



Planning Report

To: Municipality of Arran-Elderslie Council

From: Marilyn Cameron, Planning Consultant

Date: August 2, 2023

Re: Zoning By-law Amendment -Z-2023-049 (Bailey)

Recommendation:

Subject to a review of submissions arising from the Public Meeting:

That Zoning By-Law Amendment Z-2023-049 by Bailey as attached be approved.

Summary:

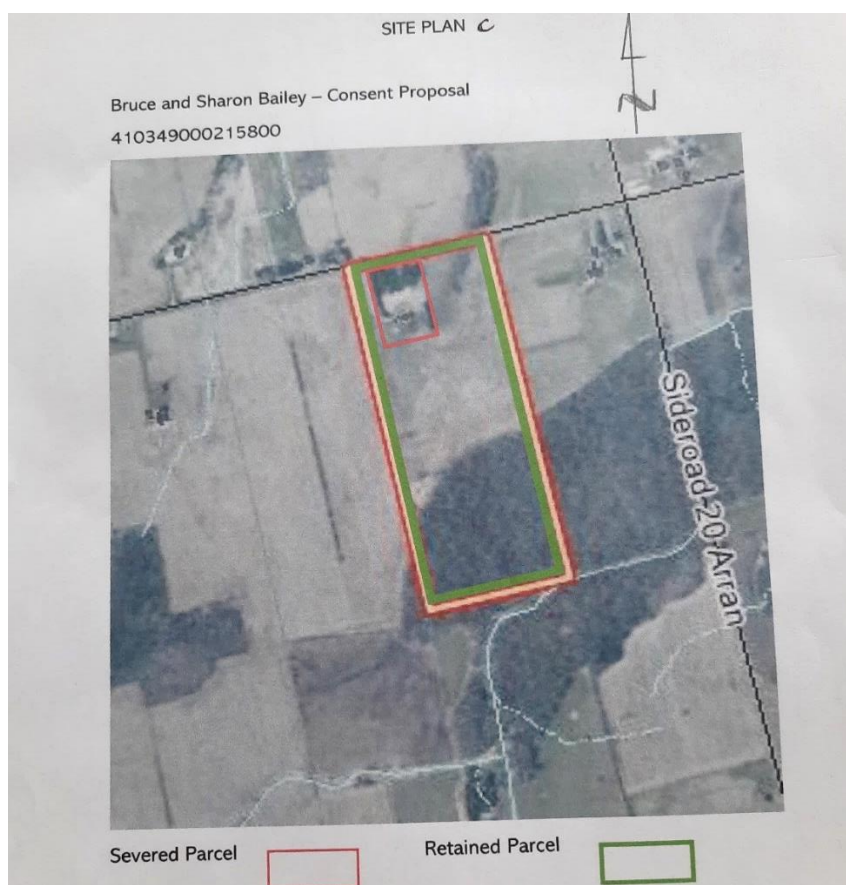
Application Z-2023-049 requests relief from Zoning By-law (36-09) to permit an agricultural lot of 37 ha, where 40 is required within the General Agriculture Zone. The proposed amendment would fulfil a condition of application B-2023-049, to sever a parcel of 3.4 ha which includes an existing dwelling. If approved, the Applications would facilitate acquisition of the retained lot by a neighbouring farmer to continue the existing farming. The residential uses on the severed lot are proposed to continue.

The application initially requested relief to reduce the Minimum Distance Separation (MDS I) requirement for the nearest existing livestock barn to +/-157 m from the proposed severed lot and was circulated as such. The planning analysis in this report outlines that the proposed is exempt from MDS I requirements, and as such no further amendment to the Zoning by-law is required.

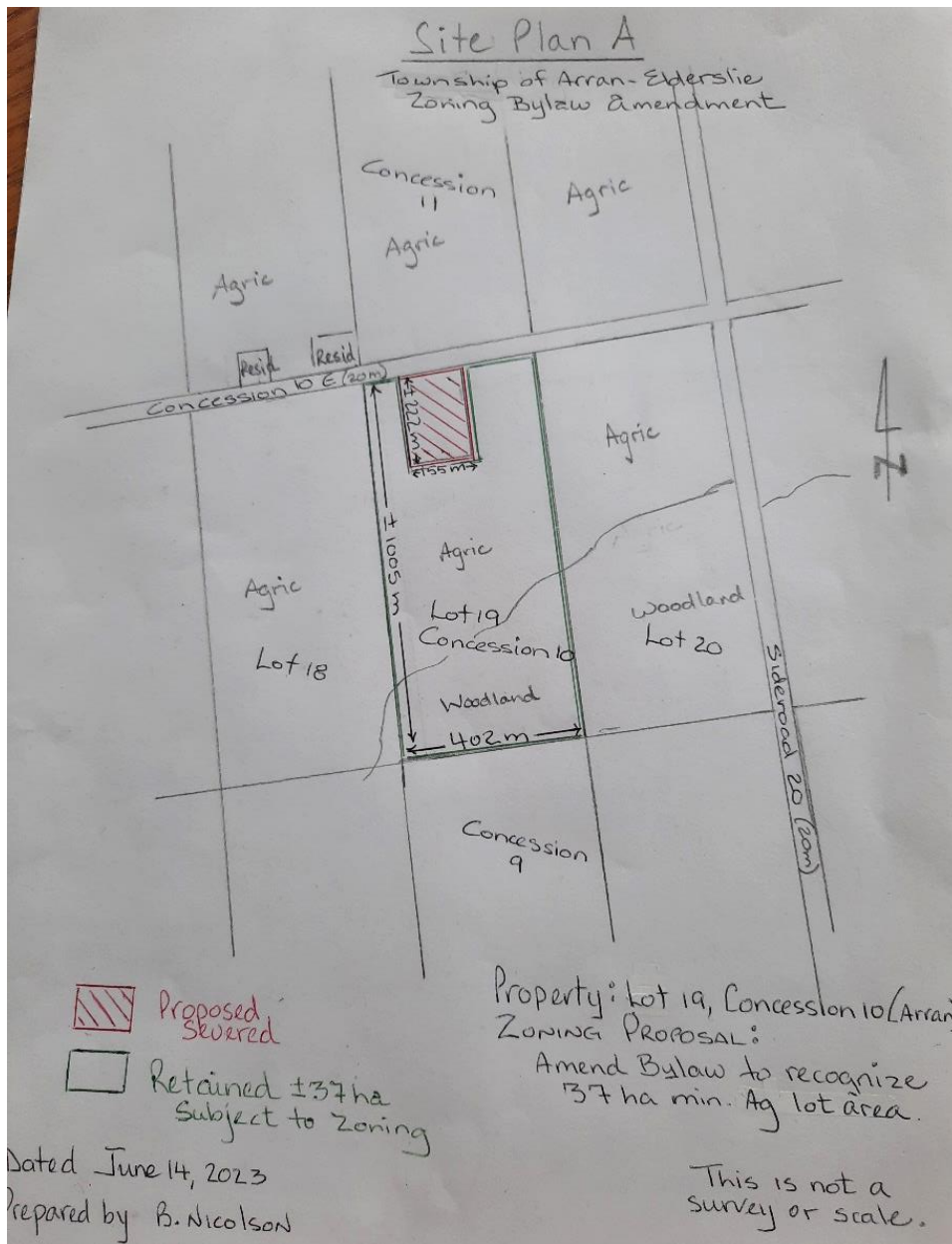
Airphoto



Site Plan 'A'



Site Plan 'B'



Planning Analysis:

The following section provides an overview of the planning considerations that were factored into the staff recommendation for this application, including relevant agency comments (attached) and planning policy sections. A detailed review of Minimum Distance Separation (MDS) requirements is also provided as an appendix to this report.

Natural Hazards and Heritage

The subject property contains areas designated Hazard Lands in the Bruce County Official Plan (BCOP), applicable to both proposed retained and severed parcels. In addition, southern

portions of the subject property surrounding a wetland are under the jurisdiction of the GSCA. A permanent stream runs adjacent to the subject property along the rear lot line and is also under GSCA regulation.

The BCOP prohibits buildings or structures, in addition to alteration of fill or grading, within the Hazard Land area. For development within 50 m of lands exhibiting hazardous characteristics, an applicant may be required to conduct an Environmental Impact Study, unless determined by Council to waive such a requirement, on the recommendation of the Grey Sauble Conservation Authority (GSCA). In addition, no development is permitted within 30 m of a cold water stream.

Comments from the GSCA dated July 21, 2023 state that should there be any construction, reconstruction, or placement of any building or structures on the subject property, a regulation permit is required from the GSCA. Permitting would also apply to any interference with the wetland or any watercourse on the site. The GSCA had no concerns with the Application. Thus, as the subject application proposes no change to existing uses nor structures on either the retained or severed parcel and does not propose development within the required setback of the stream, it is not anticipated that the proposed would increase or introduce any negative impacts on the environmental features of the property and an Environmental Impact Study is not required.

Cultural Heritage

As the subject property is within 300 m of a stream and contains an area identified as having archaeological potential within the BCOP along the south of the subject property, applicable to the retained parcel. Development on areas of archeological potential are required to avoid destruction or alteration of potential archaeological resources. The retained parcel proposes no change in the existing agricultural uses, and as such poses minimal increased risk to the area of archeological potential.

The application was circulated to the Historic Saugeen Métis (HSM), Metis Nation of Ontario, and Saugeen Ojibway Nation for comment. Via email dated July 28, 2023 the HSM states no objection to the proposed Application.

Land Division

The subject property is designated Rural and Hazard Lands within the BCOP. Within the Rural designation, lot creation for a farm lot of 20 ha or larger and a non-farm residential lot of 4 ha or smaller is permitted. The intent of the Rural designation is to balance rural development pressures with the need to preserve and protect the rural landscape.

The requested severance would facilitate the existing agricultural uses to continue independent from the existing residential uses. No change to existing structures on the property nor increased demand for rural servicing is proposed. As a surplus dwelling severance, the proposed represents an efficient use of lands and resources. The proposed retained and severed parcels are further in conformity with BCOP policies relevant to applicable road access, servicing requirements, appropriate size and dimension for the

proposed continued uses, environmental constraints, and the proposed is not anticipated to hinder the development of the retained lands nor the recreation of the original Township lot fabric.

Minimum Distance Separation

The subject property is surrounded by agricultural and residential uses. For the Rural designation, consents and the establishment of non-agricultural uses are required by the BCOP to comply with the MDS, as implemented in the Zoning By-law. The Provincial MDS Guideline # 8 provides exemptions from MDS I setbacks *“for a severed or retained lot for an agricultural use when that lot already has an existing dwelling on it”*. Guideline 9 provides a similar exemption, stating, *“Where the existing dwelling to be severed and the nearby livestock facility or anaerobic digester are located on separate lots prior to the consent, an MDS I setback is not required for the consent application (or associated rezoning) unless otherwise required by a municipal official plan policy.”*

A planning justification report (attached) was submitted with the subject Applications, which included MDS I calculations for the proposed severed lot. There are five existing barns on separate lots in proximity to the severed parcel, some of which contain livestock. Given the pre-existence of the dwelling in proximity to neighbouring lots containing livestock barns, odour conflicts may already exist. As the application proposes no change to uses and structures on the retained and severed parcels, the proposed is unlikely to create further land use conflicts with the surrounding barns. Further, the planning justification report states that the proposed severance is unlikely to impact potential expansion of adjacent barns. The proposed severed parcel is thus exempt from the MDS I setback requirements in accordance with MDS Guideline 9.

