



Staff Report to Council - for Direction

Title: Consent to Sever B-2024-082 (Wilson co Cobide)

From: Jack Van Dorp, Director of Planning and Development

Date: May 1, 2025

Report Number: PD-2025-006

Staff Recommendation:

That the proposed surplus farm dwelling severance B-2024-082, be approved with an area of +/- 1.44 hectares, 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 selling the farmlands and has proposed to sever an area of +/- 1.86 hectare (ha) containing the surplus farm dwelling, lands, barn, and accessory structures from a +/-42 ha agricultural parcel.

Staff are recommending a surplus farm dwelling lot size of +/-1.44 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 the provincial direction and the County Official Plan.

The subject property has a civic address of 348 Concession 16, located in the Municipality of Brockton. It is on the north side of Concession 16 and east of sideroad 10. The surrounding land uses are agricultural. The property features a watercourse, and supplemental information has been provided that the watercourse does not qualify for a natural severance. A related consent B-2024-083 for an easement is required to address safe access during a flooding event.

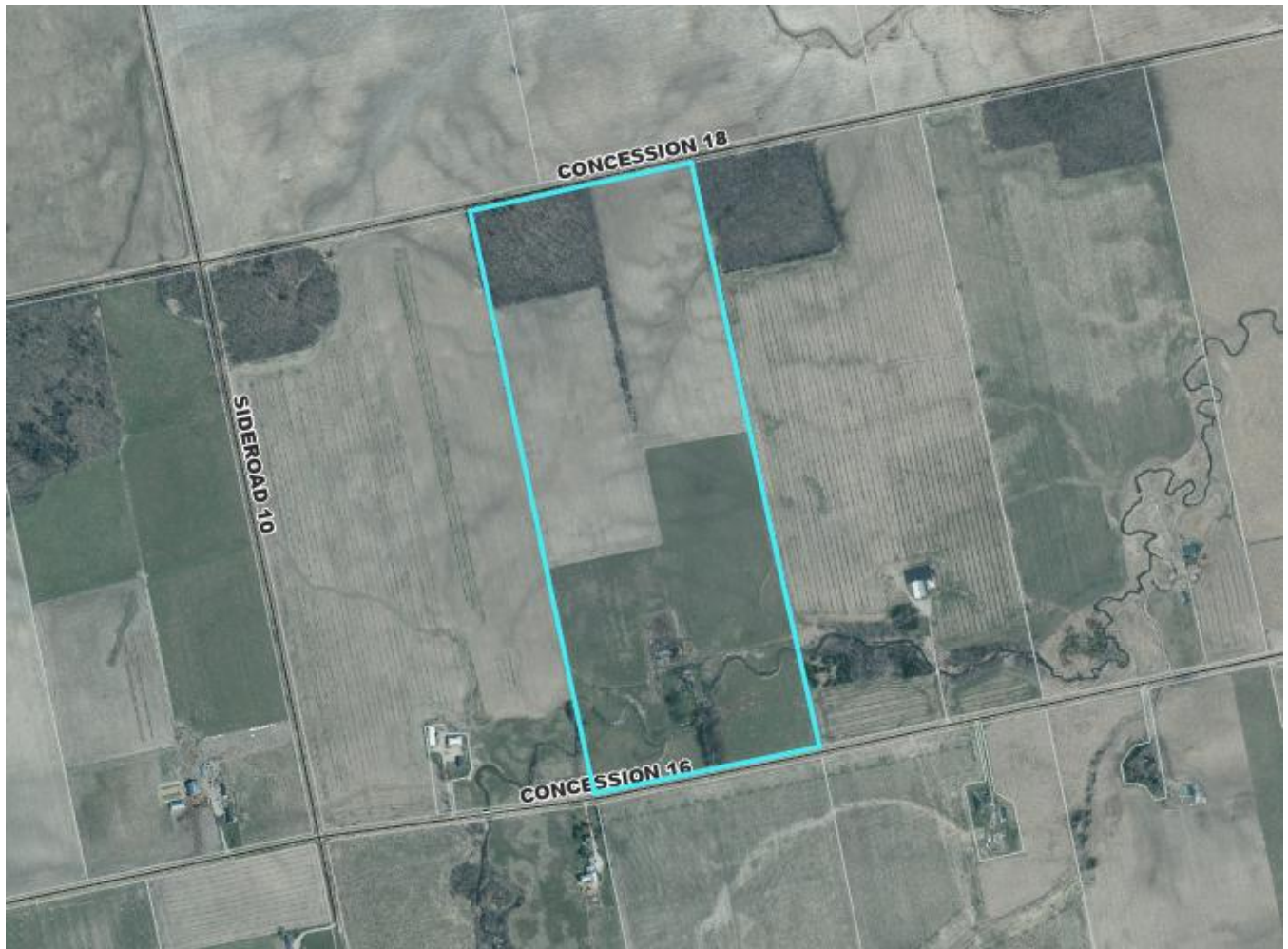
Alignment with Guiding Principles:

The proposed surplus farm dwelling severance of +/-1.86 ha is not aligned with Bruce County Guiding Principles on Agriculture. The proposed lot area does not keep the severed lands to the minimum area required to support the residential use. The applicant proposed this lot size to follow an existing fence line enclosing an in-operation livestock paddock.

The staff recommendation of a +/-1.44 ha surplus farm dwelling severance is aligned with Bruce County Guiding Principles on Agriculture. Through severing existing dwellings, the agricultural sector is maintained as it preserves agricultural lands and allows the owner to dispose of a dwelling excess to their needs.

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

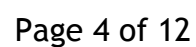
Airphoto:



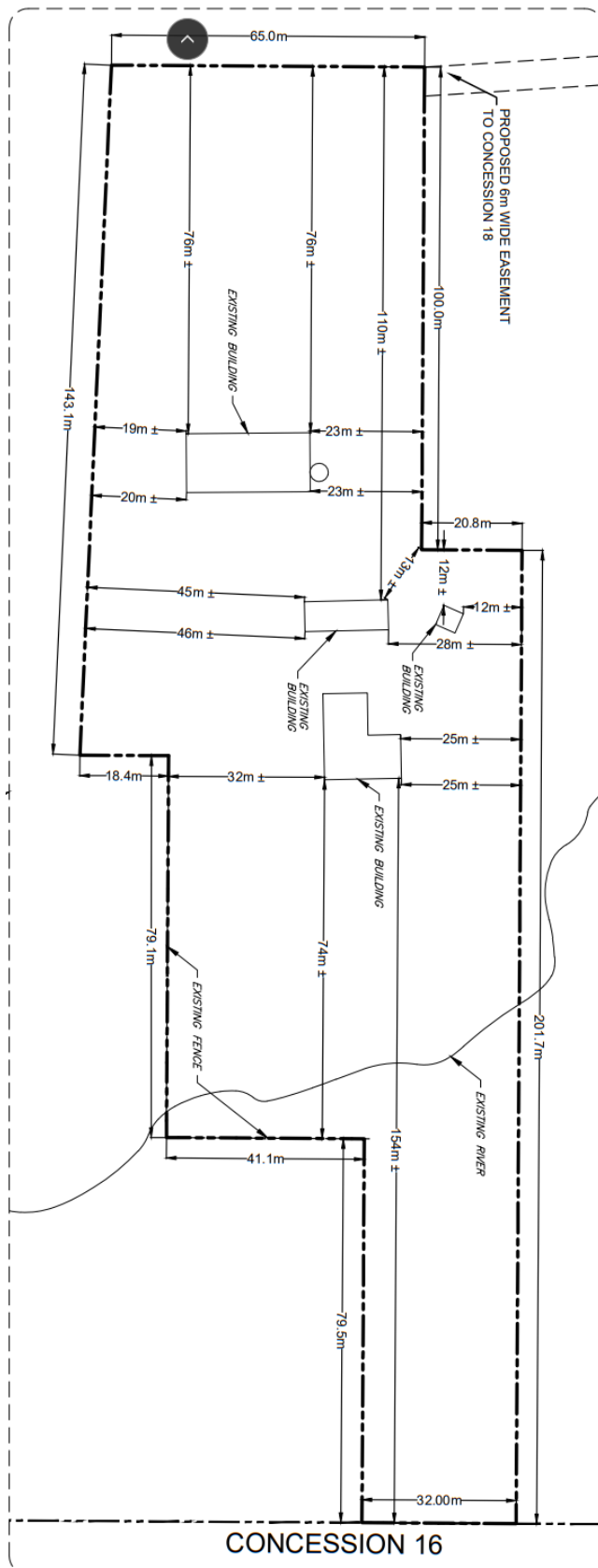
Airphoto focused on building cluster:



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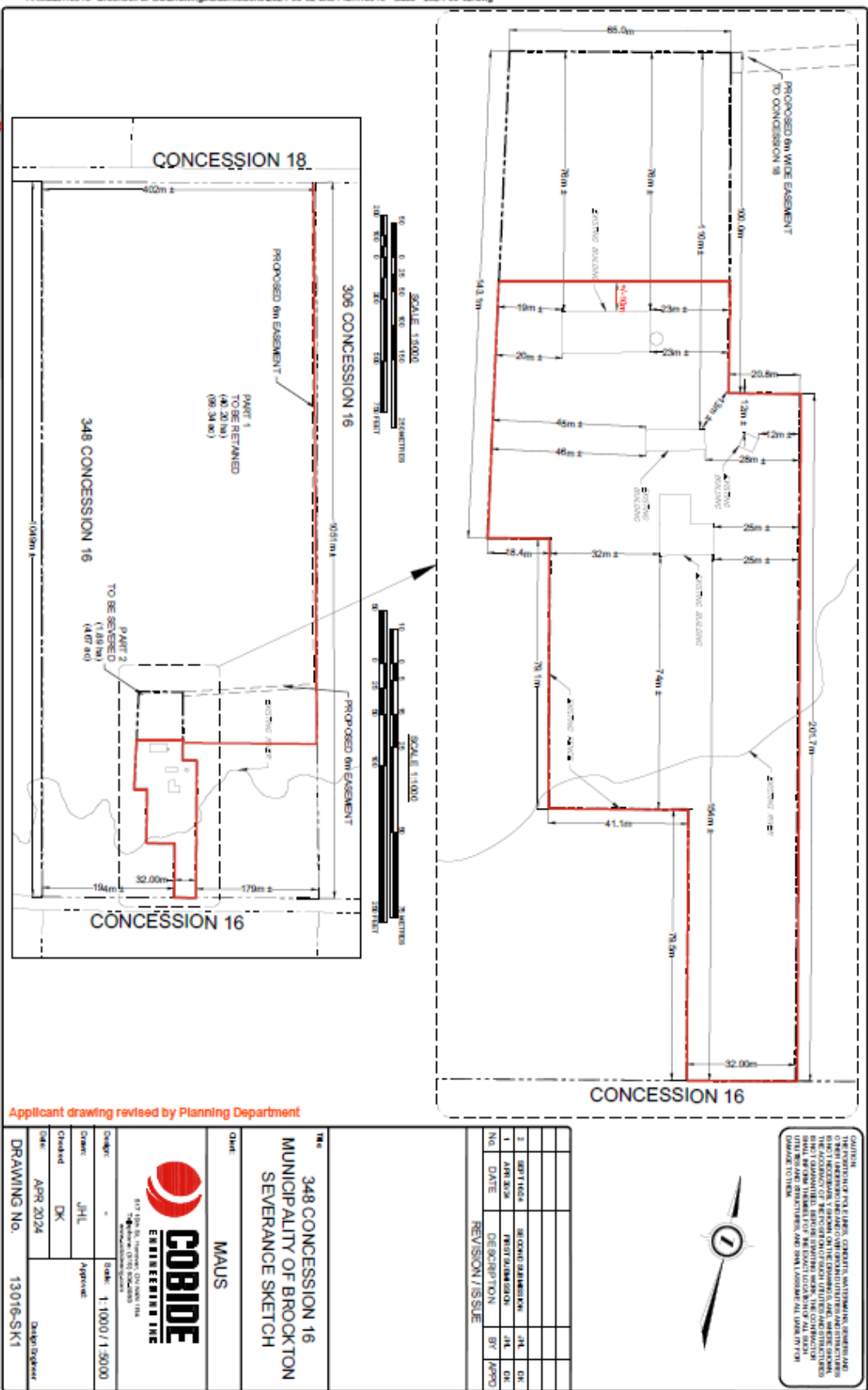
Site Plan - Detail Applicant Proposed:



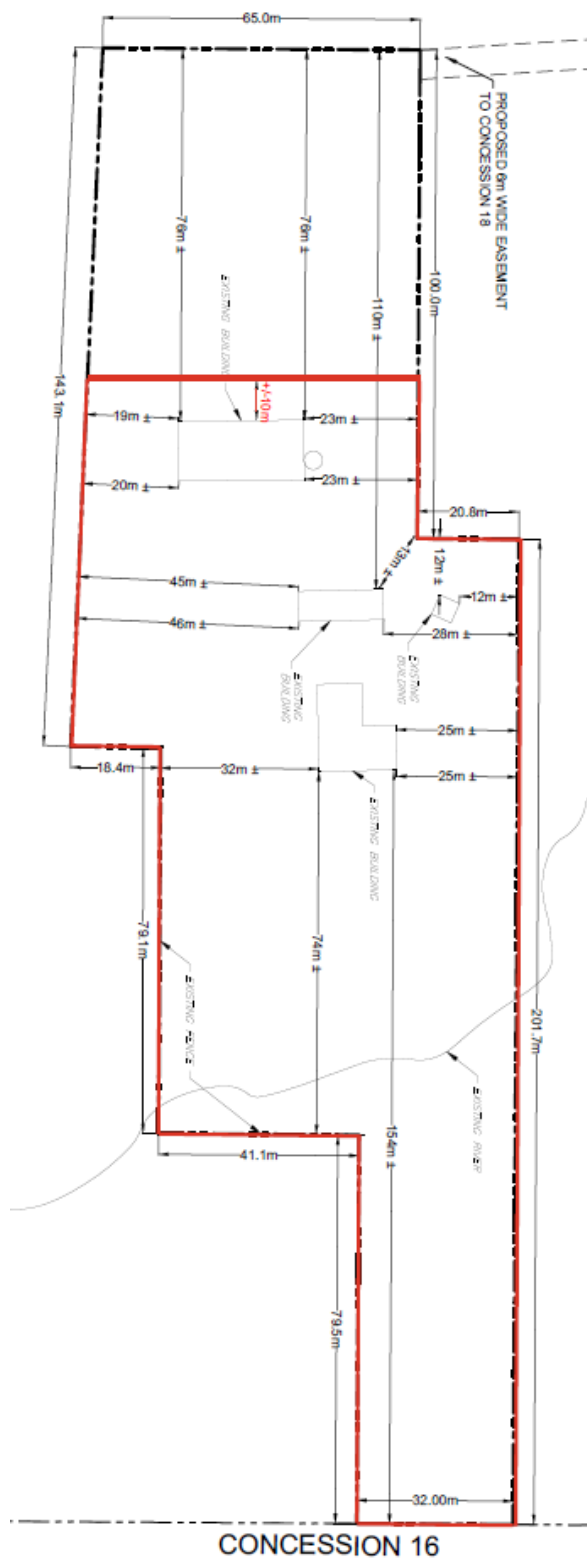
Site Plan - Overview Staff Recommendation

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Site Plan - Detail Staff Recommendation:



- The proposed safe access easement would be realigned to connect to 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. The 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, and be of an acceptable size and dimension for the intended use.

The electricity service line for the residence is located on the retained agricultural lands. As a condition of consent the service must be relocated/re-established on the lands containing the surplus farm dwelling.

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 purpose of the application is to facilitate the sale of farmlands owned by Wilson to a bona fide farmer by the name of Maus. A condition is recommended to require a description of how the retained lands will be transferred to a bona fide farmer.

The Proposed +/-1.86 ha surplus farm dwelling severance includes lands beyond what is required to accommodate the surplus residence and buildings.

