



Committee Report

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

From: Mark Paoli
Director of Planning and Development

Date: August 12, 2021

Re: Bruce County Official Plan Amendment C-2021-009 (Wylids)

Staff Recommendation:

That Bruce County Official Plan Amendment C-2021-009 (Wylids) be approved; and,

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

Summary:

The purpose of the application is to facilitate the severance of a +/-0.2 ha surplus farm dwelling lot from a 14.97 ha agricultural parcel at 41 Egypt Sideroad, in the Municipality of Brockton. An amendment to the County Official Plan is required to allow the retained +/- 14.77 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

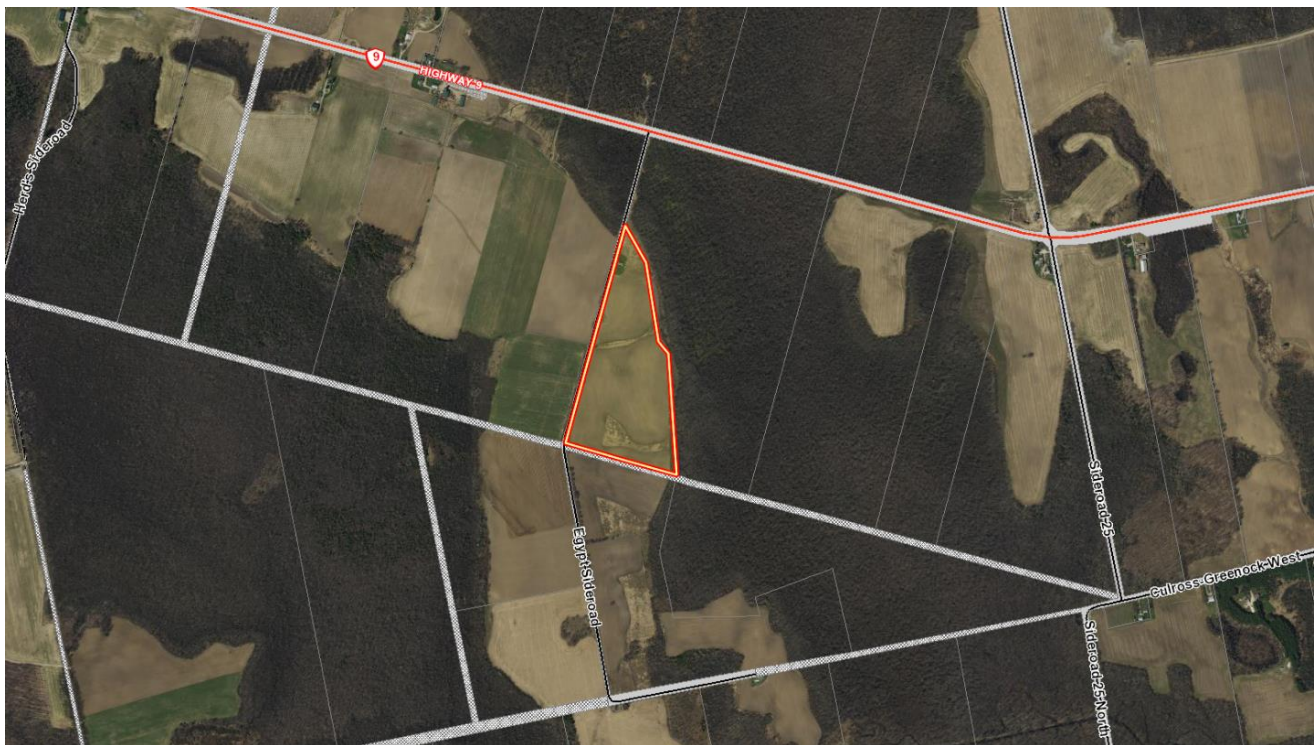
● Not applicable
● Not aligned
● Aligned
● Strongly aligned

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.