Application Z-2023-049 requested relief from the MDS setback requirements for the proposed severed parcel, in accordance with BCOP policies for lot creation. As the proposed severed parcel is exempt from the MDS setback requirements, the criteria of the BCOP for MDS requirements have been met. The proposed amendment for the severed parcel is thus, no longer required.

MDS Guideline 9 further notes that that in cases of consents for dwellings surplus to a farming operation *“an MDS I setback shall only be required for the newly created surplus dwelling lot and shall not be required for the remnant farm parcel nor for any associated rezonings of the severed or retained parcels.”* However, BCOP policies for consents in the Rural designation permit a future residential dwelling to be erected on the retained parcel. Should the retained landowner decide to add a residence following the proposed consent approval, any future dwellings would be subject to MDS I setback requirements prior to building permitting. For this reason, the County wishes to ensure that there is sufficient land on the retained parcel to meet setback requirements for MDS I policies and natural constraints.

Using the MDS I calculations provided by the agent, a mapping analysis of the MDS I setbacks was applied to the retained parcel (see attached for detail). Staff is satisfied that there is

sufficient space on the retained parcel to site a building envelope which complies with the MDS I setback requirements of the adjacent farms and is also sufficiently sited outside of Hazard Lands or natural constraints on the property.

Zoning By-law

Within the Municipality of Arran-Elderslie Zoning By-law, the subject property is Zoned Agricultural (A1) with portions of the property zoned Environmental Protection (EP). The A1 zone permits the proposed uses of general agricultural and single detached dwelling for the proposed retained and severed parcels, respectively. The A1 Zone includes minimum lot area requirements of 39 ha for an agricultural lot.

The existing subject property has a lot area of 40.4 ha, and the proposed retained parcel would continue agricultural uses on a minimum lot area of 37 ha. For the severed parcel, the applicants wished to maintain a rectangular shaped lot, while preserving the existing driveway, front yard with mature trees, dwelling area, and rear yard with an existing garden and old barn foundation. The proposed severed lot of 3.4 ha was determined to be the smallest parcel possible to meet these criteria. Further, the severed and retained lots as proposed is not anticipated to infringe upon or restrict any lands currently used for agricultural uses.

As a condition of consent approval for Application B-2023-049, the attached draft amendment requests relief to the minimum lot area requirement for an agricultural lot in the A1 Zone. All other requirements for the proposed retained agricultural parcel in the A1 Zone are compliant. The proposed severed parcel is compliant with all requirements for a non-farm lot in the A1 Zone. In addition, both proposed retained and severed parcels are compliant with the requirements of the EP Zoned lands.

The proposed Application is demonstrated to be consistent with the Provincial Policy Statement and in conformity with the Bruce County Official Plan.

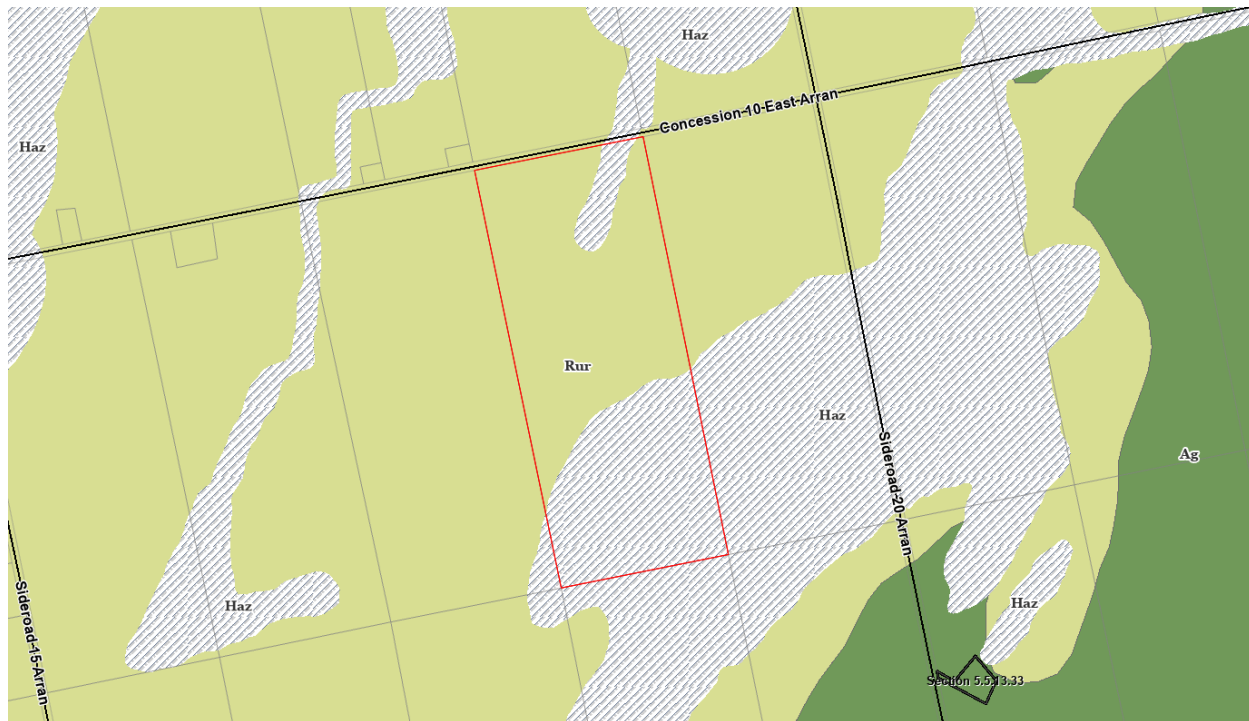
Financial/Staffing/Legal/IT Considerations:

Potential Appeal to the Ontario Land Tribunal (OLT).

Appendices

- County Official Plan Map
- Local Official Plan Map
- Local Zoning Map
- Conservation Authority Jurisdiction Map
- Archaeological Potential
- Agency Comments
- MDS Calculations for the Proposed Retained Lot
- Planning Justification Report
- Public Notice

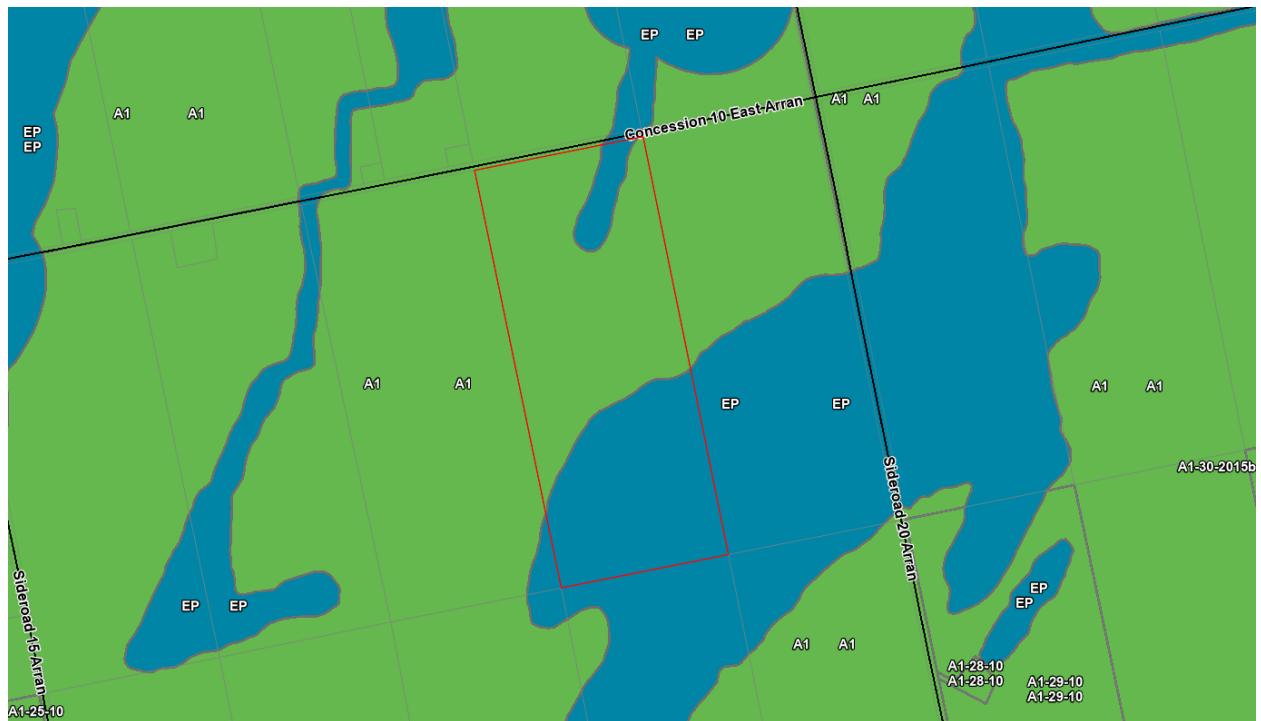
County Official Plan Map (Designated Rural Area and Hazard Land Area)



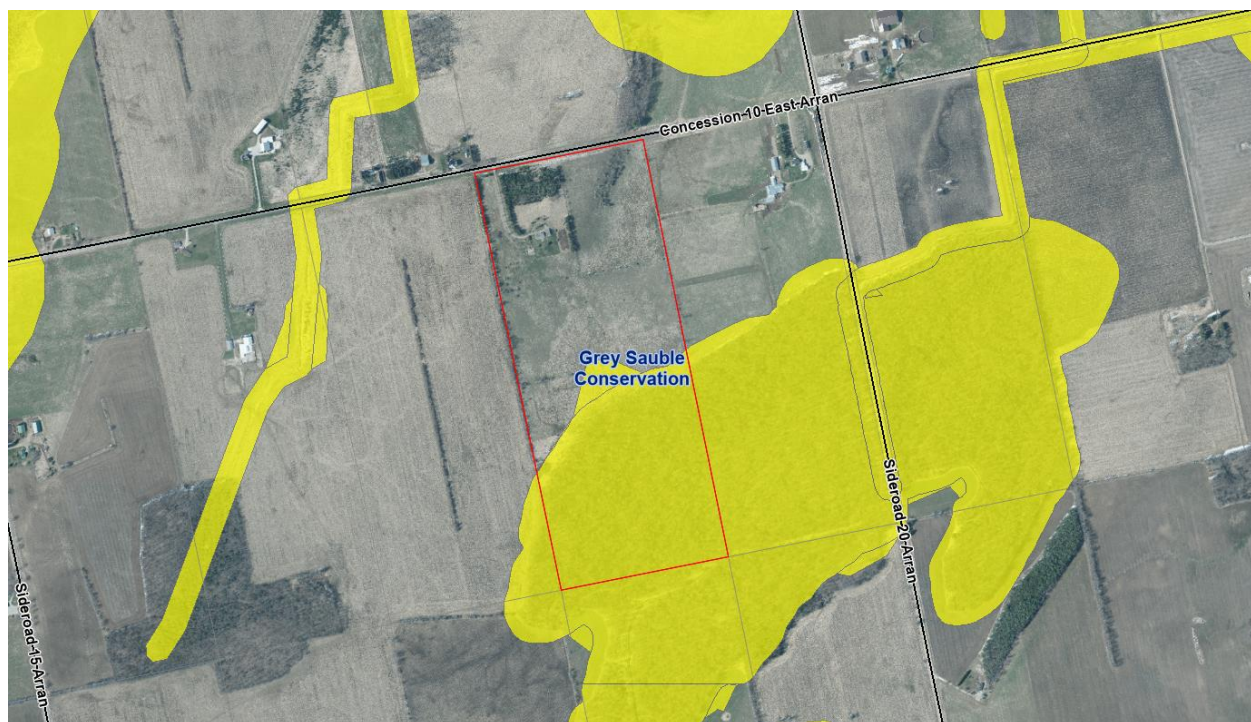
Local Official Plan Map (Outside of Local Official Plan)



