



## Committee Report

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

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

**Date:** September 19, 2019

**Re:** Bruce County OPA 243

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### Recommendation:

**That the Planning and Development Committee does not approve application BCOPA 243.**

### Executive Summary:

The subject lands are located in the former Bruce Township at the intersection of Bruce Road 23 and Bruce Road 15. The property is about 60 hectares in size and contains portions of two original Crown lots. The applicant has requested to sever a 20 ha (50 acre) lot in the Agricultural Area. The majority of the lands are within the Agricultural Area designation of the County Official Plan. The remaining lands are designated as Hazard lands.

The application proposes to:

- Amend the Bruce County Official Plan to allow for the severance of 20 ha from the subject lands.
- A rezoning and severance application are anticipated should the Official Plan Amendment be approved.

This report and recommendation deals with the Official Plan Amendment application.

The application seeks relief from Section 6.5.3.3.1 of the County of Bruce Official Plan which states that in no instance shall an original Crown surveyed lot be divided into more than 2 parcels including the retained. The proposed severance would result in 3 parcels from Lot F, Concession 2 (Bruce Township).

The application also seeks relief from Section 6.5.3.3.2 of the County of Bruce Official Plan which states that the minimum lot area shall be generally 40 ha. The proposed severed lot is 20.21 ha. The applicant has indicated that these 20 ha are largely not workable for agricultural cultivation. As such, the creation of this lot would likely result in a large residential/recreational parcel that may introduce incompatible uses in the agricultural area and have negative impacts on neighboring farms.

Therefore, the application is not consistent with the Provincial Policy Statement and does not meet the intent and purpose of the County Official Plan and would not represent good land use planning.

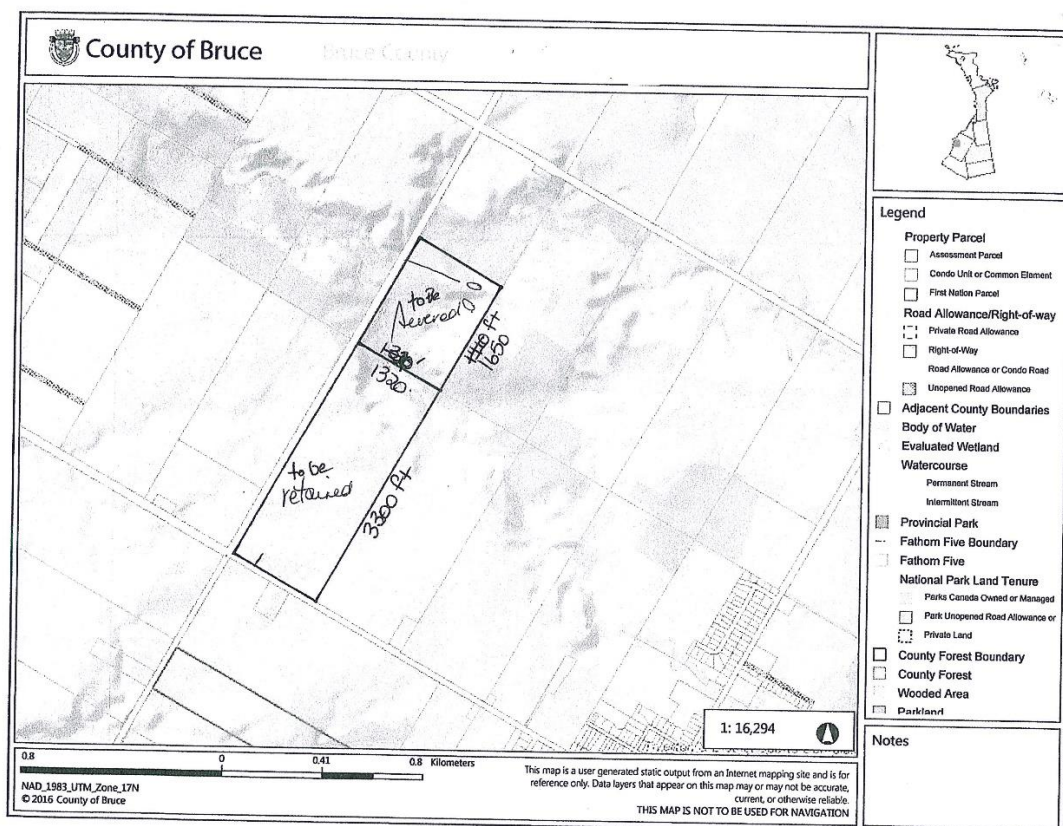
### Background:

This file is a resubmission of Bruce County Official Plan Amendment Number 216-17.26. That amendment was approved by Bruce County Council in May of 2017 and subsequently appealed to the Ontario Municipal Board (now the Local Planning Appeal Tribunal) by the Ministry of Municipal Affairs. The applicants withdrew the application and as such Amendment No. 216 was not approved.

