



Staff Report to Council - for Direction

Title: Consent to Sever B-2024-096 (Geene)

From: Jack Van Dorp, Director of Planning and Development

Date: February 6, 2025

Report Number: PD-2025-001

Staff Recommendation:

That the surplus farm dwelling severance B-2024-096, be approved with an area of +/- 1.60 hectare, and the Director/Manager be authorized to sign the Decision Sheet.

Report Summary:

The purpose of this application is a Consent for a surplus farm dwelling severance. The applicant is in the process of obtaining the farmlands and has proposed to sever an area of +/- 3.86 hectare (ha) containing the surplus farm dwelling, lands including planted trees, and accessory structures from a +/- 40.27 ha agricultural parcel.

Staff recommend a surplus farm dwelling lot size of +/-1.60 ha for the severed lands. This is sufficient to contain the existing structures, septic and water servicing, and access, while keeping the severed lands to the minimum area required to support the residential use in accordance with provincial direction and the County Official Plan.

The subject property has a civic address of 3539 Bruce Road 6, located in the Township of Huron-Kinloss, west of Ripley. It is on the south side of Bruce Road 6 and east of Sideroad 20 North. The surrounding land uses are agricultural. A wind turbine is located on the retained lands.

Alignment with Guiding Principles:

The proposed surplus farm dwelling severance of +/-3.86 ha is not aligned with Bruce County Guiding Principles on Agriculture. The proposed lot does not keep the area of the severed lands to the minimum area required to support the residential use. The applicant proposed this lot size to include forest and valley lands that are not readily cultivated; however, to reduce the size of the lot the applicant did not include the area where the existing well that serves the dwelling to be severed is located, noting intent to drill a new well to service the severed lot.

The staff recommendation of a +/-1.60 ha surplus farm dwelling severance including the existing well and septic system is aligned with Bruce County Guiding Principles on Agriculture.

Through severance of existing dwellings, the agricultural sector is maintained as it preserves agricultural lands and allows the owner to dispose of a dwelling surplus to their needs.

