Trails and Open Space	
	1.6 Infrastructure and Public Service Facilities	
	1.6.6 Sewage, Water and Stormwater	
	1.6.7 Transportation Systems	
	1.6.8 Transportation and Infrastructure Corridors	
	1.6.9 Airports, Rail and Marine Facilities	
	1.6.10 Waste Management	
	1.6.11 Energy Supply	
	1.7 Long-Term Economic Prosperity	
	1.8 Energy Conservation, Air Quality and Climate Change	
	2.0 Wise Use and Management of Resources	
x	2.1 Natural Heritage	
	2.2 Water	
x	2.3 Agriculture	
x	2.3.3 Permitted Uses	
x	2.3.4 Lot Creation and Lot Adjustments	
	2.3.5 Removal of Land from Prime Agricultural Areas	
	2.3.6 Non-Agricultural Uses in Prime Agricultural Areas	
	2.4 Minerals and Petroleum	
	2.4.2 Protection of Long-Term Resource Supply	
	2.4.3 Rehabilitation	
	2.4.4 Extraction in Prime Agricultural Areas	
	2.5 Mineral Aggregate Resources	
	2.5.2 Protection of Long-Term Resource Supply	
	2.5.3 Rehabilitation	
	2.5.4 Extraction in Prime Agricultural Areas	
	2.5.5 Wayside Pits and Quarries, Portable Asphalt Plants and Portable Concrete Plants	



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x	2.6	Cultural Heritage and Archaeology	
	3.0	Protecting Public Health and Safety	
x	3.1	Natural Hazards	'EP' Zone remains the same
	3.2	Human-made Hazards	

Other Provincial Interests

Ministry	Policy	Comment
MMAH		
MCul	Preservation of Archeological Resources	Satisfied
MOE		
MTO		
MNR		
OMAF	Minimum Distance Separation I	Satisfied

County of Bruce Official Plan

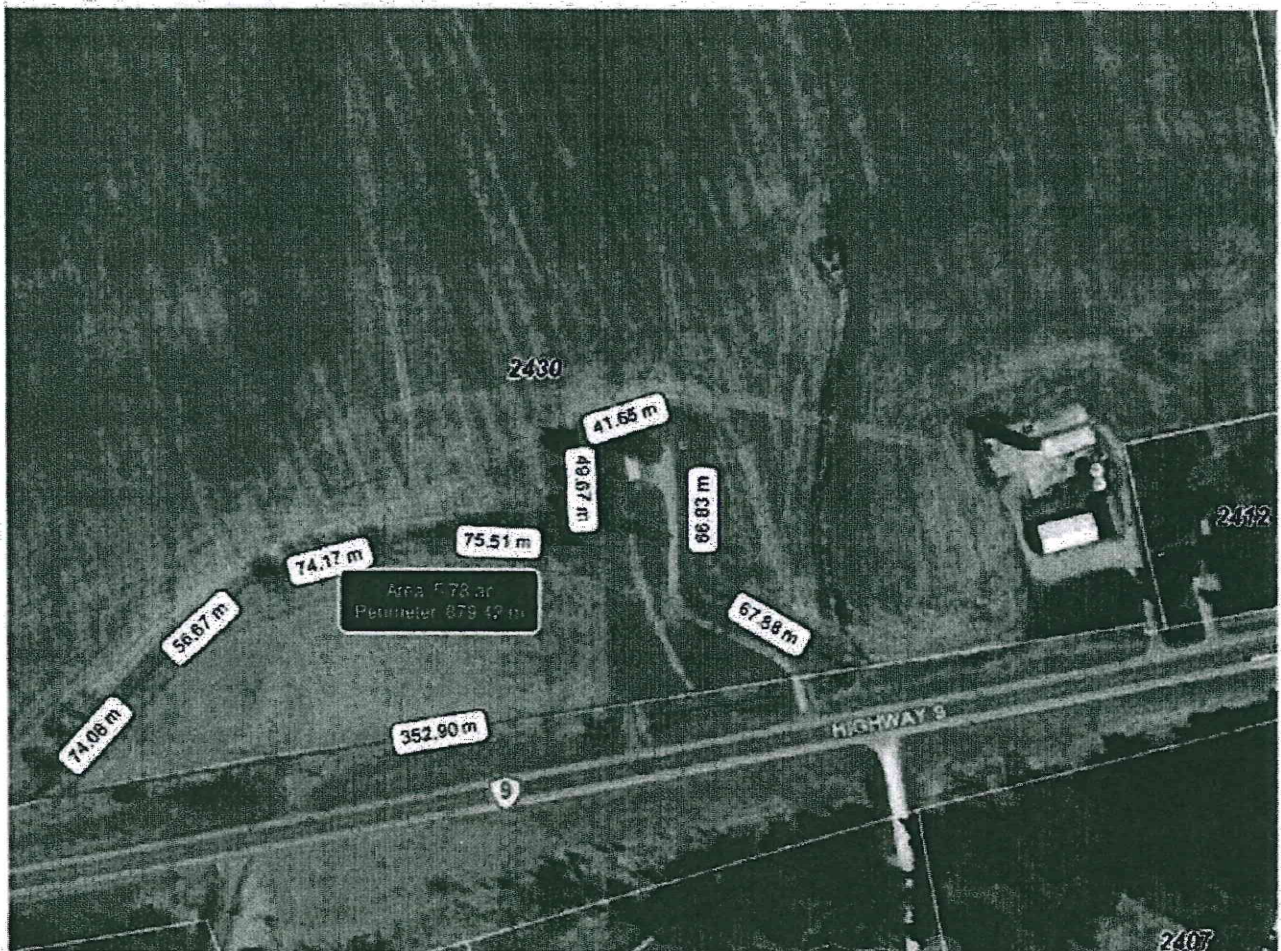
- 5.5 Agricultural Areas
- 6.5.3.4 Consents- Agricultural Areas

Municipality of Brockton Zoning By-law 2013-26

- Section 6 General Agriculture (A1)
- Section 6.3 Special Provisions

Appendix B:
Applicant's Preferred Option and Planning Department Recommended Option

The applicant's preferred option





45.0°N 81.3°W

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Planning Department's Recommended option



The Corporation of the County of Bruce
Decision of Approval Authority With Reasons
(Section 53, Chapter 1, Planning Act, 1990)

Consent Application for	Lang Farms Limited c/o Cathy Kieffer
Description in respect of	Lots 1 to 3, Part Lot 4, Concession 2 SDR, geographic Township of Brant, as shown on the attached Schedule "A"
In the	Municipality of Brockton
Consent granted for	The purpose of the severance application is to create a 'surplus farm dwelling'.

The Following Decision of the Approval Authority for the County of Bruce was made on September 15, 2016.

Effect of Public Input on Decision: No written or oral submissions were received by the Land Division Committee.

Decision **Approved Conditionally**

1. That the owner enter into an Agreement with the Municipality, if deemed necessary by the Municipality, to satisfy all the requirements, financial or otherwise of the Municipality, which may include, but shall not be limited to, the provision of parkland (or cash-in-lieu of land), roads, installation of services, facilities, drainage and the timing and payment of a development charge.
2. That a Surveyor's drawing be completed and a copy filed with the Municipal Clerk, the Registrar and two copies filed with the Approval Authority, or an exemption from the survey be received.
3. That pursuant to Section 53(42) of the Planning Act, the 'Certificate of Consent' be affixed to the deed within one year of the giving of the Notice of Decision. (Note: Section 53(43) of the Planning Act requires that the transaction approved by this consent must be carried out within two (2) years of the issuance of the certificate [ie. Stamping of the deed]).
4. That the applicant pays the applicable County of Bruce consent certification fee at the time of certification of the deeds.
5. That the Municipality provide written confirmation to the Approval Authority that the municipal conditions as imposed herein have been fulfilled.
6. That the Clerk of the Municipality of Brockton provide a written Declaration that the site specific Zoning By-law Amendment (Z-57-16.34) is in force and effect pursuant to the provisions of the Planning Act, 1990.

Note: Section 53(41) of the Planning Act states that, where any conditions have been imposed and the applicant does not, within a period of one year from the date of the Notice of Decision, fulfill the conditions, the application for consent shall thereupon be deemed to be refused.

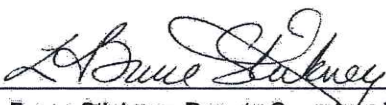
Reasons: Conforms to the Zoning By-Law and Official Plan

Last Date For Appeal Of This Decision

October 10, 2016

Certified to be a true copy of the Decision of the Approval Authority for the County of Bruce with respect to the application recorded therein.

Dated September 15, 2016

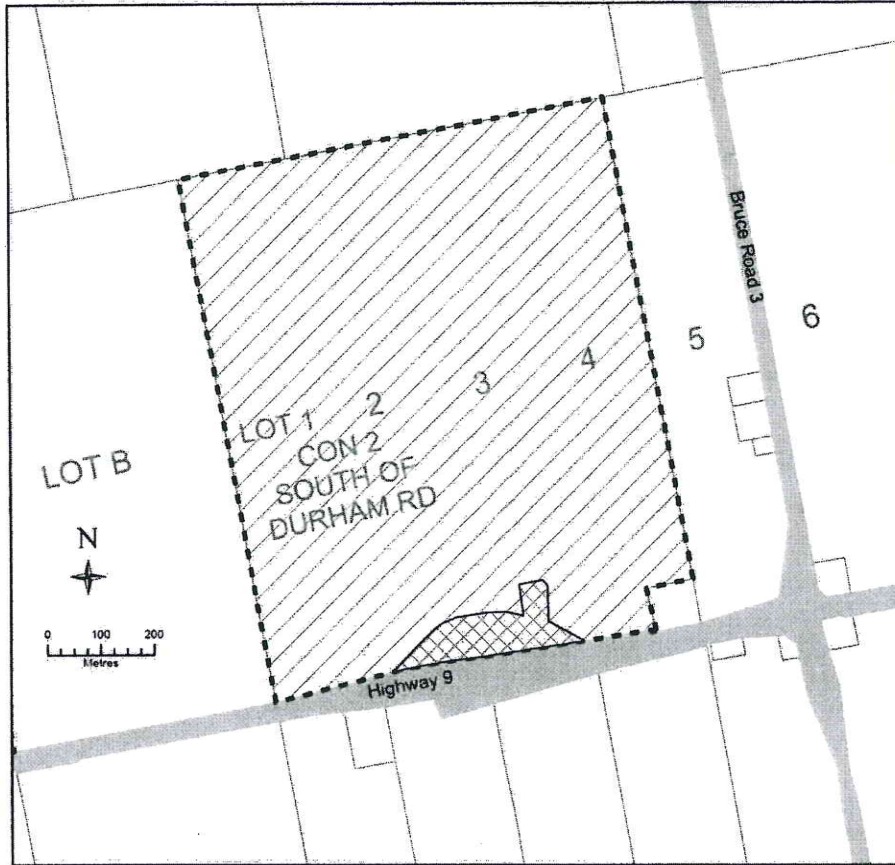




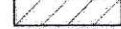
L. Bruce Stickney, Deputy Secretary-Treasurer
Land Division Committee for the County of Bruce

