



RON DAVIDSON
LAND USE PLANNING CONSULTANT INC.

August 12, 2024

County of Bruce
Planning & Economic Development Department
Box 129
Warton, ON
N0H 2T0

Attention: Megan Stansfield
Planner

Dear Megan:

**Re: Application for Consent and Zoning By-law Amendment
Part Lot 11, Concession A
Geographic Township of Arran, Municipality of Arran-Elderslie
County of Bruce
Owner: Caley's Grain Inc.**

Further to recent pre-consultation discussions with your office regarding a severance on the above-noted property, enclosed please find a completed joint application for Consent and Zoning By-law Amendment. Also attached is a Minimum Distance Separation (MDS) Report pertaining to a neighbouring barn.

To assist your office in its evaluation of the application, I offer the following information:

The Proposal:

Caley's Grain Inc. c/o Jim Caley owns a 37.88-hectare farm property described as Part Lot 11, Concession A, in the former Township of Arran, now in the Municipality of Arran-Elderslie.

Mr. Caley proposes to sever a vacant lot comprising 0.78 hectares of land, upon which a future landowner would erect a detached dwelling, and retain a 37.88-hectare farm.

Approvals Required:

In order to sever this residential lot, approval of the following is necessary:

- an application for Consent (to sever); and,
- a Zoning By-law Amendment application, as explained in detail below.

The Subject Lands:

The subject property is located at the northeast corner of the Bruce Road 3 / Concession 4 Arran intersection, approximately 1.4 kilometres south of the settlement area of Burgoyne.

The site comprises 38.66 hectares of land and is not occupied by any buildings or structures. Approximately 29 hectares are in agricultural production. A small watercourse traverses the central area of the property in a north-south manner. A 4.0-hectare forested area exists in the northeast corner. The lands to be severed are located in the southeast corner of the property and are currently farmed.

The features of the property are illustrated on the severance sketch provided on Figure 1.

The intent of the severance is to have the rear lot line follow the boundary between the cropped field and the forested lands. This would provide a lot depth of approximately 155 metres. The exact lot line will be determined by the Ontario Land Surveyor when preparing the reference plan.

Adjacent Lands:

A non-farm residential lot containing a dwelling and accessory building was recently severed from the subject lands.

Another non-farm residential lot is located to the west of the subject property, along the opposite side of County Road 3. Located on that property are a house and barn. The barn is in a state of disrepair.

The majority of the lands located within the immediate vicinity of the subject property are used for agricultural purposes. The farm situated to the south, along the opposite side of Concession 4 Arran, includes a livestock facility, and in this regard, a Minimum

Distance Separation (MDS) Report has been completed. Additional details regarding the MDS Report are provided later in this Planning Justification Report.

Another barn is situated to the southwest; however, this structure has been converted to storage, as confirmed by the owner of that property.

Municipality of Arran-Elderslie Zoning By-law:

As a result of the Zoning By-law Amendment approval that was granted in association with the recent lot creation, the majority of the subject lands are zoned 'A1-26-2024' (General Agriculture Special), with the area adjacent to the watercourse being zoned 'EP' (Environmental Hazard), as illustrated on Figure 2 of this Planning Justification Report. This site-specific zone was established to decrease the 'minimum lot area' requirement for an agricultural lot from 39 hectares to 38.6 hectares.

Because most of the property falls within an area of high archaeological potential a holding (h) symbol was added to approximately two-thirds of the property – including the 0.78 hectares of land to be severed – to require an Archaeological Assessment to be completed before any buildings are constructed.

A Zoning By-law Amendment will be required to further reduce the 'minimum lot area' requirement to 37.8 hectares. The Amendment will also remove the current special zone from the severed parcel since this new lot will comply with the 'minimum lot area' and 'minimum lot frontage' requirements of 0.5 hectares and 40 metres, respectively, for non-farm parcels. The holding symbol, however, should remain attached to the 'A1' zoning of the severed parcel until such time as the Archaeological Assessment has been completed. On this note, be advised that an Archaeologist has been retained and the fieldwork will be undertaken once the soybean crop has been removed in October. An application will be filed to remove the holding symbol once the Assessment has been completed to the satisfaction of the Province and Saugeen Ojibway Nation.

The proposed Zoning By-law Amendment is illustrated on Figure 3.

