



Report to Council - Planning Application

Title: County Official Plan Amendment - C-2024-001 (Dales)
From: Jack Van Dorp, Director of Planning and Development
Date: July 4, 2024

Staff Recommendation:

That County Official Plan Amendment C-2024-001 not be approved, as it is not consistent with the Provincial Policy Statement (2020) policies for surplus farm residential severances.

Summary:

This County Official Plan Amendment would facilitate the construction of a new dwelling on an agricultural parcel. The County Official Plan Amendment is required to address the prohibition of establishing a new residential use on agricultural lands where a previous surplus farm dwelling severance has occurred. A justification report that is premised on a natural severance created by the Teeswater River has been prepared by the applicant to support the removal of the prohibition. A related Zoning By-law Amendment is required to remove the prohibition of a new dwelling and lift a holding provision in accordance with the submitted archaeological assessment.

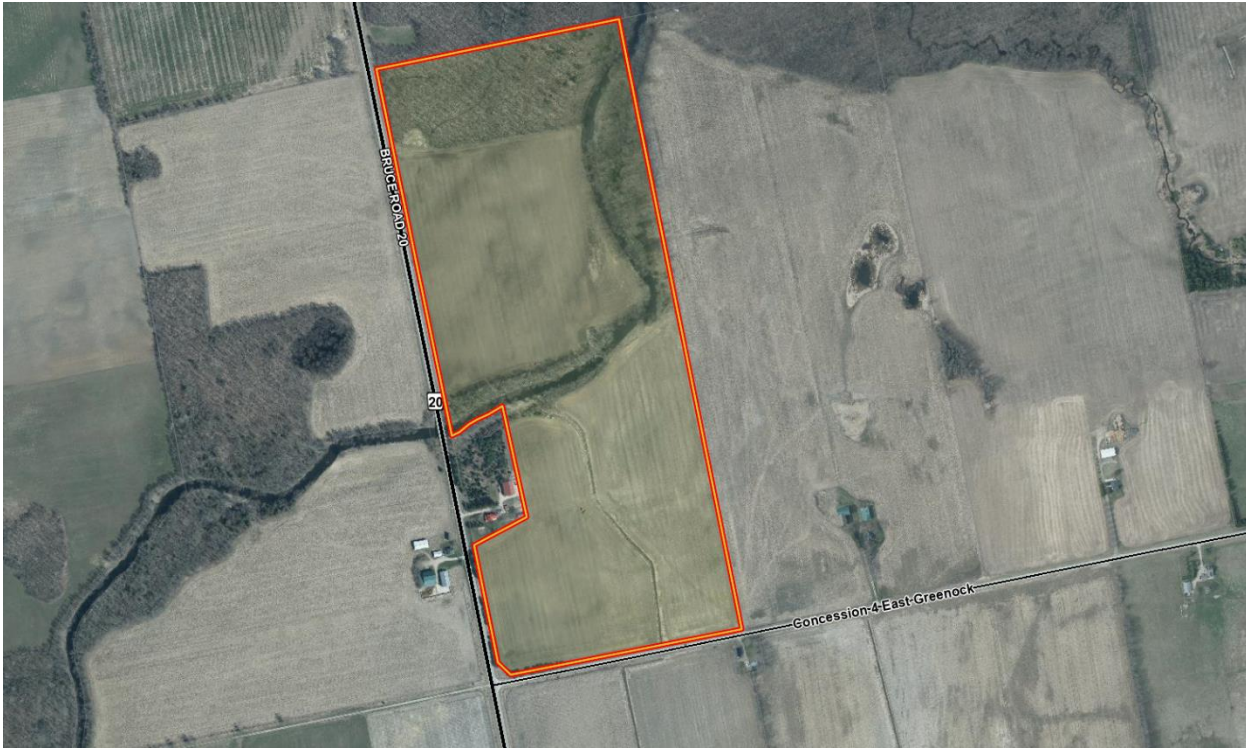
Alignment with Guiding Principles:

This application is not aligned with the guiding principles of Agriculture as it does not conform with the Bruce County Official Plan and Provincial Policy Statement requirements for the protection of agriculture.

