



Committee Report

To: Councillor Steve Hammell, Chair and
Members of the Planning and Development Committee

From: Mark Paoli
Director of Planning and Development

Date: November 18, 2021

Re: Consent B-2021-052 (Georgedale Farms Ltd.)

Staff Recommendation:

That Consent B-2021-052 (Georgedale Farms Ltd.) be approved; and

That the Secretary-Treasurer of the Land Division Committee be authorized to sign the Decision Sheet.

Summary:

The purpose of the application is to facilitate the severance of a +/-0.54 ha surplus farm dwelling lot from a +/-51.20 ha agricultural parcel at 1100 Bruce Road 20, in the Municipality of Brockton. The Planning and Development Committee previously saw the related County Official Plan Amendment in August 2021, which was to allow a third parcel to be created from an original Crown surveyed lot. The County Official Plan Amendment was approved and is now in full force and effect. The Consent application is currently being referred to the Committee for a decision as there are objections from a neighbouring property owner related to the severance.

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.

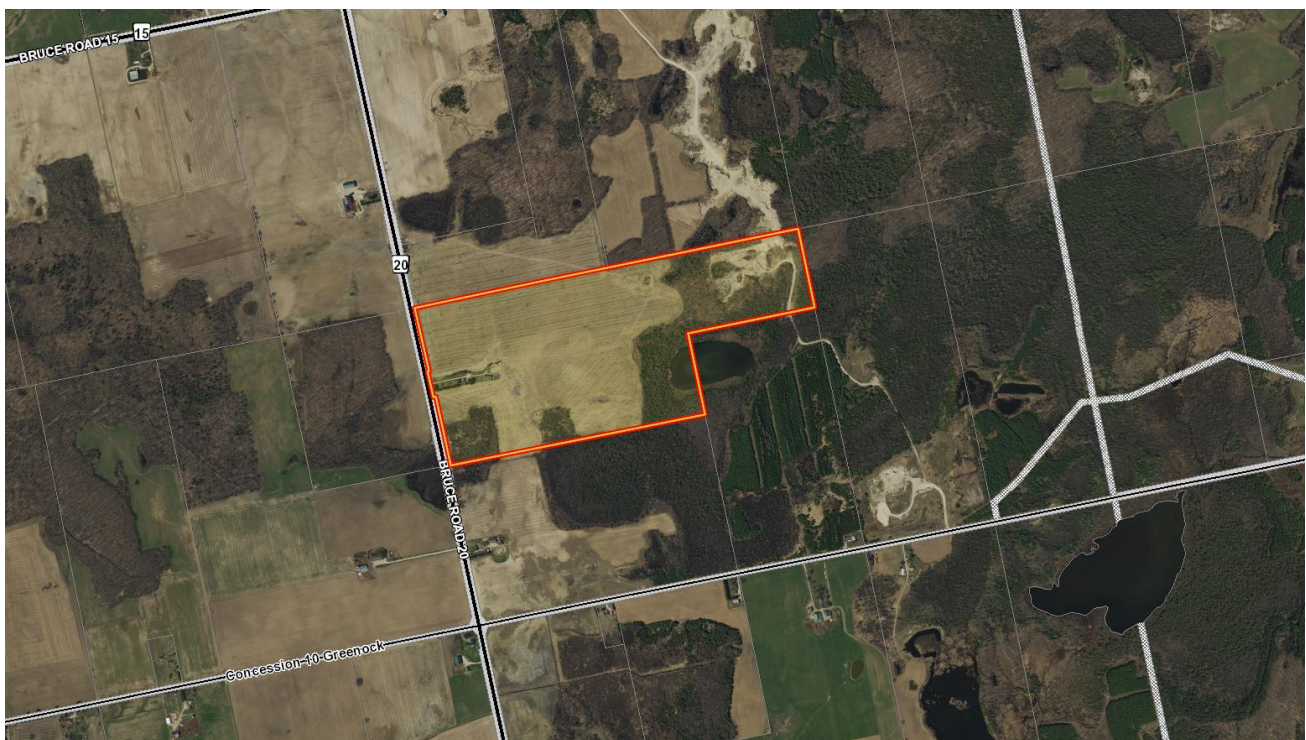
The proposal is aligned with the Homes Guiding Principle by maintaining the existing residential use on the severed lot.