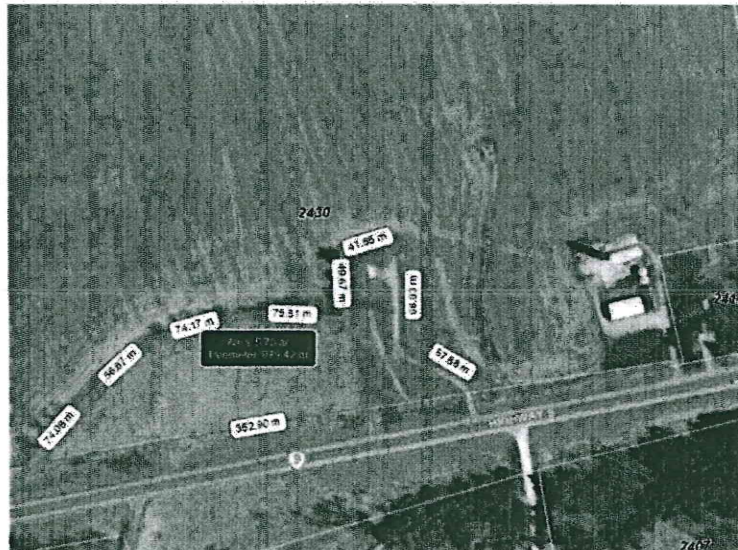
File Number: B-48-16.34

Schedule 'A'

Lots 1 to 3 & Part Lot 4, Concession 2 SDR (2430 Highway 9)
Municipality of Brockton (geographic Township of Brant)

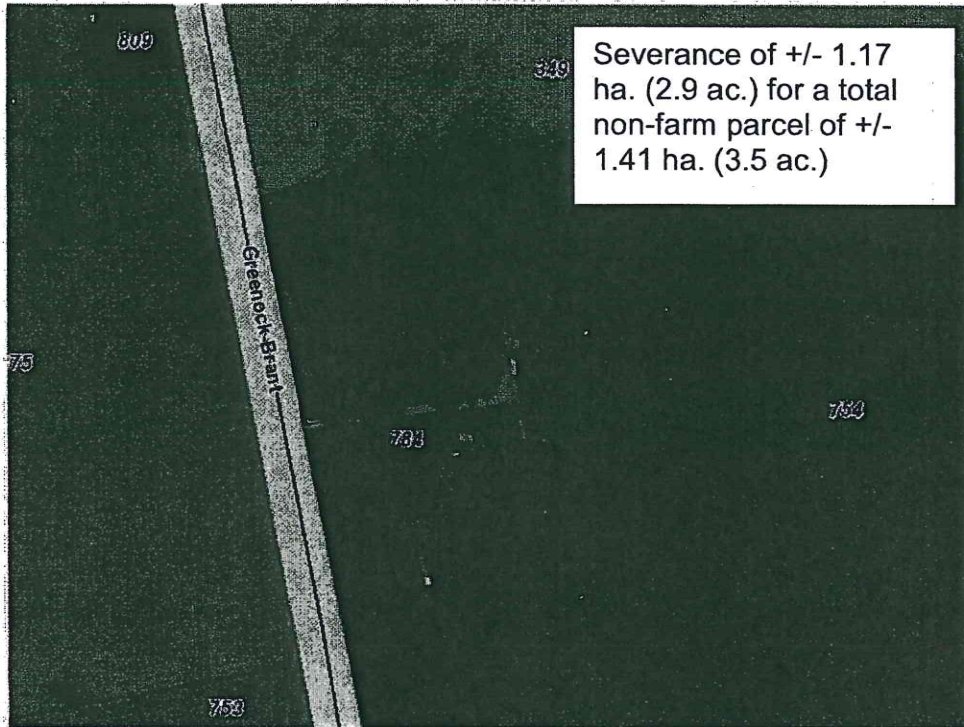


-  Subject Property
-  Lands to be zoned 'A1-77 - General Agriculture Special'
-  Lands to be zoned 'A1-1 - General Agriculture Special'



Appendix 'C': Applicant's Preferred Option and Planning Department Recommended Option

Applicant's Preferred Option



Planning Department's Recommended Option





Committee Report

To: Warden Mitch Twolan
Members of the Planning and Development Committee

From: Brianne Labute, Planner

Date: November 17, 2016

Re: Application for Consent/Severance - B-65-16.34_Kanters

RECOMMENDATION:

That Bruce County Consent Application B-65-16.34 for a surplus farm dwelling severance of +/- 1.13 ha (2.78 acres) as modified and recommended by the Planning Department be approved, versus the +/- 1.91 ha (4.72 acres) severance as requested by the applicant; and

That the Director or Manager of Land Use Planning be authorized to prepare and sign the authorizing provisional consent documents.

SUMMARY:

The purpose of the application is to create a 'surplus farm dwelling lot'. Chris and Megan Kanters requested a lot size of +/- 1.91 ha (4.72 ac.) [Appendix 'C': Applicant Preferred Option] which would remove Prime Agricultural land out of production. The Planning Department generally recommends a reduced size of the severed lot, aiming for a range of 1-3 acres. The Provincial Policy Statement requires that new lots are limited to the minimum size needed to accommodate the use and appropriate sewage and water systems. The Department therefore recommends a smaller severed lot area of +/- 1.13 ha (2.78 ac.) [Appendix 'C' Recommended Option] which would result in the farmland remaining with the farm parcel.

The zoning application (Z-66-16.34) for the surplus farm severance dwelling was presented to Brockton Council on September 12, 2016. Brockton Council approved the zoning for the Kanters requested +/- 1.91 ha (4.72 ac.) lot. The appeal period ended on October 11, and no appeals were received. For the consent portion of the application, the Planning Department maintains its original recommendation for approval of a smaller lot size of +/-1.13 ha (2.78 ac.).



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BACKGROUND:

Related File(s)	County of Bruce Zoning File Number Z-66-16.34
Owner	Chris Kanters and Megan Kanters
Agent	N/A
Applicant	N/A
Legal Description	Part of Lot 16, Concession 10, geographic Township of Brant
Municipal Address	984 Bruce Road 19
Lot Dimensions	Entire Parcel
Lot Frontage	+/- 396.24 m (1,300 ft.)
Lot Width	+/- 396.24 m (1,300 ft.)
Lot Depth	+/- 1005.84 m (3300 ft.)
Lot Area	+/- 41.02 ha (101.37 ac.)
Lot Dimension	Lands to Severed (Applicant's Proposed Option)
Lot Frontage	+/- 84.8 m (278.1 ft.)
Lot Width	+/- 118.5 m (388.7 ft.) at rear
Lot Depth	+/- 199.1 m (653.2 ft.)
Lot Area	+/- 1.91 ha (4.72 ac.)
Lot Dimension	Lands to Severed (Planning Department's Recommendation)
Lot Frontage	+/- 22.5 m (73.8 ft.)
Lot Width	+/- 113.1 m (370.9 ft.) at rear
Lot Depth	+/- 650 m (2132.5 ft.)
Lot Area	+/- 1.12 ha (2.78 ac.)
Lot Dimension	Lands to be Retained
Lot Frontage	+/- 396.2 m (1300 ft.)
Lot Width	+/- 308.1 m (1011 ft.)
Lot Depth	+/- 892.8 m (2929 ft.)
Lot Area	+/- 39.9 ha (98.59 ac.)
Existing Use	Agriculture
Proposed Use	Non-Farm Residential
Existing Servicing	Private water and private septic
Proposed Servicing	No change
Structures Existing	Residence, barn and shed
Structures Proposed	No new structures proposed
Access	Bruce County Road 19, a year-round County road
County Official Plan	Rural Area, Agricultural Area and Hazard Land Area
Proposed Official Plan	No change
Local Official Plan	N/A
Proposed Official Plan	N/A
Zoning By-law	'General Agriculture (A1)' and 'Environmental Protection (EP)' - Municipality of Brockton By-law Number 2013-026.
Proposed Zoning By-law	'General Agriculture Special' (A1-x)' 'General Agriculture Special' (A1-1), 'General Agriculture' (A1)' and 'Environmental Protection (EP)'
Surrounding Land Uses	Agricultural and non-farm residential uses surround the subject lands



MATTERS ARISING FROM AGENCY CIRCULATION (OCTOBER 11, 2016)

Municipality of Brockton

CAO/ Clerk: *No comments.*

Works Superintendent: *No comments.*

Fire Chief: *No comments.*

Chief Building Official: *No comments.*

Bruce County Highways Department

No comments.

Bruce Grey Catholic District School Board

No comments.

Historic Saugeen Metis

No concerns or objections.

Saugeen Valley Conservation Authority

Natural Hazard

In the opinion of SVCA staff, the lands proposed to be severed are not subject to any natural hazard features.

However, portions of the lands proposed to be retained have been designated as Hazard lands in the County of Bruce Official Plan. These areas are also zoned Environmental Protection (EP) in the Municipality of Brockton Zoning By-law 2013-26. In general, no new buildings or structures are permitted in the Hazard lands designation or in the EP zone.

Natural Heritage Features

The significant natural heritage features affecting the property include fish habitat, and potentially the significant habitat of endangered or threatened species.