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

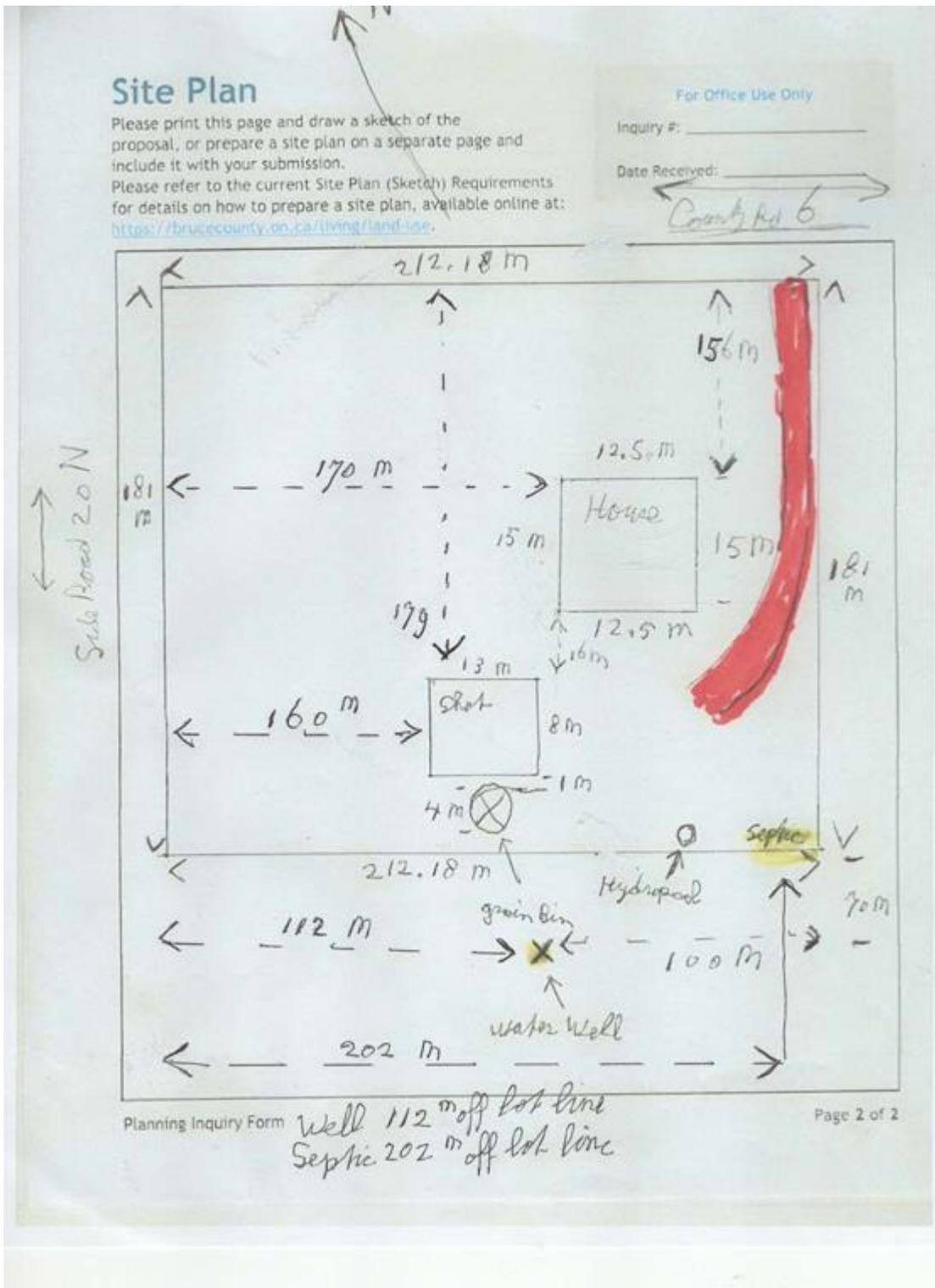
Airphoto:



Site Plan - Overview Applicant Proposed:



Site Plan - Detail Applicant Proposed:



Site Plan - Staff Recommendation:



- The staff recommendation minimizes the proposed lot size while including the well and septic system within the severed lot. Alternative lot configurations which meet the same policy objectives may also be acceptable.

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.

Consents for Agricultural Areas

Within the Bruce County Official Plan, the subject property is designated as Agricultural and Hazard Land Areas. Severance of a surplus farm dwelling as a result of a farm consolidation is permitted in the Agricultural Areas designation.

The general land division policies of the Bruce County Official Plan include, among others, that the lots shall front onto an opened and maintained road allowance, meet servicing standards, be of an acceptable size and dimension for the intended use.

As per comments received from applicable agencies the location of the well and septic will need to be fully contained within the severed lands, and as per the applicant's proposal may require relocation of these services as a condition of Consent.

Severances in the Agricultural Areas designation may be granted for applications where:

- i) The owner of the lands to be severed is a bona fide farmer.
- ii) The lot proposed for the residence and buildings surplus to the farming operation shall be limited in area and only be of sufficient size to accommodate the residence and surplus buildings.
- iii) The retained lot shall be rezoned to prohibit future development.
- iv) The existing surplus dwelling/residence is habitable at the time of application.

The Proposed +/-3.86 ha surplus farm dwelling severance exceeds the area of land required to accommodate the residence and surplus buildings. Staff recommend a +/-1.6 ha surplus farm dwelling severance be approved in accordance with the Provincial Policy Statement & County Official Plan requirements.

The applicant has provided a statement, attached, regarding the proposed +/-3.86ha severed lot size. It is their opinion that the proposed severed lot does not impact or reduce the size or use of the remaining agricultural lands which remain workable, and only carve out the residential portion and the surrounding woodlands. A portion of the treed area surrounding the residence is within the Saugeen Valley Conservation Authority (SVCA) controlled areas.

