

Municipality of Kincardine Planning Report

To: Mayor & Members of the Municipality of Kincardine Council

From: Daniel Kingsbury, Planner for the Municipality of Kincardine

Date: July 13, 2020

Application: Zoning By-law Amendment

File: Z-2020-038 (Brucelea Farms)

Recommendation

Subject to a review of submissions arising from the public meeting:

That Committee approve Zoning By-law Amendment Z-2020-038 as attached and the necessary by-law be forwarded to Council for adoption

Summary

The application proposes to rezone the farmland portion of the property to prohibit residential development. If approved, the proposed amendment would facilitate the severance of a surplus farm dwelling lot. The lands are located at 5119 Highway 9 and are comprised of approximately 59.82 hectares. The surplus residential lot is proposed to be approximately 0.65 hectares (1.6 acres).

A Holding Provision is also proposed on a portion of the retained lands that exhibit high archaeological potential.

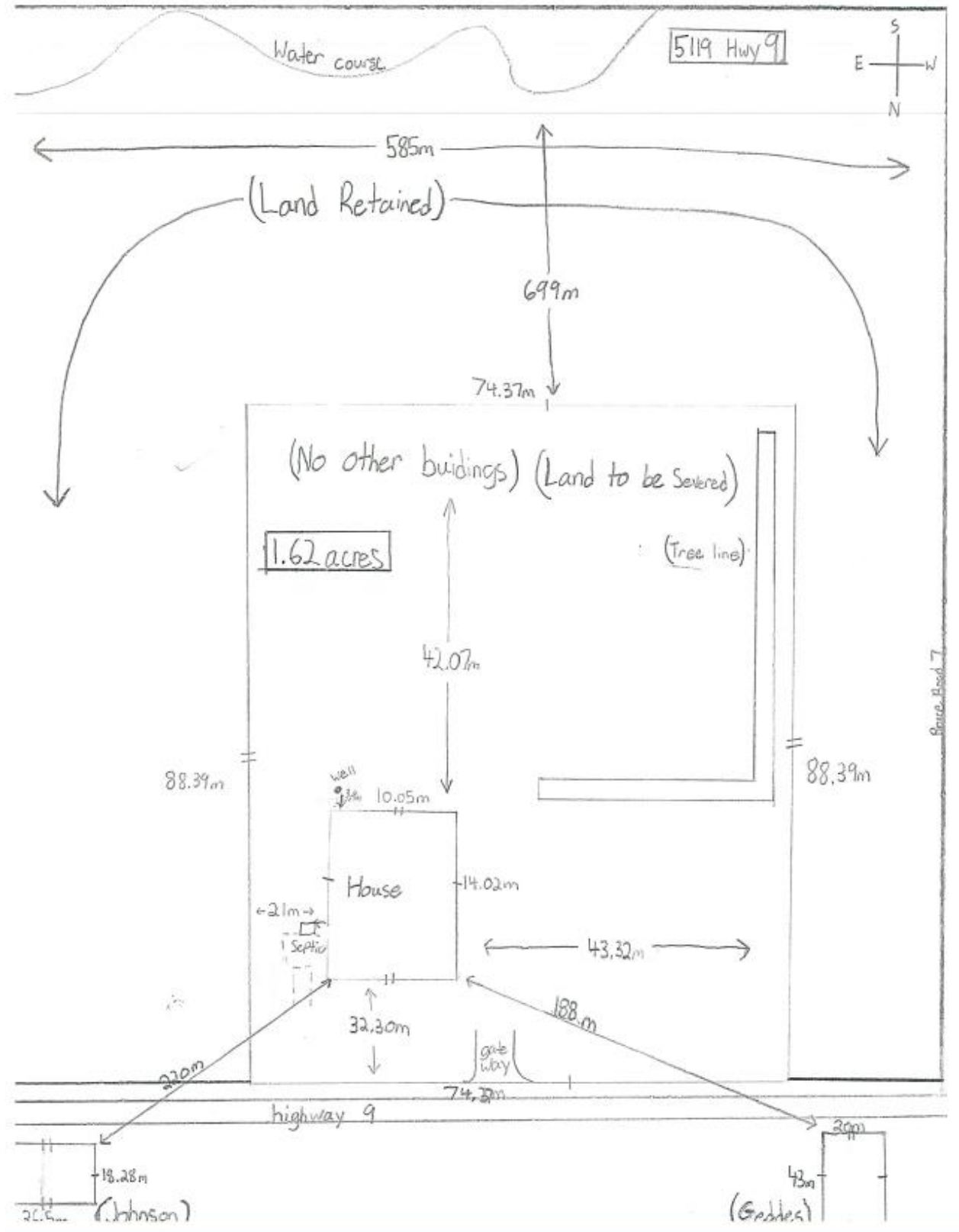
The following considerations have been reviewed in the Planning Analysis section of this report:

- Provincial and County Agricultural Severance policies
- Archaeological Potential

The application is consistent with the Provincial Policy Statement and conforms to the County Official Plan, and the intent and purpose of the local zoning by-law.

Planning staff recommend approving the proposed Zoning By-law Amendment.

Site Plan



Aerial Images



Planning analysis

The following section provides an overview of the planning considerations that were factored into the staff recommendation for this application, including relevant planning policy sections.

Agricultural Severance Policies

The owner of the lands, Brucelea Poultry Farms Ltd (c/o Blair Scott) own (and farm) lands elsewhere in the area. The existing dwelling on the lands is surplus to their needs. The lands are in a prime agricultural area due to their high-quality soil classification and predominance of farming in the area.

The Provincial Policy Statement (PPS) is restrictive with regards to severances in prime agricultural areas in order to limit impacts to agricultural operations. Lot creation in prime agricultural areas is only permitted in the following circumstances:

1. For agricultural uses
2. For agriculture related-uses
3. For a dwelling surplus to a farming operation
4. For infrastructure

The PPS also outlines that the surplus residential lands are to be limited in size to accommodate water and sewage, and that new residential dwellings be prohibited on the larger farm parcel (the retained lands).

The County Official Plan establishes criteria for agricultural severances in addition to the PPS policies. The lands are designated 'Agricultural Area', which permits the severance of a surplus farm dwelling subject to the following conditions:

1. The applicant must be a bona fide farmer
2. The farmer must own and farm the subject lands
3. They must own and farm other lands
4. They must reside elsewhere
5. The dwelling must be habitable
6. Minimal active farmland should be removed from agricultural production

If approved, the proposed amendment will prohibit future residential uses on the retained lands, which would allow the Brucelea Poultry Farms to meet the all the criteria established in the PPS and County Official Plan for agricultural severances, except for the minimum lot area which is discussed below. The severed dwelling will be subject to the Non-Farm provisions of the Agricultural Zone of the Kincardine Zoning By-law.

The proposed amendment is consistent with the Provincial Policy Statement and conforms to the Bruce County Official Plan.

Archeological Potential

In accordance with the Ministry of Tourism, Culture and Sport's *Criteria for Evaluating Archaeological Potential*, it was determined that the property has high archaeological potential due to its proximity to a watercourse.

The proposed Zoning By-law Amendment contains a Holding Provision to prohibit development within the area of high archeological potential. The Holding Provision can be removed upon completion of an Archeological Assessment or demonstration that the Archeological Assessment is not required in accordance with the Ministry of Tourism, Culture and Sport's *Criteria for Evaluating Archaeological Potential*. The holding provision does not restrict the lands from being to be farmed.

Appendices
County Official Plan



Zoning By-law



Agency Comments

Municipality of Kincardine:

CBO and PW Director: No comments

Historic Saugeen Metis: No objection or opposition

Public Comments

Hello Bruce County Planning Office,

I just received in the mail a Public Meeting Notice re File Numbers: B-2020-051 and Z-2020-038. I'm not really interested in the online public meeting, but I do have a question or concern. It seems that not much will change, except that future residential uses will be prohibited on the retained lands. But do you know if the owner plans to make any changes on the retained lands? For example, do you know if he plans to cut down all the trees along Bruce Road 7? That would affect me because I live right on the other side of Bruce Road 7, across from the property in question.

Thank you,

Barbara Wallis