

Staff Report

Report From: Jay Pausner, Supervisor, Development Services
 Meeting Date: January 24, 2022
 Subject: County of Bruce Official Plan Amendment – Agricultural Policies
 Attachments: Proposed Amendments

Recommendation

That Council support the proposed amendments to the County of Bruce Official Plan.

Report Summary

The County of Bruce Planning Department has circulated for comment draft amendments to the County of Bruce Official Plan related to agriculture. This report outlines the proposed changes and recommends that the Town support the amendments to the County of Bruce Official Plan.

Background/Analysis

County of Bruce Planning Department has circulated for comment draft amendments to the County of Bruce Official Plan related to agriculture (see attached). These amendments are proposed in the interim while the County continues its Official Plan update and would come into force once approved.

In the review of these proposed amendments, it is proposed that the Town offer its support for the changes. The changes would build local context and flexibility for the County and its area municipalities to facilitate timely and straightforward development and/or lot creation in the rural areas of the County.

The table below outlines the recommended comments:

BCOP Section	Town Comment
6.5.3.3.1	In support, provides an exemption for a common issue and will limit the amount of administration of Official Plan Amendments (OPAs).
6.5.3.3.3	In support, will limit the amount of administration.
5.5.6.2	In support, allows an opportunity to create smaller farm lots previously not permitted.
5.5.2	In support, will allow more flexibility to locate businesses.

BCOP Section	Town Comment
5.5.4	In support.
5.5.4	In support, will allow more flexibility to locate businesses.
5.5.4.1	In support, will allow more flexibility to locate businesses.
5.6.4	In support.
6.5.3.3	In support, will limit the amount of administration of OPAs and Zoning By-law Amendments.

If supported, the Town will provide a copy of this report and any resolution of Council to the County.

Linkages

- Corporate Strategic Plan Priority #1: Facilitate Appropriate Growth in our Communities
- Corporate Strategic Plan Priority #2: Improve Operational Effectiveness

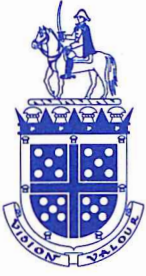
Financial Impacts/Source of Funding

None.

Prepared By: Jay Pausner, Supervisor, Development Services

Reviewed By: Amanda Froese, Director, Infrastructure and Development Services

Approved By: Kara Van Myall, Chief Administrative Officer



COUNTY OF WELLINGTON

PLANNING AND DEVELOPMENT DEPARTMENT
T 519.837.2600
T 1.800.663.0750
F 519.823.1694

ADMINISTRATION CENTRE
74 WOOLWICH STREET
GUELPH ON N1H 3T9

January 21st, 2022

Monica Walker Bolton
Senior Planner
Bruce County Planning & Development Department
30 Park Street, P.O. Box 848,
Walkerton ON, N0G 2V0

Dear Ms. Walker Bolton:

RE: BCOP C-2021-025 – Agricultural Amendments

Thank you for providing this office with the opportunity to comment on the proposed "Agricultural Amendments" to the Bruce County Official Plan. We have reviewed the proposed amendment and wish to advise that we have no concerns.

I trust that these comments will be of assistance to you in your review of this matter. Should you wish to discuss these comments further please do not hesitate to contact me at (519)- 837-2600 x 2300.

Yours truly,

A handwritten signature in cursive script that reads "Jameson Pickard".

Jameson Pickard, B.URPL, MCIP, RPP
Senior Policy Planner

cc. Sarah Wilhelm, Manager of Policy Planning, County of Wellington
Curtis Marshall, Manager of Development Planning, County of Wellington



The Corporation of the Township of Huron-Kinloss

21 Queen Street
P.O. Box 130
Ripley, Ontario
N0G 2R0

519-395-3735
Fax: 519-395-4107
info@huronkinloss.com
www.huronkinloss.com

January 21, 2022

County of Bruce
Planning and Development Department
30 Park Street, Box 848
Walkerton, ON, N0G 2V0
Attn: Monica Walker Bolten
bcplwa@brucecounty.on.ca

Hello Monica,

I want to commend you and the County's Planning and Development Department for bring forward these proposed amendments to the Official Plan. As you have stated, these amendments are meant to reduce the need for routine planning applications and I believe you have achieve that goal.

