



Planning Report

To: Township of Huron Kinloss Council

From: Julie Steeper, Planner

Date: December 12, 2022

Re: Zoning Bylaw Amendment Application - Z-2022-107 (Morrison)

Recommendation:

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

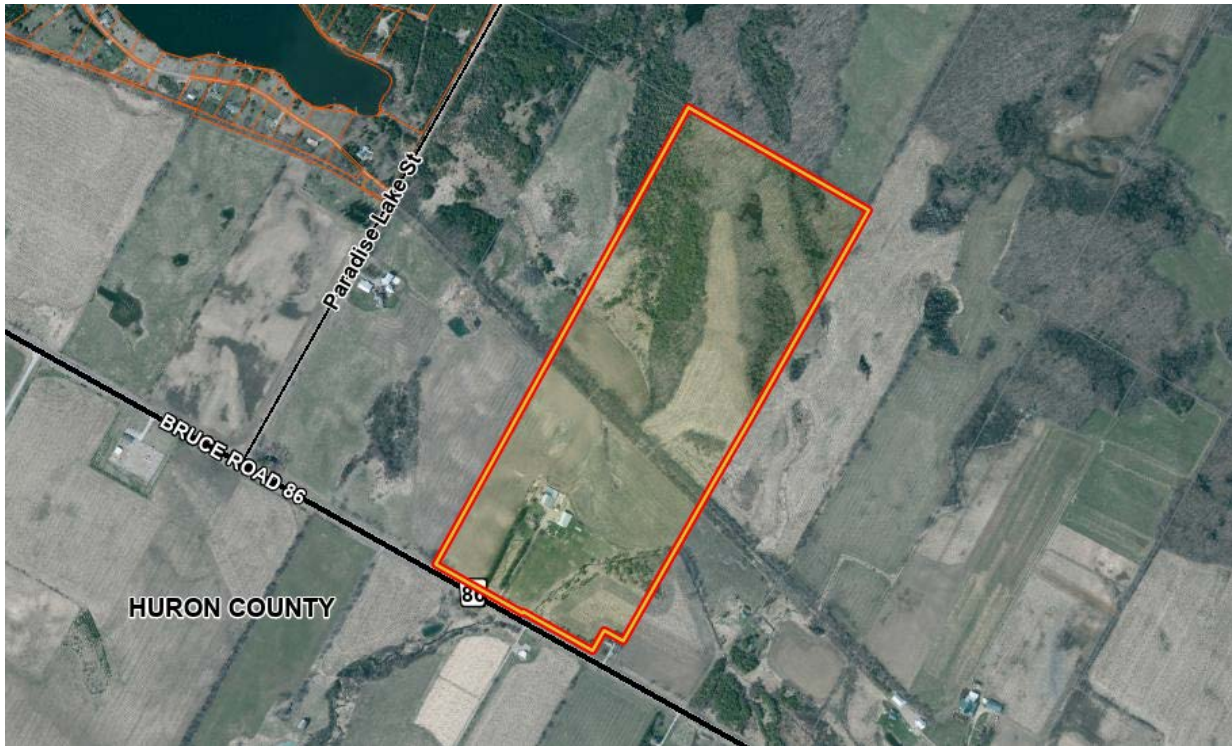
That Council approve Zoning By-law Amendment Z-2022-107 as attached and the necessary by-law be forwarded to Council for adoption.

Summary:

