



Committee Report

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

From: Mark Paoli
Director of Planning and Development

Date: February 17, 2022

Re: Agriculture Amendment C-2021-025

Staff Recommendation:

That the County Official Plan Amendment - C-2021-025 Agriculture Amendment be received for information; and,

That staff return to a subsequent Planning and Development Committee meeting with a report on the February 17, 2022 Public Meeting and with a Recommendation regarding proposed County Official Plan Amendment - C-2021-025.

Summary:

At its November, 2021 meeting County Planning and Development Committee authorized staff to initiate an amendment to the County Official Plan policies to add criteria for consideration of smaller agricultural lots and to update the policies on industrial and commercial uses in agricultural areas . The attached amendment reflects the outcome of comments received through public and agency consultation and discussions on the proposed changes.

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 amendment strongly aligns with the Agriculture guiding principle and aligns with the Business guiding principle. In terms of Agriculture, the amendment eliminates unnecessary planning applications for routine agriculture related planning matters and promotes flexibility and diversity within the Bruce County agri-business sector. In terms of Business, the amendment facilitates business diversity on farms. On balance, this proposal is aligned with the Guiding Principles and the Vision of a healthy, diverse and thriving future.

Planning Analysis:

The Committee has expressed interest in advancing agriculture policy changes in the near-term to support development objectives while not detracting from the work to advance the larger Plan the Bruce project.

Through stakeholder conversations for the Plan the Bruce - Agriculture project, the County heard that it was difficult to indicate support for or opposition to some of the recommended directions without seeing specific proposed policies. This perspective is understandable given the complexity of many of the issues, and the potential implications for the agricultural sector and/or individual landowners. This was the case for most of the directions on which there was engagement.

There was also, however, feedback on some directions where there was a general consensus, and it was suggested that the County should get on with making those policy changes more quickly than could happen through the lengthier process for the new Official Plan. The proposed amendment reflects this feedback.

The focus of the amendment is to update policies related to Agriculture to better align with Provincial policies and guidelines and reduce the need for amendments to the County Official Plan for routine planning applications.

In accordance with this direction, the Official Plan Amendment would:

- 1) Eliminate restriction of two parcels from original crown lot for surplus farm residence severances and minor lot boundary adjustments that do not result in the creation of a new parcel or increase development potential.
- 2) Recognize the existing lot area of retained parcels following a surplus farm residence severance.
- 3) Incorporate additional wording to better guide applicants who wish to create a new farm lot that is less than the 40-hectare (99 acre) minimum by requiring a business plan and evaluation of alternative available lands in the area.
- 4) Expand the permissions for uses permitted on farms to add more flexibility and to better reflect the range of uses allowed by the Permitted Uses in the Ontario's Prime Agricultural Areas Guideline.
- 5) Incorporate other Minor amendments for clarity.

Public Engagement:

Notice was published in several local newspapers to meet statutory requirements. Notice was also emailed to municipal representatives, commenting agencies and organizations and members of the public who expressed interest in the Plan the Bruce: Agriculture project. Agency and public comments specific to this amendment are attached.

Updates since formal circulation:

Subsequent to formal circulation a few opportunities to increase the clarity of the amendment and address public and agency comments were noted. These changes are shown in **bold** below and in the amendment attached to this report and include:

- 1) The amendment proposed for Section 5.5.6.2 will be beneficial to farmers wishing to establish small scale specialized farms because it provides clear direction for the justification required to create a lot smaller than the 40ha minimum. In response to comments requesting greater flexibility, the proposed amendment for this section has been changed to reduce the required area of research from a 50 km radius from the subject property to a **25 km radius**. This will maintain clear direction for determining if there are alternative suitable locations that could meet the need for a smaller farm area. However, the change will focus the area to be considered closer to the subject property.
- 2) The amendment proposed for Section 5.5.4.1 is intended to permit agriculture related uses that provide service to farms in the area. The proposed amendment for this section has been changed to add further wording from Ontario's Guideline on Uses in Prime Agricultural areas to clarify that these uses must be directly related to local farm operations and related to commercial scale agriculture **as a primary activity and not have as a primary activity provision of goods and services** that are normally required by the general public.
- 3) The amendment to Section 6.5.3.3. Sub-Section .3 b) deals with surplus farm residence severances. Additional wording has been added to clarify that the retained farm lot for a surplus farm residence severance is exempted from minimum lot area requirements as well as policies that limit the number of severances from a Crown Lot.
- 4) Section 6.5.3.3 Sub-Section .3 b) iv) is proposed to be further amended to clarify that the policies refer to Minimum Distance Separation One (MDS I), which are the MDS criteria that apply to new lot creation in proximity to existing livestock facilities.