I appreciate that it is being proposed that surplus farm severances won't have to comply with MDS1 for livestock facilities on other lands. The rational for applying that requirement when both the house and barns are already existing doesn't seem logical.

I do question in Section 5.5.6.2., why 50 km was chosen for the distance that lots of similar size could not be available. Members of Huron-Kinloss Council have previously asked for 50 farm lots in prime agriculture areas. The 50 km distance would include the properties adjacent to Durham Road (Highway 9) that were created as 50 acre parcels. That distance would exclude any new 50 acre parcels from being created on A1 lands within our municipal border and could potential force people to relocate outside the Township's and County's boundaries. I agree from the intent, that the provision is necessary but suggest a radius of 20 to 25 km may be more suitable.

Thank you for this opportunity to comment and we look forward to seeing these proposed amendments adopted.

Sincerely

Matt Farrell, Building and Planning Manager/CBO
Township of Huron-Kinloss

File Number: C-2021-025

Agency: Bruce County Federation of Agriculture (BCFA)

No Comment: Title: Jackie Pennings (Office Administrator) as per Chris Cossitt (BCFA President)

Comments:

In section 5.5.6.2

We question the specification of 50km. Not sure if a distance needs to be specified.

At Bruce County Federation of Agriculture, our intent and reasons for commenting are based on our dedication to the protection of prime agricultural lands. This attempt to assist with the planning is to help simplify the process, allowing for a diverse business environment while promoting responsible residential growth and improving local possibilities.



1078 Bruce Road 12, P.O. Box 150, Formosa ON N0G 1W0
Tel 519-367-3040, publicinfo@svca.on.ca,
www.saugeenconservation.ca

SENT ELECTRONICALLY (mwalkerbolton@brucecounty.on.ca)

January 20, 2021

County of Bruce
Planning and Development Department
30 Park Street, P.O. Box 848
Walkerton, ON N0G 2V0

ATTENTION: Monica Walker-Bolton, Planner

Dear Ms. Walker-Bolton;

RE: Proposed County Official Plan Amendment
Bruce County File No: C-2021-025

Saugeen Valley Conservation Authority (SVCA) staff has reviewed the above-noted proposed amendment to the Bruce County Official Plan as per our delegated responsibility from the Province to represent provincial interests regarding natural hazards identified in Section 3.1 of the Provincial Policy Statement (PPS, 2020) and as a regulatory authority under Ontario Regulation 169/06 (SVCA's Development, Interference with Wetlands, and Alterations to Shorelines and Watercourses Regulation). SVCA staff has also provided comments as per our Memorandum of Agreement (MOA) with the County of Bruce representing natural hazards, natural heritage, and water resources; and the application has also been reviewed through our role as a public body under the *Planning Act* as per our CA Member approved Environmental Planning and Regulations Policies Manual, amended October 16, 2018.

The purpose of the proposed 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. The amendment would apply to all lands within the County of Bruce.

The proposed changes would:

- i) 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.
- ii) Recognize the existing lot area of retained parcels following a surplus farm residence severance.



Watershed Member Municipalities:
Municipality of Arran-Elderslie, Municipality of Brockton, Township of Chatsworth,
Municipality of Grey Highlands, Town of Hanover, Township of Howick,
Municipality of Morris-Turnberry, Municipality of South Bruce,
Township of Huron-Kinloss, Municipality of Kincardine, Town of Minto,
Township of Wellington North, Town of Saugeen Shores, Township of Southgate,
Municipality of West Grey

- iii) 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.
- iv) Expand the permissions for uses permitted on farms to add more flexibility and to better reflect the range of uses permitted by the Permitted Uses in Ontario's Prime Agricultural Areas Guideline.
- v) Minor amendments for clarity.