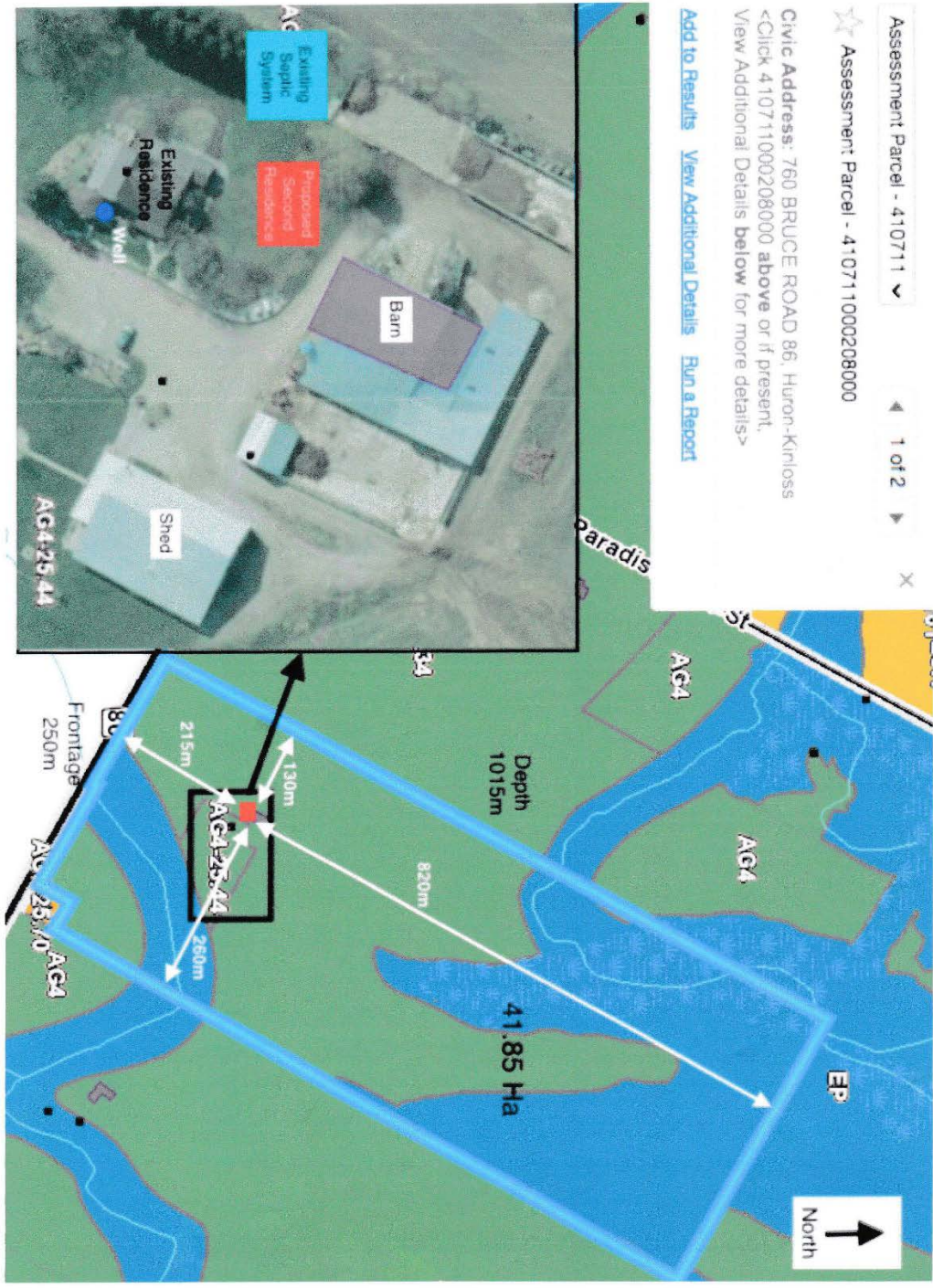
The purpose of the application is to rezone a portion of the property to allow for a secondary dwelling. If approved, the application would facilitate the new construction of an additional dwelling. A holding provision requiring an Archaeological Assessment for the lands containing high archaeological potential is proposed.

The property is located north of Huron County, east of the village of Lucknow and north of Bruce Road 86. The site is surrounded by agricultural and residential uses.