BRUCE county

Fish Habitat

Although there is no county-wide mapping for fish habitat, the enclosed, unnamed tributary of Pearl Creek on the lands proposed to be retained is considered fish habitat by SVCA staff. Section 2.1.8 of the Provincial Policy Statement (PPS 2014) indicates that, among other things, development and site alteration shall not be permitted on the adjacent lands of fish habitat unless the ecological function of the adjacent lands has been evaluated and it has been demonstrated that there will be no negative impacts on fish habitat or on their ecological function.

Environmental Impact Study (EIS)

While a significant natural heritage feature exists on the lands proposed to be retained, SVCA staff are of the opinion that the completion of an Environmental Impact Study (EIS) would serve no useful purpose as no new building or structures are proposed in or on the adjacent lands to the significant natural heritage features listed above.

Significant Habitat of Endangered or Threatened Species

It has come to the attention of SVCA staff that habitat of endangered or threatened species may be located in the area of the proposed severed and proposed retained lands of the property. Section 2.1.7 of the Provincial Policy Statement (PPS 2014) indicates that development and site alteration shall not be permitted in habitat of endangered species or threatened species, except in accordance with provincial and federal requirements. It is the responsibility of the applicant to ensure the endangered and threatened species policy referred to in the PPS has been appropriately addressed. Please contact the Ministry of Natural Resources and Forestry (MNR) for information on how to address this policy.

The Proposed Consent to Sever Land is acceptable to SVCA staff.

Comment: The applicant has been informed by way of this report that they should contact MNR should they further develop the property to address the endangered and threatened species policy. No outstanding concerns.

MATTERS ARISING FROM PUBLIC CIRCULATION (NOVEMBER 7, 2016)

At the time of writing this report, no comments had been received from the Public.

Comment: No outstanding concerns.

MATTERS ARISING FROM PROVINCIAL INTERESTS, POLICY STATEMENTS OR PLANS

Provincial Policy is evaluated in Appendix 'A' to this report. Under Section 3(5) of the *Planning Act*, the County "shall be consistent with" matters of provincial interest as set out in the Provincial Policy Statements (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*. The severance will be permitted provided that it is: the result of farm consolidation, the new lot is limited in size and that residential dwellings are limited on the remnant parcel.



Comment: The Kanters propose a +/- 1.91 ha (4.72 acre) non-farm lot. The Planning Department believes this size to be excessive due to the fact that the proposed lot would include land that is not currently in the building cluster or for residential use. Aerial imagery from 2015 clearly shows the lands to be included in the severance were being actively farmed.

Due to the fact that the Kanters meets the policies to qualify for a surplus farm dwelling severance, the Planning Department is not recommending refusal and can support an alternative option that would create a lot approximately 1.13 ha (2.78 ac) in size that would include all of the buildings/structures and current lawn.

Upon review of the PPS and relevant policies as identified in Appendix 'A' to this report, the lot size proposed by the Kanters is **not consistent** with the PPS.

If the lot size/configuration is reduced to 'Appendix 'C' Recommended Option' then I am of the opinion the application would be consistent with the PPS.

MATTERS ARISING FROM THE BRUCE COUNTY OFFICIAL PLAN

The subject lands are designated 'Agricultural Area' which permits a severance for the creation of a surplus dwelling lot. To meet the policies, the owner of the lands to be severed 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 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. A 'bona fide farmer' shall be defined as to include a limited company, sole proprietorship, incorporated company, numbered company, partnership, non-profit and other similar ownership forms. Also that the lot proposed for the residence and buildings surplus to the farming operation shall 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.

It is a policy of the County Official Plan that farms in the 'Agricultural Area' designation shall generally be a minimum of 40 ha (100 ac) in size, and original Crown lots are to be divided into no more than two parcels, including the retained.

Comments: Chris and Megan Kanters (Hoskan Holdings) would be considered 'bona fide farmers' as defined in the plan as they own an additional 5 farms across Bruce County and reside elsewhere.

The lot size proposed by the Kanters does not meet the intent of the County policy. The Department uses a number of factors to determine the 'appropriate' size of the non-Farm Lot:

- a) A minimum lot size of 1.0 acres, provided the existing septic system and well are located within the proposed boundaries. A size in this range generally provides sufficient room for any future changes that would be needed;
- b) Tillable farm land (including rough or bottom land that is grazed or used for hay crops) should not be included with the new lot unless needed to fulfill the min 1.0 acre size;



BRUCE county

- c) Existing lawn, tree breaks, concrete barn yard pads etc. are a starting point in determining where lot boundaries should be established;
- d) 'Flag Lots' are permissible;
- e) Lot boundaries can be squared off for surveying purposes but in doing so should take in a minimal amount of tillable land;
- f) A sufficient setback between buildings and on the new lot and the abutting farm lot should be incorporated to ensure that noise/dust from farm operations does not intrude excessively

The lot proposed by the Kanters is outside of the guidelines our Department uses for approval of lot size as it takes in extra land not needed to support the dwelling or outbuildings.

MATTERS ARISING FROM LOCAL PLANNING DOCUMENTS

A new site-specific By-law was approved by Brockton Council on September 12, 2016. The appeal period for the zoning ended on October 11, 2016. No appeals were received. The zoning was changed to:

- 'A1-1' to prohibit a residential dwelling on the retained portion;
- 'A1-78' to limit the number of nutrient units to 1.25 nutrient units/ ha on the severed portion. This provision is applied to address the limited land base to support manure application. The Bylaw also recognized any deficient setbacks the proposed lot lines may cause.

The application met all remaining provisions of the 'A1' zone and MDS I requirements.

FINANCIAL/STAFFING/LEGAL/IT CONSIDERATIONS:

Possible appeal to the Ontario Municipal Board.

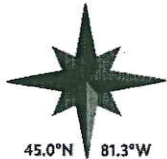
Respectfully submitted,

Brianne Labute, M.Sc. (Planning),
Planner - Municipality of Brockton
County of Bruce, Planning & Economic Development



Appendix 'A'
Provincial Policy Statement 2014

Apply	Policy Area	Comments
	1.0 Building Strong Communities	
	1.1 Managing and Directing Land Use	
	1.1.3 Settlement Areas	
x	1.1.4 Rural Areas in Municipalities	
	1.1.5 Rural Lands in Municipalities	
	1.1.6 Territory Without Municipal Organization	
	1.2 Coordination	
	1.2.6 Land Use Compatibility	
	1.3 Employment	
	1.3.2 Employment Areas	
	1.4 Housing	
	1.5 Public Spaces, Recreation, Parks, Trails and Open Space	
	1.6 Infrastructure and Public Service Facilities	
	1.6.6 Sewage, Water and Stormwater	
	1.6.7 Transportation Systems	
	1.6.8 Transportation and Infrastructure Corridors	
	1.6.9 Airports, Rail and Marine Facilities	
	1.6.10 Waste Management	
	1.6.11 Energy Supply	
	1.7 Long-Term Economic Prosperity	
	1.8 Energy Conservation, Air Quality and Climate Change	
	2.0 Wise Use and Management of Resources	
x	2.1 Natural Heritage	
	2.2 Water	
x	2.3 Agriculture	
x	2.3.3 Permitted Uses	
x	2.3.4 Lot Creation and Lot Adjustments	
	2.3.5 Removal of Land from Prime Agricultural Areas	
	2.3.6 Non-Agricultural Uses in Prime Agricultural Areas	
	2.4 Minerals and Petroleum	
	2.4.2 Protection of Long-Term Resource Supply	
	2.4.3 Rehabilitation	
	2.4.4 Extraction in Prime Agricultural Areas	
	2.5 Mineral Aggregate Resources	
	2.5.2 Protection of Long-Term Resource Supply	
	2.5.3 Rehabilitation	
	2.5.4 Extraction in Prime Agricultural Areas	
	2.5.5 Wayside Pits and Quarries, Portable Asphalt Plants and Portable Concrete Plants	
x	2.6 Cultural Heritage and Archaeology	



BRUCE county

	3.0	Protecting Public Health and Safety	
x	3.1	Natural Hazards	'EP' Zone remains the same
	3.2	Human-made Hazards	

Other Provincial Interests

Ministry	Policy	Comment
MMAH		
MCul	Preservation of Archeological Resources	Satisfied.
MOE		
MTO		
MNR		
OMAF	Minimum Distance Separation I	Satisfied.