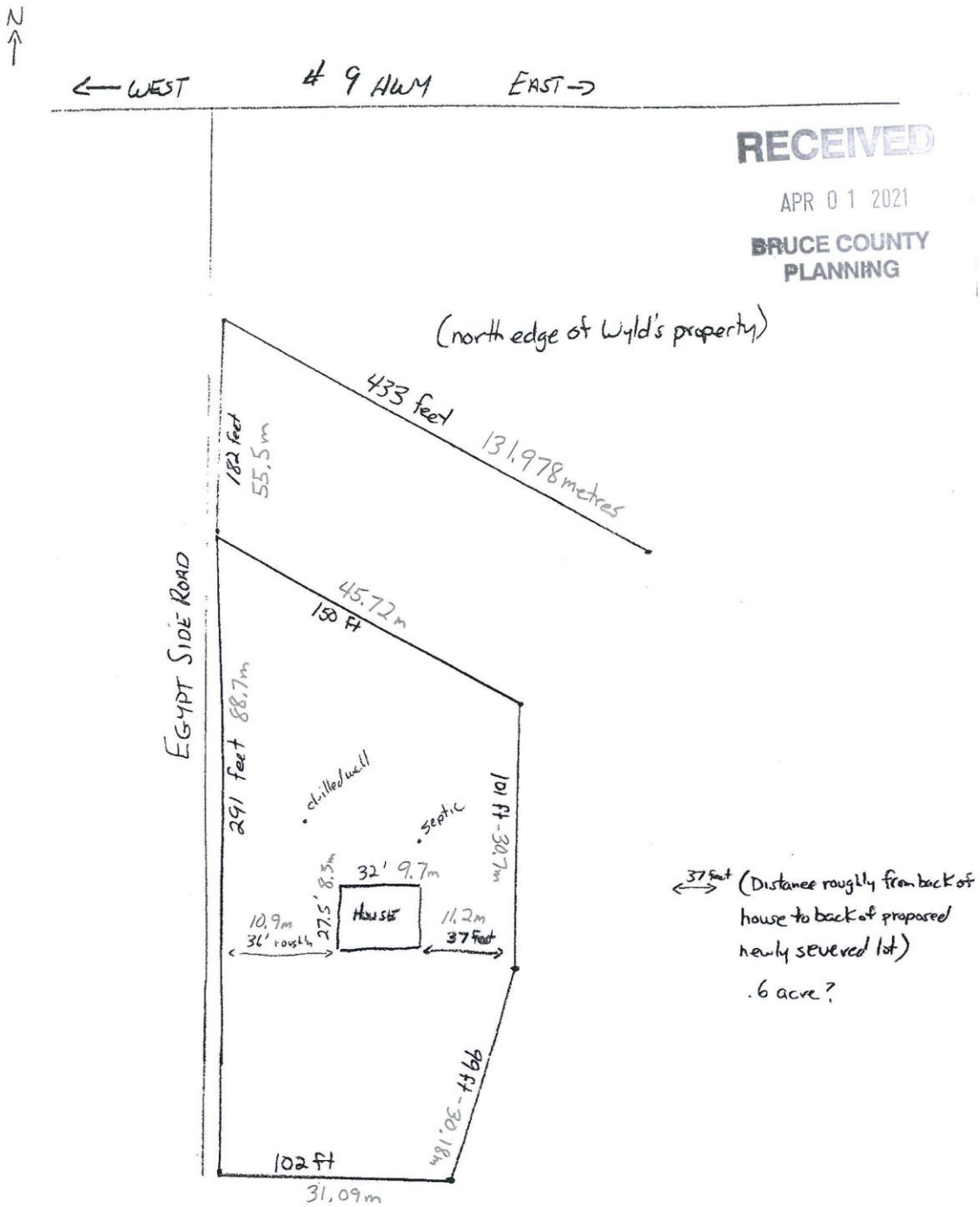
The proposal is aligned with the Homes Guiding Principle by maintaining the existing residential use on the severed lot.