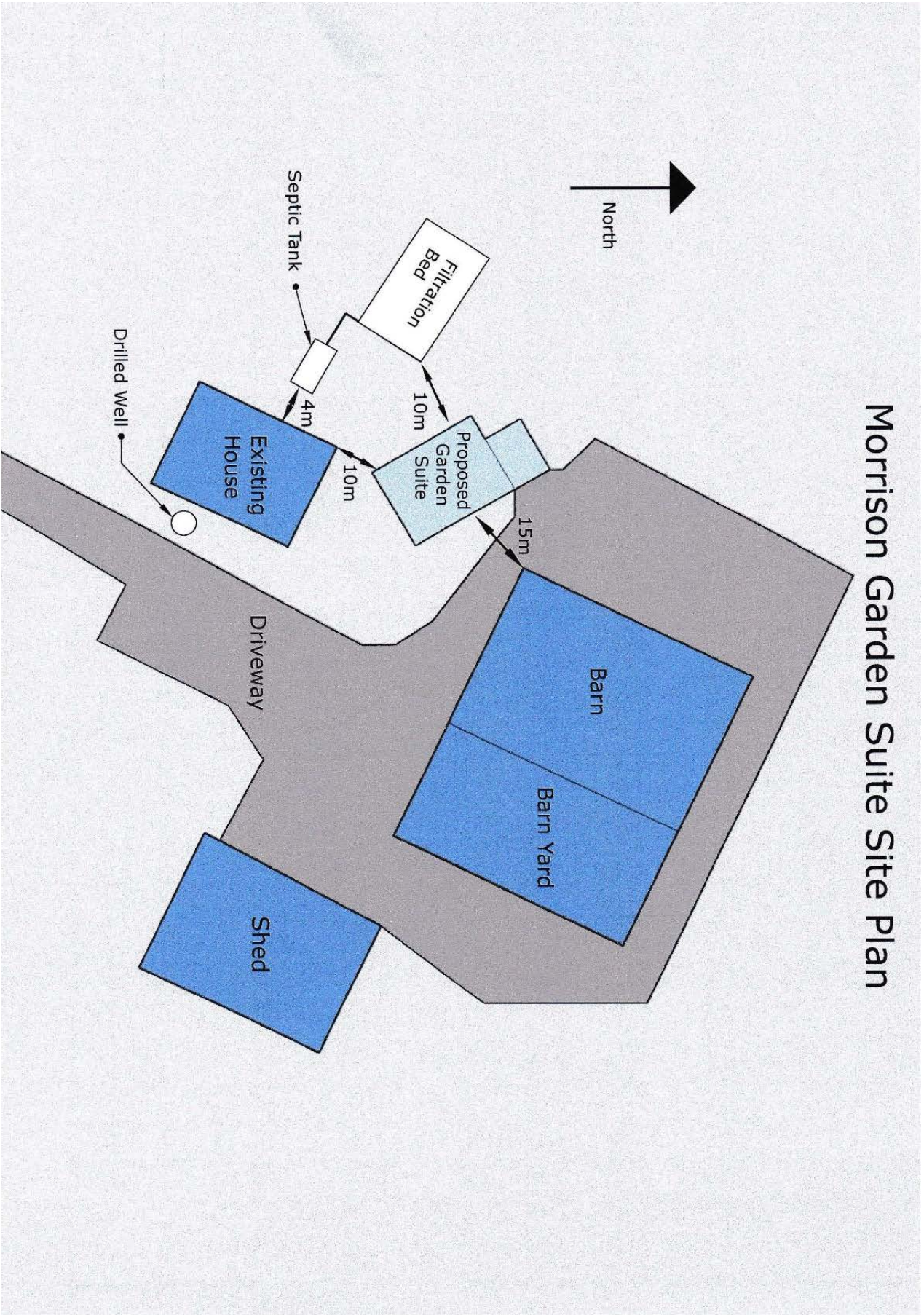
Airphoto



Site Plans



Morrison Garden Suite 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.

Additional Residential Units

The Bruce County Official Plan policies allow for a secondary farm residence on a farm lot. A Garden Suite and/or Additional Residential Unit, and/or Temporary Farm Accommodation may be permitted together with a primary farm residence. In addition to the Policies of Section 4.4.4.1, the Garden Suite and/or Additional Residential Unit and/or Temporary Farm Accommodation:

- i) Must be located within the existing farm building cluster and in very close proximity to the existing primary farm residence;
- ii) Shall not be considered for future severance from the farming operation.

The term Additional Residential Unit means a separate residential unit that is located within a detached house, or within a building or structure that is ancillary to a detached house.

Additional Residential Units may be permitted in any designation where residential uses are permitted as a primary use. In the Rural designation, only one Additional Residential Unit is permitted whether in the building containing the primary residential dwelling or in a detached building.

