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Application for Consent of Surplus Farm Dwelling

Municipal Address: 018275 BRUCE ROAD 10
Roll Number: 42-03-620-001-04700-0000
Legal Description: CON 3 S PT LOT 1 TO S PT LOT;4
Property Owner: Twin County Farms Limited
Phone: [REDACTED]

Name of Authorized Agent: Bill Klingenberg
Company Name: Klingenberg Design
Mailing Address: 135 Norh Diagonal
City: South Bruce Peninsula
Postal Code: N0H 2T0
E-mail: info@klingenbergdesign.com
Phone: 226-668-4545

Summary

The purpose of the application is to sever a 3.19 AC (1.29 Hectare) parcel of land a surplus residential use and to create an easement over an existing driveway allowing access from Bruce Road 10.

The remnant property will be a 75.57 AC (30.58 Hectare) parcel for agricultural purposes. A zoning application is also proposed to meet provisions of the County of Grey’s Official Plan restricting building permits on the remnant property.

The proponent is proposing the severed parcel will be used solely for farming with no intention to build. It will be used to complement the existing farm operation to the South as additional farmland.

Provincial Policy Statement

The PPS 2024 states that Planning authorities are required to use an agricultural system approach, based on provincial guidance, to maintain and enhance a geographically continuous agricultural land base and support and foster the long-term economic prosperity and productive capacity of the agri-food network. As part of the agricultural land base, prime agricultural areas, including specialty crop areas, shall be designated and protected for long-term use for agriculture. Proposed agriculture-related uses and on-farm diversified uses shall be compatible with, and shall not hinder, surrounding agricultural operations. In prime agricultural areas, all types, sizes and intensities of agricultural uses

and normal farm practices shall be promoted and protected in accordance with provincial standards.

Lot creation in prime agricultural areas is discouraged and may only be permitted in accordance with provincial guidance for:

a) agricultural uses, provided that the lots are of a size appropriate for the type of agricultural use(s) common in the area and are sufficiently large to maintain flexibility for future changes in the type or size of agricultural operations;

b) agriculture-related uses, provided that any new lot will be limited to a minimum size needed to accommodate the use and appropriate sewage and water services;

c) one new residential lot per farm consolidation for a residence surplus to an agricultural operation, provided that:

1. the new lot will be limited to a minimum size needed to accommodate the use and appropriate sewage and water services; and

2. the planning authority ensures that new dwellings and additional residential units are prohibited on any remnant parcel of farmland created by the severance. The approach used to ensure that no new dwellings or additional residential units are permitted on the remnant parcel may be recommended by the Province, or based on municipal approaches that achieve the same objective; and

d) infrastructure, where the facility or corridor cannot be accommodated through the use of easements or rights-of-way.

Grey County Official Plan

The lands are designated as Agriculture. The County Official Plan supports development and consent of Agricultural lands based on satisfying the following requirements:

Lot creation in the Agricultural land use type may only be permitted for agricultural uses, agricultural-related uses, surplus farmhouse severances, infrastructure, and conservation lots in accordance with section 5.2.3 of this Plan.

Where a house is deemed surplus to a farm operation as a result of farm consolidation, a lot may be severed provided that:

1) The owner of the lands to be severed is a 'bona fide farmer', or as a condition of the consent application the lands will be sold to a 'bona fide farmer'. For the purposes of this policy, the 'bona fide farmer' must have a farm business registration number. A 'bona fide farmer' is defined to include a limited company, sole proprietorship, incorporated company, numbered company, partnership, and other similar ownership forms.

2) The lot proposed for the surplus farmhouse (and accessory buildings if applicable) will be limited in area and shall only be of sufficient size to accommodate the surplus farmhouse to the farming operation, accessory

buildings (including any unused livestock facility, if this does not make the lot excessively large), a well, and a sewage treatment and disposal system, while ensuring that as little land as possible is removed from the agricultural lands.

3) Unless added onto an abutting farm parcel that already contains a dwelling, the remnant farm parcel shall be rezoned to prohibit the future construction of a new residential dwelling of any type.

4) The severance of a surplus farmhouse shall comply with Provincial MDS Formulae. For the purposes of this section, only livestock facilities situated on the farm parcel from which the surplus farmhouse is being severed, shall be used in determining Provincial MDS Formulae compliance.

5) Given that no new house can be built as a result of the surplus farmhouse being severed from the land holding, the requirements for an environmental impact study, do not apply; however no new surplus farmhouse severances will be permitted in the Aggregate Resource Areas identified on Schedule B to this Plan; and,

6) The existing farmhouse is habitable at the time of application.