County of Bruce Official Plan

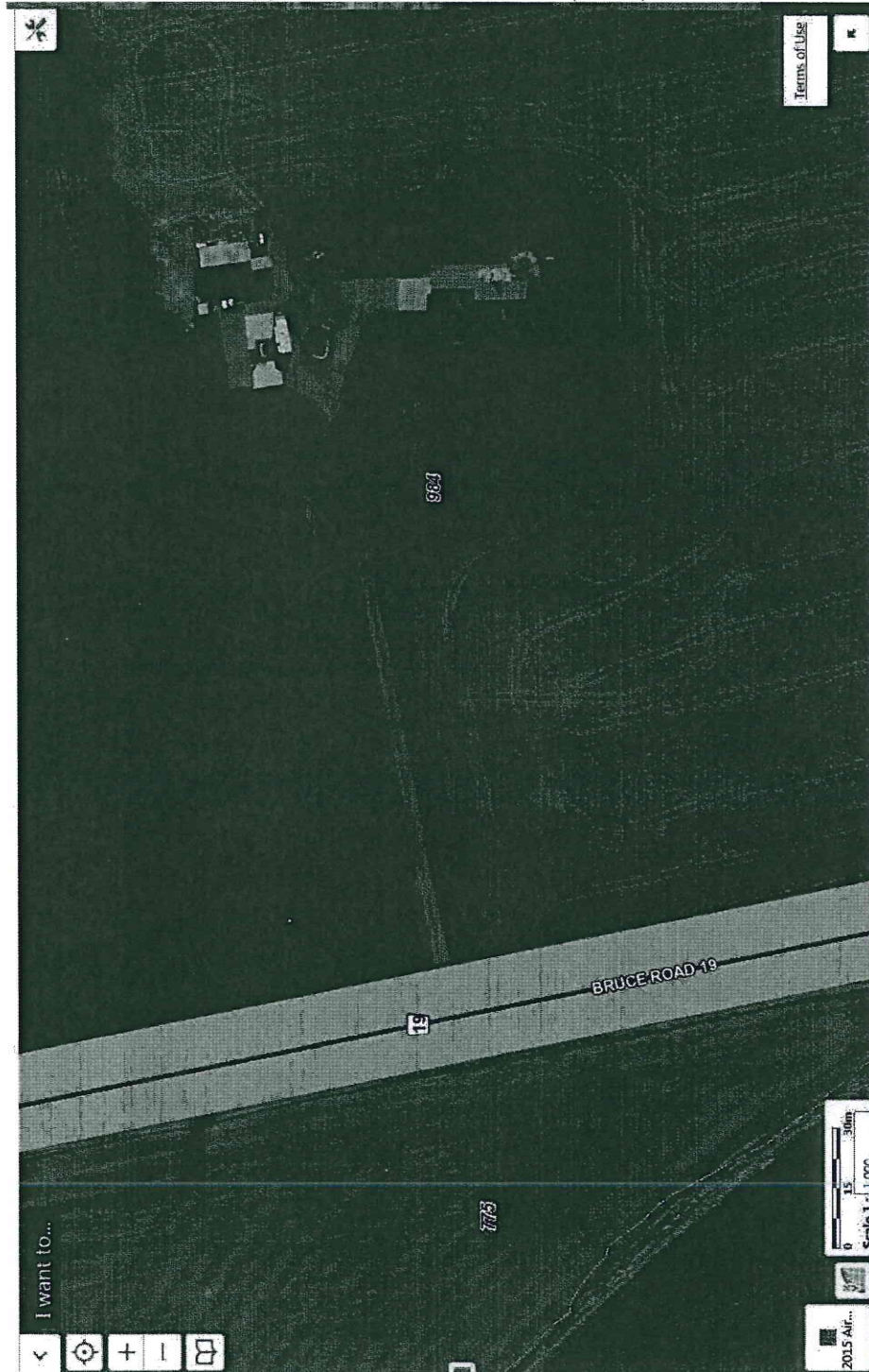
- 5.5 Agricultural Areas
- 5.8 Hazard Lands Area
- 6.5.3.4 Consents- Agricultural Areas

Municipality of Brockton Zoning By-law 2013-26

- Section 6 General Agriculture (A1)
- Section 24 Environmental Protection

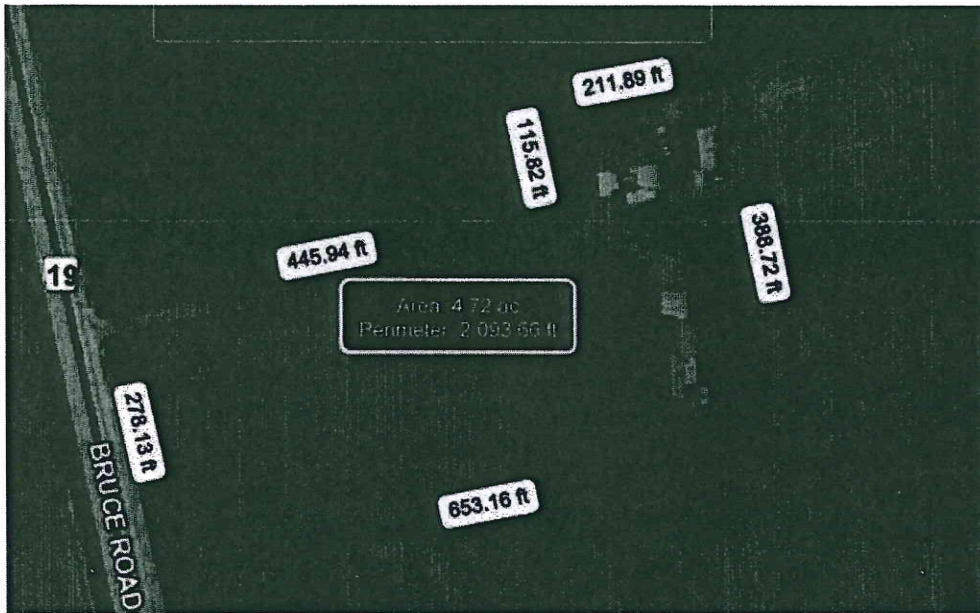


Appendix 'B' Aerial Photo (2015)

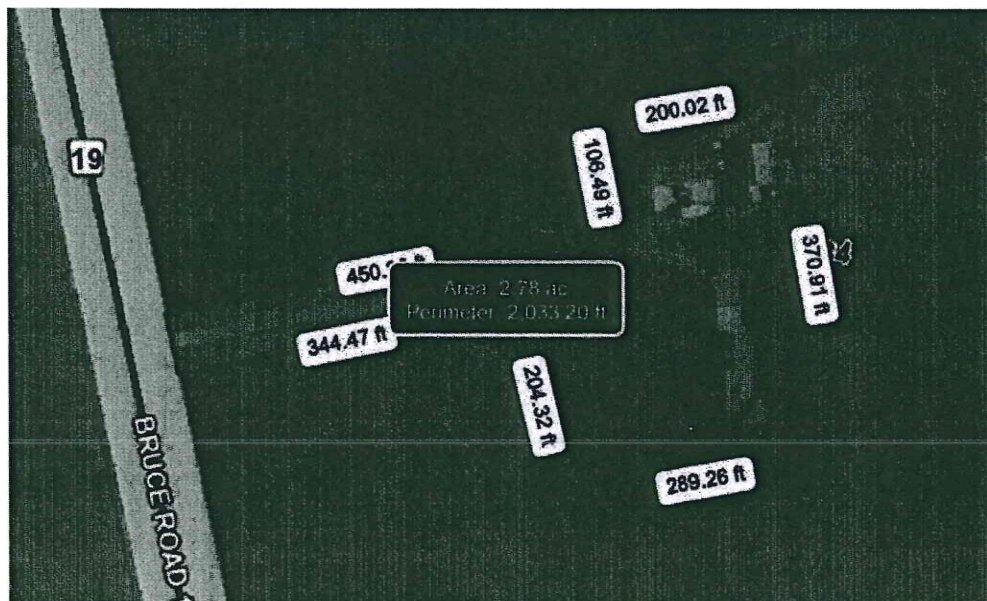




Appendix 'C':
Applicant's Preferred Option and Planning Department Recommended Option



Applicant's Preferred Option



Planning Department's Recommended Option



Corporation of the County of Bruce
 Planning and Development
 30 Park Street, WALKERTON, ON N0G 2V0

brucecounty.on.ca
 Tel: 519-881-1782
 Fax: 519-507-3030
 Toll Free: 1-877-681-1291

Decision Of The Approval Authority With Reasons (Section 53, Planning Act, 1990)

File Number	B-65-16.34
Consent Application For	Chris Kanters and Megan Kanters
Description in respect of	Part of Lot 16, Concession 10, geographic Township of Brant, as shown on Schedule A
In the	Municipality of Brockton
Consent Granted For	The purpose of creating a surplus farm dwelling lot.
Effect of Submissions	No public comments were received in respect of the application.

Decision

Approved Conditionally

- That the owner enter into an Agreement with the Municipality, if deemed necessary by the Municipality, to satisfy all the requirements, financial or otherwise of the Municipality, which may include, but shall not be limited to, the provision of parkland (or cash-in-lieu of land), roads, installation of services, facilities, drainage and the timing and payment of a development charge.
- That a Surveyor's drawing be completed and a copy filed with the Municipal Clerk, the Registrar and two copies filed with the Approval Authority, or an exemption from the survey be received.
- That pursuant to Section 53(42) of the Planning Act, the 'Certificate of Consent' be affixed to the deed within one year of the giving of the Notice of Decision. (Note: Section 53(43) of the Planning act) requires that the transaction approved by this consent must be carried out within two years of the issuance of the certificate (ie. Stamping of the deed).
- That the applicant pays the applicable County of Bruce consent certification fee at the time of certification of the deeds.
- That the Municipality provide written confirmation to the Approval Authority that the municipal conditions as imposed herein have been fulfilled.
- That the Clerk of the Municipality of Brockton provide a written Declaration that the site specific zoning by-law (File Number Z-66-16.34) is in force and effect pursuant to the provisions of The Planning Act, 1990.

Section 53(41) of the Planning Act states that where any conditions have been imposed and the applicant does not, within a period of one year from the date of the Notice of Decision, fulfill the conditions, the application for consent shall thereupon be deemed to be refused.

Reasons

Conforms to the Zoning By-Law and Official Plan

Last Date For Appeal Of This Decision

December 12, 2016

Certified to be a true copy of the Decision of the Approval Authority for the County of Bruce with respect to the application recorded therein.


November 17, 2016


Bruce Stickney, Deputy Secretary-Treasurer
Land Division Committee, County of Bruce

You will be entitled to receive notice of any changes to the conditions of the provisional consent if you have either made a written request to be notified of the decision to give or refuse to give provisional consent or made a written request to be notified of changes to the conditions of the provisional consent.

