



Committee Report

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

From: Kara Van Myall
Director of Planning and Development

Date: October 17, 2019

Re: BCOPA 245 Sovie c/o Davidson

Staff Recommendation:

That the Planning and Development Committee approve application BCOPA 245.

Executive Summary:

The subject lands are located in the Municipality of Kincardine along Bruce-Saugeen Townline, approximately 1.2 kilometres west of North Bruce in an agricultural area. The property is approximately 20 hectares in size and contains a detached dwelling and three accessory buildings. Approximately 10 hectares of the property are under active cultivation.

The applicants are proposing to use the existing wood barn on the property as a wedding and special events venue under the name “Sovie Stables”.

The application proposes to:

- Amend the Bruce County Official Plan to permit the proposed ‘on-farm diversified’ use.

The 2014 update to the Provincial Policy Statement (PPS) provided policies that allow for ‘on-farm diversified uses’ in prime agricultural areas. The term ‘on-farm diversified use’ is used to describe a wide range of uses, located on a farm and limited in area, that provide a supplementary income. However, the Bruce County Official Plan has not been amended to reflect these changes in the PPS. These uses must be explicitly permitted in prime agricultural areas through the Official Plan. Therefore, the amendment is required in order to allow the proposed ‘wedding barn’ facility.

This report and recommendation deals with the Official Plan Amendment application. A local Zoning By-law amendment will be required in order to allow the use on the property and may include specific provisions to regulate the proposed wedding barn.

The application is consistent with the Provincial Policy Statement and conforms to the intent and purpose of the County Official Plan.

Background:

The Soviets acquired the subject property in 2017 and are proposing to use the existing wood barn as a special events facility. The building was used by the previous owner for events such as weddings, however no formal approvals were in place.