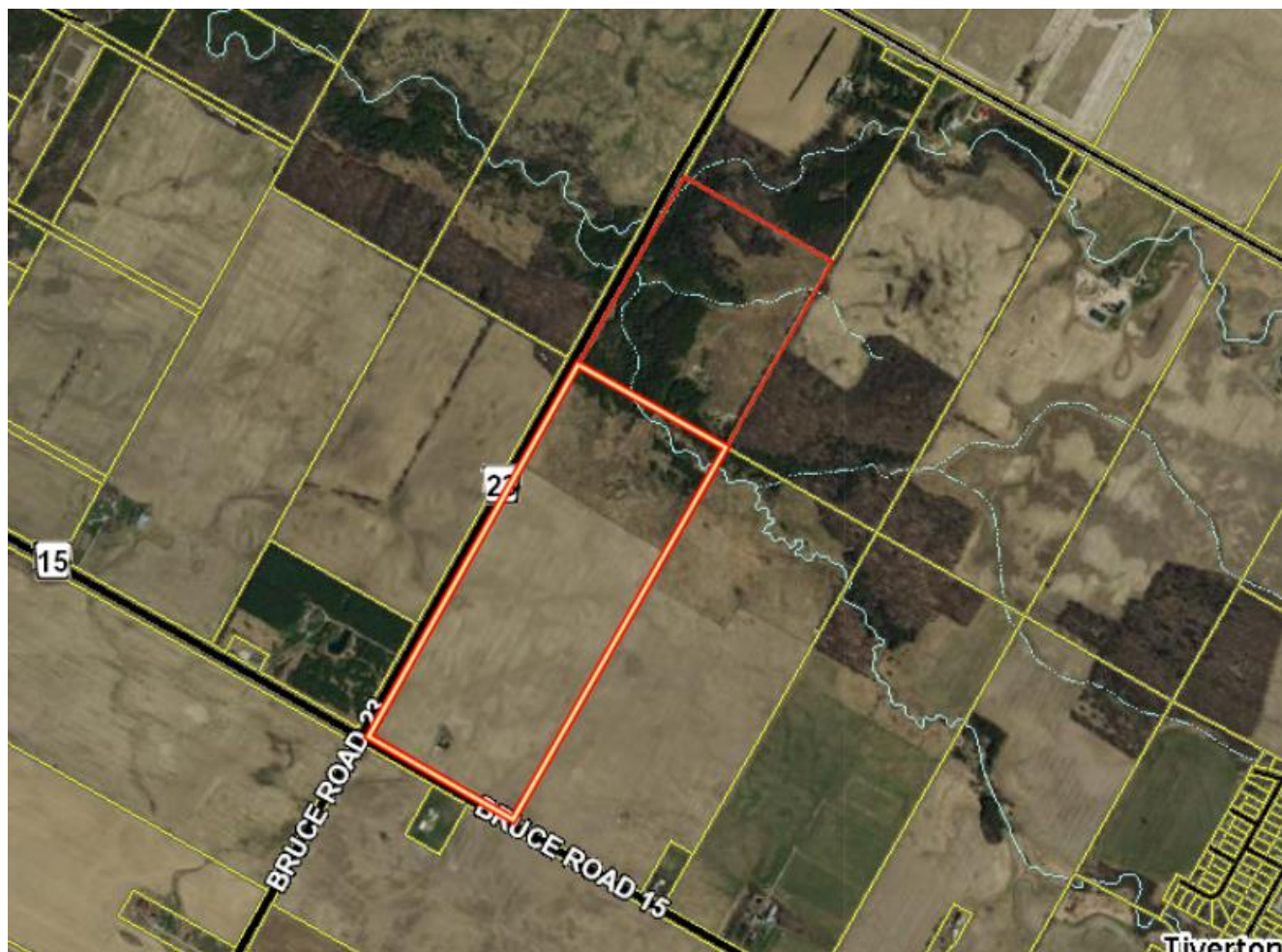
### Description of Proposal

The applicant has applied to separate Crown Lot F Concession 1, Bruce Township from the South Part Lot F, Concession 2, Bruce Township. These lots have merged on title and require a severance in order to be conveyed separately. A sketch of the proposed severance is included below.

