



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: Wells co Kelly Consent B-44-19.31

Recommendation:

That the Bruce County Planning and Development Committee recommend approval with modifications for application B-44-19.31 and that the Director of Planning and Development be authorized to sign the decision sheet.

Executive Summary:

The subject lands are located 2253 Concession 14 and there is a dwelling, shed and a bank barn on the property.

Patrick Kelly who is acting as the Agent for Nadine & Ronald Wells (owners) and Les Young Jr. of Young Farms Ltd. (applicant) submitted an application to sever and re-zone a parcel of the subject lands to facilitate a surplus farm dwelling severance. Young Farms Ltd. and the Wells' have entered into a Purchase and Sale Agreement with the intention for Mr. Young to purchase the retained farmland. Mr. Young is considered to be a bona-fide farmer who owns and farms lands elsewhere, lives elsewhere and meets the Official Plan policies to apply for a surplus farm dwelling severance.

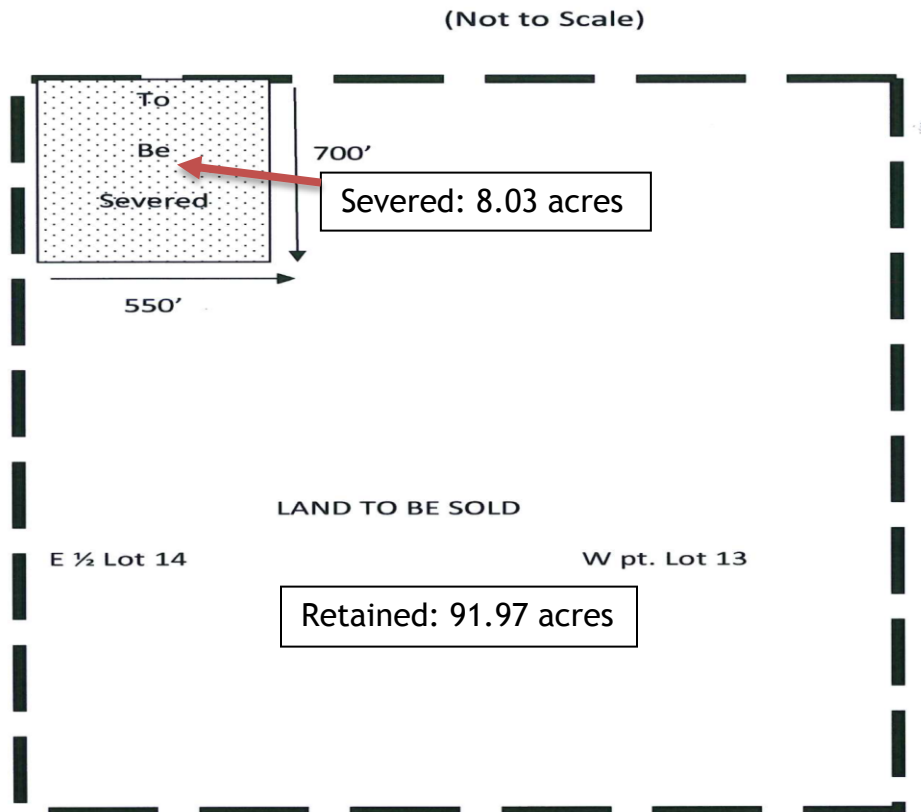
The size of the proposed lot is significantly larger than what is generally considered a surplus farm dwelling severance at 8.03 acres and therefore needs to be brought forward to the Land Division Committee for decision.

Both the Provincial Policy Statement (PPS) and the Bruce County Official Plan state the severed lots should be limited in size and only be of a size to support the dwelling, the septic and a well.

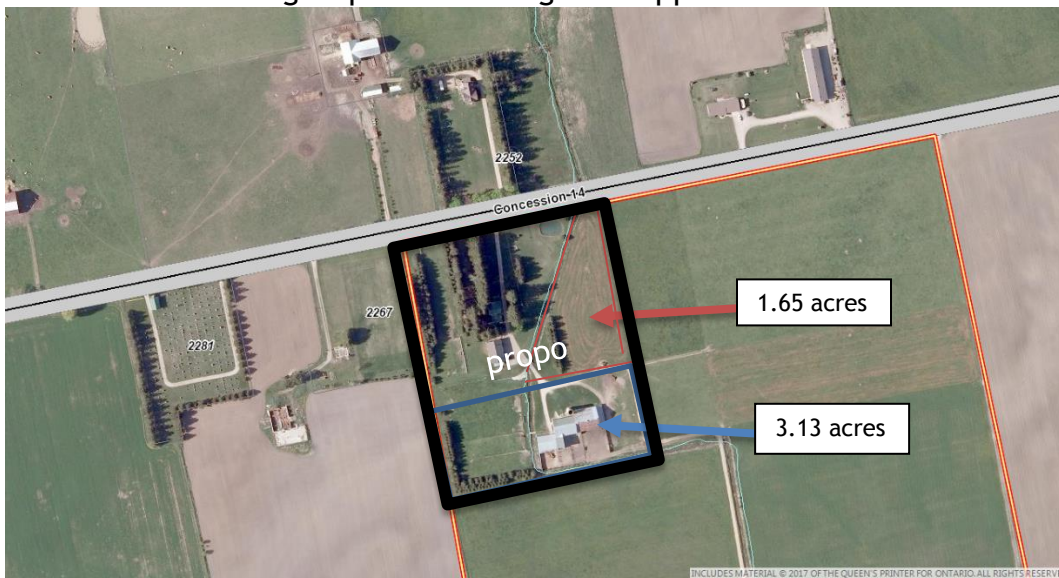
The Municipality of Brockton Council unanimously supported the application as made by the applicant at an Information Meeting hosted on August 13, 2019.