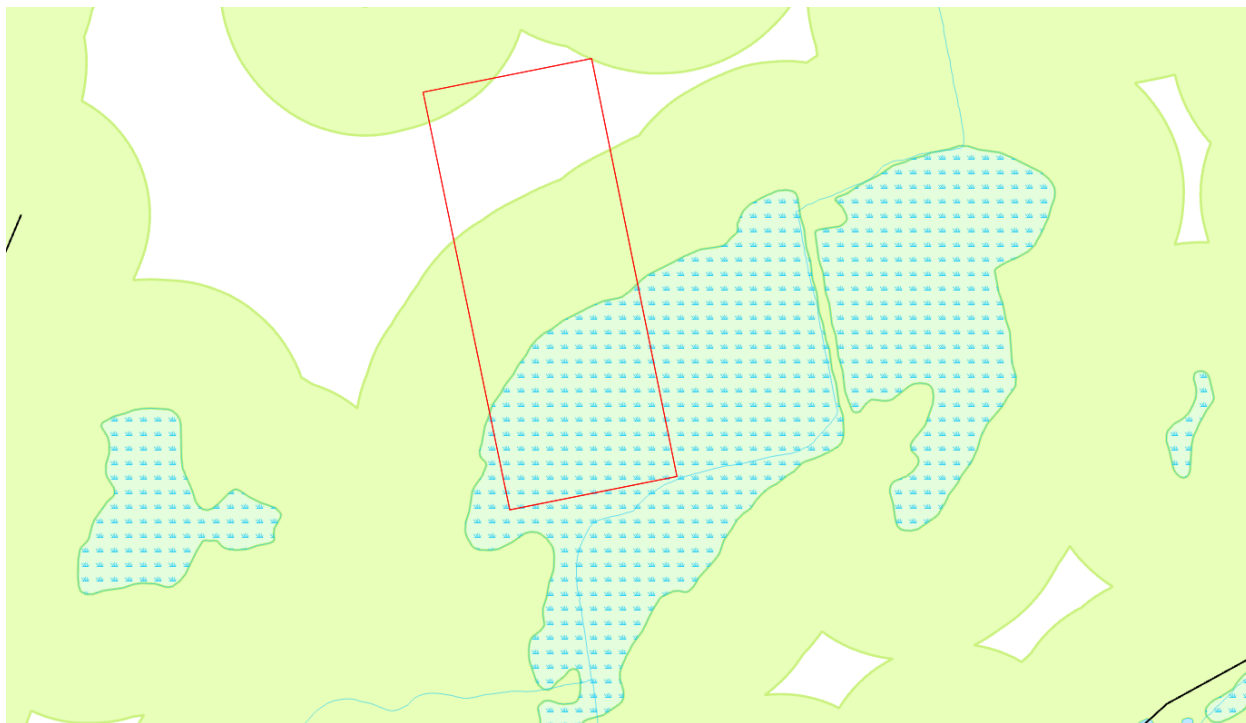
Local Zoning Map (Zoned A1 - General Agriculture and EP - Environmental Protection)



Conservation Authority Jurisdiction Map



Archaeological Potential



Agency Comments

Grey Sauble Conservation Authority: Provided in full below.

Historic Saugeen Métis (HSM): Email dated July 28, 2023 stated no objections.

Municipality of Arran-Elderslie: The Municipality verified conditions on July 27, 2023.

Municipality of Arran-Elderslie Building Department: Email dated July 19, 2023 stated no comments.

Municipality of Arran-Elderslie Public Works Department: Email dated July 19, 2023 comments stated that there was no water or sewer in the area of the subject property. No concerns were stated.

July 21, 2023

GSCA File: P23257

County of Bruce
Planning and Economic Development Department
268 Berford Street, Box 129
Wiarton, ON
N0H 2T0

Sent via email: bcplwi@brucecounty.on.ca

Re: Application for Consent B-2023-049 and Zoning Z-2023-049
Address: 716 Concession 10 E
Roll No: 410349000215800
Municipality of Arran-Elderslie (Arran)
Applicant: Bruce & Sharon Bailey

Grey Sauble Conservation Authority (GSCA) has reviewed the subject application in accordance with our mandate and policies for Natural Hazards and relative to our policies for the implementation of Ontario Regulation 151/06. We offer the following comments.

Subject Proposal

The subject proposal is to sever a parcel of 3.4 ha which includes an existing hobby farm. The retained lot area of 37 ha is proposed to be acquired by a local farmer and continue the existing (cash crop) farming. The dwelling would be surplus to the agricultural needs.

Site Description

The property is located on the south side of Concession 10 East Arran, just west Sideroad 20 Arran, in the Municipality of Arran-Elderslie. The northern portion of the property features a single-family dwelling on private services. Much of the property is utilized for agricultural purposes with a wetland featured encompassing the southern portion of the property. A steep slope is present on the northeast portion of the property.

GSCA Regulations

A portion of the subject property is regulated under Ontario Regulation 151/06: Regulation of Development, Interference with Wetlands and Alterations to Shorelines and Watercourses. The regulated area is associated with the wetland feature in the southern portion of the property.

Under this regulation a permit is required from this office prior to the construction, reconstruction, erection or placing of a building or structure of any kind; any change to a building or structure that would have the effect of altering the use or potential use of the building or structures, increasing the size of the building or structure, or increasing the number of dwelling units in the building or structure; site grading; or, the temporary or permanent placing, dumping or removal of any material originating on the site or elsewhere,

Member Municipalities

Municipality of Arran-Elderslie, Town of the Blue Mountains, Township of Chatsworth, Township of Georgian Bluffs, Municipality of Grey Highlands, Municipality of Meaford, City of Owen Sound, Town of South Bruce Peninsula

if occurring within the regulated area. Also, a permit is required for interference with a wetland, and/or the straightening, changing, diverting or in any way interfering with an existing channel of a river, lake, creek stream or watercourse.

No development is proposed associated with the subject applications that requires a permit from our office.

Provincial Policy Statement 2020

3.1 Natural Hazards

Natural hazards are associated with the flood potential of the southerly wetland feature and erosion potential of the steep slope to the northeast. These areas are identified on the enclosed map and zoned EP – Environmental Protection. No development is proposed with the subject application within the identified natural hazard areas and both the retained and severed parcel feature sufficient space to accommodate development outside of the natural hazard areas should it be proposed. As such, we are of the opinion that the proposal is consistent with the Section 3.1 PPS policies.

Saugeen, Grey Sauble, Northern Bruce Peninsula Source Protection Plan

The subject property is not located within an area that is subject to the Source Protection Plan.

Recommendations

GSCA has no objections to the subject applications as they do not impact any areas regulated under Ontario Regulation 151/06 or natural hazards.

Regards,

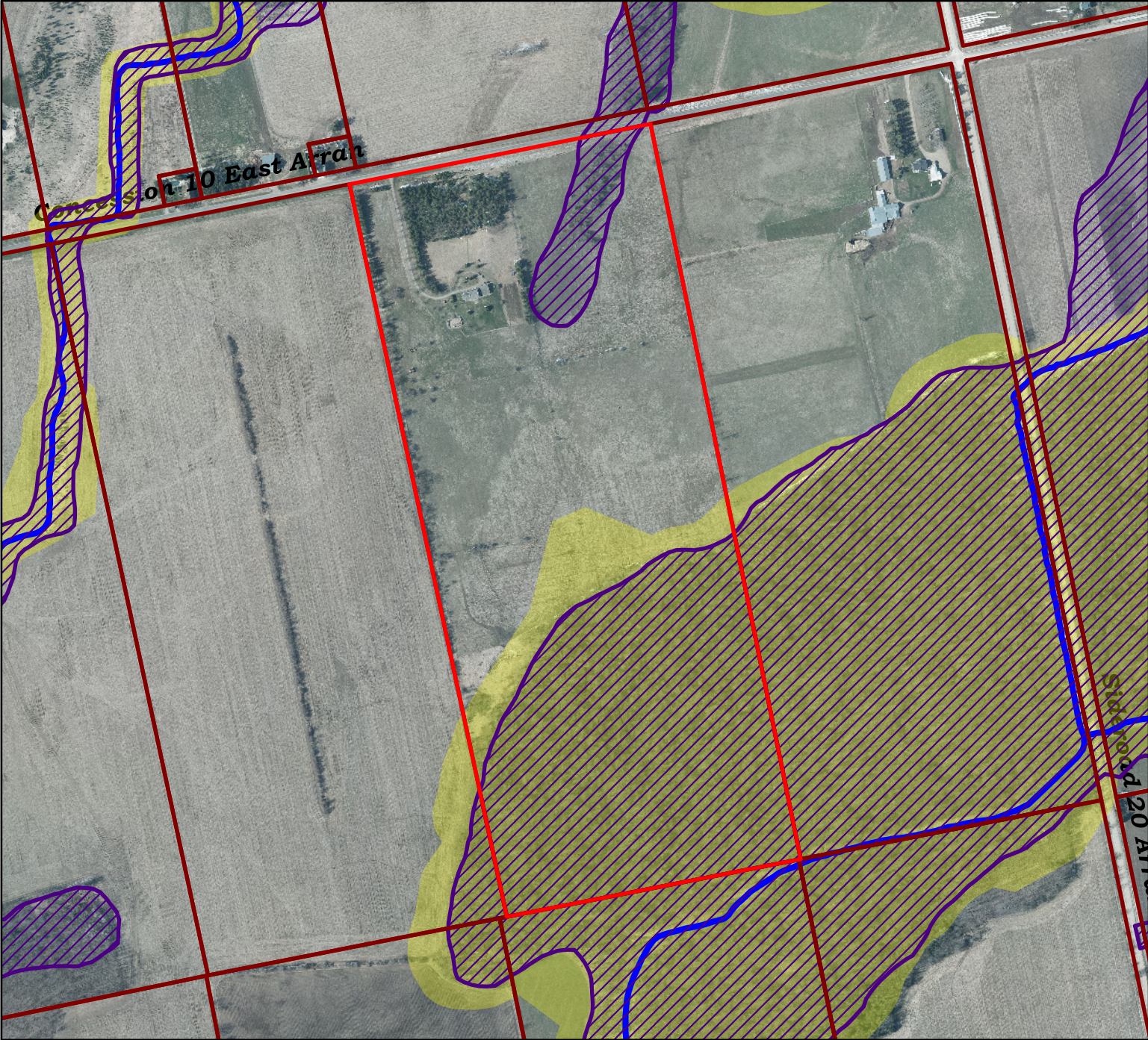



Mac Plewes
Manager of Environmental Planning


c.c. Jennifer Shaw, GSCA Director, Municipality of Arran-Elderslie
Christine Fraser-McDonald, Clerk, Municipality of Arran-Elderslie


Encl. GSCA Map


GSCA: Regulation of Development, Interference with Wetlands and Alterations to Shorelines and Watercourse (Ontario Regulation 151/06)




**Subject Property (Approx.)**

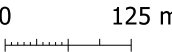
**ON Reg 151/06**

**Streams**

**Natural Hazard Area (Approx.)**


N

Scale = 1:7500


0 125 m

716 Concession 10 E
Roll No. 410349000215800
Municipality of Arran-Elderslie

July 21, 2023

The included mapping has been compiled from various sources and is for information purposes only. Grey Sauble Conservation is not responsible for, and cannot guarantee, the accuracy of all the information contained within the map. Regulation lines were created by Grey Sauble Conservation (GSC) using 1 metre contours interpolated from the Provincial (10 metre) Digital Elevation Model Version 1 & 2 & 1:10000 scale mapping.

