



Planning Report

To: Municipality of Kincardine Planning Committee

From: Barbara Mugabe, Planner

Date: March 8, 2021

Re: Zoning By-law Amendment Application Z-2020-065 (Snobelen)

Recommendation:

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

That Committee approve Zoning By-law Amendment Z-2020-065 as attached and the necessary by-law be forwarded to Council for adoption.

Summary:

The subject land has the civic address 2403 Bruce Road 20, Kincardine. The application proposes to amend the Municipal Comprehensive Zoning By-Law 2003-25 to allow for the severance of a surplus farm dwelling. The Zoning By-law Amendment is required to rezone the retained farm lot to prohibit future residential building/structures and to permit reduced lot area of 27.89 hectares instead of 39 hectares. On the severed non-farm parcel the zoning by-law amendment is seeking to permit reduced lot frontage of 8 m instead of 24 m.

Consent Application B-2020-091 filed with the County to sever the surplus farm dwelling and shed from the balance of the farmland has not yet been processed.

The associated Official Plan Amendment C-2020-016 was approved by County Council on February 18, 2021 to permit a reduced lot area for the remnant parcel of 27.89 hectares whereas the minimum requirement is 40 hectares.

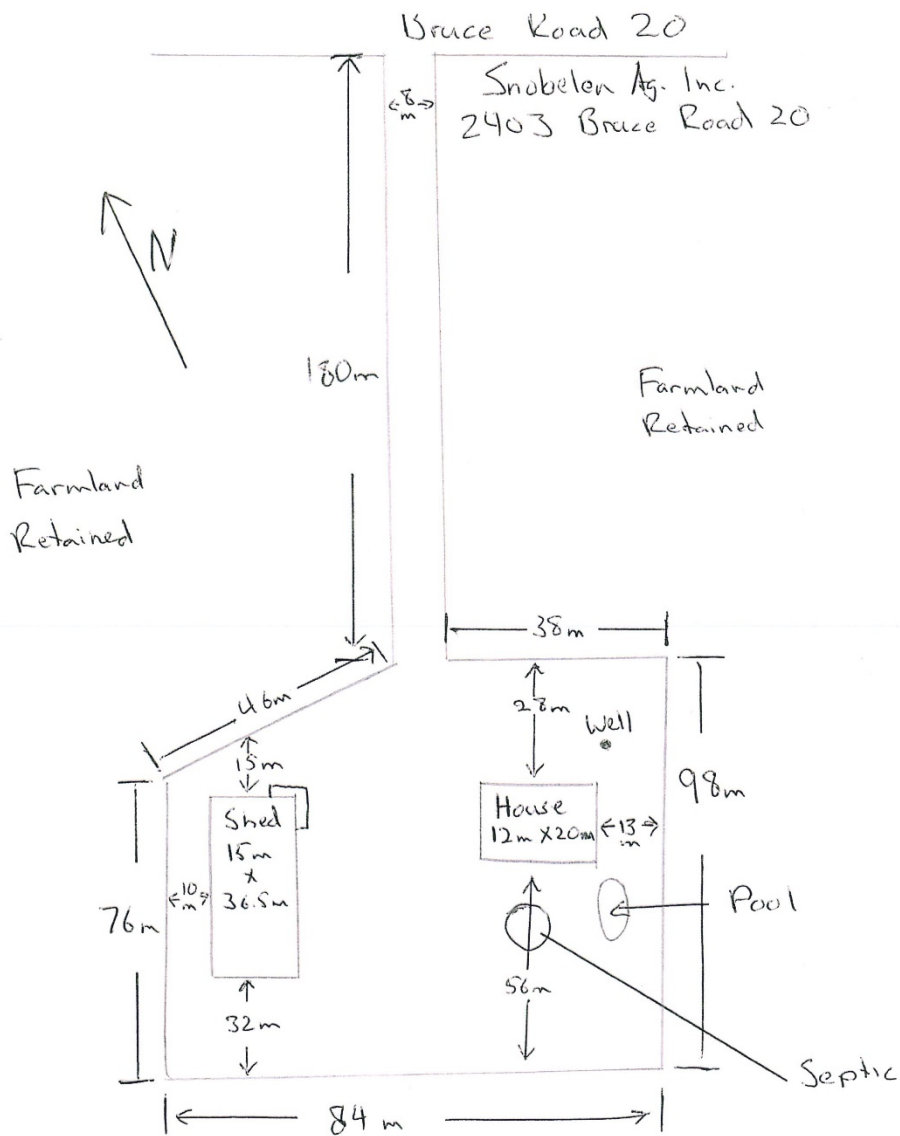
Airphoto



Image of Existing Structure: Dwelling and Shed



Site Plan



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.