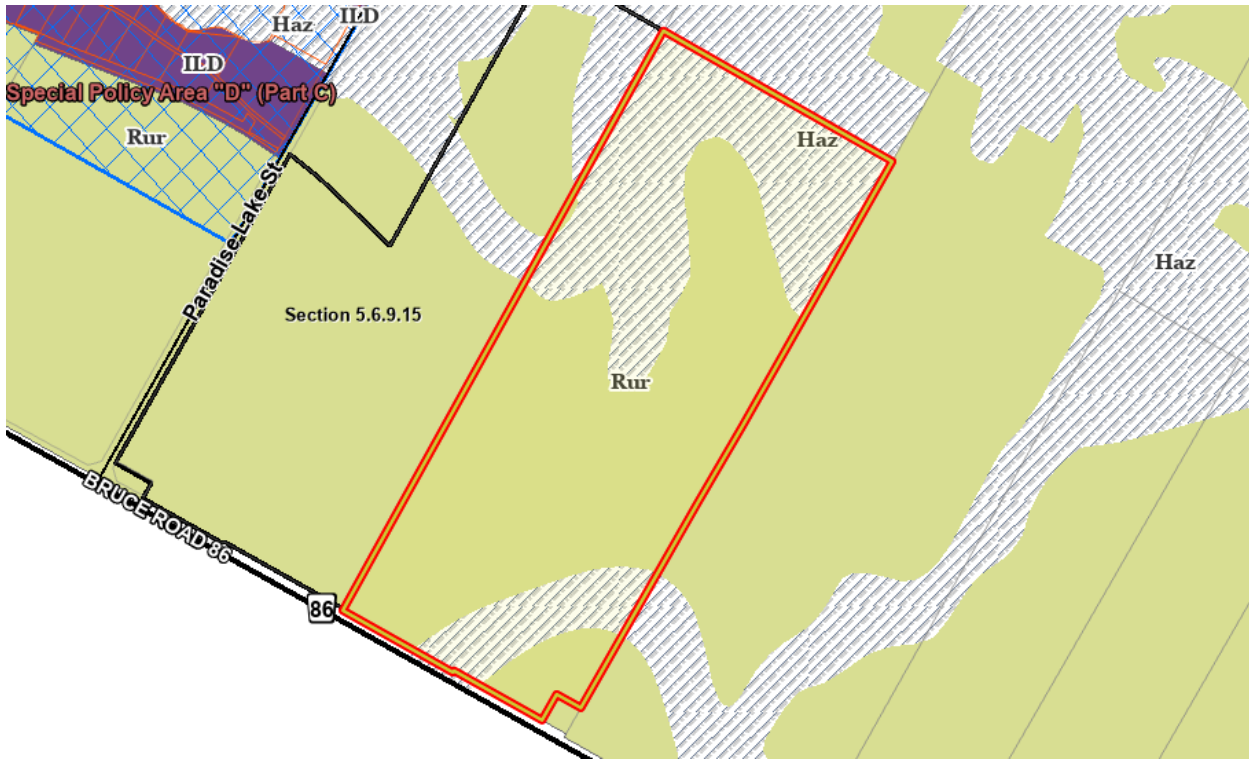
The principal and Additional Residential Unit must share the parking area and minimum setbacks for the principal dwelling unit, and no new driveway may be created.

Comments were received from BM Ross, Township of Huron-Kinloss Engineers, the existing system will need to be enlarged or a second, separate septic system will need to be installed to service the secondary dwelling. The applicant is aware of the comments and has no concerns with meeting the requirement. It is of the opinion of County Staff that the parcel size is large enough to accommodate any services required.