Planning Opinion:

The proposed amendments implement policy changes to the Agriculture section of the Bruce County Official Plan that would reduce the number of planning applications required for land division proposals in the agricultural area that are routine in nature. The amendment will also allow a more diverse range of agriculture related and on farm diversified uses in accordance with increased flexibility provided for in Provincial Policy. New policies clarify the requirements for applications to create agricultural lots that would be less than the 40 ha minimum lot area for farms in the Prime Agricultural Area.

The Amendment is consistent with the Provincial Policy Statement and advances County Council's interest in seeing improvements to the agricultural policy framework in advance of completing the new County Official Plan project. The amendment also provides for more detailed implementation through local zoning by-laws.

Financial/Staffing/Legal/IT Considerations:

Potential Appeal to the Ontario Land Tribunal (OLT).

Report Author:

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Departmental Approval:

Mark Paoli
Director, Planning and Development

Approved for Submission:

Christine MacDonald
Interim Chief Administrative Officer

Appendices

- Agency Comments
- Public Comments
- Public Notice
- Draft Amendment
- Decision Sheet

Agency Comments

- Municipality of Brockton (staff) (attached) - Provided comments regarding the requirement for a business plan for the creation of a new farm lot that is less than 40 ha in area and the requirement that agriculture related uses in the countryside be for the purpose of servicing farms rather than the general public. Suggests that these policies could be less restrictive.
- Bruce County Transportation and Environmental Services (attached) - No comment.
- Bruce Federation of Agriculture (attached) - Questions the requirement to examine if there are lots of a similar suitability and size within a 50 kilometre radius for applications to create a lot less than the 40 ha minimum. Specifically questioning if a 50k distance needs to be specified. Generally supportive of policies that protect agriculture and simplify the planning process to promote more diverse opportunities.
- County of Wellington (attached) - No concerns.
- Grey Sauble Conservation Authority -Risk Management Office (attached) - Provided comments regarding the requirements regarding creation of new lots in highly vulnerable areas, such that connections be required to municipal services or the septic system be located outside of the highly vulnerable area.
- Historic Saugeen Métis - No concerns or objections.
- Township of Huron-Kinloss (staff) (attached) - Generally supportive of the policies that will eliminate the need for unnecessary planning applications. Questions the requirement to examine if there are lots of a similar suitability and size within a 50 kilometre radius for applications to create a lot less than the 40 ha minimum. Concerned that such policies will be restrictive of the creation of 20 ha lots (50 acres). Suggests a smaller radius of 20 or 25 kilometres.
- Municipality of Kincardine (staff) (attached) - Provided comments regarding suggested further changes and or clarification of the surplus farm residence severance policies related to Minimum Distance Separation, the definition of habitable, and septic system replacements.
- Maitland Valley Conservation Authority (attached)- No objections.
- Ministry of Municipal Affairs and Housing (MMAH)- At the time of writing this report MMAH staff have indicated that they wish to provide comments on the proposed amendment, however they have indicated that comments will not be available until after the Public Meeting.
- Saugeen Ojibway Nation (attached) - Currently does not have the resources to comment on the proposed amendment.

- Saugeen Valley Conservation Authority (attached) - Application is acceptable and consistent with Natural Heritage and Natural Hazard policies.
- Sparlings Propane (attached) - Generally supportive of intent to align with Provincial policy.
- Town of South Bruce Peninsula (attached) - Provided comments on the proposed policy changes for, requiring a business plan for the creation of a farm lot that is less than the 40 ha minimum, severances from a Crown Lot, surplus farm residence severances, and permitted uses in prime agricultural areas. Generally suggests that the proposed policies do not go far enough to remove restrictions. Suggests that policies in the Official Plan should not be more restrictive than Provincial Policies. Suggests that changes not considered as part of this amendment should be considered for the new Bruce County Official Plan.