In response:

- As per the applicants' statement, the applicant has acknowledged that the surrounding woodlands are additional to the residential portion of the subject lands and are not required to support the residential use. The inclusion of the additional woodlands as part of a surplus farm dwelling severance is not a minimization of the lands to be severed as required by the policy.
- In the Huron-Kinloss Zoning By-law the minimum lot area for an agricultural lot is 37ha, the proposed +/-3.86 ha would reduce the retained agricultural lands below this requirement whereas the staff recommendation would comply with the lot area requirements of the local zoning by-law.
- Agricultural uses are permitted within lands subject to SVCA regulations.
- While the area is presently wooded with immature vegetation, its removal from the farm for a residential use unnecessarily restricts future opportunities for agricultural uses including forestry and conservation.

The final area and dimensions of the severed lands are subject to the location of the existing septic/well.

Except for the total area to be severed, the proposed Consent has been evaluated and conforms to the County Official Plan policies.

Natural Heritage and Hazards

The subject lands are identified on Bruce County maps as containing designated hazard land areas which are also zoned environmental protection.

Areas of environmental protection on the subject land are currently utilized for agrarian purposes, or natural areas. No change to these uses is proposed through this application. There are no proposed changes to the current use, impacts to natural hazards resulting from the proposed Consent are negligible.

Archaeological Resources

Portions of the subject lands are identified within the Bruce County screening maps as containing high archaeological potential. These areas are consistent with the Ontario Ministry of Tourism and Culture Criteria for Evaluating Archaeological Potential.

To facilitate the proposal, an amendment to the Huron-Kinloss Zoning By-law is required to apply a holding provision in areas of high archaeological potential. Areas that have not had deep geological disturbance will be zoned with a -H1 holding provision in accordance with Section 2.12 of the Huron-Kinloss Zoning By-law.

This fulfills the provincial requirements for the protection of any potential archaeological resources that may be present on the subject property.

Zoning By-Law Review

The Huron-Kinloss Zoning By-law requires a Minimum Lot Area of 37 hectares for a lot in the General Agriculture (AG1) Zone.

- The applicant proposed severance would result in the retained lands being undersized to this requirement.
- The staff proposed modification would result in the retained lands meeting the Minimum Lot Area requirements of the Zoning By-law.

As a condition of obtaining final Consent approval, the applicant(s) must complete an amendment to the Huron-Kinloss Zoning By-law which would:

- Prohibit the establishment of residential uses on the retained agricultural lands;
- Permit a reduced lot size for the retained lands; (If applicable)
- Recognize the existing buildings and structures to comply with the Zoning By-law requirements; and,
- Apply a -H1 holding provision in areas of high archaeological potential for both the severed and retained lands.

Lot Servicing

The applicants site plan shows that the well is outside of the proposed lands to be severed, and the septic is in very close proximity to the lot line and may not be fully contained within the proposed lands to be severed. Agencies have noted, these services need to be on the lot that they serve. If Council chooses to approve the consent as requested (+/- 3.86 ha) then as a condition of consent these services will need to be either fully contained within the severed lands, re-established within the severed lands, or appropriate easements established for the use of these services.

The staff recommendation sets out to include the well and septic system within the severed lot. Due to conflicting information regarding the exact location of these services received from the applicant and commenting agencies, consent conditions have also been applied with the staff recommendation to wholly contain the well and septic system within the severed lands.

Financial/Staffing/Legal/IT Considerations:

Potential Appeal to the Ontario Land Tribunal.