Both properties are vacant. An old foundation existing on Lot F, Con 1 along Bruce Road 15. The majority of Lot F, Concession 1 (retained) is currently farmed. The proposed severed lands are mostly treed and are not under active cultivation. A few streams flow through the proposed severed lot and the northern extent of the proposed retained lot and due to this, approximately 40% of the severed lands are designated hazard. The applicant has indicated that these 20 hectares are not workable for agricultural cultivation.



Airphoto







### Planning Analysis and Comments

Our policy framework is in place to support the long-term viability of Bruce County's agricultural lands. The creation of new lots in agricultural areas must meet strict policy standards that ensure incompatible uses are not being introduced and fragmentation is at a minimum.

Approximately 40% of the proposed 20 ha parcel is designated as hazard lands. The remaining 60% is also subject to significant grades and has been indicated by the applicant to be non-workable for standard cash-cropping operations. The creation of this lot then would likely result in a new large residential lot in proximity to several active farms.

Lot F, Concession 2 has already seen the creation of a second residential use through a previous severance at the northern extent of the property along Concession 2. Therefore, today there are already two dwellings on this original crown lot. To permit the severance and add the opportunity for a third residential use to be established is not in line with the policy framework in place to ensure the long-term vitality of our agricultural areas.

In the opinion of planning staff, it would not represent good planning to approve this application.

## Provincial Interests

The Provincial Policy Statement (PPS) is interested in the long-term protection of Ontario's prime agricultural lands for agricultural purposes. In order to ensure that incompatible uses are not introduced to agricultural area and fragmentation is kept to a minimum, severances are only permitted in limited circumstances. There are:

- a) For **agricultural uses**, provided both lots are of an appropriate size and maintain flexibility for future operators;
- b) For **agriculture-related uses** such as farm implement establishments
- c) For **a residence surplus to a farming operation**
- d) For **infrastructure**

The proposal does not meet any of the above criteria for a severance in an agricultural area. In Bruce County, the minimum lot size for a viable farming operation is generally recommended to be 40 hectares (100 acres).

The PPS's policies for lot creation in prime agricultural areas protect Ontario's agricultural lands from incompatible uses and fragmentation.

Other areas of Provincial Interest impacted by this application include Natural and Cultural Heritage features.

The natural heritage features affecting the properties include significant woodlands, fish habitat, potentially significant wildlife habitat, and potentially habitat of endangered species and threatened species. The SVCA has indicated that the impacts to Natural Heritage features can be mitigated so long as the existing laneway on the severed lands can be used.

Regarding cultural heritage, most of the severed lands and a portion of the retained lands exhibit high archaeological potential due to their proximity to a water source. No archaeological assessment has been provided for the property at this time. It is recommended that, should the Official Plan Amendment be approved, the subsequent Zoning By-law Amendment should include a "-h" holding that would not allow for the construction of any structures until an assessment has been completed and any recommendations therein have been carried out.

In the opinion of Planning staff, the proposal is not consistent with the Provincial Policy Statement.

## County Official Plan

Policy	Comment
<b>6.5.3.3 Consents – Agricultural Areas</b> In order to promote and maintain viable farming operations and generally minimize potential impacts on the farming community, the minimum lot area of lands within the Agricultural designation shall be generally 40 hectares.	The proposed 20 ha (50 acre) lot does not meet the minimum size requirement
<b>6.5.3.3 Consents – Agricultural Areas</b> In no instance shall an original Crown survey lot be divided into more than two (2) parcels including the retained portion.	Lot F, Concession 2 has been subject to a previous severance. The proposed severance would be the third parcel created from the original crown parcel.
<b>5.5.2 Agricultural Objectives</b> i. Preserve large blocks of Class 1, 2 and 3, farmland in the Agricultural Areas; ii. Identify and preserve areas of active ongoing agriculture in the Agricultural Areas; iii. Protect farms from incompatible activities and land uses in Agricultural Areas; iv. Minimize fragmentation of prime agricultural land in the Agricultural Areas;	The proposed severance does not meet the objectives set out in the Agricultural Area, particularly introducing a new incompatible use in the form of a non-agriculture property to the surrounding agricultural area.