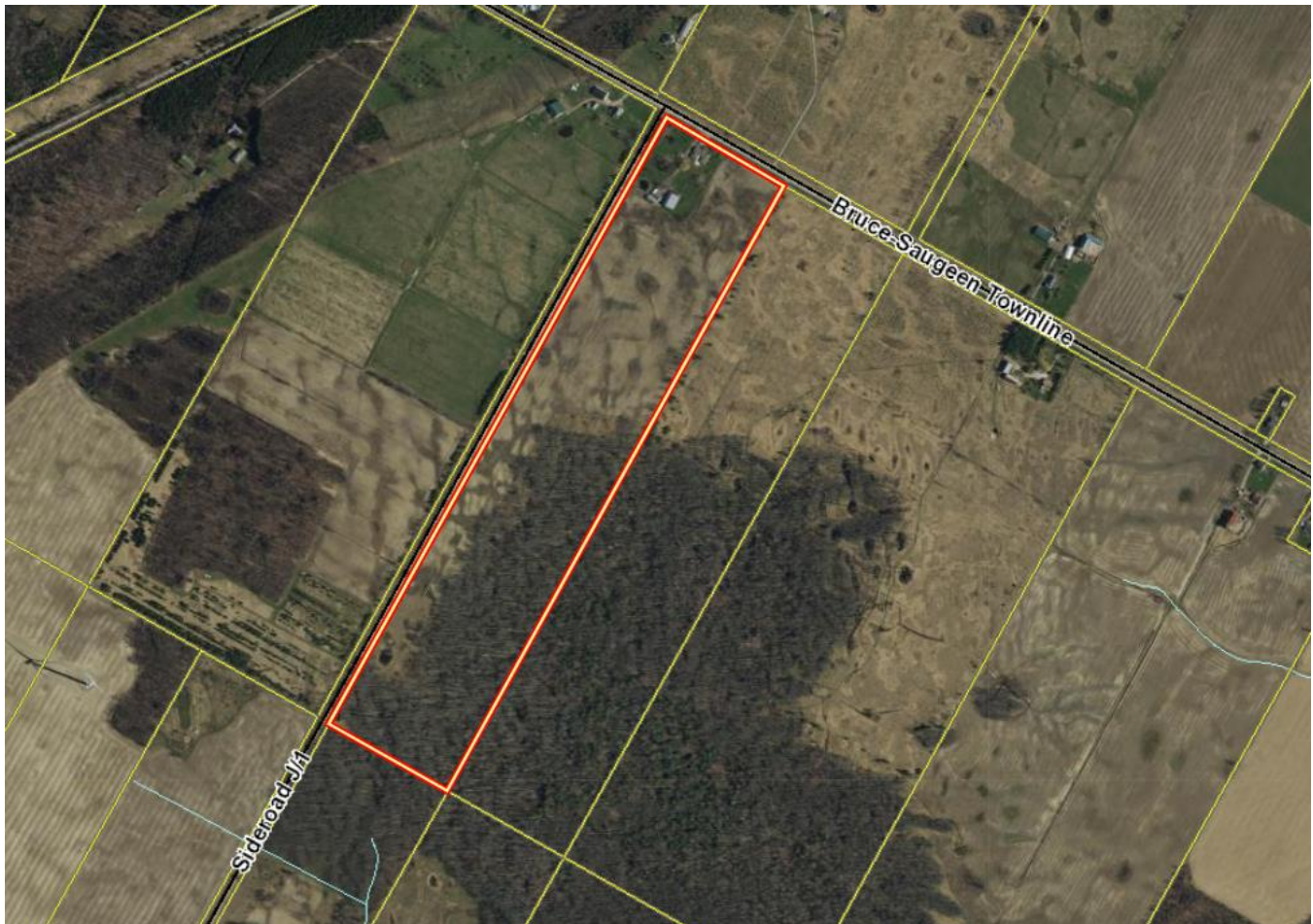
Description of Proposal

The barn is approximately 300 square metres in size and no enlargements are proposed. No kitchen facilities are proposed. All food will be prepared offsite with only some food assembly in the building. Washrooms are proposed to be provided in the form of a “washroom trailer” which includes toilets, sinks and a water tank. The holding tank will be pumped after each event. The water tank will be filled from the well on the property.

Parking is proposed to be provided on site for approximately 64 vehicles with an additional 3 accessible spaces adjacent to the event building. The Soviets also intend to offer a bus shuttle service between Port Elgin and/or Kincardine.

The applicants have provided letters from engineers outlining the required structural upgrades to the building and the required fire protection for the proposed use. The applicant will be required to make the upgrades as outlined through their building permit.

Air Photo





Provincial Interests

The Provincial Policy Statement sets out the policy framework for prime agricultural areas and the permitted uses in these areas.

The PPS allows for “on-farm diversified uses” in prime agricultural areas. These uses must be secondary to the principal agricultural use and limited in area. The intent of this policy is to enable diversification on farm properties and for supplementary income.

OMAFRA also provides guidance on how to implement the PPS’s policies in this area. Their guideline states that these types of uses must be either a) related to agriculture, b) supportive of agriculture or c) able to co-exist with agriculture without conflict.

The Planning Report prepared on behalf of the applicant states that a rural location is required for the proposed use due to the increased desirability of farms as wedding venues due to the charm offered by these areas. This is intended as a part-time business and events will likely be held only on weekends and only during certain months of the year.

The OMAFRA guideline sets out criteria that must be met to qualify as an on-farm diversified use. These are:

1. Located on a Farm

Approximately 10 hectares of the property are actively farmed. These lands are leased to a neighbouring farmer. The remaining lands include a woodlot and the building cluster.

2. Secondary to the principle agricultural use

The guideline states that the agricultural use on the property must be the principal use in both spatial and temporal terms. In this case, approximately 50% of the property is cropped while the other 50% are comprised of the woodlot and the building cluster. The proposed use will not result in the loss of any agricultural land and will only occur on an occasional basis. Very few site alterations are required to allow for the proposed use. The only alterations proposed are those required to bring the building up to code and laying gravel for the parking lot.

Regarding land use compatibility, the applicant's Planner offers the following:

- The "wedding barn" will be occasional and efforts will be made to keep the sound emitted to a minimum. It is proposed that all events will conclude by 1 am.
- Traffic impacts should be minimal as most vehicles will arrive within a short period and then leave at various times. The proposed busing will also reduce any traffic impacts.
- Servicing will be addressed through the portable washroom facilities. It should have no impact on the agricultural operation.

