



# Committee Report

**To:** Warden Janice Jackson  
Members of the Planning and Development Committee

**From:** Mark Paoli  
Director of Planning and Development

**Date:** June 17, 2021

**Re:** Bruce County Official Plan Amendment C-2021-003 (Rick Smith Farms)

---

## Staff Recommendation:

That Bruce County Official Plan Amendment C-2021-003 (Rick Smith Farms) be approved; and,

That the By-law be forwarded to County Council for adoption.

## Summary:

The purpose of the application is to facilitate a surplus farm dwelling severance of a +/-0.34 ha lot from an 18.49 ha parcel at 426 Hayes Lake Avenue, in the Township of Huron-Kinloss. An amendment to the Official Plan is required to permit an additional severance from an original Crown surveyed lot; and, to allow the retained +/-18.15 ha parcel to be smaller than 40 ha.

## Alignment with Guiding Principles:



**GOOD GROWTH**  
To put growth in the right locations with the right services



**AGRICULTURE**  
To support our key economies, including supporting a thriving agriculture community



**CONNECTING**  
To improve our ability to move people, goods, and information between communities



**HOMES**  
To increase the supply and mix of homes



**BUSINESS**  
To create opportunities for a diversity of businesses, jobs, and employers



**COMMUNITIES**  
To create wellbeing through access to healthy complete communities



**HERITAGE**  
To identify and manage our cultural heritage resources



**NATURAL LEGACY**  
To manage natural resources wisely for future generations

- Not applicable
- Not aligned
- Aligned
- Strongly aligned

The proposed farm consolidation is strongly aligned with the Bruce County Guiding Principle on Agriculture. Farm consolidations support the agricultural sector by enabling farms to become more efficient and better integrated and encourage alternative methods of production such as implementation of agri-environmental measures and good agricultural practices.

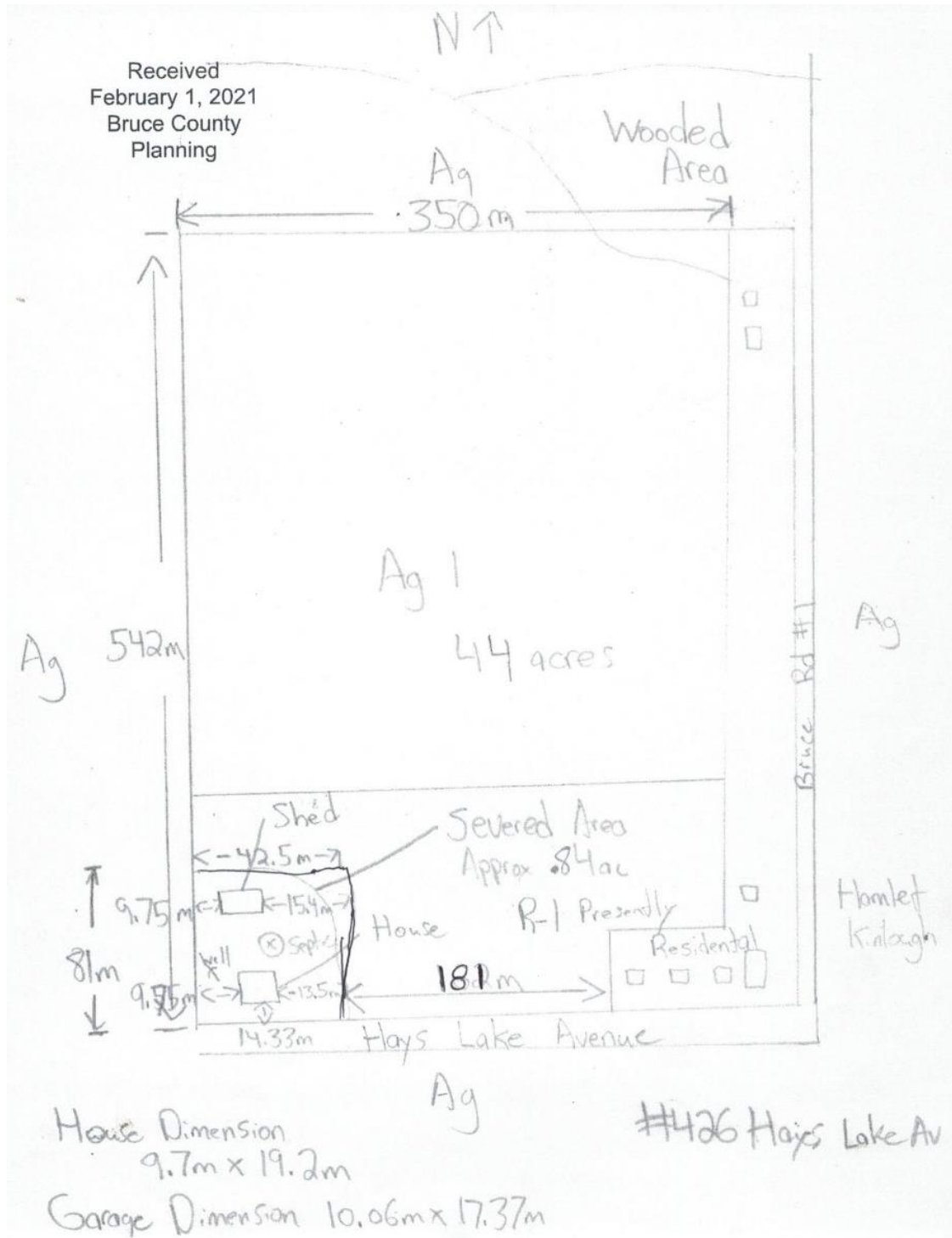
The proposal is aligned with the Homes Guiding Principle by maintaining the existing residential use on the severed lot.