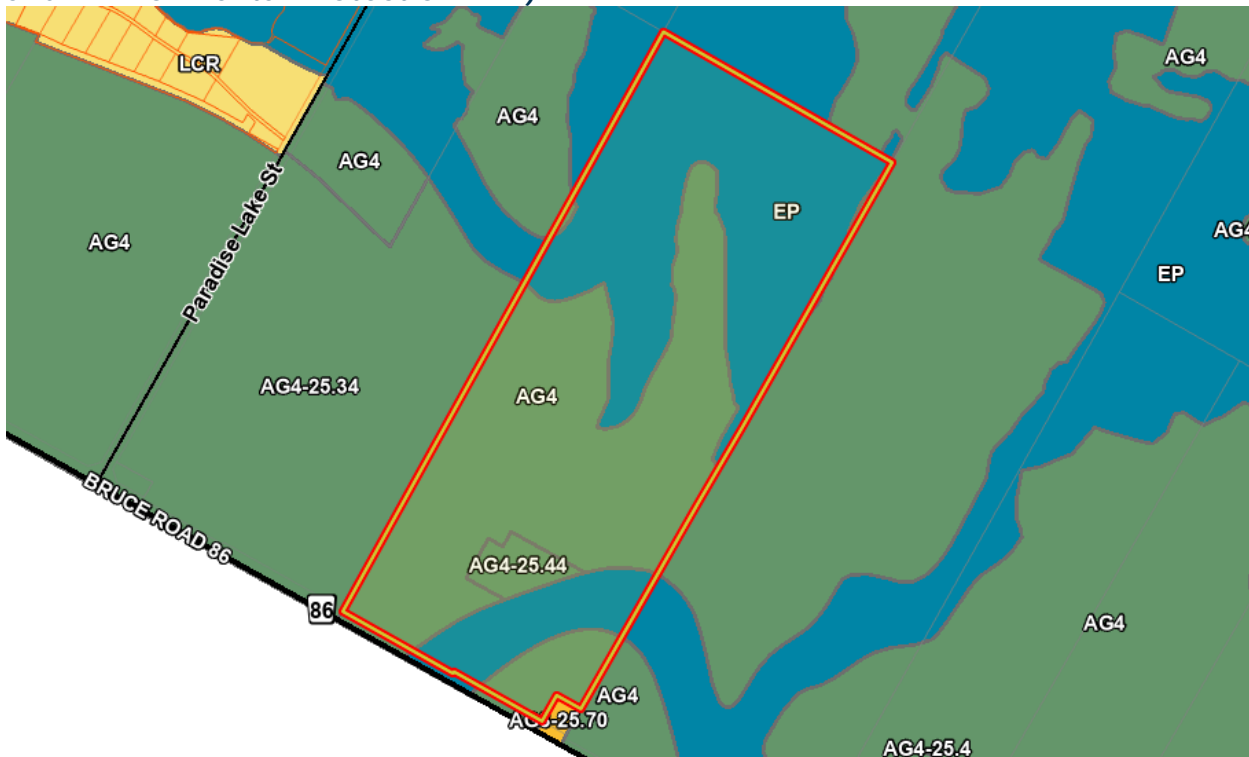
Appendices

- County Official Plan Map
- Local Zoning Map
- Agency Comments
- Public Notice

County Official Plan Map (Designated Rural Areas, Hazard Land Areas)



Local Zoning Map (Zoned Agriculture Rural 'AG4', Agriculture Rural Special 'AG4-25.44', and Environmental Protection 'EP')



Agency Comments

Township of Huron Kinloss: No comment.

BM Ross, Township of Huron-Kinloss Engineers: The application has been reviewed by OBC Part 8 Inspector Dave Bell (BCIN# 34600). The permit for the existing septic system was reviewed and based on that review, the current septic system is not suitably sized to accommodate the secondary dwelling. We suggest that the existing system will need to be enlarged or a second, separate septic system is installed to service the secondary dwelling. Replacement of the existing system or a new system will require submission and review of Application for Permit to Construct or Demolish and associated fee prior to construction.

Saugeen Ojibway Nation: At this point, the Saugeen Ojibway Nation's Environment Office does not have the resources to engage in consultation on this project. We have no further comments on this project. If at any point anything of archeological interest is revealed on site, please contact the SON Environment Office immediately.

Bruce County Transportation Services: No comment.

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

Saugeen Valley Conservation Authority: The application is generally acceptable to SVCA staff and provided in full below.

Maitland Valley Conservation Authority: The application to rezone lands is in general conformance with Section 3.1, Natural Hazard Policies of the PPS, 2020; and as such MVCA has no objections. MVCA therefore has no objection to Zoning By-Law Amendment and provided in full below.

Bruce-Grey Catholic District School Board: No comment.

Risk Management (Source Water): I have no concerns related to Source Water Protection, for the proposed application.

SENT ELECTRONICALLY ONLY: (jsteeper@brucecounty.on.ca and bcplwa@brucecounty.on.ca)

December 5, 2022

County of Bruce Planning & Development Department
30 Park Street
Walkerton, Ontario N0G 2V0

ATTENTION: Julie Steeper, Planner

Dear Ms. Steeper,

RE: Proposed Zoning By-law Amendment Z-2022-107 (Morrison)
760 Bruce Road 86
Part Lots 37 to 40, Concession 1
Roll No. 410711000208000
Geographic Township of Kinloss
Township of Huron-Kinloss

Saugeen Valley Conservation Authority (SVCA) staff has reviewed the above-noted application as per our Memorandum of Agreement (MOA), dated September 2019, with the County of Bruce representing natural heritage within the Maitland Valley Conservation Authority (MVCA) watershed. 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 (Policies Manual), amended October 16, 2018, with regard to Natural Heritage features.

Purpose

The purpose of the application is to rezone a portion of the property to allow for a secondary dwelling. If approved, the application would facilitate the new construction of an additional dwelling. A holding provision requiring an Archaeological Assessment for the lands containing high archaeological potential is proposed.

Recommendation

The application is generally acceptable to SVCA staff.

Delegated Responsibility and Advisory Comments

SVCA staff has reviewed the application through our responsibilities as a service provider to the County of Bruce in that we provide expert advice and technical clearance on *Planning Act* applications with regards to natural heritage as set out in the PPS 2020, County Official Plan (OP) and/or local official plans. Comments below only include features/technical requirements affecting the property.

Natural Heritage:

It is the opinion of SVCA staff that the natural heritage features affecting the property include wetlands, significant woodlands, fish habitat, significant wildlife habitat, and potentially the habitat of endangered species and threatened species.

Provincial Policy Statement – Section 2.1

Section 2.1 of the PPS, 2020 states in part that development shall not be permitted in provincially significant wetlands, significant woodlands, fish habitat, significant wildlife habitat, habitat of endangered species and threatened species, and the adjacent lands to the above referenced features, except in accordance with the policies found in Section 2.1 of the PPS, 2020.