The text of Zoning By-law Amendment should read to the effect of:

Notwithstanding their 'A1' zoning, those lands shown as 'A1-x' on Schedule A of this By-law shall be used in accordance with the 'A1' zone excepting however that:

- (i) *the 'minimum lot area' shall be 37.8 hectares.*

Bruce County Official Plan:

The subject lands fall within the jurisdiction of the County of Bruce Official Plan.

According to Schedule A (Land Use) of the County Official Plan, the property is designated predominantly 'Rural', as illustrated on Figure 4 of this Planning Justification Report. The watercourse and its adjacent floodplain are designated 'Hazard'.

The entire severed parcel falls within the 'Rural' designation.

The 'Rural' policies of Section 6.5.3.4 state the following (edited for relevancy):

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.*
- .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.*

Comment: The subject property forms part of the Crown surveyed parcel known as Lot 11, Concession A, Township of Arran from which one residential lot has been severed. As such, consideration can be given to the proposed non-farm residential lot creation under consent policy 6.5.3.4. 1 ii) above.

.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).*

- 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.*
- 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.*
- 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.*
- v) *The severed and/or retained parcels must be viable for their proposed future use in the opinion of the County of Bruce.*
- 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.*
- 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.*
- viii) *All new lots must be located on 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.*
- 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.*
- xi) *All new lots must be within reasonable distance of an existing school bus route as determined by the appropriate school board(s).*

Comment: The severed parcel will comprise approximately 0.78 hectares, which is well under the 4.0-hectare maximum lot size. The lot might end up being slightly smaller or larger if the Ontario Land Surveyor determines that the edge of the forest is not exactly 153 metres from the front lot line.

The entire severed parcel is designated 'Rural'.

The lot creation meets all applicable policies of the Bruce County Official Plan.

The shape and size of the severed lot will represent a frontage-to-depth ratio of exactly 1:3, if the lot has a depth of 153 metres. If the lot is made slightly deeper as a result of the survey work, the intent of this policy will still be maintained.

A new entrance will be required along Concession 4 Arran, which is a year-round road. The retained lot already has a field entrance from Concession 4 Arran as shown on Figure 1.

As noted above, a livestock facility exists to the south of the subject property. An MDS Report has been completed and it demonstrated that the ample area exists on the severed and retained parcels to erect a house outside of the MDS arc. To be clear, however, it is not the intention of Mr. Caley to erect a house on the retained parcel.

There are no pits or quarries in close proximity to the site, nor are any lands within 500 metres zoned for a landfill site or shown as 'Mineral Resource Area' on Schedule C.

The subject lands are located on a school bus route.

Based on the foregoing, the proposed severance conforms with all relevant policies of the Bruce County Official Plan.

Provincial Policy Statement:

The Provincial Policy Statement (PPS) allows for limited lot creation on rural lands. The extent to which lot creation is permitted is to be determined in the Official Plan. As explained above, the proposed severance conforms to the lot density policies applicable to 'Rural' lands.

Also, lot creation is required to comply with the MDS formulae. As previously noted, a house can be erected on both the severed and retained parcels outside of the MDS arc associated with the barn located along the west side of Bruce Road 3.

The PPS also contains policies that protect natural heritage features. The proposed severance should have no impact on any natural heritage features that may exist in the area. A wooded area is located immediately north of the severed parcel, and such lands could possibly provide habitat for a natural heritage feature; however, imposing a 30-metre setback for any development or site alteration on the severed parcel, if deemed necessary, should adequately protect the function of the forested area. The entire area to be severed has been disturbed through its agricultural use, and therefore there would be no ecological connection between the forested lands and the adjacent agricultural lands.

Furthermore, this provincial planning policy document also protects areas of potential aggregate resources. The proposed lot creation would not undermine any such policies of the PPS.

Lastly, the PPS protects lands having archaeological significance. In this regard, the majority of the subject lands are identified as having high archaeological potential, and therefore a holding (h) symbol has been applied to the current zoning of the property. For this reason, Mr. Caley has retained an Archaeologist to conduct an Archaeological Assessment, and such study will be completed once the soybean crop has been removed in October. In the meantime, the Consent and Zoning By-law Amendment applications can be processed, but on the understanding that the holding symbol would not be removed and the deed would not be stamped for the new parcel until the Assessment has been completed.

It is evident that the proposed lot creation is consistent with the PPS.