3. Limited in area

This criterion is intended to ensure a minimal amount of land is taken out of agricultural production, agriculture remains the primary use, and off-site impacts are limited. The guideline encourages the reuse of existing buildings in order to reduce the amount of farmland consumed by the use and maintain the character of the area. Generally, the recommended standard for an acceptable area is 2% of a farm parcel.

This proposal does not result in the loss of any actively used farmland. The existing building cluster where the proposed use will be located is approximately 1.2 hectares in area and includes the existing dwelling and two accessory buildings not proposed to be used for the events facility. The areas proposed for the "wedding barn" facility include the barn, an outdoor gathering area, the washroom, and the parking area. These occupy approximately 0.4 hectares of land which translates to 2.1%.

4. Includes, but is not limited to, home occupations, home industries, agri-tourism uses and uses that produce value-added agricultural products.

The PPS does not provide an encompassing definition of what constitute an 'on-farm diversified use'. While some examples are provided (such as those above), the OMAFRA guideline states that other uses may also be suitable, so long as they met the required criteria.

The applicant's Planning Report argues that the proposed 'wedding barn' meets the intent of the PPS policy for on-farm diversified uses. County staff are satisfied that, as the proposal meets all the criteria for 'on-farm diversified uses', it can be considered as such. Additionally, the Ministry of Agriculture, Food and Rural Affairs has not provided any comment to suggest that the proposal would not constitute an on-farm diversified use.

5. Shall be compatible with, and shall not hinder, surrounding agricultural operations.

The proposed use is intermittent, seasonal, and does not result in the loss of any farmland. The proposed facility meets the required Minimum Distance Separation I setbacks from the existing unoccupied barn on the adjacent property at 1781 Bruce-Saugeen Townline and from the occupied barn at 1716 Bruce-Saugeen Townline.

Overall, Planning staff are satisfied that the proposal meets the intent of the provincial policies for on-farm diversified uses.

Other areas of provincial interest reviewed though the application include Natural Hazards as well as Natural and Cultural Heritage.

While a significant portion of the property is designated as Hazard Lands, the proposed on-farm diversified use is outside of these areas and will not be impacted by any natural hazard features.

The natural heritage features impacting the property include significant woodlands, adjacent lands to fish habitat, potentially significant wildlife habitat, and potentially habitat of endangered species and threatened species. However, based on their review of the application, the SVCA did not recommend the preparation of an EIS.

Portions of the property have archaeological potential, however, these areas are outside of the area proposed on-farm diversified use and are not impacted by the application.

The application is consistent with the Provincial Policy Statement.

County Official Plan



The subject property is within the designated Agricultural and Hazard Lands. The hazard lands are generally limited to the treed portion of the property. The building cluster and cropped area are generally designated Agricultural.

Policy	Comment
5.5.2 Agricultural Areas	The objectives of the Agricultural area generally encourage uses that are supportive of the agricultural community and provide supplemental sources of income.
5.5.4 Permitted Uses - Agricultural Areas	<p>The County Official Plan has not yet been updated to reflect the policies put in place through the PPS 2014 with regards to “On-Farm Diversified Uses”</p> <p>OMAFRA guidelines state that in order to permit on farm diversified uses, an Official Plan must explicitly state that these uses are permitted in the prime agricultural area.</p>

Policy	Comment
	As the Bruce County Official Plan does not contemplate on-farm diversified uses as defined by the province. An Official Plan Amendment is necessary in order to allow for the proposed use.
4.7 Servicing	The property does not have access to municipal services. The dwelling is serviced by a well and septic. The proposed on-farm diversified use will be serviced with a washroom trailer that will have the septic tank pumped out after each event. The water tank will be filled by the existing well on the property. A well capacity report has been prepared demonstrating that the well can accommodate the increased use.

The proposed amendment is consistent with the intent and purpose of the County Official Plan.

Zoning by-law



An associated Zoning By-law Amendment has been submitted through the application and will be considered by the Municipality of Kincardine at a later date. The Zoning By-law Amendment will define where on the property the proposed use is permitted and may provide further provisions in regard to areas such as:

- Parking requirements
- Hours of operation
- Site Plan Agreements
- Servicing

The amendment will ensure the proposal conforms to the Municipality of Kincardine Zoning By-law.