Bruce County Official Plan Policies

Provincially Significant Wetlands

A portion of the Anderson's Creek Swamp Provincially Significant Wetland (PSW) is located on the property and is shown on Schedule C of the County of Bruce OP. Section 4.3.2.5 of the Bruce County OP states, in part, that development and site alteration shall not have an impact on wetlands, unless it has been demonstrated through an acceptable Environmental Impact Study (EIS) that there will be no negative impacts to the wetland or its ecological function. Based on the application, the proposed development will be located within the farmstead area of the property, yet still within the adjacent lands to the PSW. As such, it is the opinion of SVCA staff that the potential impact to the wetlands or its adjacent lands will be negligible and so the completion of an EIS to address the impact to the wetland is not recommended at this time in accordance with Section 4.3.3.8 of the Bruce County OP.

Fish Habitat and its Adjacent Lands

Dickies Creek (part of a constructed drain) and Patterson Municipal Drain, both of which are open channel watercourses, flow through the property. These watercourses are considered fish habitat by SVCA staff. Section 4.3 of the Bruce County OP generally prohibits development within fish habitat and its adjacent lands, except in accordance with applicable policies. SVCA staff are of the opinion that the impacts to the fish habitat and its adjacent lands as a result of this proposal will be negligible, and SVCA staff are not recommending the preparation of an EIS at this time according to Section 4.3.3.8 of the Bruce County OP.

Significant Woodlands

Although there is no County-wide mapping for significant woodlands, SVCA staff is of the opinion that the woodlands located on the property and on lands adjacent to the property are considered significant woodlands. SVCA staff notes that significant woodlands are not determined based on property boundaries, nor are they considered interrupted by standard road allowances or roadways. Furthermore, Ministry of Natural Resources and Forestry (MNRF) mapping shows forest cover of 15% for the Geographic Township of Kinloss. Section 4.3.2.6 of the Bruce County OP states, in part, that development or site alteration shall not be permitted within significant woodlands or their adjacent lands. Based on the application, it is the understanding of SVCA staff that the proposed development is generally restricted to the previously disturbed portion of the subject property. As such, SVCA staff are of the opinion that the potential impact to the woodlands will be negligible and will not require the preparation of an EIS to address impacts to significant woodlands at this time according to Section 4.3.3.8 of the Bruce County OP.

Significant Wildlife Habitat

While mapping showing significant wildlife habitat is not included in the Bruce County OP, it has come to the attention of SVCA staff that significant wildlife habitat may be located on and/or within lands adjacent to the property. Section 4.3.2.10 of the Bruce County OP states, in part, that development and site alteration shall not be permitted within significant wildlife habitat, or their adjacent lands, unless it has been demonstrated through an acceptable EIS that there will be no negative impacts to the natural features or their ecological functions. SVCA staff is of the opinion that negative impacts to significant wildlife habitat is likely to be negligible based on the application, provided there is existing development of similar size and impact on the property. As such, the preparation of an EIS to address significant wildlife habitat is not recommended at this time.

Habitat of Endangered Species and Threatened Species

Although not mapped in the Bruce County OP, it has come to the attention of SVCA staff that habitat of endangered species and threatened species may be located on and/or on lands adjacent to the property. Section 4.3.2.7 of the Bruce County OP states in part that development will not be permitted within habitat of endangered species and threatened species, and their adjacent lands. It is the role of the SVCA to identify habitat of endangered species and threatened species through a screening process in consideration of the PPS, 2020 and local policies, however it is the responsibility of the owner/applicant to ensure the endangered species and threatened species policy referred to in the PPS, 2020 has been appropriately addressed. Please contact the Ministry of Environment, Conservation and Parks (MECP) for information on how to address this policy. MECP inquiries can be addressed to SAROntario@ontario.ca.

Drinking Source Water Protection

SVCA staff has screened this application to determine the applicability of the Ausable Bayfield and Maitland Valley Source Protection Plan, prepared under the Clean Water Act, 2006. The Source Protection Plan came into effect on April 1st, 2015 and contains policies to protect sources of municipal drinking water from existing and future land use activities. The subject property appears to SVCA staff to be located within an area that is subject to the local Source Protection Plan where applicable policies may apply. A separate Notice from the local Risk Management Official may be required as specified under the Clean Water Act, 2006 to allow your project to proceed. Please contact Mary Lynn MacDonald, Risk Management Official (mmaacdonald@abca.ca) for more information on the Source Protection Plan policies that may affect the application.

SUMMARY

SVCA staff has reviewed the application in accordance with our MOA with the County of Bruce representing natural heritage; and the application has also been reviewed through our role as a public body under the *Planning Act* as per our SVCA Member approved Policies Manual.

The application is generally acceptable to SVCA staff.