Conclusion and Recommendation:

The proposed Consent and associated Zoning By-law Amendment have considerable merit and should be granted.

Final Comments:

I trust this submission package is satisfactory and will allow your office to deem the application complete. Should you require any additional information, please contact the undersigned.

It would be sincerely appreciated if your office could advise of a possible public meeting date before actually scheduling the meeting in order to ensure my availability.


Respectfully submitted,

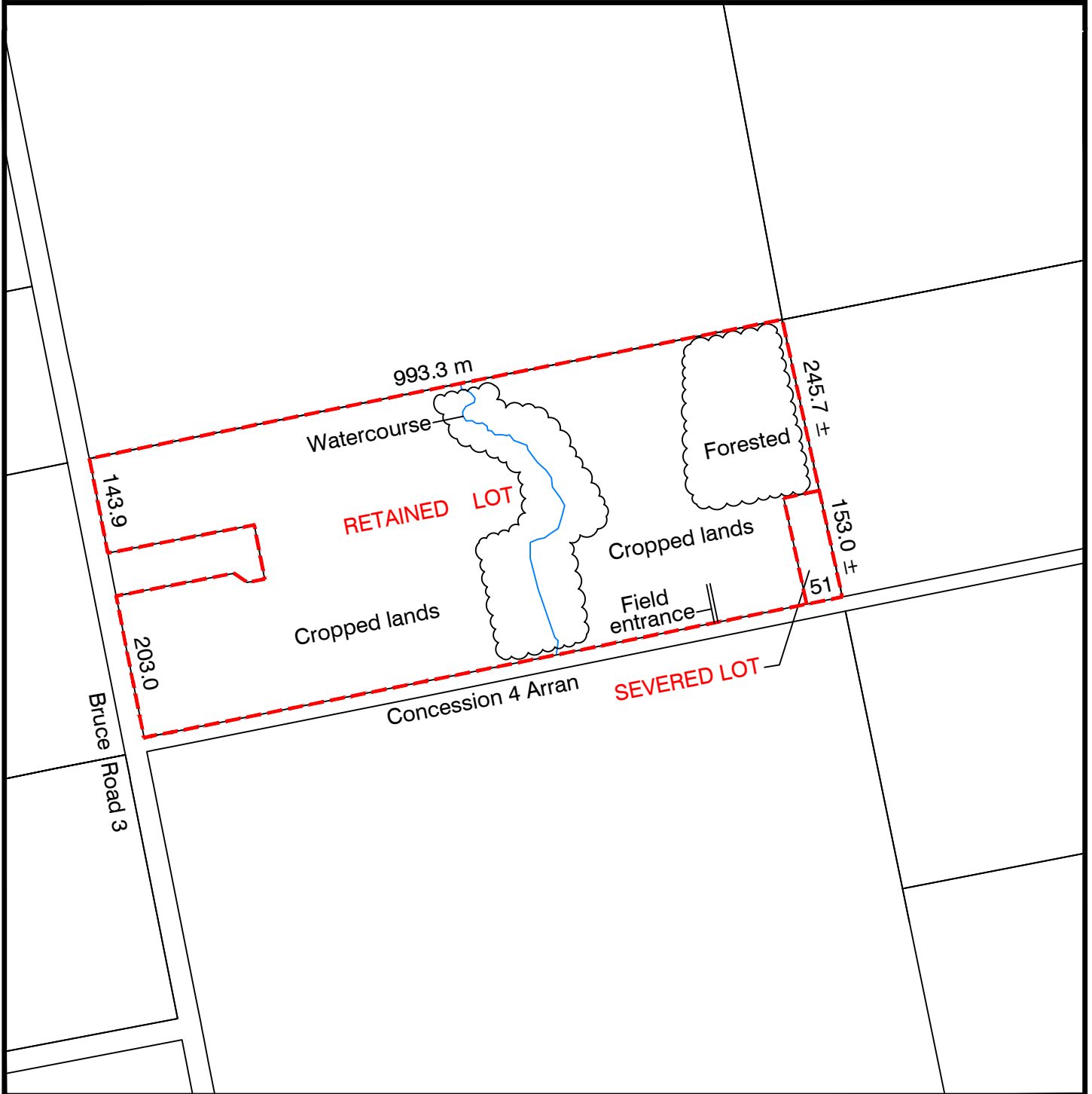
A handwritten signature in blue ink, appearing to read 'Ron Davidson', with a stylized flourish at the end.

