



## Committee Report

**To:** Warden Mitch Twolan  
Members of the Planning and Development Committee

**From:** Kara Van Myall  
Director of Planning and Development

**Date:** June 20, 2019

**Re:** BCOPA 239-19.49 Harron

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### Recommendation:

Subject to the review of objections and submissions arising from the public hearing:

That Bruce County Official Plan Amendment BCOPA 239-19.49 be **approved** and the necessary By-law be forwarded to County Council for adoption.

### Executive Summary:

The subject lands are at the corner of Sideroad 15 Arran and Concession 13 West Arran, south of Elsinore. The application proposes to sever the west part of Lot 17 to be added to the east part of Lot 17.

The consent needs a Bruce County Official Plan Amendment because Lot 17 does not front on a year-round maintained road.

The proposal is consistent with the Provincial Policy Statement and the purpose of the County Official Plan.

### Background:

The applicant owns three lots important to this application:

- Part Lot 16
  - +/- 48.15 ha
  - Merged with the West Part of Lot 17
- W Part of Lot 17
  - +/- 24.48 ha
  - Separate parcel from Crown Patent, but merged with Part Lot 16 through Planning Act consent
- E Part of Lot 17
  - +/- 24.48 ha
  - Separate parcel from Crown Patent

The applicant's lawyer confirmed that the west half of Lot 17 and the east half of Lot 17 were separate parcels. Part Lot 16 and W Pt Lot 17 received Planning Act consent, so they are merged with each other and require a consent application.

The Bruce County Official Plan Amendment is required to facilitate the consent as Lot 17 does not front on a year-round maintained road.

### Description of Proposal

The application proposes to sever the west part of Lot 17 (+/-60.5 ac) to be added to the east part of Lot 17 (+/-60.5 ac) as shown in the below site plan and air photo.

### Air Photo



## Provincial Interests

Provincial Policy Statement (PPS) interests include the protection of prime agricultural areas for long-term use for agriculture.

Lot creation in prime agricultural areas may be permitted for agricultural uses, provided that the lots are of a size appropriate for the type of agricultural use(s) common in the area and are sufficiently large to maintain flexibility for future changes in the type or size of agricultural operations.

In Bruce County, 100 ac original Crown surveyed lots are common. Part Lot 16 and Lot 17 would each be +/- 120 ac.

The PPS notes that natural features and areas should be protected for the long term. The GSCA notes that hayfields and prairie lands are typical habitat for some threatened and endangered birds. During their site visit, the GSCA observed the threatened Bobolink on the property. The GSCA recommends that an Environmental Impact Study (EIS) be completed prior to developing the property. At this time, no new development is proposed. The requirement for an EIS can be address through a development agreement registered on title.

An overview of the PPS policies is provided in the appendices.

The application is consistent with the PPS.

## County Official Plan

The property to be severed and the receiving property are both designated Agriculture, Rural, Hazard, and Arran Lake Provincially Significant Wetland.

Permitted uses include “agriculture” which refers to the growing of crops or raising of livestock.

The proposal meets the agricultural consent policies. Both the retained (Part Lot 16) and newly created Lot 17 would be more than 40 ha. The proposal does not exceed the maximum number of severances for an original Crown surveyed lot.

The proposal requires relief from a policy in Section 6.5.3.1 which states:

“Nothing in this Plan shall prohibit the recreation of the original Township lot fabric provided both the severed and retained lots comply with the minimum lot area requirements of this Plan and both the severed and retained lots front onto, and have access to, an opened and maintained municipal road that is maintained on a year-round basis at the time of application.”

In this case, Lot 17 does not front on a year-round road. Part of the road known as Concession 13 West Arran is maintained on a year-round basis however year-round maintenance on the road ends before it reaches Lot 17. At Lot 17, Concession 13 West Arran is only maintained on a seasonal basis.

The applicant indicates that Lot 17 is intended to be used for growing crops. He notes that seasonal (non-winter) access is adequate for growing crops.

The applicant understands that by severing the west half of Lot 17 from Part Lot 16 (where it has road frontage) to be added to the east half of Lot 17 (where it would have no road frontage), there may be a negative impact on opportunities available for the west half of Lot 17. The types of agriculture that could be supported would be limited by the lack of a year-round road.

The applicant also understands it would not be possible to get a building permit for Lot 17, as the zoning bylaw prohibits the erection of buildings on lots which do not front on a Class 1 (i.e. constructed and maintained to permit year-round access) Street.