The proposed amendment is not consistent with the intent and purpose of the County Official Plan.

## Zoning by-law

A Zoning By-law Amendment is expected to be submitted should the Official Plan Amendment be approved. The ZBA would address lot size and frontage for the proposed severed lot.

## Agency Comments

### Ministry of Municipal Affairs & Housing (edited for length/relevancy)

- The PPS provides strong policy direction for protecting Ontario's prime agricultural areas, which are defined as areas of predominately Canada Land Inventory (CLI) Class 1, 2, and 3 lands and associated CLI Class 4 through 7 lands, and additional areas where there is a local concentration of farms which exhibit characteristics of ongoing agriculture. The subject lands are comprised primarily of CLI Class 1 lands and to a lesser extent Class 2 and 5 lands. The Class 5 lands appear to generally correspond

with the watercourse that traverses the subject lands and are limited in capability due to potential flooding.

- PPS policy 2.3.4.1 states that lot creation in prime agricultural areas is discouraged and may only be permitted for agricultural uses, agriculture-related uses, a residence surplus to a farming operation as a result of a farm consolidation, and infrastructure. For greater certainty, lot creation for agricultural uses may only be permitted if 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. It does not appear that OPA 243 and the associated consent are being sought for an agricultural use, as the application form describes the lands to be severed as having “no workable acres”, or any of the other uses for which lot creation may be permitted under PPS policy 2.3.4.1.
- A proposed 20-hectare lot is a significant departure from this commonly used standard in Ontario, and the resulting lot would be deficient in size. In this case, as the proposed 20-hectare lot contains substantial tree cover and a flood hazard area, most of the lot may not be available to crop production, which further reduces the flexibility of the property to accommodate changes to the agricultural operation over time.
- In summary, the county must ensure that decisions on these matters are consistent with the agricultural policies of the PPS. The proponent should demonstrate whether the proposal meets the PPS policies for lot creation in a prime agricultural area (PPS 2.3.4.1). Provincial staff note that the proposal would result in an undersized 20-hectare farm lot in a prime agricultural area.

Comment: These comments have been passed on to the applicant for review.

Conservation Authority (edited for length/relevancy):

- The current proposal is acceptable to SVCA staff; however, this opinion is based on SVCA staff’s assumption that an entrance permit would be available for the South Part Lot F Concession 2 parcel at the existing laneway location.
- SVCA staff would also recommend revisions to the Hazard Land Area designation and Environmental Protection zone.
- The existing laneway on the South Part Lot F Concession 2 parcel, in our opinion, can be removed from the Hazard Land Area designation and EP zone, as this laneway is outside of the flooding hazard associated with the Little Sauble River and its tributaries
- The natural heritage features affecting the properties include significant woodlands, fish habitat, potentially significant wildlife habitat, and potentially habitat of endangered species and threatened species.
- Provided the existing laneway can be utilized for the South Part Lot F Concession 2 parcel, and that any future development on the property occurs in the existing cleared areas, the negative impacts to the natural heritage features listed above, or their ecological functions, would be negligible as a result of this proposal. SVCA staff are not recommending the preparation of an EIS at this time.

- It is the responsibility of the applicant to ensure the endangered and threatened species policy referred to in the PPS has been appropriately addressed.
- Portions of the property are subject to the SVCA's O.Reg 169/06 and requires that a person obtain the written permission of the SVCA prior to any "development" within a Regulated Area or alteration to a wetland or watercourse.

Comment: These comments have been passed on to the applicant for review.

Municipality:

- Chief Building Official: No comments
- Fire Chief: No comments
- Director of Public Works: No Comments

Bruce County Transportation:

- No comments

Bruce-Grey Catholic DSB:

- No comments

Historic Saugeen Metis:

- No comments

**Public Comments**

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

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

Anticipated Appeal to Local Planning Appeals Tribunal

Written by:

Tessa Fortier RPP (Candidate),  
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	
x	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>	
	2.1	Natural Heritage	
	2.2	Water	
x	2.3	Agriculture	
	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	
x	2.6	Cultural Heritage and Archaeology	
	<b>3.0</b>	<b>Protecting Public Health and Safety</b>	
x	3.1	Natural Hazards	
	3.2	Human-made Hazards	