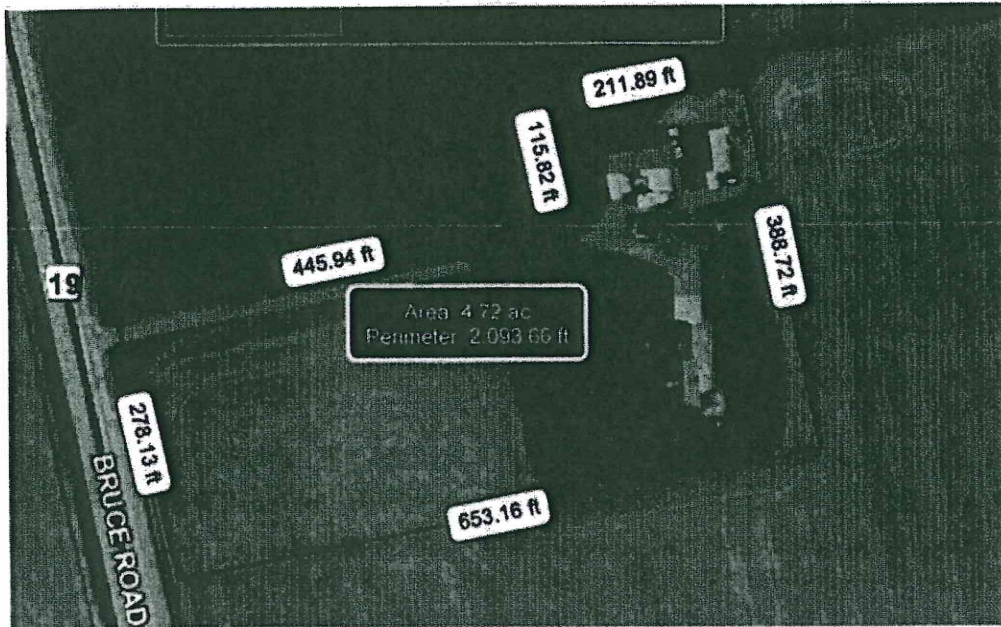
Certified to be a true copy of the Notice of Right to Appeal

November 22, 2016


Bruce Stickney, Deputy Secretary-Treasurer
Land Division Committee, County of Bruce

Schedule 'A'

Part of Lot 16, Concession 10, geographic Township of Brant, Municipality of Brockton
(984 BRUCE ROAD 19)



**Environment and Land Tribunals
Ontario**

Ontario Municipal Board

655 Bay Street, Suite 1500
Toronto ON M5G 1E5

Telephone: (416) 212-6349
Toll Free: 1-866-448-2248
Fax: (416) 326-5370
Website: www.elto.gov.on.ca

**Tribunaux de l'environnement et de
l'aménagement du territoire Ontario**

Commission des affaires municipales
de l'Ontario

655 rue Bay, suite 1500
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Instructions for preparing and submitting the Appellant Form (A1)

- Complete one form for each type of appeal you are filing.
- Please print clearly.
- A filing fee of \$300 is required for each type of appeal you are filing. To view the Fee Schedule, visit the Board's website.
- The filing fee must be paid by certified cheque or money order, in Canadian funds, payable to the Minister of Finance.
- If you are represented by a solicitor the filing fee may be paid by a solicitor's general or trust account cheque.
- Do not send cash.
- Professional representation is not required but please advise the Board if you retain a representative after the submission of this form.
- Submit your completed appeal form(s) and filing fee(s) by the filing deadline to either the Municipality or the Approval Authority as applicable. Do NOT send directly to the Ontario Municipal Board.
- The Municipality/Approval Authority will forward your appeal(s) and fee(s) to the Ontario Municipal Board.
- The *Planning Act* and the *Ontario Municipal Board Act* are available on the Board's website.

Ben

ben.both@ontario.ca



Environment and Land Tribunals Ontario
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 TEL: (416) 212-6349 or Toll Free: 1-866-448-2248
 FAX: (416) 326-5370
 www.elto.gov.on.ca

**APPELLANT FORM (A1)
 PLANNING ACT**

**SUBMIT COMPLETED FORM
 TO MUNICIPALITY/APPROVAL AUTHORITY**

Date Stamp - Appeal Received by Municipality

RECEIVED
 MAY 10 2017
M. Meade

Receipt Number (OMB Office Use Only)

Part 1: Appeal Type (Please check only one box)

SUBJECT OF APPEAL	TYPE OF APPEAL	PLANNING ACT REFERENCE (SECTION)
Minor Variance	<input type="checkbox"/> Appeal a decision	45(12)
Consent/Severance	<input checked="" type="checkbox"/> Appeal a decision	53(19)
	<input type="checkbox"/> Appeal conditions imposed	
	<input type="checkbox"/> Appeal changed conditions	53(27)
	<input type="checkbox"/> Failed to make a decision on the application within 90 days	53(14)
Zoning By-law or Zoning By-law Amendment	<input type="checkbox"/> Appeal the passing of a Zoning By-law	34(19)
	<input type="checkbox"/> Application for an amendment to the Zoning By-law – failed to make a decision on the application within 120 days	34(11)
	<input type="checkbox"/> Application for an amendment to the Zoning By-law – refused by the municipality	
Interim Control By-law	<input type="checkbox"/> Appeal the passing of an Interim Control By-law	38(4)
Official Plan or Official Plan Amendment	<input type="checkbox"/> Appeal a decision	17(24) or 17(36)
	<input type="checkbox"/> Failed to make a decision on the plan within 180 days	17(40)
	<input type="checkbox"/> Application for an amendment to the Official Plan – failed to make a decision on the application within 180 days	22(7)
	<input type="checkbox"/> Application for an amendment to the Official Plan – refused by the municipality	
Plan of Subdivision	<input type="checkbox"/> Appeal a decision	51(39)
	<input type="checkbox"/> Appeal conditions imposed	51(43) or 51(48)
	<input type="checkbox"/> Failed to make a decision on the application within 180 days	51(34)

Part 2: Location Information

65 Chantry View Drive, Town of Saugeen Shores/ TP Pt Lot 25 E Lake, Town of Saugeen Shoes (geographic Town of Southampton)

Address and/or Legal Description of property subject to the appeal:

Municipality/Upper tier: County of Bruce

Part 3: Appellant Information

First Name: Robert Last Name: Jamieson

Company Name or Association Name (Association must be incorporated – include copy of letter of incorporation)

Professional Title (if applicable): _____

E-mail Address: _____
By providing an e-mail address you agree to receive communications from the OMB by e-mail.

Daytime Telephone #: _____ Alternate Telephone #: _____

Fax #: _____

Mailing Address: _____
Street Address Apt/Suite/Unit# City/Town
Province Country (if not Canada) Postal Code

Signature of Appellant: _____ Date: _____
(Signature not required if the appeal is submitted by a law office.)

Please note: You must notify the Ontario Municipal Board of any change of address or telephone number in writing. Please quote your OMB Reference Number(s) after they have been assigned.

Personal information requested on this form is collected under the provisions of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended, and the *Ontario Municipal Board Act*, R.S.O. 1990, c. O. 28 as amended. After an appeal is filed, all information relating to this appeal may become available to the public.

Part 4: Representative Information (if applicable)

I hereby authorize the named company and/or individual(s) to represent me:

First Name: Scott Last Name: Snider

Company Name: Turkstra Mazza Associates

Professional Title: Lawyer

E-mail Address: ssnider@tmalaw.ca
By providing an e-mail address you agree to receive communications from the OMB by e-mail.

Daytime Telephone #: 905-529-3476 Alternate Telephone #: _____

Fax #: 905-529-3663

Mailing Address: 15 Bold Street, Hamilton
Street Address Apt/Suite/Unit# City/Town
Ontario Country (if not Canada) L8P1T3
Province Postal Code

Signature of Appellant:  for Scott Snider Date: May 9, 2017

Please note: If you are representing the appellant and are NOT a solicitor, please confirm that you have written authorization, as required by the Board's Rules of Practice and Procedure, to act on behalf of the appellant. Please confirm this by checking the box below.

I certify that I have written authorization from the appellant to act as a representative with respect to this appeal on his or her behalf and I understand that I may be asked to produce this authorization at any time.

Part 5: Language and Accessibility

Please choose preferred language: English French

We are committed to providing services as set out in the *Accessibility for Ontarians with Disabilities Act, 2005*. If you have any accessibility needs, please contact our Accessibility Coordinator as soon as possible.

Part 6: Appeal Specific Information

1. Provide specific information about what you are appealing. For example: Municipal File Number(s), By-law Number(s), Official Plan Number(s) or Subdivision Number(s):

County of Brice File No.: B-91-16.48 *Joint Application A-54-16.48*
OMB File No. PL170174

2. Outline the nature of your appeal and the reasons for your appeal. Be specific and provide land-use planning reasons (for example: the specific provisions, sections and/or policies of the Official Plan or By-law which are the subject of your appeal - if applicable). **If more space is required, please continue in Part 9 or attach a separate page.

See attached letter.

THE FOLLOWING SECTIONS (a&b) APPLY ONLY TO APPEALS OF ZONING BY-LAW AMENDMENTS UNDER SECTION 34(11) OF THE PLANNING ACT.

a) DATE APPLICATION SUBMITTED TO MUNICIPALITY: _____
(If application submitted before January 1, 2007 please use the O1 'pre-Bill 51' form.)

b) Provide a brief explanatory note regarding the proposal, which includes the existing zoning category, desired zoning category, the purpose of the desired zoning by-law change, and a description of the lands under appeal:
**If more space is required, please continue in Part 9 or attach a separate page.

Bill 73 - This question applies only to official plans/amendments, zoning by-laws/amendments and minor variances that came into effect/were passed on or after July 1, 2016.

- 1. Is the 2-year no application restriction under section 22(2.2) or 34(10.0.0.2) or 45(1.4) applicable?
 - a. No
 - b. Yes

Part 7: Related Matters (if known)

Are there other appeals not yet filed with the Municipality? YES NO

Are there other planning matters related to this appeal? YES NO
(For example: A consent application connected to a variance application)

If yes, please provide OMB Reference Number(s) and/or Municipal File Number(s) in the box below:

OMB File No.: PL170174
Town of Saugueen Shores File No.: A-54-16.48 (Minot Variance Application)

THOMSON ROGERS

LAWYERS

Stephen J. D'Agostino
416-868-3126
sdagostino@thomsonrogers.com

May 10, 2017

SENT VIA COURIER & EMAIL

Secretary Treasurer
Land Division Committee
Corporation of the County of Bruce
1243 MacKenzie Road
Port Elgin, Ontario, N0H 2C6

Attention: Ms. Donna Van Wyck, Clerk

Dear Ms. Van Wyck:

**Re: Notice of Appeal pursuant to Section 53(19) of the *Planning Act*
Appealing certain conditions in Notice of Decision, dated April 21, 2017,
relating to 510 Market Street, Town of Saugeen Shores
Appellant: Barry's Construction and Insulation Ltd.
County File No. B-90-16.46
Our File No. 500468**

We are the solicitors for **Barry's Construction and Insulation Ltd.** ("Barry's Construction"), the owner of the lands legally described as Part Lots 202 and 203, Block 83, Plan 11, Town of Saugeen Shores (geographic Town of Port Elgin) and municipally known as 510 Market Street ("Subject Property"). Pursuant to Section 53(19) of the *Planning Act*, R.S.O. 1990, c. P.13, we are writing to appeal certain conditions contained in the conditional approval of the Approval Authority for the Corporation of the County of Bruce ("County"), given on April 21, 2017, for the above-captioned consent application ("Notice of Decision").