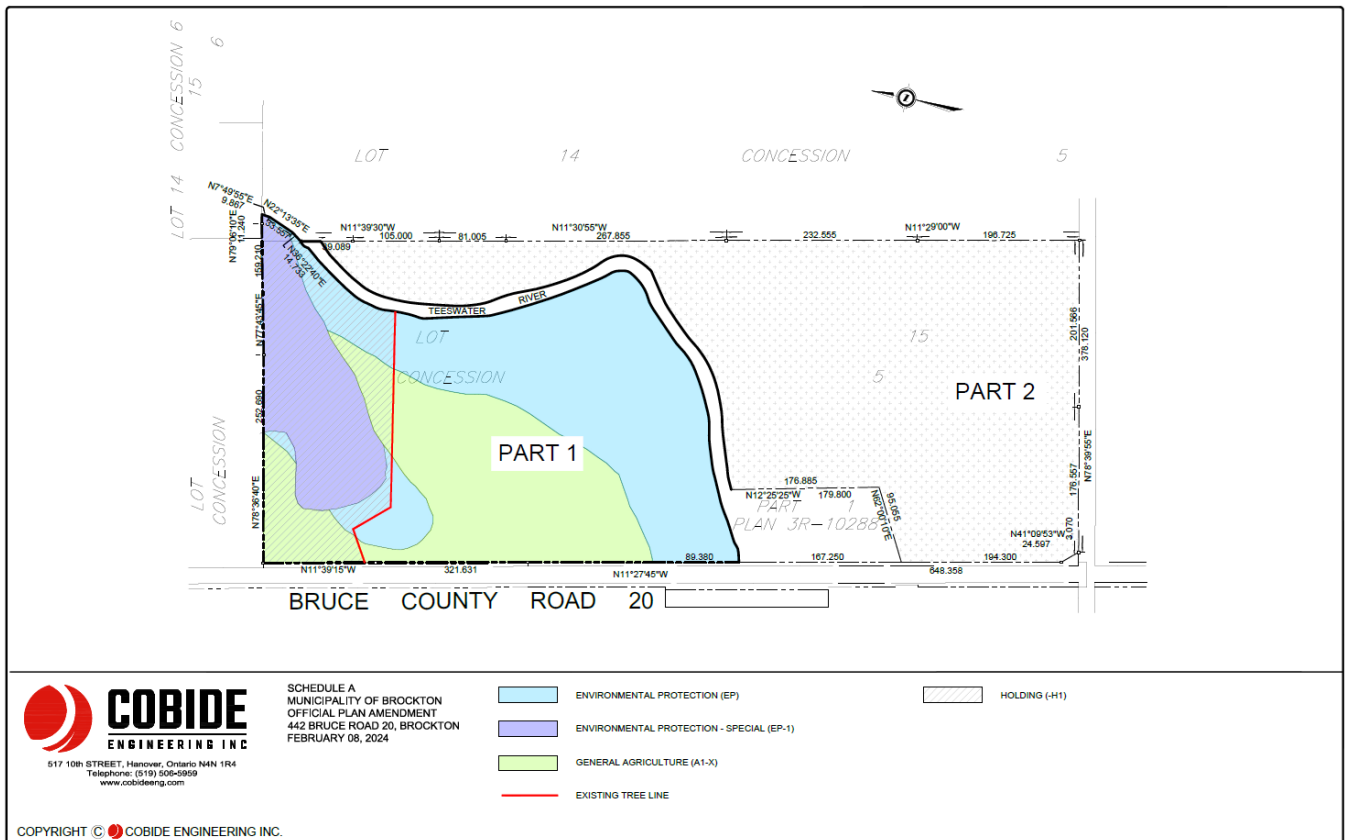
The application is aligned with Heritage principles by protection of cultural resources through the submitted archaeological assessment.

Overall, this proposal is not aligned with the Bruce County Guiding Principles and the Vision of a healthy, diverse, and thriving future.

Aerial photo



Site Plan



Previous Severance Site Plan & Description of Lands



Dimensions of Lands (Parcel to be Severed)

Frontage (along street) 174m.

Width (along front and rear) _____

Depth: 93m.

Area: 3.74 ac.

Width of Street: Bruce Road 20

Dimensions of Lands (Parcel to be Retained)

Frontage (along street) irregular

Width (along front and rear) _____

Depth: _____

Area: 93.26 ac.

Width of Street: Bruce Road 20

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.

Agriculture Protection

The current County Official Plan identifies ‘Agricultural’ and ‘Rural’ designations based largely on soil types and it is not uncommon for both designations to occur within a property. The County Official Plan directs that for matters like land division the determination of policies be based on the original crown lot fabric.