The proposal is aligned with the Natural Legacy Guiding Principle as the severance of the surplus dwelling will not introduce any new impacts to the existing aggregate licence on the site as the dwelling is already in existence.

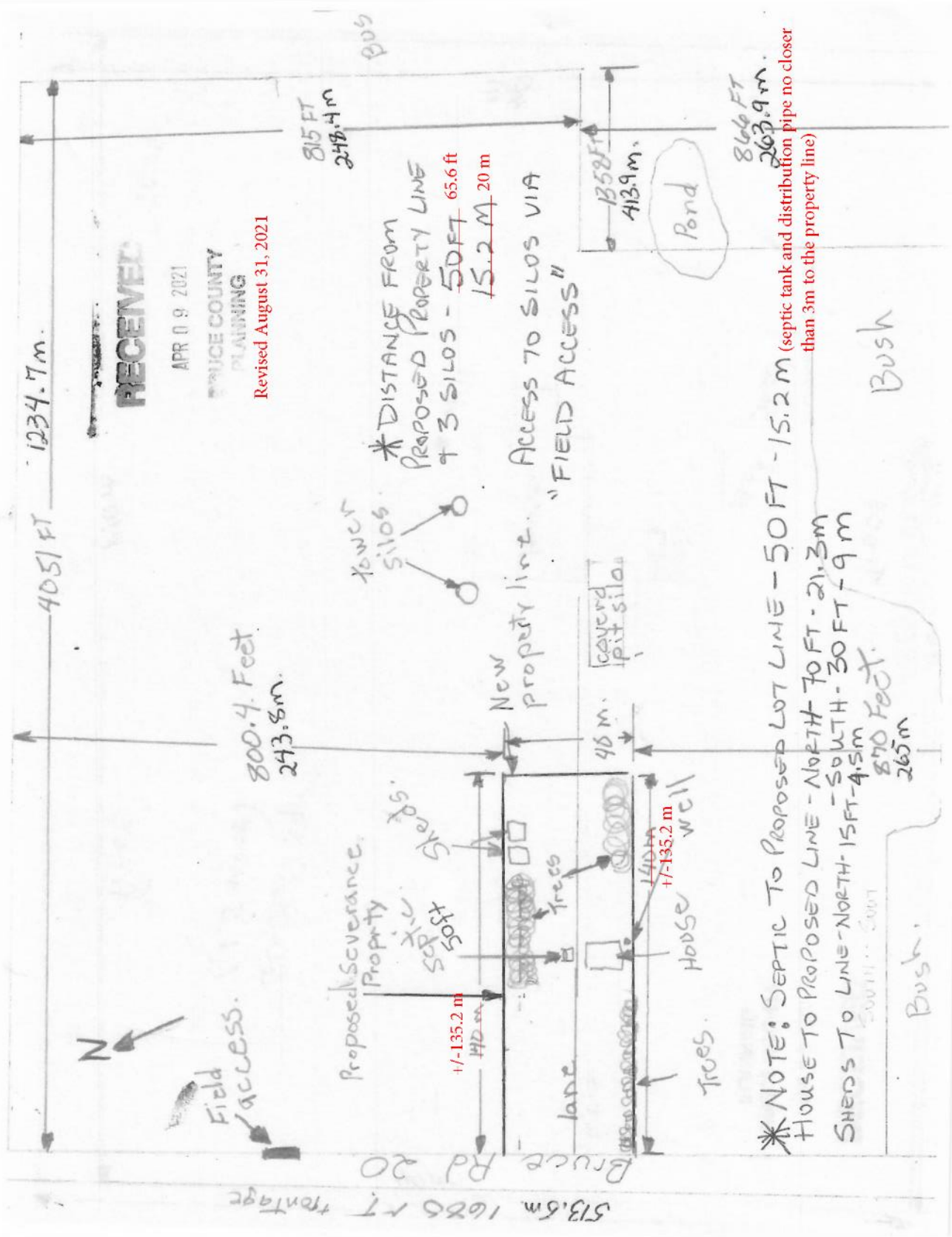
Regarding the Heritage Guiding Principle, the archeological potential on the property will be assessed before any site alteration and development are proposed in areas having high potential.