Comments received from the Corporation of the Municipality of Brockton staff indicate they are not in favour of the +/-1.86 ha size of the proposed surplus farm dwelling severance. Comments detail that the configuration of the severed lands is reflective of enabling livestock operations to occur on a non-farm lot. Reduction and/or removal of the livestock confinement yard, manure storage area and existing livestock building from the severed lands should be highly considered as part of this application to limit future non-compliance and zoning by-law enforcement.

Planning staff recommend reducing the severed parcel containing the surplus farm dwelling for this application from +/-1.86 ha to +/-1.44 ha to address municipal staff comments and alignment with the policies in the Bruce County Official Plan.

The applicant has provided a Planning Brief, regarding the proposed +/-1.86 ha severed lot size. Among other matters, it is the planning consultant's position that the proposed severed lot does not take any land out of agricultural production, and the increased lot size is reflective of environmental constraints.

In response:

- The additional lands proposed to be severed have a level topography, do not contain any environmental constraints, are identified as Canadian Land Inventory Class 1 soils. and are in active use for agricultural livestock production. The inclusion of the additional agricultural lands as part of a surplus farm dwelling severance results in a larger non-farm parcel than can be supported through policy.
- The staff recommendation has accounted for the environmental constraints attributed to the watercourse located on the property, an area of +/- 0.8 ha of the severed lands is outside of any environmental constraints.

Other than the lot size of the severed parcel, the proposed Consent has been evaluated and conforms to the County Official Plan Consent 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.

The 'Snake Creek' watercourse and associated floodplain is located between the dwelling and the primary access from Concession 16. Comments received from the Saugeen Valley Conservation Authority (SVCA) conclude that the requirement for safe access cannot be met through Concession 16. SVCA confirms the related consent (B-2024-083) for an easement through the retained lands to Concession 18 satisfies safe access requirements.

A surveyor's report has been provided detailing that 'Snake Creek', in their opinion, does not meet the qualifications for the property to receive a natural severance.

Areas of environmental protection on the subject land are currently utilized for agriculture, or natural areas. No change to these uses is proposed through this application. As there are no proposed changes to the current use, natural heritage impacts 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.

Through the provisions of the Brockton Zoning By-law Section 4.4.4, it is recognized that where a Consent for lot creation has been approved by the County of Bruce the appropriate Zone Map will be updated with a holding provision '-H1' in areas of high archeological potential, prohibiting lot grading; excavation; and/or construction unless the Holding (-H1) zone provision is removed.

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:

Through the provisions of the Brockton Zoning By-law Section 5.2, where a surplus farm dwelling severance is approved by the County of Bruce it is recognized:

- That the severed lands are a non-farm lot;
- That existing buildings and structures comply to the Zoning By-law requirements;
- That the lot area and frontage may be reduced below the zone requirements.
- That as a condition of Consent the appropriate zoning maps will be updated to preserve areas of high archaeological potential through recognizing a ('-H1') holding provision.
- That as a condition of the Consent the zoning maps will be updated for the retained agricultural lands to recognize the prohibition of a new residential use (A1-1 Zone).

The proposed surplus farm dwelling severance includes a barn. The Brockton Zoning By-law does not permit livestock uses on non-farm lots. As a condition of Consent, an affidavit to extinguish legal non-conforming use of the barn for livestock must be submitted. The barn on the severed lands must also be converted to a permitted use within the provisions of the zoning by-law to the satisfaction of the Chief Building Official or the barn is to be demolished and removed from 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