Specifically, our client is appealing the following conditions:

Condition 3: That pursuant to Section 53(42) of the *Planning Act*, the 'Certificate of Consent' be affixed to the deed within one year of the giving of the Notice of Decision.

Condition 6: That the Clerk of the Town of Saugeen Shores provide a written declaration that the site specific Zoning By-Law Amendment (Z-87-16.46) is in force and effect pursuant to the provisions of the Planning Act, 1990.

Reasons for Appeal

The Zoning By-Law Amendment noted above, bearing Town of Saugeen Shores (“Town”) File No. Z-87-16.46, is a rezoning application pertaining to the Subject Property that was made by our client and refused by Town Council on March 20, 2017. Our client appealed the refusal to the Ontario Municipal Board (“Board”) on April 11, 2017 pursuant to Section 34(11) of the Planning Act. That appeal was recently filed with the Board on or about May 5, 2017 (“Zoning Appeal”).

Our client is concerned that it and the Town Clerk will be unable to satisfy Condition 3 and 6 above as a result of the pending Zoning Appeal. Given that a hearing date has not been set for the Zoning Appeal, it is uncertain whether our client can satisfy the conditions contained in the Notice of Decision by April 21, 2018. On that basis, and pursuant to Section 53(41) of the Planning Act, our client is bringing the within appeal in order to secure a longer period of time to satisfy the conditions set out in the County’s Notice of Decision.

In addition, depending on the outcome of the Zoning Appeal, the language of Condition 6 may need to be revised to capture the appropriate zoning.

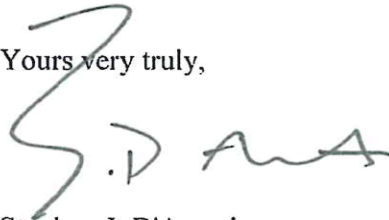
Request for Consolidation

In order to ensure the most efficient use of the Board’s time and resources, our client requests an order of the Board that the within appeal and the Zoning Appeal be consolidated, or, in the alternative, be heard together one after the other.

Please find attached a completed Appellant Form (A1), dated May 9, 2017, and solicitor’s cheque made payable to the Minister of Finance for the requisite filing fee of \$300.00.

Should you have any questions or require any additional information and/or further grounds for this appeal, please do not hesitate to contact me.

Yours very truly,

A handwritten signature in black ink, appearing to read "S.J. D'Agostino". The signature is written in a cursive, somewhat stylized font.

Stephen J. D'Agostino
Stephen Joseph D'Agostino Law Professional Corporation

SJD/dk

Enclosures

c. Client

**Environment and Land Tribunals
Ontario**

Ontario Municipal Board

655 Bay Street, Suite 1500
Toronto ON M5G 1E5
Telephone: (416) 212-6349
Toll Free: 1-866-448-2248
Fax: (416) 326-5370
Website: www.elto.gov.on.ca

**Tribunaux de l'environnement et de
l'aménagement du territoire Ontario**

Commission des affaires municipales
de l'Ontario

655 rue Bay, suite 1500
Toronto ON M5G 1E5
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- **Do not send cash.**
- **Professional representation is not required but please advise the Board if you retain a representative after the submission of this form.**
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 FAX: (416) 326-5370
 www.elto.gov.on.ca

**APPELLANT FORM (A1)
 PLANNING ACT**

**SUBMIT COMPLETED FORM
 TO MUNICIPALITY/APPROVAL AUTHORITY**

Date Stamp - Appeal Received by Municipality

RECEIVED
 MAY 10 2017
M. Meade

Receipt Number (OMB Office Use Only)

Part 1: Appeal Type (Please check only one box)

SUBJECT OF APPEAL	TYPE OF APPEAL	PLANNING ACT REFERENCE (SECTION)
Minor Variance	<input type="checkbox"/> Appeal a decision	45(12)
Consent/Severance	<input type="checkbox"/> Appeal a decision	53(19)
	<input checked="" type="checkbox"/> Appeal conditions imposed	
	<input type="checkbox"/> Appeal changed conditions	53(27)
	<input type="checkbox"/> Failed to make a decision on the application within 90 days	53(14)

Part 2: Location Information

Part Lots 202 and 203, Block 83, Plan 11, Town of Saugeen Shores (geographic Town of Port Elgin); municipally known as 510 Market Street.

Address and/or Legal Description of property subject to the appeal:

Municipality/Upper tier: **Town of Saugeen Shores / Bruce County**

Part 3: Appellant Information

BARRY'S CONSTRUCTION AND INSULATION LTD.

Company Name or Association Name (Association must be incorporated – include copy of letter of incorporation)

Daytime Telephone #: **519-934-3374**

Fax #: **519-934-3461**

Mailing Address: **7839 Highway 21**

P.O. Box 30

Allenford

Street Address

Apt/Suite/Unit#

City/Town

Ontario

N0H 1A0

Province

Country (if not Canada)

Postal Code

Please note: You must notify the Ontario Municipal Board of any change of address or telephone number in writing. Please quote your OMB Reference Number(s) after they have been assigned.

Personal information requested on this form is collected under the provisions of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended, and the *Ontario Municipal Board Act*, R.S.O. 1990, c. O. 28 as amended. After an appeal is filed, all information relating to this appeal may become available to the public.

Part 4: Representative Information (if applicable)

I hereby authorize the named company and/or individual(s) to represent me:

First Name: STEPHEN

Last Name: D'AGOSTINO

Company Name: THOMSON, ROGERS

Professional Title: LAWYER (Partner)

E-mail Address: sdagostino@thomsonrogers.com

By providing an e-mail address you agree to receive communications from the OMB by e-mail.

Daytime Telephone #: 416-868-3126

Alternate Telephone #: 416-868-3158

Fax #: 416-868-3134

Mailing Address: 390 Bay Street

3100

Toronto

Street Address

Apt/Suite/Unit#

City/Town


Ontario

M5H 1W2

Province

Country (if not Canada)

Postal Code

Signature of Appellant: 

Date: MAY 9, 2017

Part 5: Language and Accessibility

Please choose preferred language: English French

We are committed to providing services as set out in the *Accessibility for Ontarians with Disabilities Act, 2005*. If you have any accessibility needs, please contact our Accessibility Coordinator as soon as possible.

Part 6: Appeal Specific Information

1. Provide specific information about what you are appealing. For example: Municipal File Number(s), By-law Number(s), Official Plan Number(s) or Subdivision Number(s):

This appeal pertains to the Consent Application bearing Bruce County File No. B-90-16.46. In particular, the Appellant herein is appealing Condition 3, requiring that the Certificate of Consent be affixed to the deed within one year of the giving of the Notice of Decision, dated April 21, 2017.

Joint Application Z-87-16.46

2. Outline the nature of your appeal and the reasons for your appeal. Be specific and provide land-use planning reasons (for example: the specific provisions, sections and/or policies of the Official Plan or By-law which are the subject of your appeal - if applicable). **If more space is required, please continue in Part 9 or attach a separate page.

As further described in the attached letter, the Appellant requires a longer period of time to satisfy the conditions set out in the above-referenced Notice of Decision due to the pending appeal in the related matter referenced in Part 7 below.

Part 7: Related Matters (if known)

Are there other appeals not yet filed with the Municipality? YES NO

Are there other planning matters related to this appeal? YES NO
(For example: A consent application connected to a variance application)

If yes, please provide OMB Reference Number(s) and/or Municipal File Number(s) in the box below:

Rezoning Application bearing Town of Saugeen Shores File No. Z-87-16.46, which was refused by Council of the Town of Saugeen Shores on March 20, 2017, and appealed to the Ontario Municipal Board on April 11, 2017.

Part 8: Scheduling Information

How many days do you estimate are needed for hearing this appeal? half day 1 day 2 days 3 days
 4 days 1 week More than 1 week – please specify number of days: _____

How many expert witnesses and other witnesses do you expect to have at the hearing providing evidence/testimony?

Describe expert witness(es)' area of expertise (For example: land use planner, architect, engineer, etc.):

Do you believe this matter would benefit from mediation? YES NO
(Mediation is generally scheduled only when all parties agree to participate)

Do you believe this matter would benefit from a prehearing conference? YES NO
(Prehearing conferences are generally not scheduled for variances or consents)

If yes, why? _____

Part 9: Other Applicable Information **Attach a separate page if more space is required.

Please see the attached letter for further details.

Part 10: Required Fee

Total Fee Submitted: \$ 300.00

Payment Method: Certified cheque Money Order Solicitor's general or trust account cheque

- The payment must be in Canadian funds, payable to the Minister of Finance.
- Do not send cash.
- PLEASE ATTACH THE CERTIFIED CHEQUE/MONEY ORDER TO THE FRONT OF THIS FORM.

**Environment and Land Tribunals
Ontario**

Ontario Municipal Board

655 Bay Street, Suite 1500
Toronto ON M5G 1E5
Telephone: (416) 212-6349
Toll Free: 1-866-448-2248
Fax: (416) 326-5370
Website: www.elto.gov.on.ca

**Tribunaux de l'environnement et de
l'aménagement du territoire Ontario**

Commission des affaires municipales
de l'Ontario

655 rue Bay, suite 1500
Toronto ON M5G 1E5
Téléphone: (416) 212-6349
Sans Frais: 1-866-448-2248
Télécopieur: (416) 326-5370
Site Web: www.elto.gov.on.ca



Instructions for preparing and submitting the Appellant Form (A1)

- Complete one form for each type of appeal you are filing.
- Please print clearly.
- A filing fee of \$300 is required for each type of appeal you are filing. To view the Fee Schedule, visit the Board's website.
- The filing fee must be paid by certified cheque or money order, in Canadian funds, payable to the Minister of Finance.
- If you are represented by a solicitor the filing fee may be paid by a solicitor's general or trust account cheque.
- Do not send cash.
- Professional representation is not required but please advise the Board if you retain a representative after the submission of this form.
- Submit your completed appeal form(s) and filing fee(s) by the filing deadline to either the Municipality or the Approval Authority as applicable. Do NOT send directly to the Ontario Municipal Board.
- The Municipality/Approval Authority will forward your appeal(s) and fee(s) to the Ontario Municipal Board.
- The *Planning Act* and the *Ontario Municipal Board Act* are available on the Board's website.