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

Airphoto



Site Plan



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), public comments (attached) and planning policy sections.

Surplus Farm Dwelling Severance

The subject 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). The Municipality of Brockton approved an amendment to its comprehensive Zoning By-law in September 2021 to prohibit future residential uses on the retained farmlands (File Z-2021-042).

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 habitable and surplus to their needs. The lands to be severed have been limited in size to accommodate the residence, accessory buildings, a well and the existing sewage disposal system. As little land as possible is to be removed from the agricultural area and the farmable area will also continue to be farmed in the same manner.

The proposal meets all the criteria established in the PPS and County Official Plan for agricultural severances, except for the number of parcels that can be created from an original Crown surveyed lot. An amendment to the County Official Plan (File C-2021-012) was approved in September 2021 to allow a third parcel to be created from an original Crown surveyed lot.

A neighbouring landowner expressed concerns about the proposed consent citing impacts to neighbouring farm operators. The intent of the policies is to maintain the viability of the agricultural system, while limiting potential incompatible uses; this is why the only kind of residential severance allowed in Prime Agricultural Areas is a surplus farm dwelling severance. The policies allow farm operators the ability to dispose of viable residential dwellings that they do not require for themselves or their farm help. It also allows farmers an option to sell rather than renting such dwellings, which many do not have the time or interest in pursuing, instead of allowing the home to fall into a state of disrepair. The proposal will not introduce a new residential use into the area but will allow the existing residential use to continue.

Licensed Aggregate Operation and Adjacent Landfill Considerations

There is an existing licensed aggregate operation at the rear of the subject site and a second licence on the adjacent property to the north. The Greenock Landfill is also located on the neighbouring lands to the east.

The County Official Plan generally restricts residential lot creation within specified distances from mineral resource areas, licensed aggregate operations, and sanitary landfill sites to avoid potential land use compatibility issues. However, in the case of a surplus farm dwelling severance, a new dwelling cannot be erected on the retained farm parcel and the surplus dwelling is already within the zone of influence of these uses so no new compatibility issues are anticipated. For this reason, the Official Plan does not require surplus farm dwelling severances to meet the mineral resource area, aggregate operation or sanitary landfill site setback requirements of the Plan.

In addition, aggregate extraction on the current licensed area of the site is over 800 m from the proposed severed lot.

Archaeological Potential

A portion of the proposed retained farm lot around Meyer Lake is considered to have high archeological potential. An archeological assessment is required as per the Ministry of Tourism Culture and Sport, Criteria for Evaluating Archeological Potential checklist. A holding provision was included as part of the Zoning By-law Amendment which will require an archeological assessment to be completed before any development or site alteration can occur in that area. Normal farm practices can continue.

Financial/Staffing/Legal/IT Considerations:

Potential Appeal to the Ontario Land Tribunal.

Report Author:

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Senior Development 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 Comments
- Public Notice
- Decision Sheet

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



Local Zoning Map (Zoned A1-120 - General Agriculture Special, A1-121 - General Agriculture Special, A1-121-H1 - General Agriculture Special with Holding, EP - Environmental Protection, EP-1 - Environmental Protection Special and M3 - Extractive Industrial)



List of Supporting Documents and Studies

- Site Plans
- Location Plans
- Surplus Farm Dwelling Severance Information Sheet
- Aggregate Access Route E-Mail

Agency Comments

Municipality of Brockton:

1. On the retained farm lot, the proposed distance from the new property line to the three silos (including the bunker silo) is only 15m. The required zoning setback is to be 20m.
2. The note on the severed lot pertaining to the on-site sewage system (septic) does not clarify the distance from the septic tank and the distribution pipe to the new property line. The Ontario Building Code requires the septic tank and distribution pipe to be 3m to the property line.
3. The 911 number should stay with the severed property.

Note: The applicant clarified and amended their proposal per Comments 1 and 2 from the Municipality (see redline revised site plan above). Comment 3 has been included as a condition on the Consent.

Bruce County Transportation and Environmental Services: 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.

Public Comments

Narva Farms Ltd. (attached)