This report and recommendation deals with the Consent application.

Description of Proposal



Even though no agricultural land is taken out of production in this instance, the direction from both the Provincial Policy Statement and Bruce County Official Plan is to keep the lots as small as possible. Accessory buildings such as barns are not critical to the function of the house lot and the lot size is greatly increased with the inclusion of the barn in the severed lands. The barn is approximately +/- 100 m from the house and represents an additional +/- 3.13 acres. The lands East of the drain may have been farmed in the past and represent an additional +/- 1.65 ac that is being requested through the application.



2006 Air Photo, Black represents the severance the applicant has applied for.

Should the 1.65 acres and 3.13 acres identified above be left with the retained, the remaining lot containing the house and the shed would be 3.25 acres. This lot size would be more consistent with surplus farm dwelling severances that have been approved in the past and would meet the policy framework of both the PPS and County Official Plan.

Planning Analysis and Comments:

The Provincial Policy Statement requires the new lot to be limited in size to accommodate the house and the appropriate sewage and water services (2.3.4.1.b). It makes no mention of the inclusion of accessory buildings such as barns.

The Bruce County Official Plan, among other policies, requires the proposed lot to be limited in area and only be of sufficient size to accommodate the residence surplus to the farming operation, accessory buildings (*where including accessory buildings does not render the lot excessively large in the opinion of the Land Division Committee*), a well and a sewage disposal system, while ensuring that as little land as possible is removed from the agricultural lands (6.5.3.3.b.ii).

Neither of the above policies specify a cap on the size of the severed, but it does trigger the application being brought before Land Division Committee to decide if the lot is too large.

Zoning by-law

The associated Zoning By-law is scheduled to go before Brockton Council September 24, 2019.

Agency Comments

Saugeen Valley Conservation Authority:

- SVCA staff is of the opinion that the natural heritage features and areas affecting the property include fish habitat, potentially significant wildlife habitat, and potentially the significant habitat of endangered species and threatened species.
- The proposed zoning by-law amendment and proposed consent to sever land are acceptable to SVCA staff.

Municipality of Brockton:

Staff

- The Plan does not show the location of the septic, and the septic must be located 3 m from the property line.
- The civic address is to stay with the severed lands.

Council

- An Information Meeting was held on August 13 with a chance for the public and Council to speak to the application. No members of the public spoke at the meeting and Council unanimously supported the application. Some comments included:
 - The barn brought historical value to the property and the Municipality
 - There should be more small farm/ hobby farm lots permitted.
 - The lot was more aesthetically pleasing as a square.

Public Comments

Planning Staff have fielded several calls in regard to the application and have received one letter from a neighbour, Dusty Lair, which is attached as an Appendix.

The attached letter states that while the writer is in support of surplus farm dwelling severances in general, the proposed lot is too large, and its approval would set a dangerous precedence on lot size in agricultural areas.

Planning Analysis and Comments:

Lot creation in Agricultural Areas is generally discouraged and vacant residential lot creation is not permitted. Surplus farm dwelling severances fill a very specific policy niche wherein the house is not needed by the farmer because they live and farm elsewhere. The severance of the house suits their operation rather than tear it down or rent it. But, the creation of these lots should support the Agricultural Area, and while this proposal is not taking any farmland out of production, there is an opportunity to potentially return land to agricultural production by not including the barn or the lands East of the drain in the severance.

Financial/Staffing/Legal/IT Considerations:

Potential Appeal to Local Planning Appeals Tribunal

Written by:

Dana Kieffer, M.Sc.,

Planner, Planning and Development

Appendix 1 - Provincial Policy Statement 2014

Applies?	Section	Policy	Comment
	1.0	Building Strong Communities	
	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	
	2.0	Wise Use and Management of Resources	
	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	
	2.6	Cultural Heritage and Archaeology	
	3.0	Protecting Public Health and Safety	
	3.1	Natural Hazards	
	3.2	Human-made Hazards	