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August 9, 2019

Julie Steeper
Applications Technician
Planning and Development
Corporation of the County of Bruce
JSteeper@brucecounty.on.ca

**Re: Bruce County Official Plan Amendment No. 243-19.26 and related matters
Part Lot F, Concessions 1 and 2, Geographic Township of Bruce in the
Municipality of Kincardine
One Window comments**

Dear Ms. Steeper,

Thank you for circulating proposed Bruce County Official Plan Amendment No. 243-19.26 (OPA 243) and the associated consent application to the Ministry of Municipal Affairs and Housing (MMAH). This matter was further circulated through the One Window Planning Service to the Ministry of Agriculture, Food and Rural Affairs (OMAFRA) for their review and comment. It is recognized that OPA 243 is exempt from the Minister's approval and the following One Window comments are provided to the County of Bruce for their consideration in making a decision on this matter.

Provincial staff have completed their review of the above noted proposal to sever an approximately 20-hectare (50 acre) lot from an approximately 60-hectare (149 acre) lot on lands designated 'Agricultural Area' and 'Hazard' in the Bruce County Official Plan. The subject lands are legally described as Part Lot F, Concessions 1 and 2, Geographic Township of Bruce in the Municipality of Kincardine. It is understood that the application would create two agricultural lots, one 20-hectares and the other 40-hectares in area. It is further understood that there is an associated application to amend the Bruce County Official Plan to reduce the minimum lot size requirement in the 'Agricultural Area' designation from 40 hectares to 20 hectares. The application form for OPA 243 states that the proposal is not consistent with the Provincial Policy Statement and that the proposed lands to be severed "have no workable acres". Provincial staff note that OPA 243 is similar in purpose and effect to former Bruce County Official Plan Amendment No. 216 (OPA 216), which was appealed by the Minister of Municipal Affairs and Housing to the Local Planning Appeal Tribunal (formerly the Ontario Municipal Board) in May 2017. OPA 216 was subsequently withdrawn by the proponent.

Consideration has been given to this matter in terms of the criteria and policies contained in the Provincial Policy Statement, 2014 (PPS). 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. The proposed lands to be severed contain a woodlot that covers the western half of these lands.

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. However, if the purpose of the severance is in fact for an agricultural use, it is important to consider the criteria for lot creation for agricultural uses in prime agricultural areas.

For prime agricultural areas where row cropping and livestock operations are the common agricultural use, 40 hectares is the province’s recommended minimum farm lot size. Creating farm lots that are smaller than this threshold generally limits future agricultural opportunities and can discourage on-going farming. Maintaining a lot size of 40 hectares provides farm operations with the flexibility needed to adapt and expand as markets and technologies change. In parts of Ontario where traditional row crop and livestock operations are common, many planning authorities have made 40 hectares the minimum farm parcel size for the creation of a new agricultural lot. Policy 6.5.3.3.2 of the Bruce County Official Plan states that the minimum lot area shall be generally 40 hectares. 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.

A smaller minimum lot size may be appropriate in areas where tender fruits and/or similar specialty crops are grown and are the common agricultural use in the area. The county should only consider smaller minimum farm lot sizes in areas designated as specialty crop areas in planning documents. For example, while not applicable to these applications, the Greenbelt Plan sets out 16 hectares as the minimum farm lot size for specialty crop areas.

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.

We trust that these comments are helpful to the county in their consideration of OPA 243 and the associated consent application. Provincial staff are available to discuss

these comments. If you have any questions or concerns, please contact the undersigned. By copy of this letter, MMAH requests that the county provide the undersigned with notice of the decision for this matter.

Kind regards,

A handwritten signature in black ink that reads "Tyler Shantz". The signature is written in a cursive style with a long horizontal stroke extending from the top of the "y" and a large, looping flourish at the end of the "z".

Tyler Shantz, BES
Team Lead (A), Planning

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