On balance, this proposal is aligned with the Guiding Principles and the Vision of a healthy, diverse and thriving future.

### Airphoto



# Site Plan

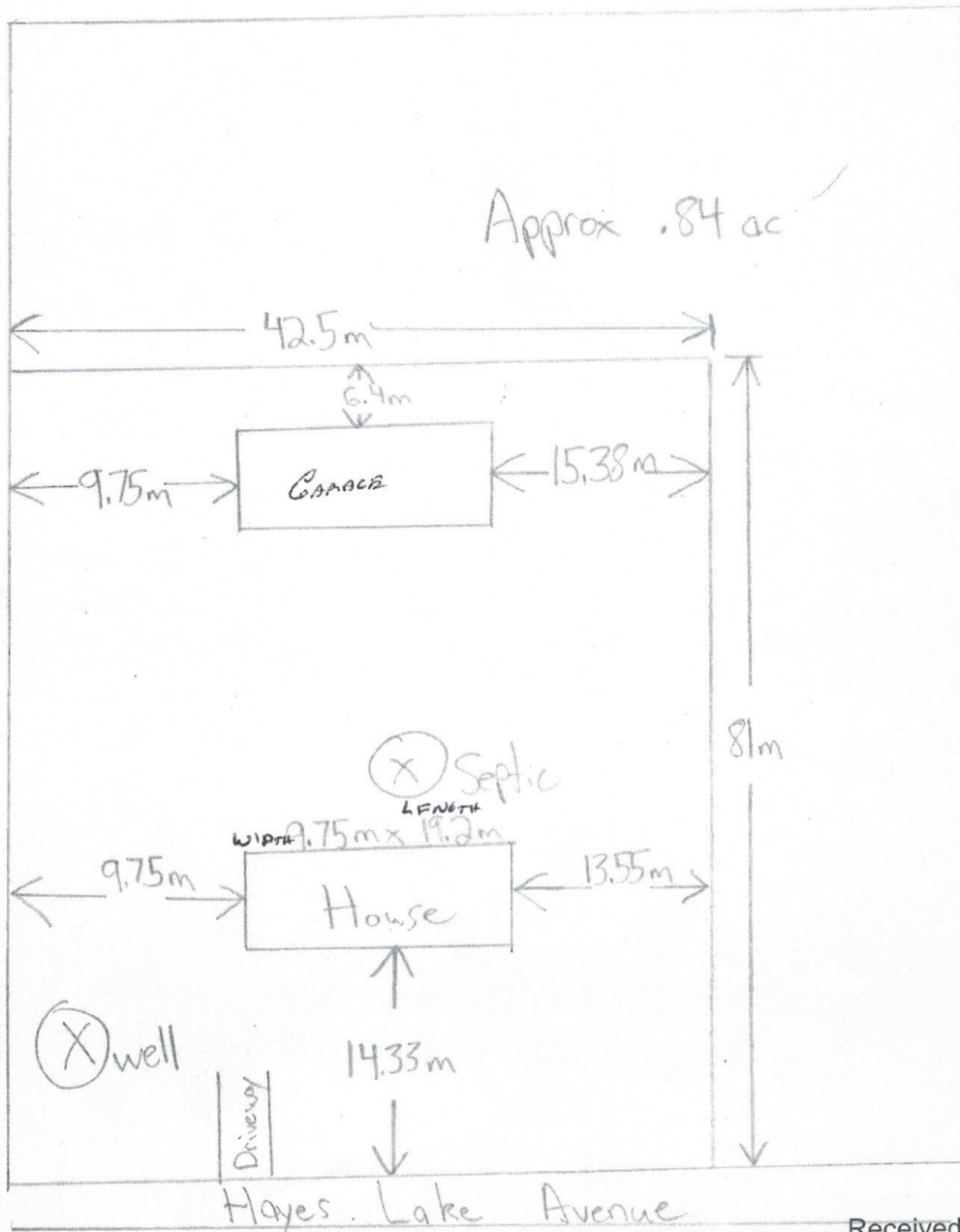


N ↑

Close up Sketch

Approx .84 ac

Ag



R1

Ag

Received  
February 1, 2021  
Bruce County  
Planning

## Planning Analysis:

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

### Surplus Farm Dwelling Severance

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

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

Further, the PPS states that the surplus residential lots are to be limited in size to accommodate water and sewage, and that new residential dwellings be prohibited on the larger farm parcel (retained lands). An associated application to amend the Township of Huron-Kinloss' Zoning By-law proposes to prohibit future residential uses on the retained farmlands.

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

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

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

### Retained Farm Lot Size and Number of Parcels Created

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

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

The existing property is 18.49 ha in size and is already considered undersized. The land had been divided historically which resulted in its current size. The applicants are proposing to sever the residential dwelling and to retain the remaining farmlands for agricultural purposes. This would further divide the original Crown surveyed lot. It is the opinion of County staff that this proposal maintains the overall intent of the agricultural policies. The lot is already smaller than the minimum size in the policy noted above. The farmable area will continue to be farmed in the same manner. The amendment will allow the applicants to sever a house that is surplus to their needs while contributing to the ongoing viability of their farm operations.

The lands to be severed are also limited in size to accommodate the residence, accessory building, a well and the existing sewage disposal system. As little land as possible is to be removed from the agricultural area. The application will not introduce new impacts to surrounding farm operations.