By accepting this map you agree not to edit the map or disclaimer without the exclusive written permission of Grey Sauble Conservation. You also acknowledge that the information on this map is relevant only to the subject property and may be subject to change.

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This mapping contains products of the South Western Ontario Orthophotography Project (SWOOP). These images were taken in 2015 at 20cm resolution. They are the property of Grey Sauble Conservation © 2023

Marilyn Cameron

From: Coordinator LRC HSM <hsmrcc@bmts.com>
Sent: July 18, 2023 9:59 AM
To: Bruce County Planning - Peninsula Hub
Subject: Request for Comments - Arran-Elderslie (Bailey) - proposed Consent and Zoning By-law Amendment

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Arran-Elderslie Municipality

RE: Z-2023-049 / B-2023-049

The Historic Saugeen Métis (HSM) Lands, Resources and Consultation Department has reviewed the relevant documents and have no objection or opposition to the proposed Consent and Zoning By-law Amendment as presented.

Thank you for the opportunity to review this matter.

Regards,

Chris Hachey

Coordinator, Lands, Resources & Consultation
Historic Saugeen Métis
204 High Street
Southampton, ON
saugeenmetis.com
519.483.4000



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Marilyn Cameron

From: Christine Fraser-McDonald <CFraser@arran-elderslie.ca>
Sent: July 19, 2023 8:46 AM
To: Lori Mansfield
Subject: FW: Surplus Farm.Bailey | Request for Agency Comments and Notices B-2023-049 Z-2023-049 Bailey

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Christine Fraser-McDonald

Clerk
Municipality of Arran-Elderslie
1925 Bruce Road 10
P.O. Box 70
Chesley, ON N0G 1L0
Ph: 519.363.3039 x 101
Cell: 519.270.4922
cfraser@arran-elderslie.ca

From: Chris Legge <CLegge@arran-elderslie.ca>
Sent: July 19, 2023 8:42 AM
To: Christine Fraser-McDonald <CFraser@arran-elderslie.ca>; Sylvia Kirkwood <SKirkwood@arran-elderslie.ca>; Scott McLeod <SMcLeod@arran-elderslie.ca>; Pat Johnston <PJohnston@arran-elderslie.ca>
Subject: RE: Surplus Farm.Bailey | Request for Agency Comments and Notices B-2023-049 Z-2023-049 Bailey

There is no Water or Sewer in this area.

Chris

From: Christine Fraser-McDonald <CFraser@arran-elderslie.ca>
Sent: Tuesday, July 18, 2023 3:32 PM
To: Sylvia Kirkwood <SKirkwood@arran-elderslie.ca>; Scott McLeod <SMcLeod@arran-elderslie.ca>; Pat Johnston <PJohnston@arran-elderslie.ca>; Chris Legge <CLegge@arran-elderslie.ca>
Subject: FW: Surplus Farm.Bailey | Request for Agency Comments and Notices B-2023-049 Z-2023-049 Bailey

Please forward any comments asap.

Thanks.

Christine Fraser-McDonald

Clerk

Municipality of Arran-Elderslie
1925 Bruce Road 10
P.O. Box 70
Chesley, ON N0G 1L0
Ph: 519.363.3039 x 101
Cell: 519.270.4922
cfraser@arran-elderslie.ca

From: Lori Mansfield <LMansfield@brucecounty.on.ca>
Sent: July 18, 2023 2:49 PM
To: Christine Fraser-McDonald <CFraser@arran-elderslie.ca>
Cc: Jennifer Burnett <JBurnett@brucecounty.on.ca>
Subject: FW: Surplus Farm.Bailey | Request for Agency Comments and Notices B-2023-049 Z-2023-049 Bailey

Lori Mansfield
Applications Technician
Planning and Development
Corporation of the County of Bruce

Office: 519-534-2092
Direct: 1-226-909-5987
www.brucecounty.on.ca



From: Lori Mansfield
Sent: Friday, June 30, 2023 2:19 PM
To: Bruce County Planning - Peninsula Hub <bcplwi@brucecounty.on.ca>
Cc: Marilyn Cameron <MaCameron@brucecounty.on.ca>
Subject: Surplus Farm.Bailey | Request for Agency Comments and Notices B-2023-049 Z-2023-049 Bailey

Good Afternoon:

Attached please find the following documents with respect to Consent Application File No. B-2023-049 and Zoning By-Law Amendment Application File No. Z-2023-049, Bailey:

- Request for Agency Comments;
- Consent Application Notice; and
- Notice of Public Meeting.

Please also find the Application, Site Plan and Planning Justification Report, for your review and reference.

GSCA – Please note, we collected \$1,172.00 on behalf of the GSCA for the review of these applications.

Bruce and Sharon – Please note, the Development Signs required to be posted at the property are being sent via Purolator to the address listed on your application. Please post the signs immediately upon receipt. Once posted, please email a picture of the posted signs to bcplwi@brucecounty.on.ca.

Thank you,
Lori Mansfield

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Marilyn Cameron

From: Christine Fraser-McDonald <CFraser@arran-elderslie.ca>
Sent: July 19, 2023 9:49 AM
To: Lori Mansfield
Subject: FW: FW: Surplus Farm.Bailey | Request for Agency Comments and Notices B-2023-049 Z-2023-049 Bailey

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Christine Fraser-McDonald

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1925 Bruce Road 10
P.O. Box 70
Chesley, ON N0G 1L0
Ph: 519.363.3039 x 101
Cell: 519.270.4922
cfraser@arran-elderslie.ca

From: Pat Johnston <PJohnston@arran-elderslie.ca>
Sent: Wednesday, July 19, 2023 9:48 AM
To: Christine Fraser-McDonald <CFraser@arran-elderslie.ca>
Subject: Re: FW: Surplus Farm.Bailey | Request for Agency Comments and Notices B-2023-049 Z-2023-049 Bailey

No comments at this time.

Please note that my email has been changed to pjohnston@arran-elderslie.ca

Patrick Johnston

Chief Building Official
Municipality of Arran-Elderslie
1925 Bruce Road 10 PO Box 70
Chesley, ON
N0G 1L0
519-363-3039 ext 106

On 7/18/2023 3:31 PM, Christine Fraser-McDonald wrote:

Please forward any comments asap.

Thanks.

Christine Fraser-McDonald

Clerk

Municipality of Arran-Elderslie
1925 Bruce Road 10
P.O. Box 70
Chesley, ON N0G 1L0
Ph: 519.363.3039 x 101
Cell: 519.270.4922
cfraser@arran-elderslie.ca

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To: Christine Fraser-McDonald <CFraser@arran-elderslie.ca>
Cc: Jennifer Burnett <JBurnett@brucecounty.on.ca>
Subject: FW: Surplus Farm.Bailey | Request for Agency Comments and Notices B-2023-049 Z-2023-049 Bailey

Lori Mansfield
Applications Technician
Planning and Development
Corporation of the County of Bruce

Office: 519-534-2092
Direct: 1-226-909-5987
www.brucecounty.on.ca



From: Lori Mansfield
Sent: Friday, June 30, 2023 2:19 PM
To: Bruce County Planning - Peninsula Hub <bcplwi@brucecounty.on.ca>
Cc: Marilyn Cameron <MaCameron@brucecounty.on.ca>
Subject: Surplus Farm.Bailey | Request for Agency Comments and Notices B-2023-049 Z-2023-049 Bailey

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2. Consent Application Notice; and

3. Notice of Public Meeting.

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MDS Calculations for the Proposed Retained Lot

Future development of a residential dwelling on the retained parcel is permitted under BCOP policies for consents in the Rural designation. The intent of severance Application B-2023-049 is to facilitate sale of the retained portion to a local farmer to continue agricultural uses without an associated residence. The applicants have stated that the local farmer has no desire to live on the property or manage a rental property. However, should a future landowner intend to build a dwelling, MDS compliance would be required to obtain a building permit.

At that time, the MDS guidelines of Section 4, Guidelines 7 (MDS I Setbacks for Building Permits on Existing Lots) and 40 (Measurement of MDS Setbacks for Development and Dwellings) would apply. Both guidelines require MDS I setbacks to be measured as the *“shortest distance between the proposed dwelling and either the surrounding manure storages, anaerobic digesters, or the livestock occupied portions of the livestock barns”*. The intent of the application is to sever the residential portion of the subject property and sell the retained parcels to a farmer who does not wish to manage residential uses. It is unlikely that the future landowner of the retained parcel intends to develop residential structures. However, should this intent change, compliance to the MDS requirements will need to be demonstrated.

Using MDS I setbacks provided by the agent for the proposed severed lot, setbacks were applied to the retained lot to ensure that there is sufficient land on the retained parcel to meet setback requirements for MDS policies. In addition, BCOP land use designations were also overlaid to ensure that a building envelope would also be in conformity to BCOP policies for the land use and any natural constraints on the lot.

There are five barns adjacent to the property. The MDS I calculations for each, provided by the agent in the attached planning justification report, are summarized here:

		Minimum Distance Separation Required
Barn 1 – West Curry	Feeders, max 100, dry outside yard	286m
Barn 2 – NW storage	Storage of vehicles only IF beef housed as Farm 1	0 (no livestock) 286 m
Barn 3 – North Gowan	Calves, max 40, dry outside uncovered	203 m
Barn 4 – NE of 20 th De Boar	Dairy/beef	283 m
Barn 5 – E Martin	Cow-calf, max 25, dry outside	177 m

The appended figures show the proposed severed (red border) and retained lots along with the five adjacent farms and approximations of their required MDS I setbacks as listed above.

Figure 2 includes the BCOP land use designations applied as an overlay, showing Rural (Rur) and Hazard Lands (Haz) Designations, as well as a potential building area (in blue)

As can be seen in Figure 2, there is an area in the centre of the retained lot unconstrained by Hazard Lands designation and MDS setbacks within which a dwelling could be constructed. This unconstrained area is approximately 12.3 ha in size. Staff is satisfied that there is sufficient space on the retained parcel to site a future building envelope which complies with the MDS I setback requirements of the adjacent farms and is also sufficiently sited outside of Hazard Lands or natural constraints on the property.