7) If an existing livestock facility is located within close vicinity of the surplus farmhouse, it is recommended that it be included in the severed parcel and be converted to a decommissioned livestock facility.

8) If a livestock barn is located on the retained parcel and fails to meet MDS requirements relating to a severed surplus farmhouse, it is recommended that it be converted to a decommissioned livestock barn.

9) Policies 5.6.2(8) and 5.6.6(2) shall not constrain a surplus farmhouse severance. Non-farm size lot creation (i.e., the surplus farmhouse and accessory buildings if applicable) may be considered under this policy section where an Aggregate Resource Area, Bedrock Resource Area and/or Shale Resource Area has been identified.

Through circulation comments, Gery County staff have commented with the following:

1) The County Official Plan (OP) contemplates lot creation in the agricultural designation in the two specific circumstances noted above, provided that the parcel is a minimum of 40 hectares. The subject lands are approximately 31 hectares in size and are considered an existing undersized agricultural lot: a 'farm sized' lot in the agricultural designation, per the OP, is 40 hectares. As the

subject lands are not a minimum of 40 hectares, policy 5.2.3.1) cannot be met, and County staff are unable to support the proposed surplus farm dwelling severance. County staff recommend that the remnant agricultural land be merged with an abutting farm parcel.

The applicant has agreed to merge the remnant parcel to the main farm operation being :
018185 BRUCE ROAD 10
CON B PT LOT 1
ARN: 420362000102700

Section 5.2.3. (7) of the County Official Plan states:

7) If an existing livestock facility is located within close vicinity of the surplus farmhouse, it is recommended that it be included in the severed parcel and be converted to a decommissioned livestock facility.

The applicant has indicated that the existing livestock facility will be torn down.

Grey County Transportation commented:

8) It appears that access to the severed lands will require an easement over the retained agricultural lands. Should a new entrance be required, please be advised that a new entrance should maintain 100m separation from existing entrance and should have 175m clear sight distance.

Due to topography and the location of the proposed surplus property, a separate entrance cannot be accommodated safely. The property also fronts onto a section of the County road at a Knole in the road and site lines are not ideal. Transportation comments do not indicate that a separate entrance is mandatory. An easement is a satisfactory alternative and poses no liability or enforcement issues for the Township of Georgian Bluffs being a private civil agreement between property owners.

Georgian Bluffs Zoning By-law:

Notwithstanding the provisions of Section 8 of the Zoning By-law, lands designated as 'Agricultural', which have had a surplus farm dwelling severed at the request of the owner, shall, in keeping with Provincial Policy, not permit further (new) residential use(s) on the land.

As stated in the Grey County Official Plan the barn will be decommissioned as a viable livestock building and will remain as an accessory structure. The shed will remain.

It is proposed to rezone the remnant property to prohibit the construction of a building in keeping with the Official Plan.

MDS Calculations

The MDS report is included under separate cover. There is an existing livestock facility that is 400 feet away from the existing residence on the proposed surplus farm property. The required distance is 453 ft. OMAFRA has been contacted and by email have responded that the existing distance is acceptable and that any new residence can be constructed under the provision that it is no closer and does not further reduce the non-compliance. The actual MDS distances are labelled on the site plan. The MDS report and subsequent supporting email from OMAFRA have been included in the application.

Conclusion

The proposal meets both the Provincial Policy Statement and the County of Grey's Official Plan which both permit the creation of a surplus farm property with certain provisions aforementioned and stated below.

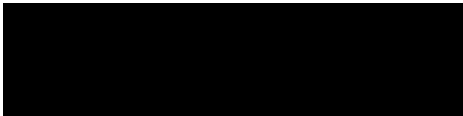
The surplus dwelling lot meets the Zoning By-law of the Township of Georgian Bluffs meeting all provisions such as lot coverage and setbacks. No further development is proposed at this time. There will be no livestock kept within existing buildings or on the property. The existing livestock building will be torn down. The dwelling unit is in a livable condition and private services are in good working order. The neighbouring livestock structures are existing and MDS has been addressed.

As per the Official Plan, a zoning Amendment accompanies the application for consent to apply a restriction against building permits on the severed portion of the lands. The severed portion will be consolidated with the operating farm to the south as identified above.

An easement over the driveway to allow access to the retained land is proposed to mitigate the difficulty in creating an additional entrance off of Bruce Road 10 and eliminate hazards that an additional entrance would create. The topography of the land is such that an entrance is not possible.

Any questions or comments received will be answered and addressed accordingly.

Respectfully,



Bill Klingenberg
Klingenberg Design

Twin County Farms Limited
c/o Mike Fisher