Environment and Land Tribunals Ontario
Ontario Municipal Board
 655 Bay Street, Suite 1500 Toronto, Ontario M5G 1E5
 TEL: (416) 212-6349 or Toll Free: 1-866-448-2248
 FAX: (416) 326-5370
 www.elto.gov.on.ca

**APPELLANT FORM (A1)
 PLANNING ACT**

**SUBMIT COMPLETED FORM
 TO MUNICIPALITY/APPROVAL AUTHORITY**

Date Stamp - Appeal Received by Municipality

RECEIVED
 MAY 11 2017
M. Meade

Receipt Number (OMB Office Use Only)

Part 1: Appeal Type (Please check only one box)

SUBJECT OF APPEAL	TYPE OF APPEAL	PLANNING ACT REFERENCE (SECTION)
Minor Variance	<input type="checkbox"/> Appeal a decision	45(12)
Consent/Severance	<input checked="" type="checkbox"/> Appeal a decision	53(19)
	<input type="checkbox"/> Appeal conditions imposed	
	<input type="checkbox"/> Appeal changed conditions	53(27)
	<input type="checkbox"/> Failed to make a decision on the application within 90 days	53(14)
Zoning By-law or Zoning By-law Amendment	<input type="checkbox"/> Appeal the passing of a Zoning By-law	34(19)
	<input type="checkbox"/> Application for an amendment to the Zoning By-law – failed to make a decision on the application within 120 days	34(11)
	<input type="checkbox"/> Application for an amendment to the Zoning By-law – refused by the municipality	
Interim Control By-law	<input type="checkbox"/> Appeal the passing of an Interim Control By-law	38(4)
Official Plan or Official Plan Amendment	<input type="checkbox"/> Appeal a decision	17(24) or 17(36)
	<input type="checkbox"/> Failed to make a decision on the plan within 180 days	17(40)
	<input type="checkbox"/> Application for an amendment to the Official Plan – failed to make a decision on the application within 180 days	22(7)
	<input type="checkbox"/> Application for an amendment to the Official Plan – refused by the municipality	
Plan of Subdivision	<input type="checkbox"/> Appeal a decision	51(39)
	<input type="checkbox"/> Appeal conditions imposed	51(43) or 51(48)
	<input type="checkbox"/> Failed to make a decision on the application within 180 days	51(34)

Part 2: Location Information

510 Market St. Part Lots 202 and 203, Block 83, Plan 11
 Address and/or Legal Description of property subject to the appeal:

Municipality/Upper tier: Saugeen Shores

Part 3: Appellant Information

First Name: RICHARD Last Name: DEVEREAUX

Company Name or Association Name (Association must be incorporated – include copy of letter of incorporation)

Professional Title (if applicable): _____

E-mail Address: mobydick789@gmail.com
By providing an e-mail address you agree to receive communications from the OMB by e-mail.

Daytime Telephone #: 519-832-5926 Alternate Telephone #: _____

Fax #: _____

Mailing Address: 502 MARKET ST. Box 2262 PORT ELGIN
Street Address Apt/Suite/Unit# City/Town
ON NOH 2C0
Province Country (if not Canada) Postal Code

Signature of Appellant: Richard Devereaux Date: May 10, 2017
(Signature not required if the appeal is submitted by a law office.)

Please note: You must notify the Ontario Municipal Board of any change of address or telephone number in writing. Please quote your OMB Reference Number(s) after they have been assigned.

Personal information requested on this form is collected under the provisions of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended, and the *Ontario Municipal Board Act*, R.S.O. 1990, c. O. 28 as amended. After an appeal is filed, all information relating to this appeal may become available to the public.

Part 4: Representative Information (if applicable)

I hereby authorize the named company and/or individual(s) to represent me:

First Name: _____ Last Name: _____

Company Name: _____

Professional Title: _____

E-mail Address: _____
By providing an e-mail address you agree to receive communications from the OMB by e-mail.

Daytime Telephone #: _____ Alternate Telephone #: _____

Fax #: _____

Mailing Address: _____
Street Address Apt/Suite/Unit# City/Town

Province Country (if not Canada) Postal Code

Signature of Appellant: _____ Date: _____

Please note: If you are representing the appellant and are NOT a solicitor, please confirm that you have written authorization, as required by the Board's Rules of Practice and Procedure, to act on behalf of the appellant. Please confirm this by checking the box below.

I certify that I have written authorization from the appellant to act as a representative with respect to this appeal on his or her behalf and I understand that I may be asked to produce this authorization at any time.

Part 5: Language and Accessibility

Please choose preferred language: English French

We are committed to providing services as set out in the *Accessibility for Ontarians with Disabilities Act, 2005*. If you have any accessibility needs, please contact our Accessibility Coordinator as soon as possible.

Part 6: Appeal Specific Information

1. Provide specific information about what you are appealing. For example: Municipal File Number(s), By-law Number(s), Official Plan Number(s) or Subdivision Number(s):

(Please print) B-90-16.46

2. Outline the nature of your appeal and the reasons for your appeal. Be specific and provide land-use planning reasons (for example: the specific provisions, sections and/or policies of the Official Plan or By-law which are the subject of your appeal - if applicable). **If more space is required, please continue in Part 9 or attach a separate page.

(Please print) PLEASE SEE ATTACHED PAGE

THE FOLLOWING SECTIONS (a&b) APPLY ONLY TO APPEALS OF ZONING BY-LAW AMENDMENTS UNDER SECTION 34(11) OF THE PLANNING ACT.

a) DATE APPLICATION SUBMITTED TO MUNICIPALITY: _____
(If application submitted before January 1, 2007 please use the O1 'pre-Bill 51' form.)

b) Provide a brief explanatory note regarding the proposal, which includes the existing zoning category, desired zoning category, the purpose of the desired zoning by-law change, and a description of the lands under appeal:
**If more space is required, please continue in Part 9 or attach a separate page.

Bill 73 - This question applies only to official plans/amendments, zoning by-laws/amendments and minor variances that came into effect/were passed on or after July 1, 2016.

- 1. Is the 2-year no application restriction under section 22(2.2) or 34(10.0.0.2) or 45(1.4) applicable?
 - a. No
 - b. Yes

Part 7: Related Matters (if known)

Are there other appeals not yet filed with the Municipality? YES NO
Are there other planning matters related to this appeal? YES NO
(For example: A consent application connected to a variance application)

If yes, please provide OMB Reference Number(s) and/or Municipal File Number(s) in the box below:

Part 10: Required Fee

Total Fee Submitted: \$ _____

Payment Method: Certified cheque Money Order Solicitor's general or trust account cheque

- The payment must be in Canadian funds, **payable to the Minister of Finance.**
- **Do not send cash.**
- **PLEASE ATTACH THE CERTIFIED CHEQUE/MONEY ORDER TO THE FRONT OF THIS FORM.**

File Number B-90-16.46

The Notice of Decision of the Approval Authority states that conditional approval was granted because the application conforms to the Zoning By-law and Official Plan.

The appeal is based on the following:

1. The corresponding application for a Zoning By-Law amendment, File Number Z-87-16.46, was defeated by the Town of Saugeen Shores Council.
2. The proposal does not meet the criteria set out in:
 - **THE CORPORATION OF THE TOWN OF SAUGEEN SHORES BY-LAW NUMBER 90- 2012**
2.11.2 New Lots by Consent
e) the division of land represents infilling in a Built-up Area or a minor extension of such area and the proposed lots area compatible with the lot area, frontage and density pattern of the surrounding area;
 - **COUNTY OF BRUCE OFFICIAL PLAN**
6.5.3.2 Consents - Primary, Secondary Urban and Hamlet Communities
.2 The proposed lots are in keeping with the lot area, frontage and density pattern of the surrounding area;
 - **THE TOWN OF SAUGEEN SHORES – Zoning By-Law No. 75-2006 Section 7 Residential First Density (R1) Zone 7.2 Permitted Uses**

The average area and frontage of the adjacent lots to 510 Market are over 200% of the size of the proposed 33' x 132' lots, which does not conform to the requirements stated above. The proposed density is substantially higher than what exists in the immediate neighbourhood. Redevelopment of this intensity would constitute overdevelopment of the site and set an undesirable precedent for the surrounding neighbourhood.

The planner makes an affirmative argument based on a consideration of compatibility with the community covering a large portion of the West side of Port Elgin. This larger area extends beyond the existing R1 residential zoned property at 510 Market Street and the adjacent properties, to include R2, R4, CC, and CR zoned areas as per THE TOWN OF SAUGEEN SHORES – Zoning By-Law No. 75-2006 Index Map - Schedule A - Maps 15 and 26.

The property at 510 Market is currently zoned R1 and all decisions should be based on the legal requirements of the Town of Saugeen Shores Zoning By-Law No. 75-2006 that pertain to R1 residential zoning and the compatibility requirements stated in the official plans of Saugeen Shores and Bruce County.



Ministry of Municipal Affairs
Ministère des Affaires municipales

Fax

TO:

Name:	<u>Chris LaForest (Director of Planning)</u>
Fax No.:	<u>(519) 507-3030</u>
Organization:	<u>Bruce County</u>

FROM:

Name:	<u>Sophie Knowles</u>
Fax No.:	<u>416-585-7292</u>
Phone No.:	<u>416-585-6659</u>
Ministry of Municipal Affairs	
Municipal Programs & Education Branch	
16 th floor, 777 Bay Street	
Toronto ON M5G 2E5	

Date: May 29, 2017

No. of pages (including cover page): 4

Message:

Please see the attached appeal in response to Bruce County's May 4, 2017 decision to adopt Official Plan Amendment No. 216 to the County of Bruce Official Plan. You will find the following enclosed:

- A letter of appeal for Council's decision on OPA 216 to the County of Bruce Official Plan;
- One credit memo for the prescribed OMB appeal fee;

This appeal was submitted today to Donna Van Wyck (Clerk). Please call me at 416-585-6659 once you have received all 4 pages of this fax.