Planning Staff are satisfied that the applicant understands the implications of his proposal.

Planning Staff believe there is merit in granting relief in this case as the intended farming use of Lot 17 can occur without year-round road access.

If the Official Plan amendment is approved, the consent application will conform to the County of Bruce Official Plan.

### **Zoning by-law**

Part Lot 16 and Lot 17 are zoned A1 General Agriculture and EP Environmental Protection.

The proposal meets A1 General Agriculture zone provisions.

Section 3.25 “Frontage On A Street” states that no person shall erect any building or structure in any zone unless the lot upon which such building or structure is to be erected fronts, and has ingress and egress upon a Class 1 Street.

As noted above, Lot 17 is intended to be used for growing crops. The applicant is aware that the property would not be eligible for a building permit as it does not front on a Class 1 Street.

The application maintains the intent and purpose of the zoning bylaw.

### **Agency Comments**

#### Grey Sauble Conservation Authority:

- Generally no objection to the approval of the subject applications, as new development is not proposed.
- However, given the observance of the threatened Bobolink on the property and its suitable habitat conditions, the GSCA recommends that should any future efforts to develop the properties be made that an environmental impact study be completed and consultation be made with the Ministry of the Environment, Conservation and Parks to determine potential impacts on this species at risk and requirements under the Endangered Species Act.

Comment: The requirement for an EIS can be addressed by way of a development agreement registered on title. The applicant is aware that the requirement for a development agreement will be included as a condition of consent.

#### Municipality:

- Council passed a resolution which noted no objection to the severance and requested standard conditions of consent.

#### Union Gas

- There are service lines running within the area which may or may not be affected by the proposed severance
- If relocation is required, the owner is responsible for costs

#### Other:

- Bell - No concerns
- Historic Saugeen Metis - No objection or opposition
- Hydro One - No comments or concerns

Comments: All agency comments were shared with the applicant.

#### **Public Comments**

No comments were received at the time of writing this report.

#### **Planning Analysis and Comments:**

The proposal is consistent with the Provincial Policy Statement and the purpose of the County Official Plan.

While the road in front of Lot 17 is not maintained in the winter, seasonal access is adequate for growing crops which is the intended use.

The proposal meets all other Official Plan policies and zoning bylaw provisions.

#### **Financial/Staffing/Legal/IT Considerations:**

Potential Appeal to Local Planning Appeals Tribunal

Written by:

Amanda Herbert, RPP

Planner, Planning and Development

## Appendix 1 - Provincial Policy Statement 2014

Applies?	Section	Policy	Comment
	<b>1.0</b>	<b>Building Strong Communities</b>	
	1.1	Managing & Directing Land Use To Achieve Efficient Development & Land Use Patterns	
	1.1.3	Settlement Areas	
	1.1.4	Rural Areas in Municipalities	
	1.2	Coordination	
	1.3	Employment Areas	
	1.4	Housing	
	1.5	Public Spaces, Parks and Open Space	
	1.6	Infrastructure and Public Service Facilities	
	1.6.4	Sewage and Water	
	1.6.5	Transportation Systems	
	1.6.6	Transportation and Infrastructure Corridors	
	1.6.7	Airports	
	1.6.8	Waste Management	
	1.7	Long-Term Economic Prosperity	
	1.8	Energy and Air Quality	
	<b>2.0</b>	<b>Wise Use and Management of Resources</b>	
X	2.1	Natural Heritage	
	2.2	Water	
X	2.3	Agriculture	
X	2.3.3	Permitted Uses	
X	2.3.4	Lot Creation and Lot Adjustments	
	2.3.5	Removal of Land from Prime Agricultural Areas	
	2.4	Minerals and Petroleum	
	2.4.2	Protection of Long-Term Resource Supply	
	2.4.3	Rehabilitation	
	2.4.4	Extraction in Prime Agricultural Areas	
	2.5	Mineral Aggregate Resources	
	2.5.2	Protection of Long-Term Resource Supply	
	2.5.3	Rehabilitation	
	2.5.4	Extraction in Prime Agricultural Areas	
	2.5.5	Wayside Pits/Quarries, Portable Asphalt Plants / Concrete Plants	
	2.6	Cultural Heritage and Archaeology	
	<b>3.0</b>	<b>Protecting Public Health and Safety</b>	
	3.1	Natural Hazards	
	3.2	Human-made Hazards	