Agency Comments

Conservation Authority:

- A large portion of the property is designated Hazard Land Area in the Bruce County Official Plan, this same area is zoned EP in the Municipality of Kincardine Zoning By-law. The Hazard Land Area and EP zone generally coincide with the Hazardous Lands

mapping for the property as originally plotted by SVCA staff. Based on Schedule A to the applications, proposed development will not be affected by any natural hazard features.

- In the opinion of SVCA staff, the natural heritage features and areas affecting the properties include significant woodlands, adjacent lands to fish habitat, potentially significant wildlife habitat, and potentially habitat of endangered species and threatened species.
- The proposed development will not be located within significant woodlands or its adjacent lands, therefore, the preparation of an Environmental Impact Study (EIS) to address significant woodlands or their adjacent lands is not warranted for this proposal at this time.
- The proposed development will not be located within the adjacent lands to fish habitat, therefore, the preparation of an EIS to address the adjacent lands to fish habitat is not warranted for this proposal at this time.
- It is the opinion of SVCA staff that impacts to significant wildlife habitat are likely to be negligible based on Schedule A to the applications. SVCA staff are not recommending the preparation of an EIS to address significance wildlife habitat or its adjacent lands at this time.
- It is the responsibility of the applicant to ensure the endangered species and threatened species policy referred to in the PPS has been appropriately addressed.
- The majority of the property is within the SVCA Approximate Screening Area associated with the SVCA's Development, Interference with Wetlands and Alterations to Shorelines and Watercourses Regulation.
- However, based on Schedule A to the applications, development as proposed will not be located within the SVCA Approximate Screening Area. Therefore, based on Schedule A to the applications, a Permit from the SVCA will not be required.
- The proposed Bruce County OP amendment and proposed zoning by-law amendments are acceptable to SVCA staff.

Comment: Planning staff have no outstanding concerns in regard to natural hazards or natural heritage

Municipality of Kincardine:

- **CBO:** Subject to Site Plan Approval
- **Public Works:** No comments

Comment: The associated Zoning By-law Amendment will require the proposed wedding facility to be subject to Site Plan Approval.

Bruce-Grey Catholic District School Board: No comments

Historic Saugeen Metis: No objection or opposition

Hydro One: No comments or concerns

Public Comments

Ricky Johnston - 1781 Bruce-Saugeen Townline

Although I support the purpose of the application, I have concerns as to what it will mean to the use of my farm at 1781 Bruce Saugeen Townline. I currently have a cow / calf operation and need to know the implications on my business. Specifically I am concerned with “rumours” that I will no longer be able to house animals in my barn, or pasture animals on my farm.

Comment: The proposed wedding barn facility meets the required MDS I setback for new on-farm diversified uses from the existing unoccupied barn on Mr. Johnston’s property. The requirements for MDS I are generally greater than the MDS II requirements that Mr. Johnston would be required to meet should he propose a change that would require an MDS calculation. Pasture lands are not subject to MDS.

Planning Analysis and Comments:

The proposed on-farm diversified use of a wedding barn on the subject lands meets the strict policy requirements set out by the province under the PPS for such uses. While these uses are not explicitly permitted in Bruce County’s agricultural policies, the proposal generally meets the intent of the agricultural area policies.

It is not expected that the approval of this amendment will negatively impact adjacent landowners or the agricultural character of the area. The proposal will allow the applicants to provide and develop a diversified revenue source without removing any land from agricultural production.

These types of uses should be held to a high standard to ensure their compatibility with adjacent agricultural operations. In the opinion of planning staff, this proposal has met the required standard.

Financial/Staffing/Legal/IT Considerations:

Potential 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
	1.0	Building Strong Communities	
	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	
	2.0	Wise Use and Management of Resources	
	2.1	Natural Heritage	
	2.2	Water	
x	2.3	Agriculture	
x	2.3.3	Permitted Uses	
	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	
x	3.0	Protecting Public Health and Safety	
x	3.1	Natural Hazards	
x	3.2	Human-made Hazards	