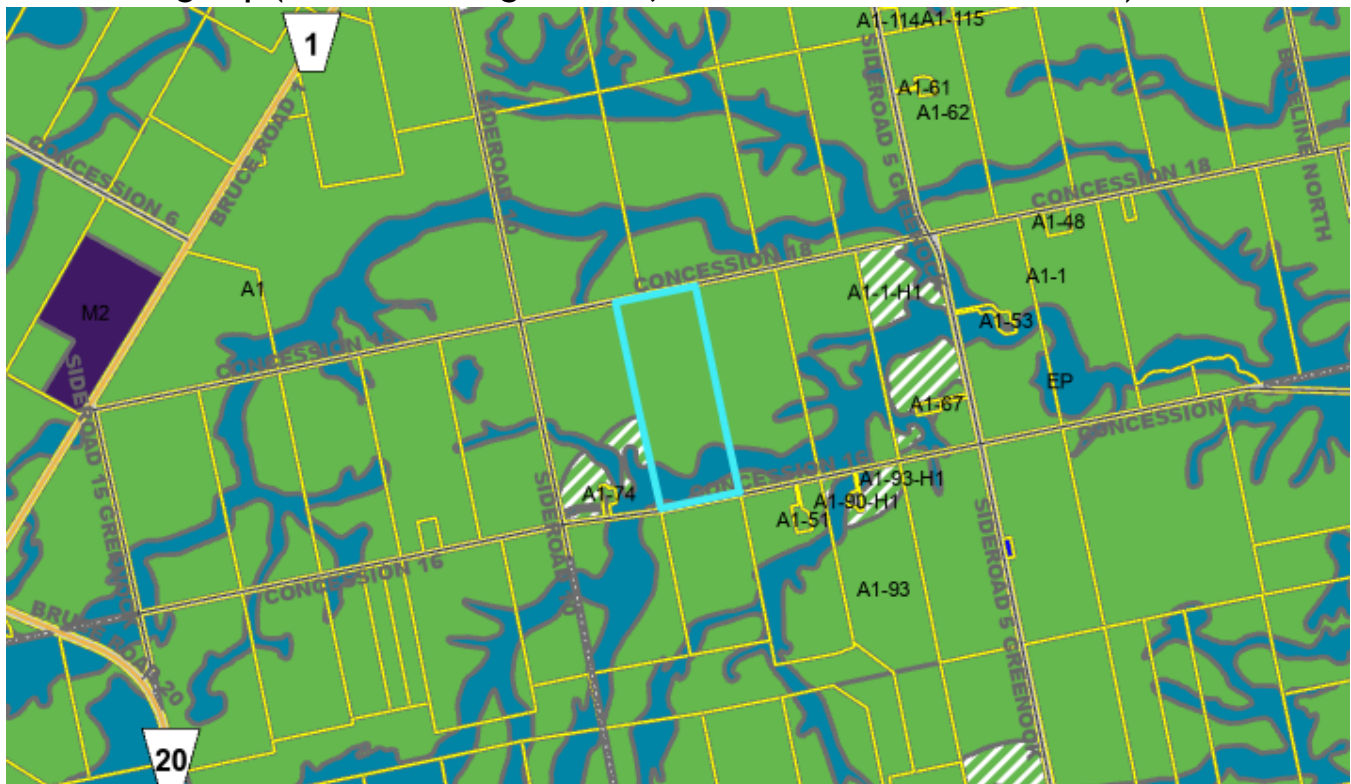
Appendices

- County Official Plan Map
- Local Zoning Map
- List of Supporting Materials
- Agency Comments
- Public Comments
- Public Notice
- Decision Sheet

County Official Plan Map (Agricultural Areas, Hazard):



Local Zoning Map (A1 - General Agriculture, EP - Environmental Protection):



List of Supporting Materials:

- Planning Brief - Prepared by Dana Kieffer Cobide Engineering
- Surveyor's Report - Prepared by D. Culbert LTD. - December 2024

Agency Comments:

The Corporation of the Municipality of Brockton:

- The application as presented is reflective that the proposed application and surplus dwelling severed lands will remain used for livestock purposes as it is proposed that the existing livestock building, livestock yard confinement area and manure storage area will remain on the surplus dwelling severed lands.
- The proposal includes an area approximately 65m by 76m to the rear of the existing livestock barn as based on aerial photos that is used as a livestock confinement yard and manure storage area. Although this application includes condition 10 and 11 to address the agricultural use on the severed lands, this application as presented still reflects that an agricultural use will remain.
- Reduction and/or removal of the livestock confinement yard, manure storage area and existing livestock building from the severed lands should be highly considered as part of this application to limit future non-compliance and zoning by-law enforcement.
- The fire number should remain with the severed property.

Saugeen Valley Conservation Authority:

- The proposed application for consent is generally acceptable to SVCA staff, provided that the easement is registered on title to the properties. Full comments attached.

Historic Saugeen Métis: No objection or opposition.

Transportation & Environmental Services: No comment.

Public Comments:

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