#### **Financial/Staffing/Legal/IT Considerations:**

Potential Appeal to the Local Planning Appeal Tribunal (LPAT).

#### **Report Author:**

Julie Steeper  
Planner

#### **Departmental Approval:**

Mark Paoli  
Director, Planning and Development

#### **Approved for Submission:**

Sandra Datars Bere  
Chief Administrative Officer

#### **Appendices**

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



## County Official Plan Map (Designated Hamlet, Agricultural Areas, Hazard Land Areas)



## Local Zoning Map (Zoned AG1 - General Agriculture, EP - Environmental Protection, R1 - Residential One)



## List of Supporting Documents and Studies

- Surplus Farm Dwelling Severance Information Sheet.

## Agency Comments

Township of Huron Kinloss:

1. The Township requests that the entrance for the retained parcel be off of Hayes Lake Avenue, not off the Ella Street ROW as indicated on the site plan. The Owner will be required to apply for an entrance permit for the retained parcel.
2. The Township requests that the Owner provide written verification to the Clerk of septic re-inspection or intent for a new septic system for both the severed and retained parcel.
3. The Township requests that the Owner provide written verification to the Clerk that the wells are in use or proof of wellhead decommissioning from a qualified well driller.

Comment: The owner has a current access off of Hayes Lake Avenue for the retained farm parcel and has no issue with no access from Bruce County Road 1 via Ella Street. The remaining comments will be addressed as conditions on the consent application.

Township of Huron Kinloss, Engineer, BM Ross: No concerns.

Bruce County Transportation & Environmental Services: No concerns, and no concerns with the proposed entrances from Hayes Lake Road.

Hydro One Networks Inc.: No concerns.

Historic Saugeen Metis: No concerns.

Bruce-Grey Catholic District School Board: No comments.

Rick Management (Source Water) (attached): No concerns.

Saugeen Valley Conservation Authority (attached): No concerns.