Staff have received and reviewed the following documents submitted with this application:

- 1) Request for Agency Comments for file number C-2021-025, dated December 15, 2021; and attached "Proposed Agriculture Amendments for Bruce County Official Plan for Consideration"

Recommendation

SVCA staff find the application acceptable. It is our understanding there are no changes proposed to either of "The Environment" or "Hazard Land Area" policies as part of this Official Plan Amendment (OPA). The proposed amendments are general in nature and apply to the entire County of Bruce. As such, the proposed is not directly affected by floodplains, watercourses, shorelines, wetlands, valley slopes or other natural environment features of interest to SVCA or as per our MOA with the County of Bruce. As such, given the above comments, it is the opinion of SVCA staff that:

- 1) Consistency with Section 3.1, Natural Hazard policies of the PPS has been demonstrated.
- 2) Consistency with Section 2.1, Natural Heritage policies of the PPS has been demonstrated.

Thank you for the opportunity to comment. Please inform this office of any decision made by the County with regard to this application. We respectfully request to receive a copy of the decision and notice of any appeals filed.

Should you have any questions, please contact the undersigned at b.walter@svca.on.ca.

Sincerely,



Brandi Walter
Environmental Planning Coordinator
Saugeen Conservation

BW/

cc: Applications Technician, Cty. of Bruce (via email)



Town of South Bruce Peninsula
PO Box 310, 315 George Street, Wiarton ON N0H 2T0
519-534-1400

Response to Request for Agency Comment

Application File Number: C-2021-025 Agriculture

Proposed Use:

The following comments were received:

Legislative Services Department:

1. Proposed changes to section 5.5.6.2 could be considered to be unfair and discriminatory. For a property owner to have to justify that there are no other viable options within a 50km radius would be a difficult exercise. Many factors would need to be considered including what a property owner can afford (land may be available but the farmer may not be able to afford the asking price), whether or not another property owner would sell to any particular person if the lands were readily available (there would be no guarantee that if a property is for sale, that the owner would accept an offer from anyone), and whether or not the "available lands" were really suited to the agricultural needs of the original property owner (this may be a larger exercise including requiring studies and testing on the "available lands"). This provision may work against the property owner looking to begin a smaller farming operation in an area which could support the operation. If the provision remains as stated, it will be at the discretion of the County to determine whether or not the submitted business plan meets the requirements (considering all of the above could conceivably become issues).
2. Proposed changes to section 6.5.3.3.1 continue to be limiting the number of severances on a lot. Other neighbouring municipalities permit three severances to an original Crown surveyed lot. South Bruce Peninsula would respectfully request that this is considered.
3. South Bruce Peninsula Council has commented, many times that they do not wish to see Official Plans which are more restrictive than the Provincial Policy Statement. We request that any items which are more restrictive are removed and support those proposed changes which mirror the Provincial Policy Statement.
4. Proposed changes to section 6.5.3.3.3 could include changes to the "bona fide farmer" definition as a farmer may not own and farm other lands. It is hoped that changes to the definition will be further considered in the larger Official Plan updates.

Building Division:

5.5.4.1 iii) should be removed in its entirety. The sewage system will be enforced through the OBC and the well through the MECP. Also, it shouldn't matter if a facility was individually serviced if there is capacity otherwise.

Financial Services Department:

No comments/concerns

Emergency Services Department:

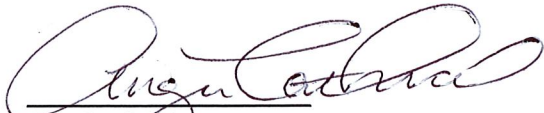
No comments/concerns

Public Works Department:

No comments/concerns

Economic Development Division:

No comments/concerns



Angie Cathjae
Director of Legislative Services/Clerk

Date: January 20, 2022

File Number: C-2021-025

Agency: Municipality of Brockton

No Comment: _____ Title: Clerk, Fiona Hamilton Signature:  _____

Comments: Chief Building Official has provided attached comments

January 11th 2022

Re Request for Agency Comments C25 Agriculture

Section 5.5.6.2

Re Business plan prepared by qualified individual

Section 5.5.6.2 is to require a business plan to be prepared by a qualified individual for small lot sizes. As a directly related agriculture use, is a business plan necessary or required for an agriculture business such as a produce greenhouse operation where smaller scale farm parcels are typically more appropriate than the typical 40 hectare farm parcel size? Municipal Zoning By-Laws afford provisions that can stipulate permitted land uses so as to ensure that the created parcel is used for the intended purposes.