Agricultural Severance Policies

Mr. Snobelen owns and farms multiple parcels of lands elsewhere throughout Bruce County, making the existing dwelling on the lands surplus to his needs. The lands are in a prime agricultural area.

The Provincial policy Statement (PPS) is restrictive in 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 the surplus residential lots are to be limited in size to accommodate water and sewage, and that new residential dwellings be prohibited on the larger farm parcel (retained lands). The proposed zoning by-law amendment facilitates the Provincial policy requirement of prohibiting future residential uses on the retained farmlands.

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; and,
6. Minimal active farmland should be removed from agricultural production.

Respecting factor #6 above, the irregular lot configuration was proposed by the applicant to reduce the amount of land removed from agricultural production. The proposed lot line follows the boundary between the land that is currently farmed and the land that is not. The farm cluster is set well back from the road. The applicant has advised that the shed goes with the non-farm use as it is of greater value to the residential use where it can be used for storage and or a hobby shop (i.e. carpentry business). The size of the severed parcel is appropriate for the proposed non-farm residential use.

The proposal meets all the criteria established in the PPS and the County Official Plan for agricultural severances, except for the minimum lot area which is discussed below.

Undersized Farm Lot

The property is 28.89 hectares (71 acres) and is already considered undersized in its current state. The County Official Plan is applicable outside the Town's settlement areas. The Plan requires a minimum lot area of 40 hectares (99 acres) for new agricultural lots, while the Municipality's Zoning by-law requires a minimum lot size of 39 hectares. The role of the Municipality's zoning Bylaw is to implement the policies of the applicable official plan.

The intent of the minimum farm lot size policy is to maintain the viability of Bruce county's agricultural system by ensuring that lots are of sufficient size to support ongoing agricultural uses and limit potential incompatible uses. This proposed undersized lot maintains the overall intent of the Agricultural policies. The farmable area is staying with the retained parcel and will continue to be farmed in the same manner as it currently is. The application will not introduce new impacts to surrounding farm operations. The amendment will allow Mr. Snobelen to sever a house and shed that are surplus to his farming needs while contributing to the ongoing viability of their operation.

Zoning By-law Review

The subject lands are currently zoned 'Agriculture (A1)' in the Municipality of Kincardine Comprehensive Zoning By-law.

Relief from the zoning by-law is required as the proposed 8 m frontage of the severed lot does not meet the minimum requirement of 24 m for a non-farm lot. Providing a 24 m frontage will result in more land needlessly taken out of agricultural production. The proposed frontage allows for adequate access into the non-farm lot. The severed lot will be rezoned to 'Agricultural Special (A1-gv)' to permit reduced frontage.

As already mentioned, the subject zoning by-law needs to recognize the undersized retained parcel which has a lot area of 27.89 hectares whereas 39 hectares is the minimum requirement. As directed by the PPS, the retained lot will be rezoned to 'Agricultural Special (A1-gw)' to prohibit residential development and to recognize the size of the lot.

Section 6.36 of the Zoning By-law directs that all new lots shall comply with the Provincial Minimum Distance Separation I (MDS I) Guidelines.

The proposal meets MDS I Guideline #9 that states that the MDS I *is not required* where the surplus dwelling to be severed is already existing and that nearby livestock facilities are located on separate lots prior to the consent. This proposal meets the policies of this guideline. There are no further MDS concerns.

Appendices

- County Official Plan
- Local Official Plan Map
- Local Zoning Map
- Agency Comments
- Public Comments - None received.

County Official Plan Map (Designated Agricultural Areas (AG))



Local Zoning Map (Zoned A1 - General Agriculture)



Agency Comments

Chief Building Official: Inquired about the use of the barn.