Figure 1

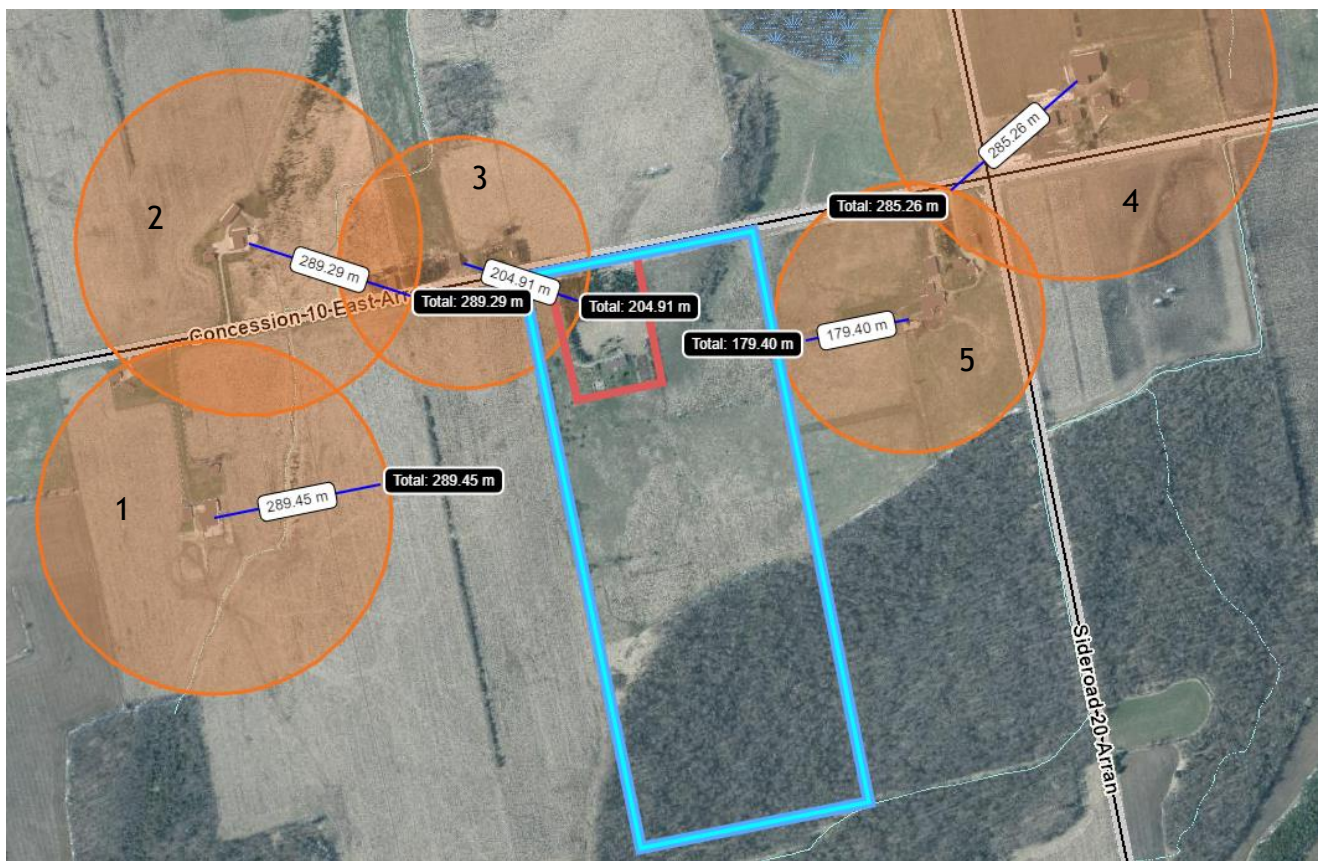


Figure 2



Planning Justification Report

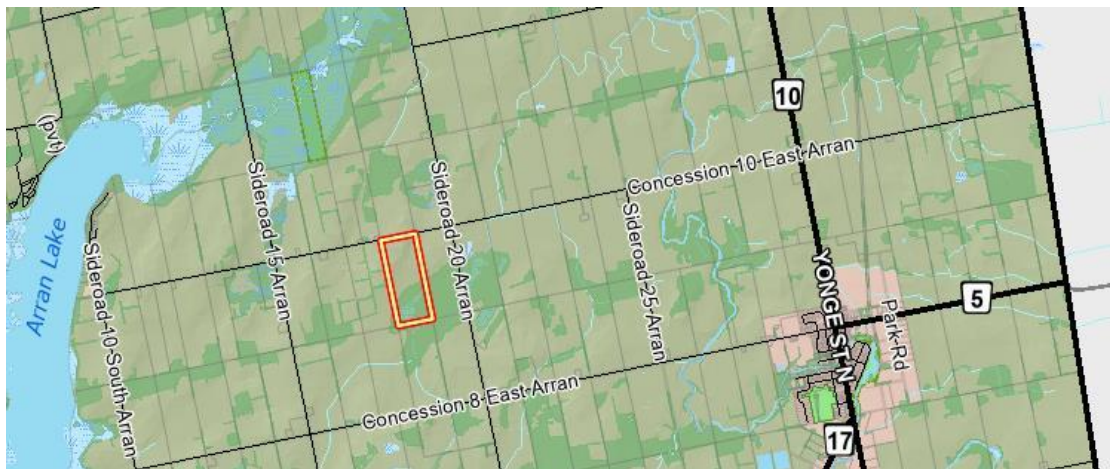
DATED: May 18th, 2023

PLANNING JUSTIFICATION REPORT

1.0 INTRODUCTION

1.1 Subject Lands:
41 03 490 002 15800
Lot 19, Concession 10
Geographic Township of Arran
Municipality of Arran-Elderslie

761 Concession 10 E



1.2 Background

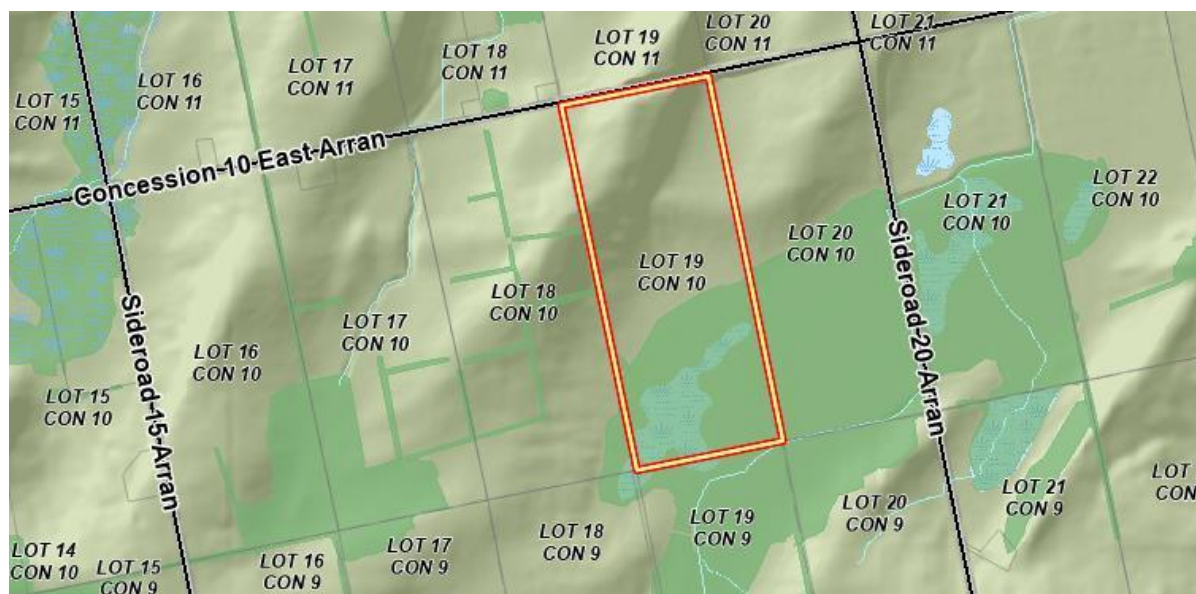
The Owners wish to obtain a severance of approximately 3.4 ha (8.5 acres) from their 40 ha (100 acres) parcel. Bev Nicolson, of B.A. Nicolson Planning Services, has been retained to assist with the planning applications.



B.A. Nicolson Planning Services

415 D Line, Sauble Beach ON N0H 2G0
519-374-4670 banicolson2018@gmail.com

The lands are currently designated 'Rural' in the County of Bruce Official Plan, the southern area also overlaid by an environmental hazard area. A review of the policies is provided later in this report. The Township of Arran-Elderslie Official Plan does not apply to this rural area.



The subject lands contain an existing dwelling, an attached garage and a separate greenhouse building. The original barn has been dismantled and only a stone foundation remains. There is a large home garden and fruit trees planted around the dwelling. There is a hill and swale in the agricultural field to the east which funnels water to a system in the northeast.

The rear of the property is part of a forested area and contains low lying



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land with a creek/drainage channel. This area has been retained in its natural condition. The remainder of the lands have been and continue to be farmed, it is currently in cash crop. An abutting farmer farms the lands and is interested in acquiring them should the severance be approved.

1.3 Proposal

The proposed severance would contain the existing dwelling. The size of the parcel is predicated on the location of the dwelling, garden and driveway. The remainder of the lands would continue to be farmed or retained in its forested condition.

Existing

Frontage: 402 m (1320 ft)
Depth: 1005.8 m (3300 ft)
Area: 40.47 ha (100 ac)

Proposed Severed

Frontage: ± 155 m (508.5 ft)
Depth: ± 222.5 m (710.3 ft)
Area: ± 3.4 ha (8.5 ac)

Proposed Retained

Frontage: ± 247 m (811.5 ft)
Depth: 1005.8 m (3300 ft)
Area: ± 37 ha (91.5 ac)



A Bylaw amendment will be required to recognize the lot area of the retained agricultural parcel, from the 39 ha Bylaw requirement to 37 ha and to recognize that the severed will not comply with MDS.

This report is being submitted as part of the complete application process. It is our opinion that:

1. The proposal is consistent with Provincial Policy.
2. The proposal is in conformity with the County Official Plan.
3. The proposed variances to the zoning bylaw are minor in nature and appropriate for the lands and structures.
4. The proposal will not negatively impact upon the ability of the subject lands and surrounding lands to continue to be used for agricultural purposes.



2.0 Policy Review

2.1 Provincial Policy

The Provincial Policy Statement explains “A wide range of legislation, regulations, policies and programs may apply to decisions with respect to *Planning Act* applications and affect planning matters and assist in implementing” provincial interests.¹

2.1.1 Provincial Policy Statement

The Provincial Policy Statement (PPS), 2020 is issued under Section 3 of the *Planning Act* and is the guiding policy document for development within the province of Ontario, it details matters of provincial interest and sets the policy foundation. The PPS provides for appropriate development while protecting various resources, including mineral resources, agricultural lands and sensitive environmental lands and features.

The PPS vision supports “strong, livable and healthy communities” and recognizes a diversity across the province and between municipalities, as well as the benefit for local planning authorities to manage community needs and adapt to current issues including those related to housing, health and safety and climate change. County and Municipal official planning documents must be in conformity with the PPS.

The policies of the PPS cover matter which impact upon the building of strong healthy communities (Part 5 Section 1) and include healthy barometers which sustain financial well-being, encouraging a mix of housing, avoiding sensitive environmental or hazard areas, utilizing existing infrastructure and investment and ensuring sufficient land to accommodate a range and mix of land uses.