Ron Davidson, BES, RPP

c.c. Jim Caley

Figure 1: Proposed Lot Creation

 Subject Property



Part Lot 11, Concession A
Geographic Township of Arran
Township of Arran-Elderslie

RD **RON DAVIDSON**
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OWEN SOUND, ONTARIO

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Figure 2: Township of Arran-Elderslie Zoning Bylaw Schedule A



 Subject Property



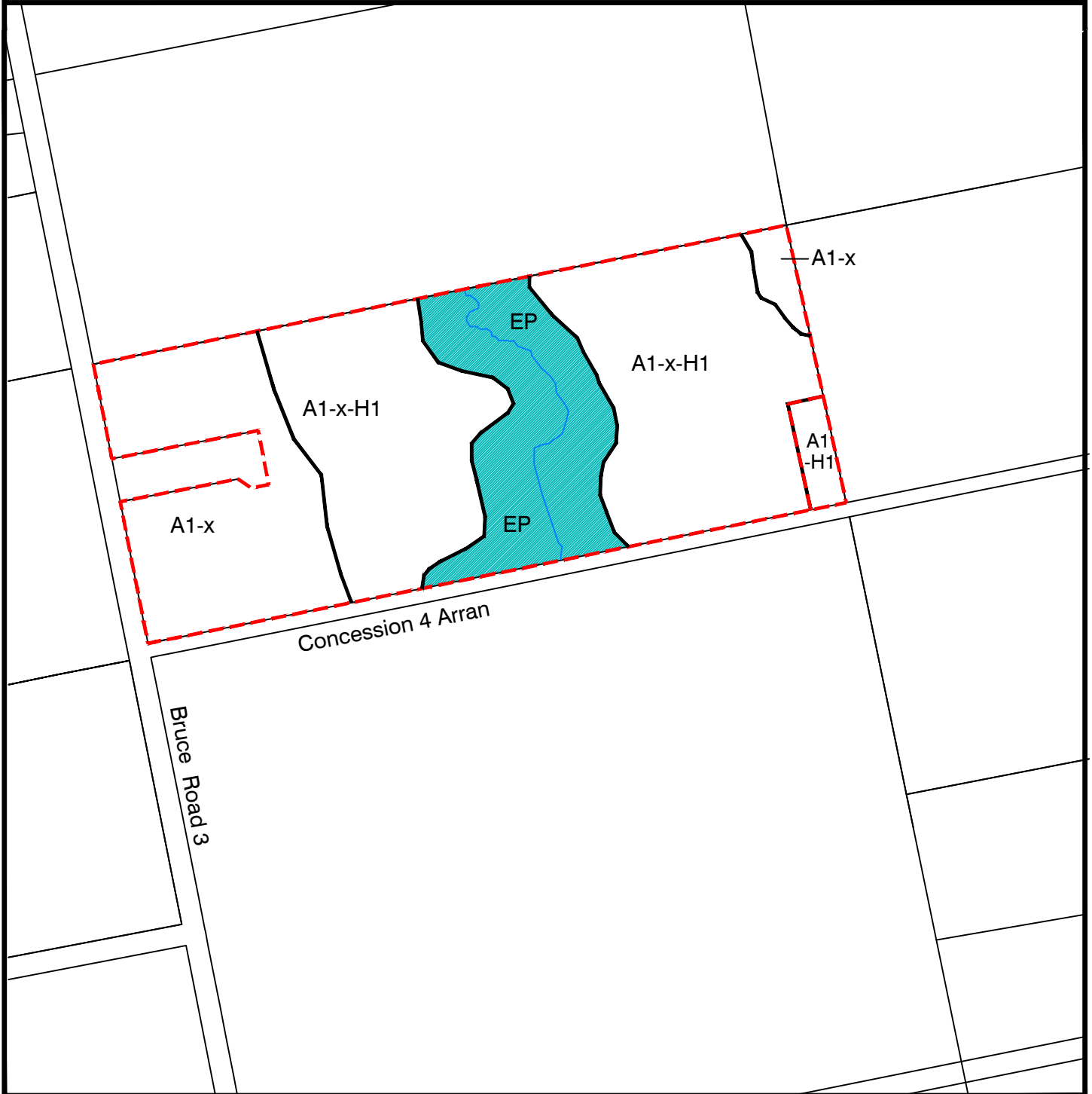
Part Lot 11, Concession A
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Figure 3: Proposed Zoning