In this case the original crown lot designations (including beneath hazard overlay) is 76% Agriculture and 24% Rural. As less than 90% is designated Rural the policies of the Agriculture designation apply. This is to ensure that the decisions made with respect to lands with both Rural and Agriculture designations meet the higher standard for protection of agricultural lands, which are reflected in the Agriculture policies, and ultimately to protect Prime Agricultural Land as reflected in the Provincial Policy Statement and Bruce County Official Plan.

Section 2.3.4.1 of the Provincial Policy Statement requires that following a surplus farm dwelling severance:

“The planning authority ensures that new residential dwellings are prohibited on any remnant parcel of farmland created by the severance...”

Section 6.24.5.4.5 of the Bruce County Official Plan permits the creation of one non-farm lot that is surplus to a farming operation due to a farm consolidation provided that:

“The remnant agricultural lands will be rezoned to prohibit the future erection of a residential dwelling of any type on the agricultural lands provided that a residential dwelling does not exist at the time of severance”.

In 2019, the current owner of the subject lands undertook a surplus farm dwelling severance and associated Zoning By-law Amendment, on the subject lands. As per the information provided by the applicant, planner, surveyor, and legal representative for the 2019 application, the farm parcel at the time of severance was described as all of Lot 15 Con 5, Greenock, being an approximately 100-acre lot. After the severance, the retained agricultural lands were described by all parties as being an approximately 96-acre lot.

Following the 2019 severance, the applicant was successful in securing a natural severance of the retained agricultural parcel through legal determination of a navigable waterbody separating the agricultural lands. At the time of the surplus farm dwelling severance in 2019 these portions of land were not separately conveyable. As such, as required by the Bruce County Official Plan & Provincial Policy Statement **any retained agricultural lands, being the 96-acre agricultural parcel**, are prohibited from establishing a new residential dwelling.

The policies relating to the prohibition of new residential uses following a surplus farm dwelling severance are to ensure that agricultural areas are protected for long-term agricultural use. The proposal to permit a new residential dwelling following a surplus farm dwelling severance is not consistent with the policies of the Bruce County Official Plan nor the Provincial Policy Statement.

Archaeological Resources

Areas of high archaeological potential are present on the subject property. Section 4.10.1.4 of the Bruce County Official Plan requires that development on lands containing the potential for archaeological resources must be done in a way to avoid the destruction of resources.

Through the 2019 surplus farm dwelling severance and associated Zoning By-law Amendment, a -H “holding” zone was applied to protect areas of high archaeological potential by prohibiting ground disturbance until an archaeological assessment has been completed.

The applicant has provided an archaeological assessment conducted by a professional archaeologist, which examined the parts of the property that are proposed to be developed or disturbed. The remainder of the areas of high archaeological potential present on the property will retain the -H “Holding” zone to protect the archaeological resources by prohibiting development in these areas prior to an archaeological assessment being conducted for those areas.

Natural Heritage

The subject property contains environmental features associated with the Teeswater River and Greenock Swamp Provincially significant wetland. New development is not permitted within areas of Environmental Protection. As the subject lands contain a large, cleared area used for agricultural production, no impacts to the natural features are anticipated if the amendment is approved.