While settlement areas, with existing infrastructure, are the focus of growth, some residential development and rural related commercial and industrial is supported in the rural areas of municipalities. Rural areas may contain prime agricultural lands and lands which are viable in that they are or can be used

¹ Provincial Policy Statement, 2020, Province of Ontario, Order in Council 229/2020



for agriculture or agriculturally related uses. Rural lands may contain valuable resources, such as mineral resources or environmental features, which are needed in the long term. The rural character should be built upon and amenities and assets utilized, including the conservation and redevelopment of existing rural housing stock on rural lands.

The trend in agriculture is for larger farms and larger equipment requiring larger yields. The small family farm with a farmstead and a few animals on 40 ha has become less viable. The current Farmer/Owner is interested in selling the farm to an abutting farmer and the farmhouse is considered surplus to their needs. The proposal would ensure the continued use of the majority of the lands for agricultural purposes, as it would be farmed in conjunction with abutting lands, and the maintenance of the existing dwelling providing a home for a local family.

The forested area, shown as hazard is identified as a significant woodland environmental feature in the County Official Plan. No change is proposed to it, it will be retained as part of the existing woodland system and provide benefits associated with the natural environment. There is no mineral resources identified in the area.

2.1.2 Minimum Distance Separation

Minimum Distance Separation (MDS) must be assessed where a separate lot for a residence is proposed in the rural area, the review considers the potential impact upon existing livestock operations. The Ministry of Agriculture and Food has developed a program and formulae to assess the potential impact and facilitate an MDS calculation.

There are five barns in proximity to the subject lands. These have been assessed based upon the Ministry formula. Schedule A is attached and provides the calculations, the summary table is provided below.





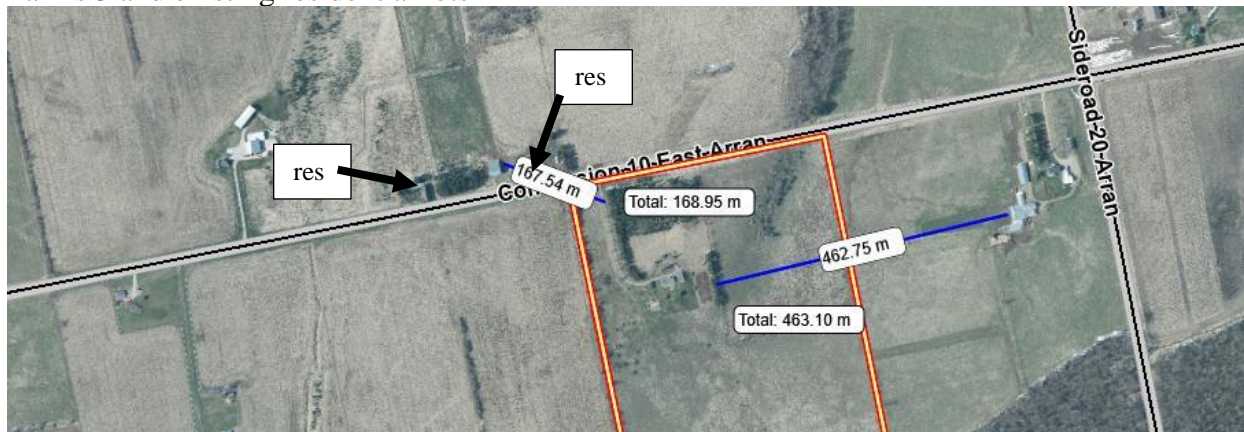
		Minimum Distance Separation Required	Minimum Distance Separation Proposed
Barn 1 – West Curry	Feeders, max 100, dry outside yard	286m	663 m
Barn 2 – NW storage	Storage of vehicles only IF beef housed as Farm 1	0 (no livestock) 286 m	548 m
Barn 3 – North Gowan	Calves, max 40, dry outside uncovered	203 m	157 m
Barn 4 – NE of 20 th De Boar	Dairy/beef	283 m	739 m
Barn 5 – E Martin	Cow-calf, max 25, dry outside	177 m	463 m

The closest barn is to the north and approximately 157 m from the existing dwelling on the new lot. This barn was investigated and the following information identified. The barn has been used to house calves in recent years, during the winter months, with outdoor uncovered yard. The neighbour to the east of the barn provided the information. It was estimated that



approximately 40 calves had been housed in the barn on a seasonal basis. Observations are there are no fenced pasture or outside area other than an uncovered small yard. The barn does not have any water or power, however some is provided from neighbouring residential properties. There are residential lots located on either side of the barn. The potential for expansion would not appear to be affected by the proposal. Relief will be requested as part of the zoning bylaw amendment.

Farms 3 and existing residential lots



2.1.3 Housing

The Province has identified the need for additional housing, in a variety of forms, and indicated the provision of housing as a priority, passing new legislation to secure progress on this objective.

As farms become larger the existing dwellings become surplus. Most farmers do not wish to be landlords and many dwellings had become derelict. Changes to the severance policies have recognized that to avoid this erosion of housing, 'surplus' dwellings may be separated from the farm. That policy applies to lands designated 'agricultural'. The subject lands are designated 'rural' however the same intent applies in this instance and a lot severance to contain the existing dwelling is proposed.

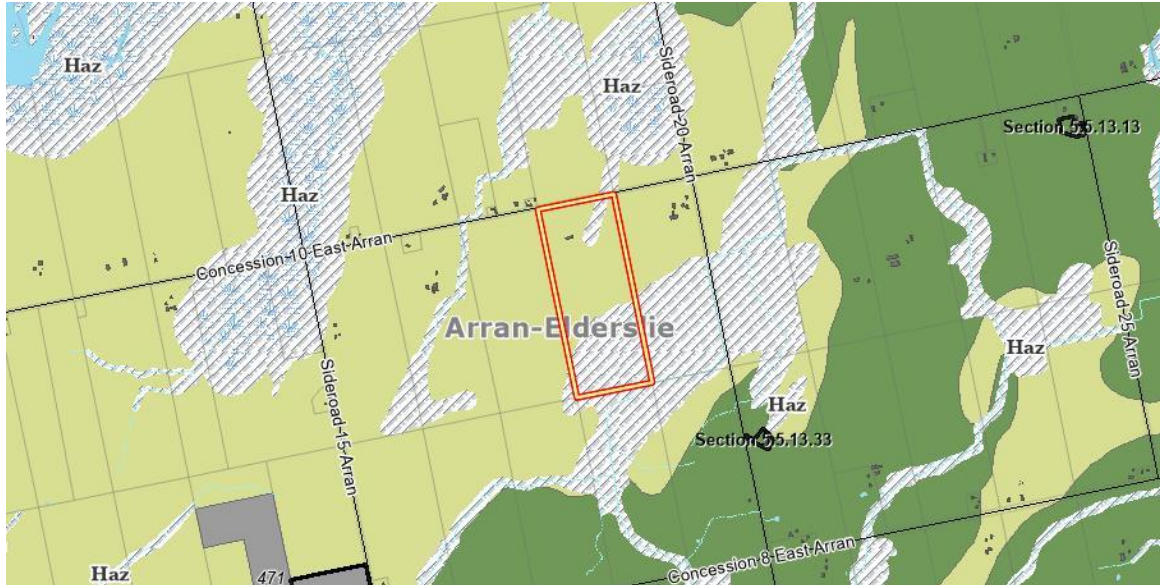
2.1.4 Conclusion

Allowing the property containing the dwelling to be severed will ensure the maintenance and availability of this dwelling in the long term and be in conformity with Provincial policy.



2.2 County of Bruce Official Plan

The subject lands are currently designated 'Rural' in the County of Bruce Official Plan (CBOP). At the rear of the lot there is a Hazard layer designation. The County is currently reviewing its mapping however it is understood that the current mapping continues to apply.



The Rural policies while protecting rural character and agricultural lands also permits a number of severances per lot, subject to certain criteria. The policies and criteria are reviewed in Schedule B. Non-farm Residential is a permitted use. A farm size may be 20 ha, if appropriate for the type of use proposed. The proposal will result in the agricultural lands currently in cash crop being maintained for that use. The proposal is for consent to sever a 3.4 ha lot from the 40 ha parcel. The farm use remains with 37 ha.



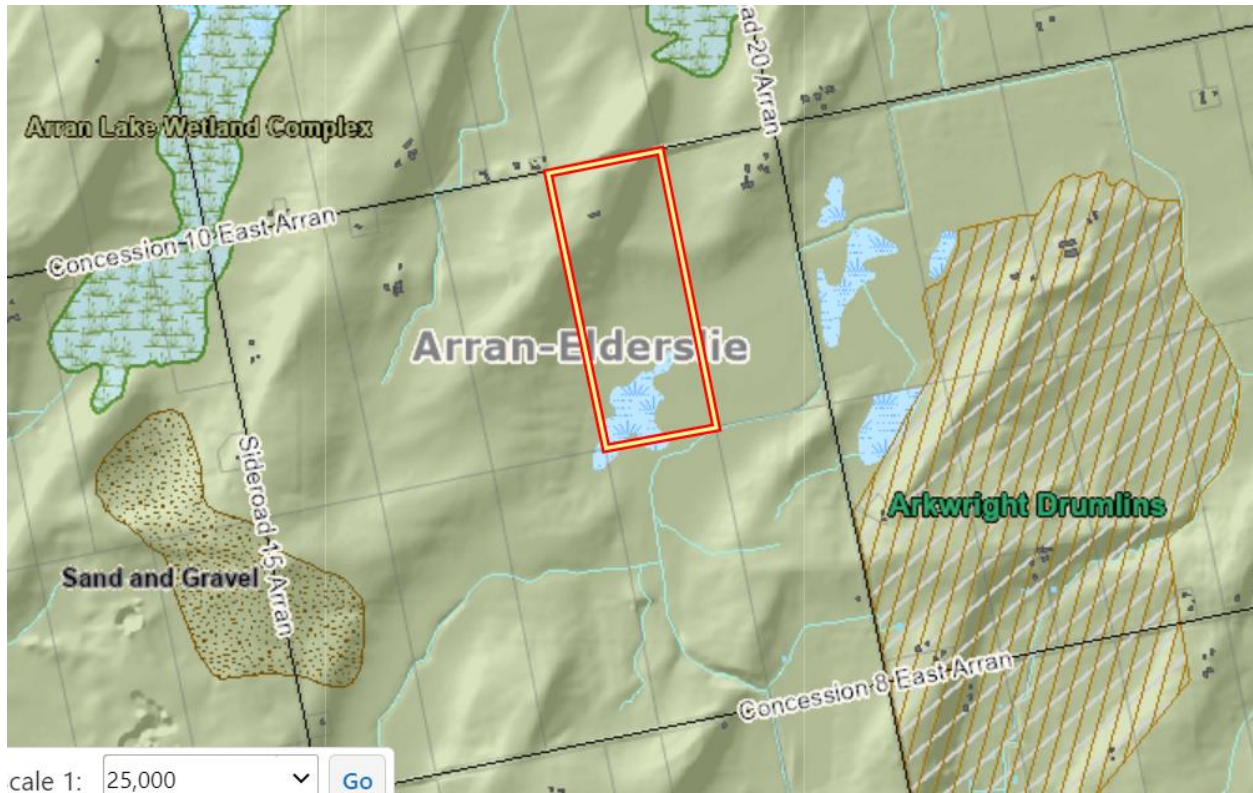


The proposed residential lot shape and size is predicated upon the location of the existing dwelling and its related uses. The front of the lot is comprised of mature trees, the existing driveway would continue to provide access on the west side of the property. The dwelling and greenhouse are located to the rear of the lot and in proximity to the old barn foundation. Our preference is for a concise rectangular shape. Considering these factors the smallest possible size has been proposed.