The intent and benefits to this section only state to better guide and clarity for the applicant. Is there not an intent and benefit to support and grow smaller scale on agriculture farm operations that can utilize smaller farm parcel sizes as there is no indefinite supply of agriculture lands as urban boundaries continue to expand.

Section 5.5.4.1

Clause iv). iv) Be directly related to local farm operations and related to commercial scale agriculture and not to goods or services that are normally required by the general public.

Agriculture related uses that are not located on a farm, but serve nearby farms also support the general public and local residents just the same as urban settlements provide support to agriculture related uses that are not located on a farm. An example is a farm implement dealership that also sells and provides service for lawn tractors or riding lawn mowers, snow maintenance equipment and yard maintenance equipment and tools used for personal use. If located in an Agriculture area does this dealership now need to expand and provide a second business location within the urban boundary to support the general public and local residents?

Dieter Weltz,

Building and Planning Manager/CBO
Municipality of Brockton

File Number: C-2021-025

Agency: Bruce County Transportation Services

No Comment: Title: ENG Technician Signature: 

Comments:



MEMORANDUM

TO: Monica Walker-Bolton, Senior Policy Planner, Bruce County, via email
CC: Bruce County Inland Planning Hub, via email
FROM: Patrick Huber-Kidby, Supervisor of Planning & Regulations, MVCA
DATE: January 14, 2021
SUBJECT: Bruce County Official Plan Amendment: C-2021-025
Agriculture Policies

Maitland Valley Conservation Authority (MVCA) has reviewed the above proposed amendment with regard for the natural hazard policies contained in the Provincial Policy Statement, 2020 (PPS, 2020) and pursuant to our 'Memorandum of Agreement' with the Corporation of the County of Bruce. This amendment has also been screened with regard for MVCA's policies made under *Ontario Regulation 164/06* (Development, Interference with Wetlands and Alterations to Shorelines and Watercourses Regulation). Based on our review, we offer the following comments.

It is our understanding the purpose of this amendment to clarify certain existing Official Plan Policies around Agricultural Lands, and to bring those policies into better alignment with the wording of current Provincial Policies. We understand this amendment applies to all lands within the County of Bruce.

MVCA has reviewed the Request for Agency Comments (Dec 15, 2021).

We find that none of the proposed amendments overtly conflict with section 3.1, Natural Hazards, of the Provincial Policy Statement; and further that the amendments are not likely to create conflict or ambiguity in relation to future development that may be subject to *Ontario Regulation 164/06*.

MVCA therefore has no objection to Bruce County Official Plan Amendment: C-2021-025.

Thank you for the opportunity to comment at this time. Feel free to contact this office if you have any questions.

File Number: C-2021-025

Agency: Municipality of Kincardine

No Comment: X Title: CBO/ Dev Services Manager Signature: Dwayne McNab

Comments:


Under 6.5.3.3.3 (iv) typically if a house is severed from the farming operation, it is not feasible to require the house to meet MDS 1 requirements as the distance to the barn (especially on older homestead operations) will generally be too close. It would be reasonable to state that the newly severed house from the farming operation be exempt from the MDS I requirements and alternatively the livestock operation be exempt from the MDS II requirements, but only for the lands as associated with the surplus dwelling severance policies. Rationale being that the odor impact already exists. Further, that livestock operation may be permitted to enlarge provide no portion of the expansion is located closer to the severed dwelling, but complies with MDS II for all separately titled lots outside of the surplus severance.