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

Airphoto

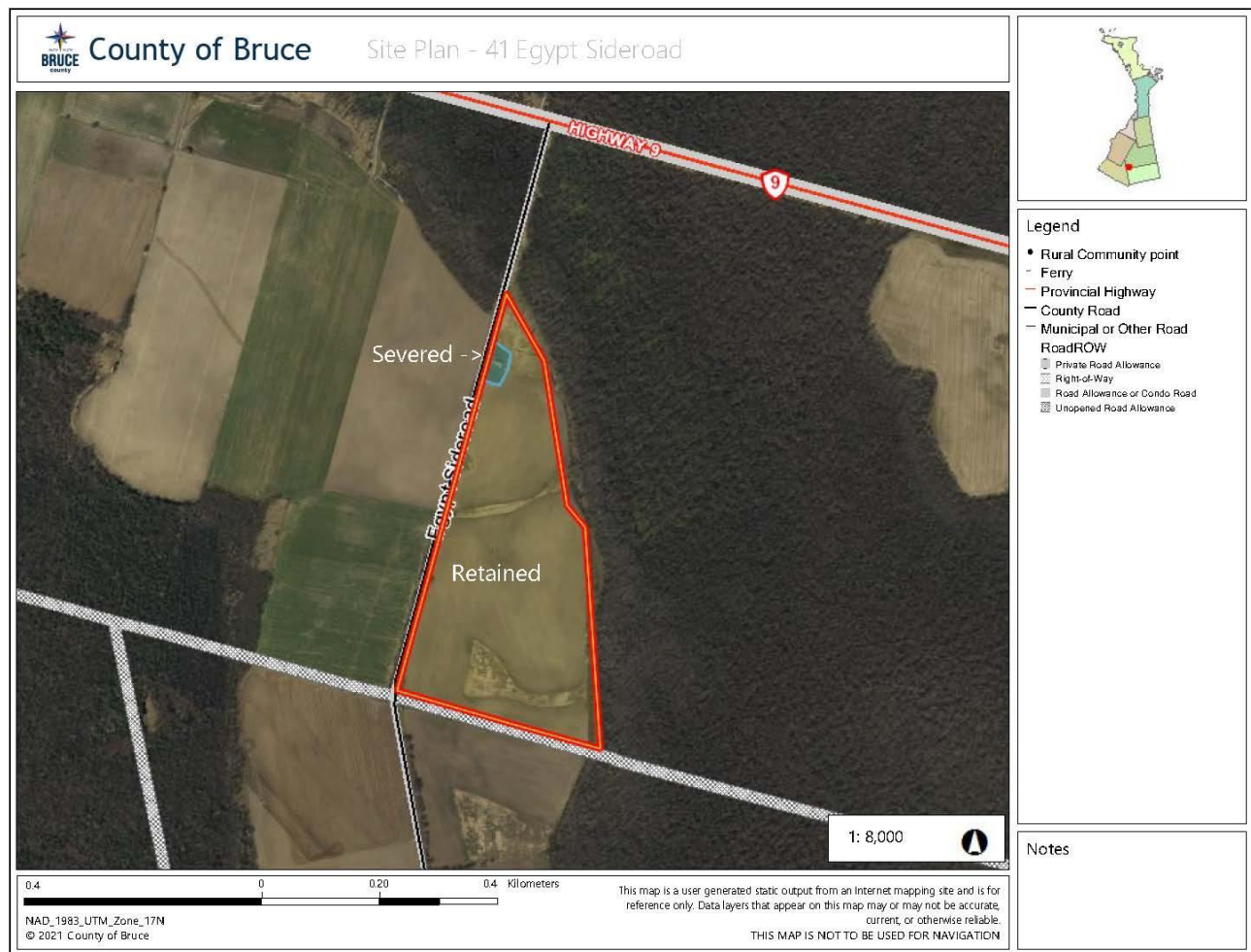


Site Plan Showing the Proposed New Lot



* Not to scale, proposal is roughly the size of the existing yard where the grass has been close to the maintained by resident. Measurements are rough

Site Plan of the Entire Property



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 Municipality of

Brockton's 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 applicant meets the definition of a bona fide farmer. They own and rent 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 which is discussed below.

Retained Farm Lot Size

The County Official Plan requires a minimum lot area of 40 ha for new agricultural lots. The intent of the policy 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 14.97 ha in size and is already considered undersized. The woodlands and wetlands that formed part of the original Crown surveyed lot were historically conveyed to the Saugeen Valley Conservation Authority. The applicant is now proposing to sever the residential dwelling and to retain the remaining farmlands for agricultural purposes. This would further reduce the size of the farm parcel to +/-14.77 ha.

It is the opinion of County staff that this proposed undersized lot maintains the overall intent of the agricultural policies. The lot is already smaller than the minimum size in the policy noted above. The farmable area will continue to be farmed in the same manner. The area is currently farmed with the lands to the immediate south, but these parcels are treated separately for the purposes of this application due to the unopened road allowance between them. The amendment will allow the applicant to sever a house that is surplus to their needs while contributing to the ongoing viability of their farm operations.

Severed Non-Farm Lot Size

The lands to be severed are also limited in size to accommodate the residence, a well and the existing sewage disposal system. The lot size and shape were based on the extent of the manicured area around the existing home. In this case, the severed lot will be +/-0.2 ha in area.

This lot size is less than the 0.5 ha minimum identified in the Municipality of Brockton's Zoning By-law. Municipal staff identified no concerns with the proposed lot size. A related Zoning By-law Amendment proposes to allow for a reduced minimum lot area for the severed lot, as well as the retained parcel. This application will be considered by Brockton Council at a later date.

Proposed lots less than 0.4 ha in size also typically trigger the need for a nitrate assessment to ensure no impacts to groundwater quality, but a minimum lot size is not identified for surplus farm dwelling severances in the Agricultural Areas designation of the County Official Plan. The intent is to ensure as little land as possible is removed from agricultural production. Impacts to groundwater quality at adjacent receptors are also not anticipated in agricultural areas (e.g., a new residence with a well cannot be constructed on the retained farmlands).

Financial/Staffing/Legal/IT Considerations:

Potential Appeal to the Ontario Land Tribunal.

Report Author:

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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 Decision Sheet
- Draft By-law and Schedule

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



Local Zoning Map (Zoned A1 - General Agriculture, EP - Environmental Protection, EP-1 - Environmental Protection Special)



List of Supporting Documents and Studies:

- Site Plan Showing the Proposed New Lot
- Site Plan of the Entire Property
- Location Plan
- Surplus Farm Dwelling Severance Information Sheet
- Property and Tax Information

Agency Comments:

Municipality of Brockton: No comment.

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

Bruce-Grey Catholic District School Board: No comments.

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