Sophie Knowles
Senior Planner, OMB and Information Coordinator
One Window Planning Office
Ministry of Municipal Affairs
Sophie.Knowles@Ontario.ca

Ministry of the Attorney General
Legal Services Branch

Ministère du Procureur général
Direction des services juridiques

Ministry of Municipal Affairs
Ministry of Housing

Ministère des Affaires municipales
Ministère du Logement

16th Floor, 777 Bay Street
Toronto, Ontario M5G 2E5

16^e étage, 777, rue Bay
Toronto, Ontario M5G 2E5

Tel: (416) 585-8514

Fax: (416) 585-4003

Writer's Direct Line: (416) 585-6543

Tél: (416) 585-8514

Télé: (416) 585-4003

Ligne directe du rédacteur: (416) 585-



May 29, 2017

Ms. Donna Van Wyck
Clerk
County of Bruce
30 Park Street, P.O. Box 848
Walkerton, ON N0G 2V0

Sent via Fax: 519-881-1619

Dear Ms. Van Wyck,

Re: Notice of Appeal of the Decision of the County of Bruce Council to adopt Official Plan Amendment No. 216 to the County of Bruce Official Plan

Pursuant to subsection 17(24) of the *Planning Act*, the Minister of Municipal Affairs hereby appeals the May 4, 2017 decision of the Council of the County of Bruce (Council) to adopt Official Plan Amendment No. 216 (OPA 216) to the County of Bruce Official Plan.

The decision of Council to adopt OPA 216 would provide an exception to the policies of Section 6.5.3.3.1 and Section 6.5.3.3.2 of the County of Bruce Official Plan for lands described as Part Lot F, Concessions 1 and 2, geographic Township of Bruce, Municipality of Kincardine, in order to facilitate the severance of a 20.21 hectare non-farm lot from an existing 60.16 hectare farm lot in a prime agricultural area.

In adopting OPA 216, Council did not have regard to matters of provincial interest including matters such as the protection of the agricultural resources of the Province as provided in clause 2(b) of the *Planning Act*.

The decision of Council to adopt OPA 216 is not consistent with those provincial policies related to the protection of prime agricultural areas for long-term use for agriculture in the Provincial Policy Statement, 2014 (PPS).

More specifically, the decision of Council to adopt OPA 216:

- (a) is not consistent with policy 2.3.1 of the PPS, which provides that prime agricultural areas shall be protected for long-term use for agriculture, and

(b) is not consistent with policy 2.3.4.1 of the PPS, which provides that lot creation in prime agricultural areas is discouraged and may only be permitted for agricultural uses, agriculture-related uses, a residence surplus to a farming operation as a result of farm consolidation, and infrastructure.

While the principle reasons for this appeal are set out above, nothing contained in this notice of appeal shall be deemed to restrict subsequent or more detailed objections.

Attached is a Credit Memo in the amount of \$300.00, which confirms payment from the Ministry of Municipal Affairs to the Ontario Municipal Board. This represents the appeal fees as prescribed under the *Ontario Municipal Board Act* in respect to OPA 216.

Should you have any questions regarding this matter, please contact Erick Boyd, Team Lead – Planning, or Scott Oliver, Manager, Community Planning and Development, at 519-873-4020.

Yours truly,



Irvin Shachter
Senior Council

Encl.: *Credit Memo*

- c. Chris LaForest, MCIP, RPP, Director of Planning, Bruce County
Scott Oliver, Manager, Community Planning and Development, MMA, MSO-W
Sophie Knowles, Senior Planner, OMB and Information Coordinator, MMA



May 29, 2017

CREDIT MEMO

MEMORANDUM TO: Mary Ann Hunwicks
Registrar
Ontario Municipal Board

Re: **NOTICE OF APPEAL**
Appeal of the Decision of Bruce County to adopt
Official Plan Amendment No. 216 to the County of
Bruce Official Plan
Credit Memo No.: 17-004

Please accept this Credit Memo as payment of the fee prescribed under the Ontario Municipal Board Act in the amount of \$300.00.

This Memo authorizes payment from the responsibility centre for the Municipal Programs and Analytics Branch. By copy of this Credit Memo, the Financial Services Delivery Branch (Shared Services Bureau) is directed to transfer the above noted amount to the responsibility centre of the Ontario Municipal Board.

If you have any questions, please contact Sophie Knowles (Senior Planner, OMB and Information Coordinator One Window Office) at 416-585-6659.

A handwritten signature in black ink, appearing to read "Andrew Tang".

Andrew Tang
Director
Municipal Programs and Analytics Branch

cc. General Accounting Unit, Ontario Shared Services
Michael Lewis, Environment and Land Tribunals Ontario

Ministry of
Municipal Affairs

Ministère des
Affaires municipales



Fax

TO:

Name:	<u>Chris LaForest (Director of Planning)</u>
Fax No.:	<u>(519) 507 - 3030</u>
Organization:	<u>Bruce County</u>

FROM:

Name:	<u>Sophie Knowles</u>
Fax No.:	<u>416-585-7292</u>
Phone No.:	<u>416-585-6659</u>
Ministry of Municipal Affairs Municipal Programs & Education Branch 16 th floor, 777 Bay Street Toronto ON M5G 2E5	

Date: May 29, 2017

No. of pages (including cover page): 4

Message:

Please see the attached appeal in response to Bruce County's May 4, 2017 decision to adopt Official Plan Amendment No. 220 to the County of Bruce Official Plan. You will find the following enclosed:

- A letter of appeal for Council's decision on OPA 220 to the County of Bruce Official Plan;
- One credit memo for the prescribed OMB appeal fee;

This appeal was submitted today to Donna Van Wyck (Clerk). Please call me at 416-585-6659 once you have received all 4 pages of this fax.

Sophie Knowles
Senior Planner, OMB and Information Coordinator
One Window Planning Office
Ministry of Municipal Affairs
Sophie.Knowles@Ontario.ca

Ministry of the Attorney General
Legal Services Branch

Ministère du Procureur général
Direction des services juridiques

Ministry of Municipal Affairs
Ministry of Housing

Ministère des Affaires municipales
Ministère du Logement

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Writer's Direct Line: (416) 585-6543

Ligne directe du rédacteur: (416) 585-



May 29, 2017

Ms. Donna Van Wyck
Clerk
County of Bruce
30 Park Street, P.O. Box 848
Walkerton, ON N0G 2V0

Sent via Fax: 519-881-1619

Dear Ms. Van Wyck,

Re: Notice of Appeal of the Decision of the County of Bruce Council to adopt Official Plan Amendment No. 220 to the County of Bruce Official Plan

Pursuant to subsection 17(24) of the *Planning Act*, the Minister of Municipal Affairs hereby appeals the May 4, 2017 decision of the Council of the County of Bruce (Council) to adopt Official Plan Amendment No. 220 (OPA 220) to the County of Bruce Official Plan.

The decision of Council to adopt OPA 220 would provide an exception to the policies of Section 5.6 and Section 6.5.3.4 of the County of Bruce Official Plan for lands described as Part of Lot 6, Concession 3 SDR and Part 4 on RP 3R-8918, geographic Township of Brant, Municipality of Brockton, in order to facilitate the severance of up to three vacant residential lots in a prime agricultural area.

In adopting OPA 220, Council did not have regard to matters of provincial interest including matters such as the protection of the agricultural resources of the Province as provided in clause 2(b) of the *Planning Act*.

The decision of Council to adopt OPA 220 is not consistent with those provincial policies related to the protection of prime agricultural areas for long-term use for agriculture in the Provincial Policy Statement, 2014 (PPS).

More specifically, the decision of Council to adopt OPA 220:

- (a) is not consistent with policy 2.3.1 of the PPS, which provides that prime agricultural areas shall be protected for long-term use for agriculture;

(b) is not consistent with policy 2.3.4.1 of the PPS, which provides that lot creation in prime agricultural areas is discouraged and may only be permitted for a residence surplus to a farming operation as a result of farm consolidation, and

(c) is not consistent with policy 2.3.4.3 of the PPS, which provides that the creation of new residential lots in prime agricultural areas shall not be permitted, except in accordance with PPS policy 2.3.4.1.

While the principle reasons for this appeal are set out above, nothing contained in this notice of appeal shall be deemed to restrict subsequent or more detailed objections.

Attached is a Credit Memo in the amount of \$300.00, which confirms payment from the Ministry of Municipal Affairs to the Ontario Municipal Board. This represents the appeal fees as prescribed under the *Ontario Municipal Board Act* in respect to OPA 220.

Should you have any questions regarding this matter, please contact Erick Boyd, Team Lead -- Planning, or Scott Oliver, Manager, Community Planning and Development, at 519-873-4020.

Yours truly,



Irvin Shachter
Senior Council

Encl.: *Credit Memo*

- c. Chris LaForest, MCIP, RPP, Director of Planning, Bruce County
Scott Oliver, Manager, Community Planning and Development, MMA, MSO-W
Sophie Knowles, Senior Planner, OMB and Information Coordinator, MMA



May 29, 2017

CREDIT MEMO

MEMORANDUM TO: Mary Ann Hunwicks
Registrar
Ontario Municipal Board

Re: **NOTICE OF APPEAL**
Appeal of the Declsion of Bruce Country to adopt
Official Plan Amendment No. 220 to the County of
Bruce Official Plan

Credit Memo No.: 17-005

Please accept this Credit Memo as payment of the fee prescribed under the Ontario Municipal Board Act in the amount of \$300.00.

This Memo authorizes payment from the responsibility centre for the Municipal Programs and Analytics Branch. By copy of this Credit Memo, the Financial Services Delivery Branch (Shared Services Bureau) is directed to transfer the above noted amount to the responsibility centre of the Ontario Municipal Board.

If you have any questions, please contact Sophie Knowles (Senior Planner, OMB and Information Coordinator One Window Office) at 416-585-6659.

A handwritten signature in black ink, appearing to read "Andrew Tang".

Andrew Tang
Director
Municipal Programs and Analytics Branch

cc. General Accounting Unit, Ontario Shared Services
Michael Lewis, Environment and Land Tribunals Ontario