The hazard designation indicates a significant woodland environmental feature at the rear of the property. The existing forest and low lying area is not affected by the proposal. There will be no loss of woodlands or wooded natural system as a result of this proposal.

The mapping does not indicate any mineral resource area, or active pits or quarries, in proximity to these lands.





In summary, the proposal satisfies the policies of the Rural designation and is in conformity with the County of Bruce Official Plan.

2.3 Municipality of Arran-Elderslie Official Plan and Strategic Plan

The Municipality of Arran-Elderslie Official Plan applies to the settlement areas. The municipal official plan does not apply to these lands.

The Municipality of Arran-Elderslie Strategic Plan encourages the retention of and provision of a range of housing, principally in settlement areas but also recognizing the role of dwellings within the rural area. The goals include continuing to support “agricultural producers, businesses, and associations to ensure agriculture continues to thrive as a major economic driver.” The pattern in farming continues to be larger farm holdings and the demise of surplus dwelling assets, unless offered separately from the farm. This option allows the residential tax base to be maintained and provides a housing option for those desiring to live in the rural area.



2.4 Municipality of Elderslie Comprehensive Zoning Bylaw

The Municipality of Arran-Elderslie Comprehensive Zoning Bylaw Number 36-09 currently zones the lands 'A1' – General Agricultural (green) and 'EP' – Environmental Protection (blue). A single detached dwelling is a permitted use on a non-farm.



The zone provisions are as follows:

Provisions Matrix	Agricultural Lot	Proposed Retained	Non-farm Lot	Proposed Severed
Minimum Lot Area	39 ha (96 ac)	37 ha	0.5 ha (1.24 ac)	3.4 ha
Minimum Lot Frontage	100 m (328 ft)	247 m (in 2 portions)	40 m (155 m)	155 m
Minimum Front Yard Setback	20 m (66 ft)	n/a	10 m (33 ft)	≥10 m
Minimum Side Yard Setback	20 m (66 ft)	n/a	10 m (33 ft)	≥10 m
Minimum Rear Yard Setback	20 m (66 ft)	n/a	10 m (33 ft)	≥10 m
Maximum Lot Coverage	15%	n/a	15%	≤15%

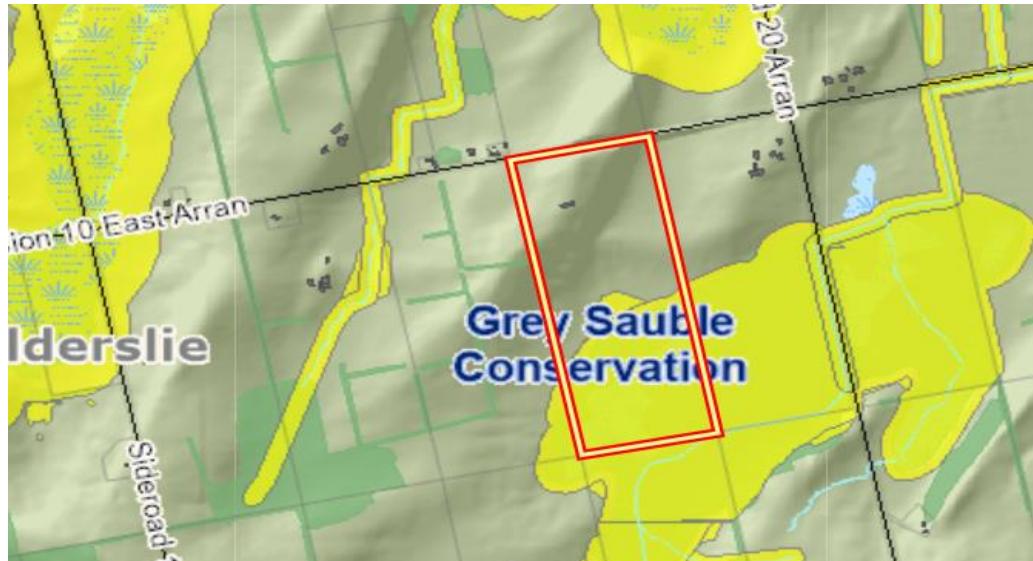
The agricultural parcel would not comply with the minimum lot area provision, therefore an amendment to the zoning bylaw is proposed.



2.5 Grey Sauble Conservation Authority

The Grey Sauble Conservation Authority (GSCA) Regulation 151/06 is in effect in the area. The map below shows where it applies. The proposed lot is not within the regulated area and will not change anything affecting environmental feature. The agricultural area will continue to be farmed as it has in the past.

The GSCA also provides comments on environmental features and potential impact upon same. There is no change proposed in proximity to the proposed lot. No concerns are anticipated from the GSCA.



3.0 Summary and Conclusions

3.1 Summary

The proposal is located within the Rural designation, a severance is permitted. The minimum acreage required by the official plan is provided, the size of the residential lot is predicated upon the location of the existing dwelling. The land is leased to an abutting farmer who is currently farming the lands and is interested in acquiring the lands to continue to farm it but not in being a landlord. The current farmer/owner wishes to continue to live on the residential lot. The barn to the north of the proposed lot contains cattle on a seasonal basis, is located between two existing residential lots and does not have water or power from its own source, all of which limit any expansion.



3.2 Conclusions

The proposal is for an amendment to the zoning bylaw to recognize the lesser size of the retained agricultural parcel, 37 ha. The amendment would also amend the proposal to grant relief to the MDS requirement, recognizing the existing constraints to livestock expansion of the barn to the north.

The consent to sever application is to create a 3.4 ha parcel containing the existing dwelling and related uses.

The proposal

1. Would be consistent with Provincial Policy.
2. Would be in conformity with the County Official Plan.
3. The amendment to the zoning bylaw is minor in nature and maintains the intent of the bylaw.
4. The proposal is appropriate for the lands and in keeping with policy intent.



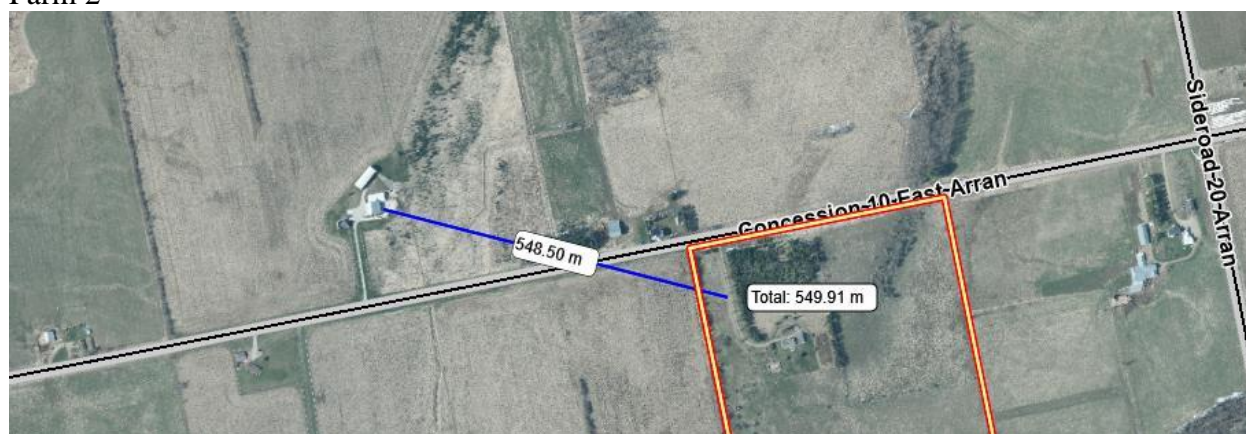
SCHEDULE A

Minimum Distance Separation Calculations

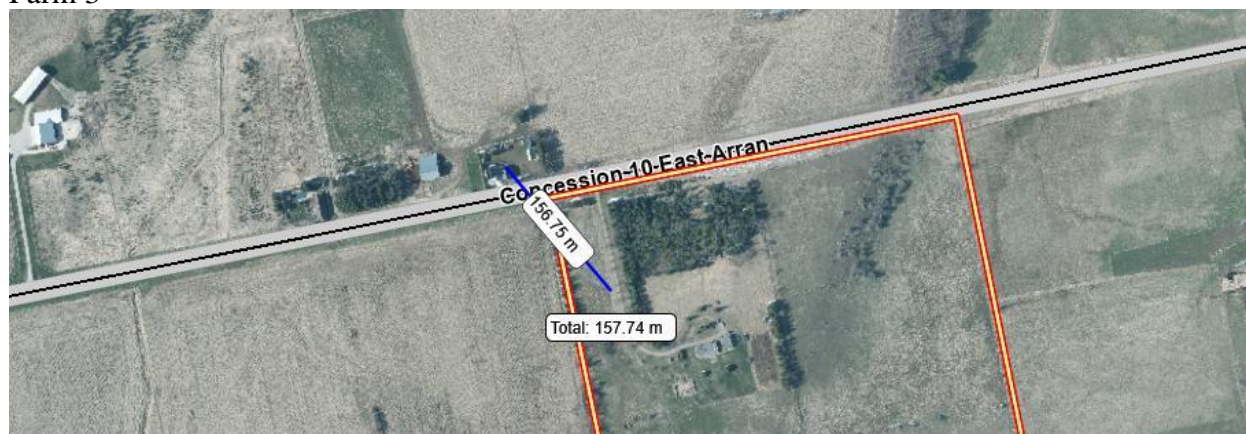
Farm 1



Farm 2



Farm 3



Farm 4



Farm 5



SCHEDULE B

General and Rural Policy Chart

SCHEDULE B

County of Bruce Official Plan – Land Division Policy Chart

6.5.3 Land Division Policies (excerpt pertaining to this proposal)

6.5.3.1 General Policies

The policies of this section shall apply to all consent applications:

i)	The severed and retained lots shall front on an existing road allowance which is opened and maintained on a year-round basis and is constructed to a standard of construction adequate to provide for the additional traffic generated by the proposed development.	Existing municipal road (Concession 10E)
ii)	Servicing for the severed and retained lots shall be in accordance with Section 4.7.5 [Water and Sewer Services].	Private services exist, no change will result from the proposal.
iii)	Access onto a County Highway designated as “Arterial Road” on Schedule ‘B’ Transportation shall be restricted and only permitted where no traffic hazards exist or will be created. No more than two (2) lots including the retained, with access proposed to be gained directly from the “Arterial Road”, may be created from the original Crown surveyed lot. All other policies of this Plan shall apply. The restriction on the number of lots that may be created with direct access may be waived only for development proposed within a Primary or Secondary Urban Community at the sole discretion of the County of Bruce Planning Department and the County of Bruce Highways Department. For the purposes of this clause, any original Crown surveyed lot severed for the purposes of a school or church prior to 1995, road widening or similar public purpose, or minor lot line adjustments shall be deemed to be an original Crown surveyed lot.	Not applicable
iv)	Access onto County Roads designated as “Collector Road” or “Proposed Collector Road” on Schedule ‘B’ Transportation shall be restricted and only permitted where no traffic hazards exist or will be created and	Not applicable



	where the volume of traffic from the proposed new use will not impede the expeditious flow of traffic.	
v)	v) Prior to the creation of a new lot adjacent to a Provincial Highway, the Ministry of Transportation shall approve the access connection for both the severed and retained lots(s).	Not applicable
vi)	The consent shall only be granted if in conformity with the land use designations and policies of this Plan, and local Official Plans, and Zoning Bylaws where they exist.	This review shows conformity and a zba will ensure compliance with bylaw.
vii)	The severed and retained lot(s) shall: be of acceptable size and dimension for the intended use; have regard for the proper treatment and disposal of stormwater and proper lot grading; have safe and adequate access to the highway system; be consistent with the sewage and water servicing policies of Section 4.7.5 [Water and Sewer Services]; not be premature in regard to the public interest; have regard to the natural environment.	The proposal is in conformity.
viii)	The creation of a lot or lots in an area susceptible to flooding, erosion or any other physical or environmental constraint will not be permitted unless it can be clearly established that the proposed use will not adversely impact such constraints.	Not applicable
ix)	On the granting of a consent, conditions may be imposed on the severed and retained lot(s) to ensure the proper development of the severed and/or retained lots(s) including but not limited to the requirement for a stormwater management plan, lot grading plan, tree retention plan, parkland dedication, cash-in-lieu of parkland, roadway/highway widening dedication servicing requirements, etc.	No change is proposed to the existing residential and agricultural uses.
x)	The application represents an orderly and efficient use of land, and its approval would not hinder development of the retained lands.	The proposal will not negatively impact upon the use of the retained lands. An MDS review was conducted and is provided with the application.
xi)	Land acquisitions, or land disposals, implementing the policies of this Plan by the Ministry of Natural Resources, Conservation Authorities, the County, or other public or private non-profit corporations need not adhere to the lot area requirements of this Plan.	Not applicable