Report Author:

Benito Russo, Intermediate Planner

Departmental Approval:

Jack Van Dorp, Director of Planning and Development

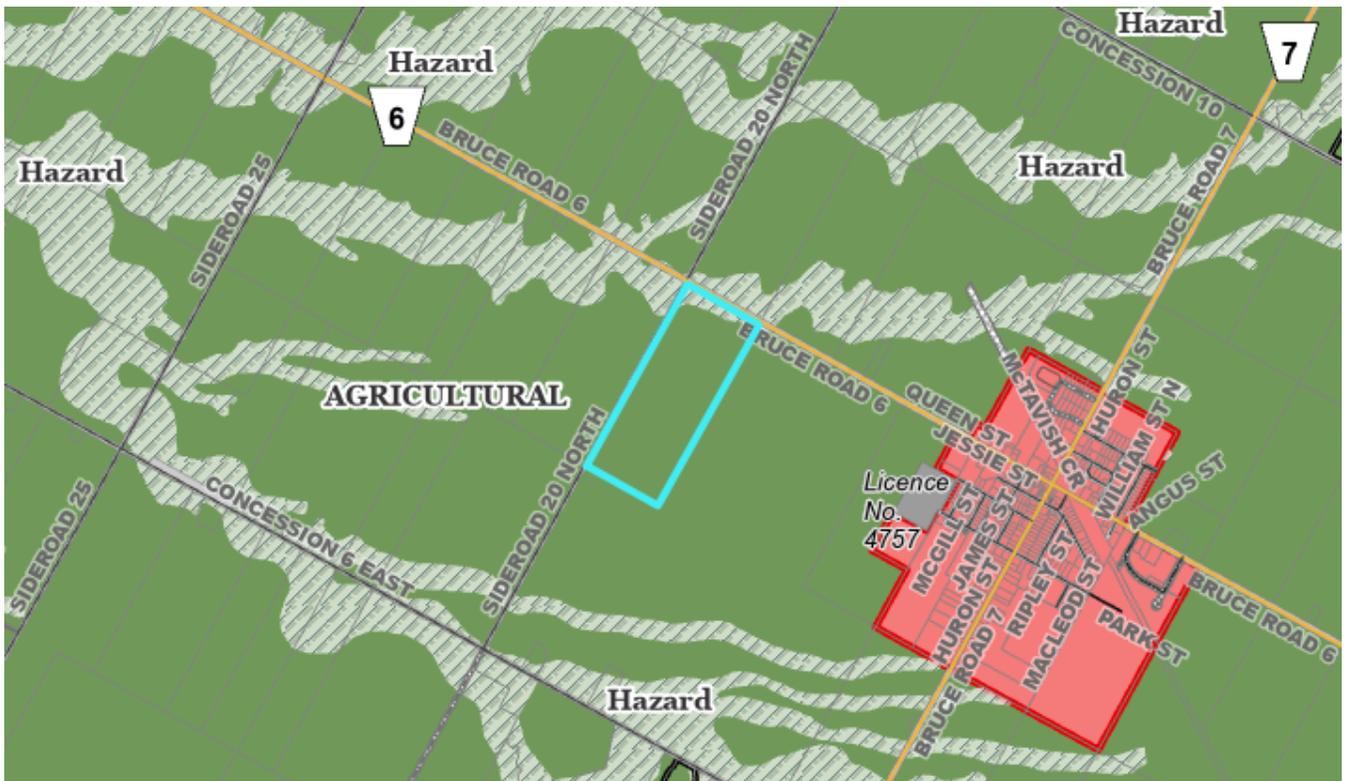
Approved for Submission:

Claire Dodds, Commissioner of Community Development

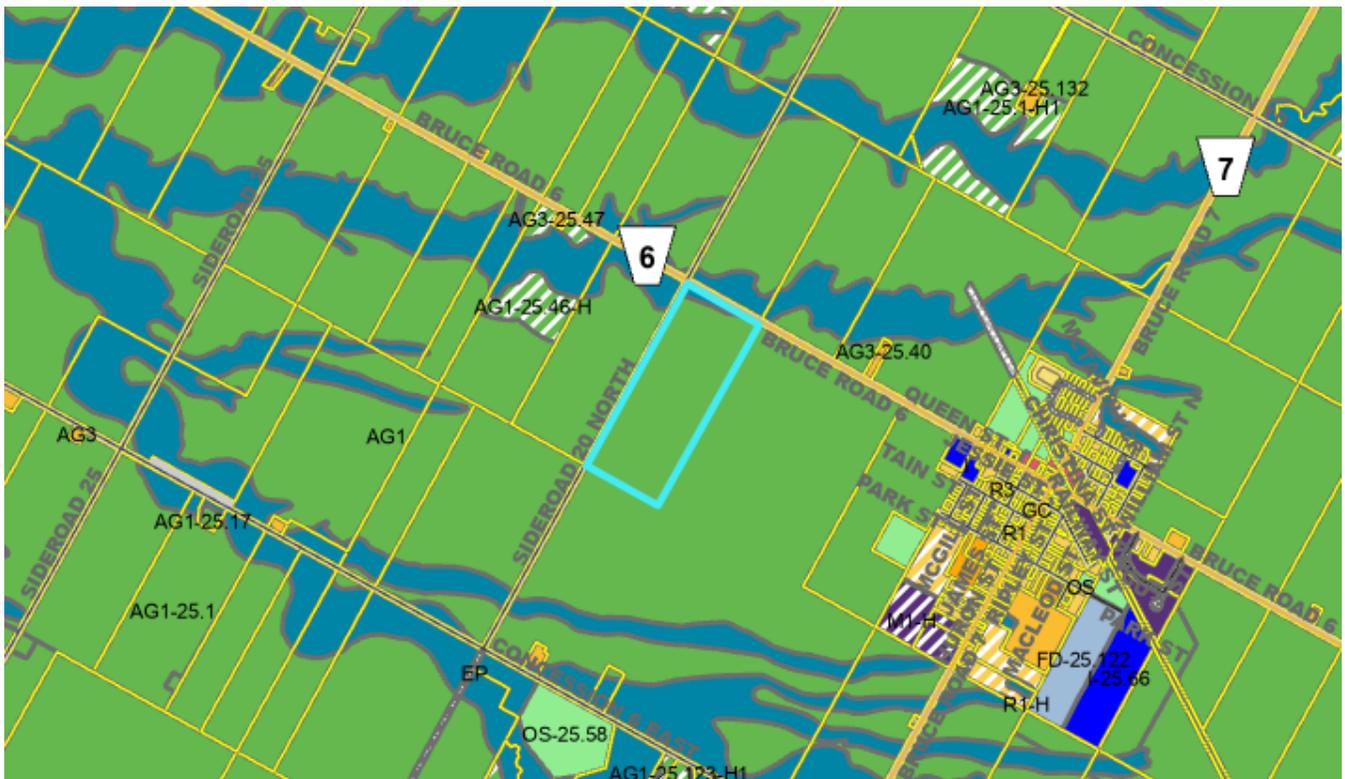
Appendices:

- County Official Plan Map
- Local Zoning Map
- Agency Comments
- Public Comments
- Public Notice
- Decision Sheet
 - Staff Recommendation +/- 1.60 ha surplus farm dwelling severance
 - Applicant proposed +/- 3.86 ha surplus farm dwelling severance

County Official Plan Map (Agricultural Areas, Hazard)



Local Zoning Map (AG1 - General Agriculture, EP - Environmental Protection)



Agency Comments

The Corporation of the Township of Huron-Kinloss:

- The Township requires confirmation of the location of the septic system as it may be located on the retained lands.
- A new well or an agreement for the existing well may be required, the site plan indicates the well is on retained lands
- A Site Plan Agreement is on file [regarding the wind turbine] and applies to the retained lands.

BM Ross: It appears the septic system for the severed property, containing the residential dwelling, extends onto the retained lot. The septic system for the severed property is required to meet the minimum setbacks as outlined in Tables 8.2.1.6.A and 8.2.1.6.B of the Building Code, which require 3m minimum clearance between the septic tank and the property line and the leaching field and the property line. From the information available in the application and given the proposed location of the new property lines, it appears the existing septic system will not meet the Building Code requirements.

Saugeen Valley Conservation Authority: The proposed application for consent and zoning by-law amendment application are generally acceptable to SVCA staff. Full comments attached.

Historic Saugeen Métis: No objection or opposition.

Transportation & Environmental Services: No comment.

Public Comments

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