Natural Hazards

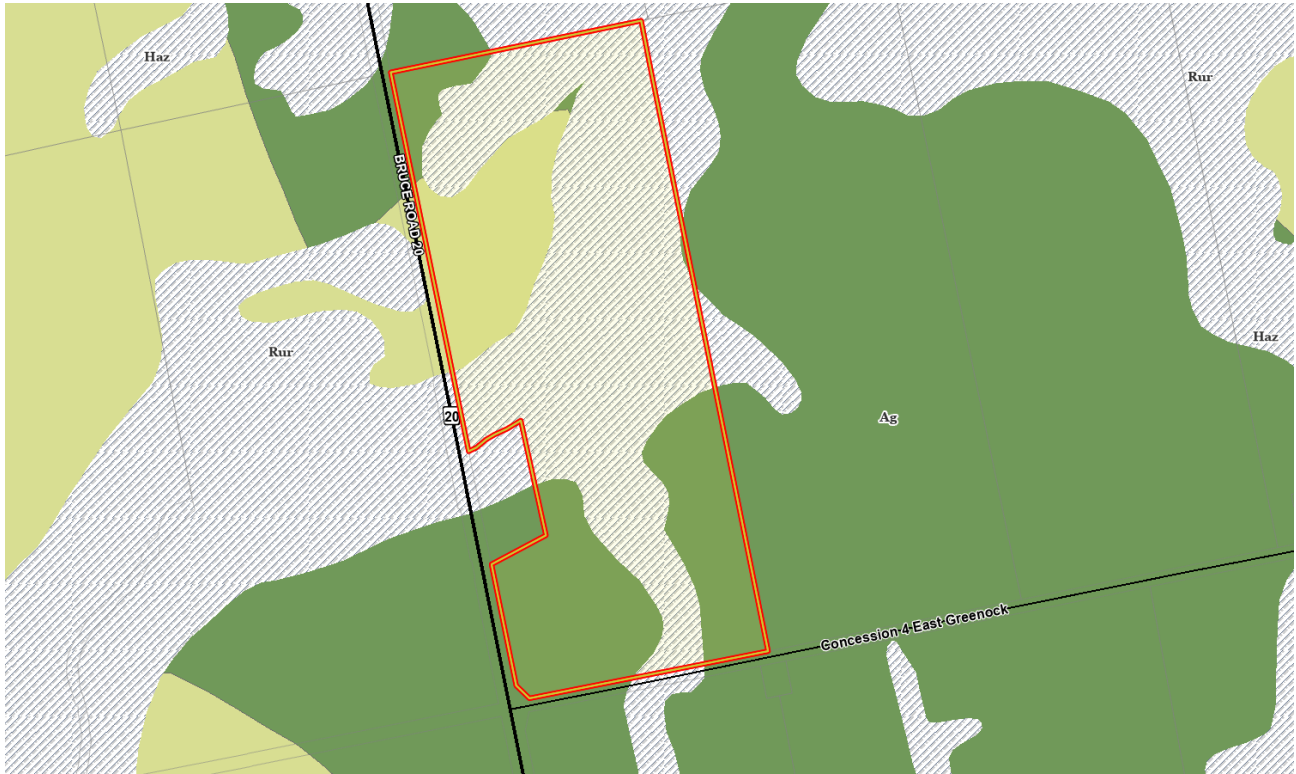
Saugeen Valley Conservation Authority (SVCA) has provided updated hazard land mapping to better reflect site conditions.

Through this application the applicable land use designation and zoning schedules are recommended to be updated as per the most recent hazard land mapping provided by SVCA.

Appendices

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

County Official Plan Map (Designated Agricultural Area, Rural Area, Hazard Area)



Local Zoning Map (Zoned Agriculture One Special 'A1-1', Agriculture One Special Holding 'A1-1-H1', Environmental Protection 'EP', Environmental Protection Special 'EP-1')



List of Supporting Documents and Studies:

- Planning Justification Report, February 2024, Dana Kieffer
- Stage 1-3 Archaeological Assessment, Great Lakes Archaeology

Agency Comments

The Corporation of the Municipality of Brockton: The establishment of a new residential dwelling would impact future development on adjacent agriculture zoned lands with respect to Minimum Distance Separation II requirements if new or expanding livestock operations were to be proposed.

Historic Saugeen Métis: HSM demonstrates concerns regarding the high archaeological potential identified on site, proximity of the proposed dwelling to the provincially significant Greenock Swamp wetland complex, and potential karst topography identified by the arch assessment. It is the recommendation of the HSM that if the proposed dwelling is allowed, to have an increased distance from the swamp, as the dwelling and associated construction/development activities have high potential to threaten valuable and unique ecosystems in the swamp area.

Saugeen Ojibway Nation Environment Office: SON Archaeology has reviewed the submitted archaeological assessment and have no concerns with it.

Saugeen Valley Conservation Authority: The proposed County Official Plan Amendment and Zoning By-law Amendment are generally acceptable to SVCA staff provided the natural hazard features are appropriately shown as Environmental Protection (EP) Zone based on SVCA hazard land mapping.

Source Water Risk Management Office: The property falls within the WHPA-E (Vulnerability score of 7.2) area for the Chepstow drinking water system, however, there are no significant threat policies that apply to this area; therefore, we have no comments on this application under the Clean Water Act and local Source Protection Plan.

Public Comments

No public comments have been received at the time of this report's submission.

Financial/Staffing/Legal/IT Considerations:

Potential Appeal to Local Planning Appeal Tribunal

Report Author:

Benito Russo, Planner

Departmental Approval:

Jack Van Dorp, Director of Planning and Development

Approved for Submission:

Claire Dodds, Commissioner of Community Development