	The acquisition or disposal shall conform to the applicable Zoning By-Law.	
xii)	This Plan shall be interpreted in a manner that further enhances the development and maintenance of the Bruce Trail Association.	Not applicable
xiii)	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.	Not applicable
xiv)	Where no Local Official Plan exists, no new lots shall be created within 500 metres of a sanitary landfill site or Mineral Resource Area without the permission of the appropriate approval authority.	Mapping does not indicate proximity to a landfill or mineral resource area.

6.5.3.4 Consents – Rural Areas

.1	Original Crown surveyed lot may be subdivided into either: I) Two (2) Farm Lots, including the retained lot, each generally 20 hectares in total lot area in accordance with Section 6.5.3.4.3 [Agricultural Uses (Farm Lots)]; or II) Three (3) Non-Farm Lots or Non-Farm Residential Lots, including the retained lot, in accordance with Section 6.5.3.4.4 Non-Farm Lots/Non-Farm Residential Lots. In no instance shall an original Crown surveyed lot be subdivided into more than three lots.	The proposal will result in a maximum of two lots, one farm parcel and one residential parcel.
.2	For the purposes of this section, any original Crown surveyed lot severed for the purposes of a school or church prior to 1995, road widening or similar public purpose, or minor lot line adjustments shall be deemed to be an original Crown surveyed lot.	Not applicable
.3	Agricultural Uses (Farm Lots) Consent for Agricultural uses as permitted in Section 5.5.4 [Permitted Uses (Agricultural Areas)] shall be in accordance with the following:	
	i) In order to promote and maintain viable farming operations and generally minimize potential	



	impacts on the farming community, the minimum lot area of farming lands within the Rural designation shall generally be 20 hectares.	The proposal would result in a farm parcel comprising approximately 37 ha.
	ii) In order to be eligible for a 20 hectare severance as permitted in clause (i) above, a lot of record must have a minimum of 90% of its land area within the 'R – Rural' designation.	100% of the land is within the rural designation, underlying a hazard area on a portion of the lands.
	iii) Both the severed and retained parcels shall be generally 20 hectares in size.	The farm parcel will be as noted above, the second parcel will be for non-farm purposes.
	iv) In determining the designation of a lot of record for compliance with clause (ii) above, the designation(s) underlying the 'Hazard Land Areas' designation, if present on a lot, shall also be used.	The rural designation would underly the hazard land area shown on the south portion of the lands.
	v) All severed and retained parcels shall also meet the requirements of Section 6.5.3.1 [General Policies (Land Division Policies)] and all other applicable policies of this Plan.	Note the assessment in the previous table.
.4	Non-Farm Lots/ Non-Farm Residential Lots Consent for Farm Related Commercial and Industrial Uses as permitted in Section 5.5.9; Institutional uses as permitted in Section 5.5.10; Rural Industrial uses as permitted in Section 5.6.6; and Rural Commercial uses as permitted in Section 5.6.7 and Non-Farm Residential Lots shall be in accordance with the following:	
	i) The maximum size of any new Non-Farm lot shall be 4 hectares. A Planning Report shall be provided at time of application justifying the proposed size of the consent if the proposed lot is over 0.61 hectares (1.5 acres) in size. The minimum lot area shall generally be no less than 0.4 hectares (1 acre).	The proposal is for approximately 3.4 ha. A Planning Report is provided to justify the size proposed.
	ii) In order to be eligible for a severance as permitted in clause (i) above, there must be a minimum of 100% of the original Crown surveyed lot within the 'R – Rural' designation.	100 % of the land is within the rural designation, although the south end has an overlay of hazard and forest.
	iii) In determining the designation of the original Crown surveyed lot for compliance with clause (ii) above, the designation(s) underlying the 'Hazard Land Areas' designation, if present on a lot, shall also be used. There shall be sufficient developable area outside of the 'Hazard Land Area', including applicable environmental setbacks, for the proposed development.	Proposal and land designation satisfies this policy.



	iv) All severed and retained parcels shall also meet the requirements of Section 6.5.3.1 [General Policies (Land Division Policies)] and all other applicable policies of this Plan.	Note the assessment in the previous table.
	v) The severed and/or retained parcels must be viable for their proposed future use in the opinion of the County of Bruce.	The 37 ha portion will continue to be used for agricultural purposes, the current owners do not wish to continue to farm and most farmers (if purchasing the lands) do not wish to be landlords. Both would remain viable community assets.
	vi) In order to avoid narrow linear parcels of land the frontage-to-depth ratio shall be a maximum of 1:3 and conform to the appropriate zoning requirements for lot frontage.	The form and size of the proposed lot is predicated on the location of the existing dwelling, gardens and driveway.
	vii) An initial application for consent from an original Crown surveyed lot shall not propose to create more than one new lot. No subsequent severance shall be granted or created from the original Crown surveyed lot until a building permit has been issued for the proposed primary use for the lot previously severed and the building to be constructed has been completed and an 'Occupancy Permit' has been issued for the building.	Proposal complies.
	viii) All new lots must be located on a year-round maintained Municipal road.	Concession 10 E is a year-round maintained municipal road.
	ix) This Official Plan requires the severance of all new Non-Farm lots to comply with MDS I. All livestock facilities within the vicinity of the proposed severance shall be used in determining MDS I compliance.	An MDS has been submitted as part of this report (Schedule A).
	x) All new lots shall be located a minimum of 123 metres away from the boundary of an existing licensed gravel pit or 213 metres away from the boundary of an existing licensed quarry and not within 500 metres of lands zoned for a landfill site or within 500 metres of Mineral Resource Area shown on Schedule 'C' excepting however that a new lot for an existing residence surplus to a farming operation need not meet these setbacks. An existing farm residence surplus to a farming operation must be habitable at the time of application for consent.	The proposed lot with the existing farm dwelling is not affected by a mineral resource are, as per Schedule C to the OP.



	xi) All new lots must be within reasonable distance of an existing school bus route as determined by the appropriate school board(s).	School Board comment will be obtained during the circulation process. There are no children of school age currently in the Owners household.
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ADDENDUM Schedule to Planning Justification Report dated June 15th, 2023.

Driveway leading to development area, boundary of lot reflected in line of field to the right (west), view to the south.



Front of existing dwelling, attached garage on left.



Looking north towards the road (N) from the drive in front of the dwelling, treed area and lawn buffer.



Fruit trees on west side of lot/dwelling, looking towards the south and old barn foundation.



Rear of dwelling, shows greenhouse attached to the rear of the garage.



View from proposed rear lot line looking north towards rear of dwelling, greater than 10 m.



View from rear of dwelling to eat and proposed lot line at trees.



View on proposed rear lot line to the east towards garden and proposed side lot line.



Public Notice



County of Bruce
Planning & Development Department
268 Berford Street, PO Box 129
Warton, ON N0H 2T0
brucecounty.on.ca
226-909-5515



June 30, 2023

File Number: Z-2023-049

Public Meeting Notice

**You're invited to participate in a Public Meeting
to consider Zoning By-Law Amendment File No. Z-2023-049
August 14, 2023 at 9:00 am**

A change is proposed in your neighbourhood: This application proposes to sever a parcel of 3.4 ha which includes an existing dwelling and hobby farm. The retained lot area of 37 ha is proposed to be acquired by a local farmer and continue the existing (cash crop) farming. The dwelling would be surplus to the agricultural needs. The related Consent Application is File No. B-2023-049.



761 CONCESSION 10 E, CON 10 LOT 19 (Arran)
Municipality of Arran-Elderslie, Roll Number 410349000215800

Learn more

You can view limited information about the application at <https://brucecounty.on.ca/living/land-use>. Additional information, including the supporting materials, can be provided upon request by e-mailing bcplwi@brucecounty.on.ca or calling 226-909-5515. Information can also be viewed in person at the County of Bruce Planning Office noted above, between 8:30 a.m. and 4:30 p.m. (Monday to Friday).

The Planner on the file is: Marilyn Cameron

Have your say

Comments and opinions submitted on these matters, including the originator's name and address, become part of the public record, may be viewed by the general public and may be published in a Planning Report and Council Agenda. Comments received after July 21, 2023 may not be included in the Planning Report but will be considered if received prior to a decision being made, and included in the official record on file.

Please contact us by email at bcplwi@brucecounty.on.ca, mail, or phone (226-909-5515) if you have any questions, concerns or objections about the application.

How to access the public meeting

The public meeting will be held in person, in the municipal Council Chambers located at 1925 Bruce Road 10, Chesley, ON, N0H 1L0. Seating may be limited and you may be required to wait outside until called upon to speak. As an alternative, you may submit written comments to the Bruce County Planning Department which will be considered at the meeting.

Please contact Clerk Christine Fraser-McDonald at cfraser@arran-elderslie.ca or 519-363-3039, ext. 101 if you have any questions regarding how to participate in the meeting.

Stay in the loop

If you'd like to be notified of the decision of the approval authority on the proposed application(s), you must make a written request to the Bruce County Planning Department.

Know your rights

Section 34(11) of the [Planning Act](#) outlines rights of appeal for Zoning By-law Amendment applications.

If a person or public body would otherwise have an ability to appeal the decision of the Council of the Municipality of Arran-Elderslie to the Ontario Land Tribunal but the person or public body does not make oral submissions at a public meeting or make written submissions to the Municipality of Arran-Elderslie before the by-law is passed, the person or public body is not entitled to appeal the decision.

If a person or public body does not make oral submissions at a public meeting, or make written submissions to the Municipality of Arran-Eldersli before the by-law is passed, the person or public body may not be added as a party to the hearing of an appeal before the Ontario Land Tribunal unless, in the opinion of the Tribunal, there are reasonable grounds to do so.

For more information please visit the Ontario Land Tribunal website at <https://olt.gov.on.ca/appeals-process/>.

Site Plan



Severed Parcel



Retained Parcel