6.5.3.3.3 (vi) As a condition of the severance to determine that the house be deemed habitable. Please define this term, as a good majority of these houses that are subject to the surplus severance policies were not built to current code requirements. This makes this clause especially difficult to enforce as the habitability requirements under current codes are far more restrictive than what would have been required for a house built in the 1970's and even more restrictive than a century old farmhouse. It would be recommended that this clause be removed or that as part of the surplus severance, a third party Engineer/ Architect be required to conduct an Occupancy inspection, provide a report detailing the findings and ultimately the required building permit application needed to bring the existing dwelling up to Occupancy standards. Also note this could include Septic system replacements as most system prior to 1997 were not subject to Code requirements as they were under jurisdiction of the MOE or local health units

File Number: C-2021-025

Agency: Grey Sauble Conservation Authority – Risk Management Office

No Comment: _____ Title: Risk Management Official

Signature: 

Comments:

The main policy that may apply regarding this file as distributed is Policy 02-05 from the Approved Source Protection Plan for the Saugeen, Grey Sauble, Northern Bruce Peninsula Source Protection Region.

Policy 02-05 Sewer Requirement for New Lots: Sewer Requirement for New Lots The policy applies in all vulnerable areas where the establishment, operation or maintenance of a septic system would be a significant drinking water threat (future activity). New lots created either through severance or subdivision under the Planning Act shall only be permitted by the planning approval authority where the lots will be serviced by a municipal sewage system or where an on-site septic system could be located outside of a vulnerable area with a vulnerability score of 10.

Severances in highly vulnerable areas will still need to comply with this policy to ensure that newly created lots are only permitted where they are connected to municipal services or where the septic systems can be located outside the high vulnerable areas (e.g. WHPA-A and B zones with a score of 10).

From: hsmrcc@bmts.com
To: [Bruce County Planning - Inland Hub](#)
Subject: Request for Comments - Bruce County - proposed County Official Plan Amendment
Date: Thursday, December 16, 2021 11:26:21 AM

**** [CAUTION]:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Your File: C-2021-025

Our File: Bruce County

Ms. Bolton,

The Historic Saugeen Métis (HSM) Lands, Resources and Consultation Department has reviewed the relevant documents and have no objection or opposition to the proposed County Official Plan Amendment as presented.

Thank you for the opportunity to review this matter.

Regards,

Chris Hachey

Coordinator, Lands, Resources & Consultation
Historic Saugeen Métis
email: hsmrcc@bmts.com
phone: 519-483-4000
site: saugeenmetis.com
address: 204 High Street Southampton, ON

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File Number: C-2021-025

Agency: Sparlings Propane

No Comment: _____ Title: Territory Manager Signature: KG Pringle

Comments:

we are good with Provincial policy and Bruce County aligning

Subject: FW: Request for Agency Comments C25 Agriculture

From: Emily Martin <manager.ri@saugeenojibwaynation.ca>

Sent: Wednesday, December 15, 2021 3:09 PM

To: Candace Hamm <CHamm@brucecounty.on.ca>

Subject: Re: Request for Agency Comments C25 Agriculture

**** [CAUTION]:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hello and thank you for your email,

At this point, the Saugeen Ojibway Nation's Environment Office does not have the resources to engage in consultation on this project.

We have no further comments on this project. If at any point anything of archeological interest is revealed on site, please contact the SON Environment Office immediately.

You can learn more about the Saugeen Ojibway Nation and SON territory here:

<https://www.saugeenojibwaynation.ca/resources>

No need to respond to or acknowledge this email.

Thank you,
Emily

Emily Martin

Resources and Infrastructure Associate

T: (867)687-2697



**Environment
Office**

**Saugeen Ojibway
Nation.**

25 Maadookii Subdivision
Neyaashiinigiing
Ontario, N0H 2T0
[saugeenojibwaynation.ca](https://www.saugeenojibwaynation.ca)

Emily Martin

Resources and Infrastructure Manager

manager.ri@saugeenojibwaynation.ca

T: (519) 379-0849



Environment Office

**Saugeen Ojibway
Nation.**

25 Maadookii Subdivision
Neyaashiinigmiing
Ontario, N0H 2T0
saugeenojibwaynation.ca