Planner Comment: The applicant advises that the storage shed on the lands to be severed is of greater value to the residential use and not the farm. As part of the residential use, the shed can be used for storage, hobby use e.g. carpentry business etc. If it were to be part of the farmlands, a new access off Bruce Road 20 would be required which would be an expensive undertaking to construct a road.

Bruce County Transportation Services: No comment.

Historic Saugeen Métis (HSM) Lands, Resources and Consultation Department: No objection.

Saugeen Valley Conservation Authority: Provided in full below.



SVCA Comments

1078 Bruce Road 12, P.O. Box 150, Formosa ON Canada N0G 1W0
Tel 519-367-3040, Fax 519-367-3041, publicinfo@svca.on.ca, www.svca.on.ca

SENT ELECTRONICALLY ONLY (bmugabe@brucecounty.on.ca)

December 22, 2020

Corporation of the County of Bruce Planning & Development
1243 MacKenzie Road
Port Elgin, Ontario
N0H 2C6

ATTENTION: Barbara Mugabe, Planner

Dear Ms. Mugabe,

RE: Proposed Consent to Sever Land B-2020-091;
Proposed Zoning By-law Amendment Z-2020-065; and
Proposed Bruce County Official Plan Amendment C-2020-016 (Sam Snobelen)
2403 Bruce Rd 20
Roll No.: 410826000120900
Part Lot 18 Concession 4, Less Part 4 Plan 3R327, Parts 3 and 4 Plan 3R1002
Geographic Township of Bruce
Municipality of Kincardine

Saugeen Valley Conservation Authority (SVCA) staff has reviewed the above-noted applications as per our delegated responsibility from the Province to represent provincial interests regarding natural hazards identified in Section 3.1 of the Provincial Policy Statement (PPS, 2020) and as a regulatory authority under Ontario Regulation 169/06 (SVCA's Development, Interference with Wetlands, and Alterations to Shorelines and Watercourses Regulation). SVCA staff has also provided comments as per our Memorandum of Agreement (MOA), dated September 2019, with the County of Bruce representing natural hazards, natural heritage, and water resources; and the application has also been reviewed through our role as a public body under the *Planning Act* as per our Conservation Authority Member approved Environmental Planning and Regulations Policies Manual, amended October 16, 2018.

The purpose of the applications are to: permit a surplus farm dwelling severance 8 m X 278 m, 2.471 acres in lot area. Approval of an official plan amendment is required to permit the reduced lot area for the remnant parcel of 27.89 hectares (68.91 acres) whereas the minimum requirement is 40 hectares (100 acres). Approval of a zoning by-law amendment is required to prohibit future residential development on the retained parcel and to permit reduced lot frontage of 8 m instead of 24 m on the severed non-farm parcel.

Recommendation

SVCA staff find the applications acceptable. The subject property does not contain any floodplains, watercourses, shorelines, wetlands, valley slopes or other environmental hazard features of interest to SVCA or as per our MOA with the County of Bruce. As such, it is the opinion of SVCA staff that the application is consistent with the Natural Hazard and Natural Heritage Policies of the PPS, 2020 and the Bruce County Official Plan.



Watershed Member Municipalities

Municipality of Arran-Elderslie, Municipality of Brockton, Township of Chatsworth, Municipality of Grey Highlands, Town of Hanover, Township of Howick, Municipality of Morris-Turnberry, Municipality of South Bruce, Township of Huron-Kinloss, Municipality of Kincardine, Town of Minto, Township of Wellington North, Town of Saugeen Shores, Township of Southgate, Municipality of West Grey

Corporation of the County of Bruce Planning & Development
Z-2020-065; B-2020-091; and C-2020-016 (Sam Snobelen)
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Additionally, the property is not subject to Ontario Regulation 169/06, or to the policies of SVCA at this time, and as such, permission from the SVCA is not required for development on the property.

Please inform this office of any decision made by the Municipality of Kincardine and/or the County of Bruce with regard to the applications. We respectfully request to receive a copy of the decisions and notices of any appeals filed. Should you have any questions, please contact the undersigned.

Sincerely,



Michael Oberle
Environmental Planning Technician
Saugeen Conservation
MO/

cc: Jennifer Lawrie, Clerk, Municipality of Kincardine (via email)
Maureen Couture, Authority Member, SVCA (via email)
Bill Stewart, Authority Member, SVCA (via email)