 Subject Property







Part Lot 11, Concession A
Geographic Township of Arran
Township of Arran-Elderslie

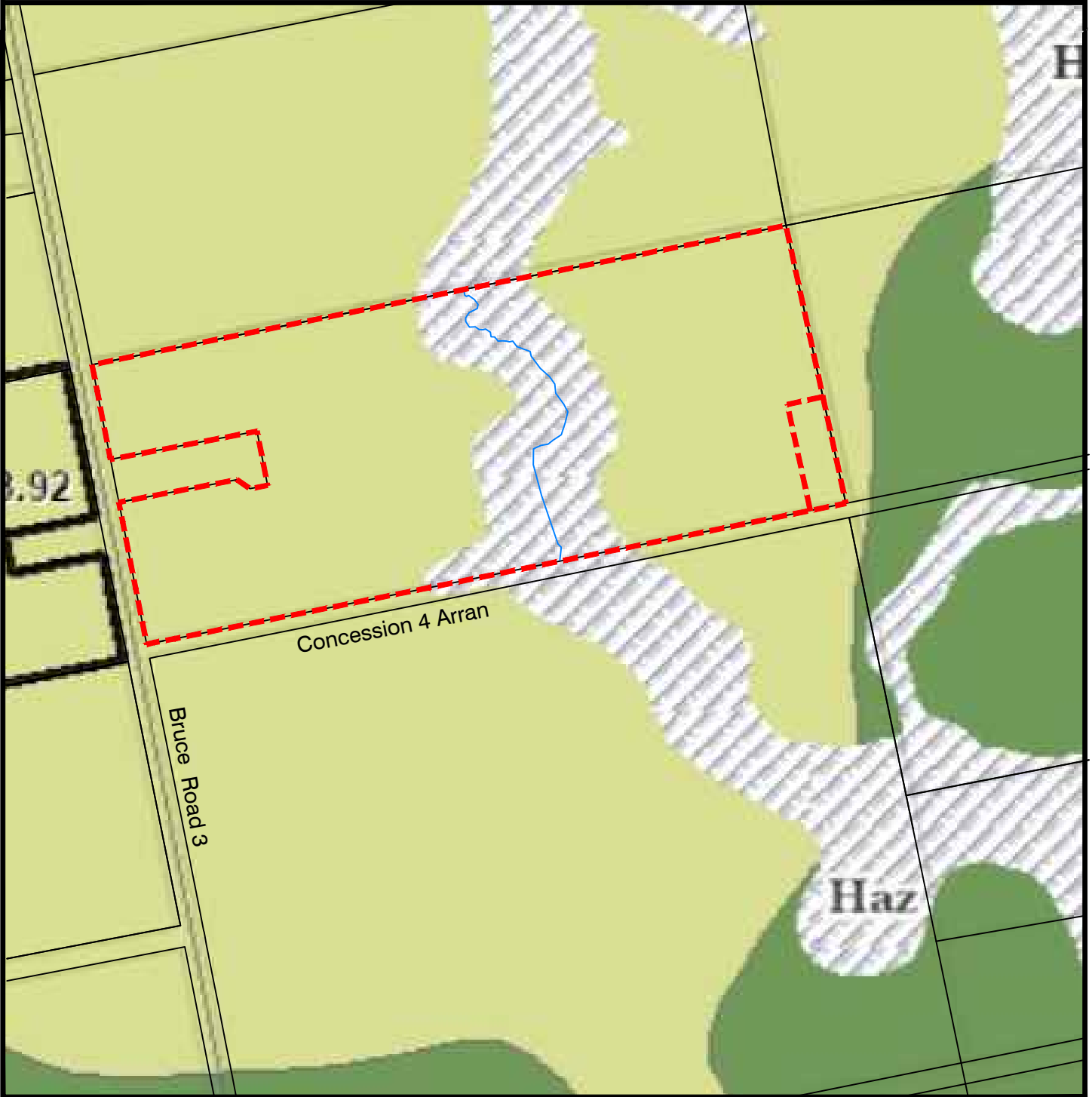
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Figure 4: Bruce County Official Plan Schedule A



-  Subject Property
-  Rural
-  Agricultural
-  Hazard



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