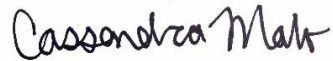
Given the above comments, it is the opinion of the SVCA staff that:

- 1) Consistency with Section 2.1, Natural Heritage policies of the PPS, 2020 has been demonstrated, with the exception of Section 2.1.7 habitat of endangered species and threatened species, which the owner/applicant must address; and

- 2) Consistency with local planning policies for natural heritage has been demonstrated, with the exception of habitat of endangered species and threatened species, which the owner/applicant must address.

Please inform this office of any decision made by the County of Bruce with regards to the application. We respectfully request to receive a copy of the decision and notices of any appeals filed. Should you have any questions, please contact this office.

Sincerely,



Cassandra Malo
Environmental Planning Technician
Saugeen Conservation
CM\

cc: Jennifer White, Clerk, Township of Huron-Kinloss (via email)
Patrick Huber-Kidby, Planning and Regulations Supervisor, MVCA (via email)
Don Murray, SVCA Member representing the Township of Huron-Kinloss (via email)



MEMORANDUM

TO: Monica Walker-Bolton, Senior Policy Planner, Bruce County, via email;
Julie Steeper, Planner, Bruce County, via email;

CC: Candace Hamm, Applications Technician, Bruce County, via email;
Donna Clarkson, Source Water Protection Specialist, MVCA, via email;
Roger and Vickey Morrison, Applicants, via email

FROM: Anna Marie Soleski, Environmental Planner & Regulations Officer, MVCA

DATE: November 28, 2022

SUBJECT: **Zoning By-Law Amendment: Z107-2022 Morrison**
Concession 1, Part Lots 37 to 40, Kinloss Ward, Municipality of Huron
Kinloss, County of Bruce; known as 760 Bruce Rd 86

Maitland Valley Conservation Authority (MVCA) has reviewed the above proposed amendment with regard for the natural hazard policies contained in the Provincial Policy Statement, 2020 (PPS, 2020) and pursuant to our 'Memorandum of Agreement' with the Corporation of the County of Bruce. This amendment has also been screened with regard for MVCA's policies made under *Ontario Regulation 164/06* (Development, Interference with Wetlands and Alterations to Shorelines and Watercourses Regulation). Based on our review, we offer the following comments.

It is our understanding the purpose of this amendment is to rezone the subject property to allow for a second farm residence within the existing building cluster.

Natural Hazards:

The subject lands to be rezoned features wetlands and an open watercourse. Wetlands are generally not suitable for development, are considered flood-prone areas, and may contain unstable organic soils.

Source Water Protection:

The subject property is located within a wellhead protection area. The location and size of the wellhead protection area was determined in part by the direction the groundwater moves, the speed/rate it moves, and the volume of water that is pumped from the wells. Within the wellhead protection area, some land use activities, under certain circumstances, pose a threat to municipal drinking water sources. Policies have now been created to address these activities and protect sources of municipal drinking water. These policies are contained within the Maitland Valley Source Protection Plan which has recently received approval from the Minister of the Environment and Climate Change. The Plan came into full force and effect on April 1st, 2015.

This means that activities on the subject property may be subject to policies contained within the Maitland Valley Source Protection Plan. For more information about the policies contained in the Plan, and how they may impact the subject property, please contact Donna Clarkson, Source Water Protection Specialist, at the Maitland Valley Conservation Authority office (519-335-3557).

MVCA Regulated Lands:

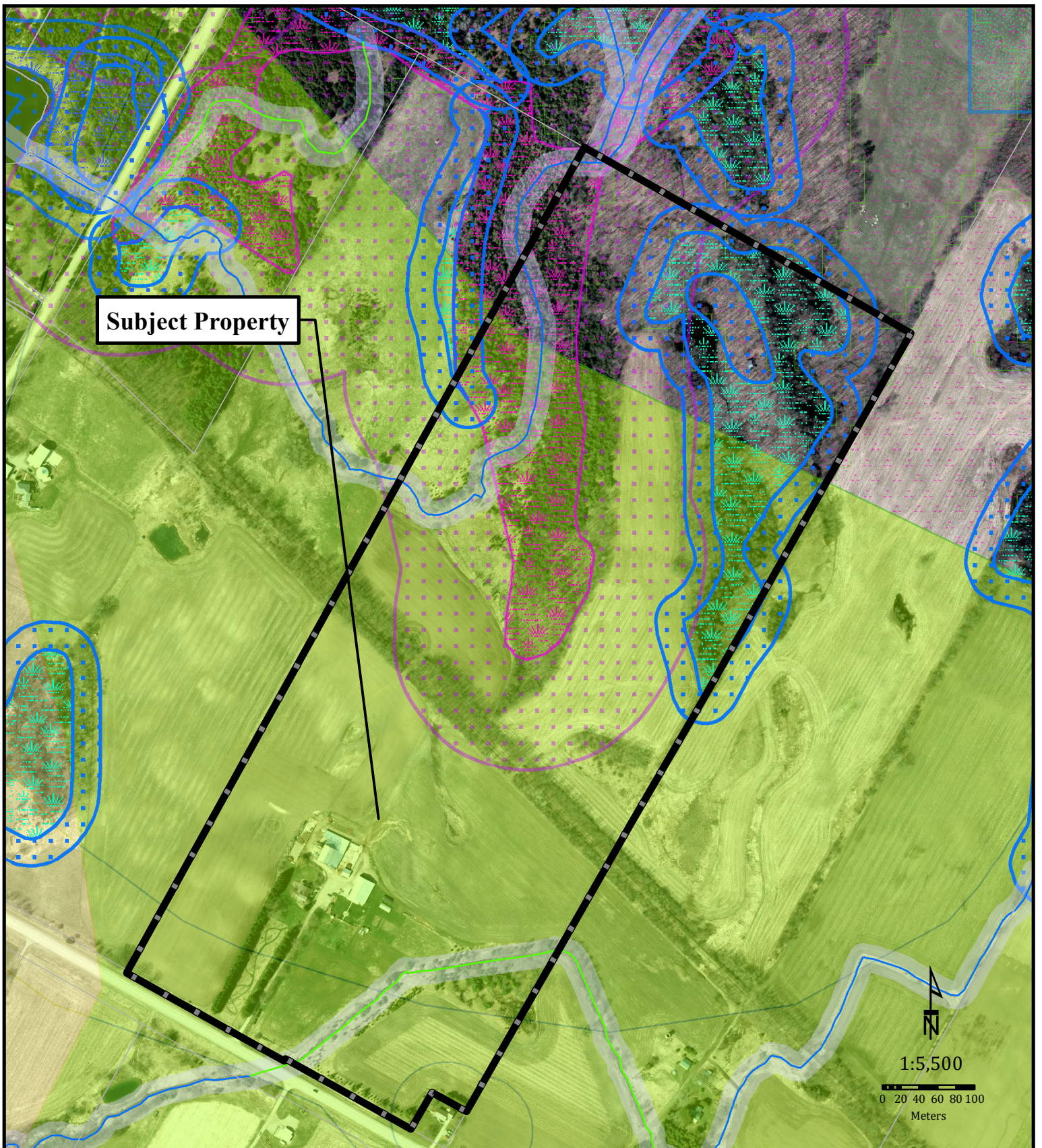
As per *Ontario Regulation 164/06*, provincially significant wetlands, plus 120 meters, and watercourses, plus 15 m from the top of bank are regulated by the Maitland Valley Conservation Authority (MVCA) under the *Conservation Authorities Act (R.S.O., 1990, chapter C.27)*. Subject to the regulation, any proposed development (construction, reconstruction, filling and/or site grading) interference and/or site alteration must be reviewed and approved by MVCA prior to any works beginning.

Background & Recommendation:

The application to rezone lands is in general conformance with Section 3.1, Natural Hazard Policies of the PPS, 2020; and as such MVCA has no objections.

MVCA therefore has no objection to Zoning By-Law Amendment: **Z107-2022 Morrison**.

Thank you for the opportunity to comment at. Please contact this office if you have any questions.



Subject Property

1:5,500

0 20 40 60 80 100
Meters

This map is for illustrative purposes only. Information contained hereon is not a substitute for professional review or a site survey and is subject to change without notice. The Maitland Valley Conservation Authority takes no responsibility for, nor guarantees, the accuracy of the information contained on this map. Any interpretations or conclusions drawn from this map are the sole responsibility of the user.

**Concession 1, Part Lots 37 to 40, Kinloss Ward,
Municipality of Huron-Kinloss, County of Bruce;
known as 760 Bruce Rd 86**

- LEGEND**
- Wellhead Protection**
 - Zone C
 - Zone D
 - Watercourses**
 - DRAINTYPE_CURRENT**
 - Natural
 - Open
 - 15 metre Watercourse Buffer
 - MNRF Evaluated - Provincial
 - 120 m PSW Buffer
 - MNRF Unevaluated
 - MNRF 30m Wetland Buffer - Other

Produced by Maitland Valley Conservation Authority,
GIS/Planning Services under Licence with Ontario
Ministry of Natural Resources. Copyright (c) Queen's

Date:25/11/2022
Produced by: AMS

Printer 1992, 2020. Aerial Photography taken in 2020
by Aeroquest Mapcon Ltd.



County of Bruce
Planning & Development Department
30 Park Street, Box 848
Walkerton, ON N0G 2V0
brucecounty.on.ca
226-909-5515



November 14, 2022

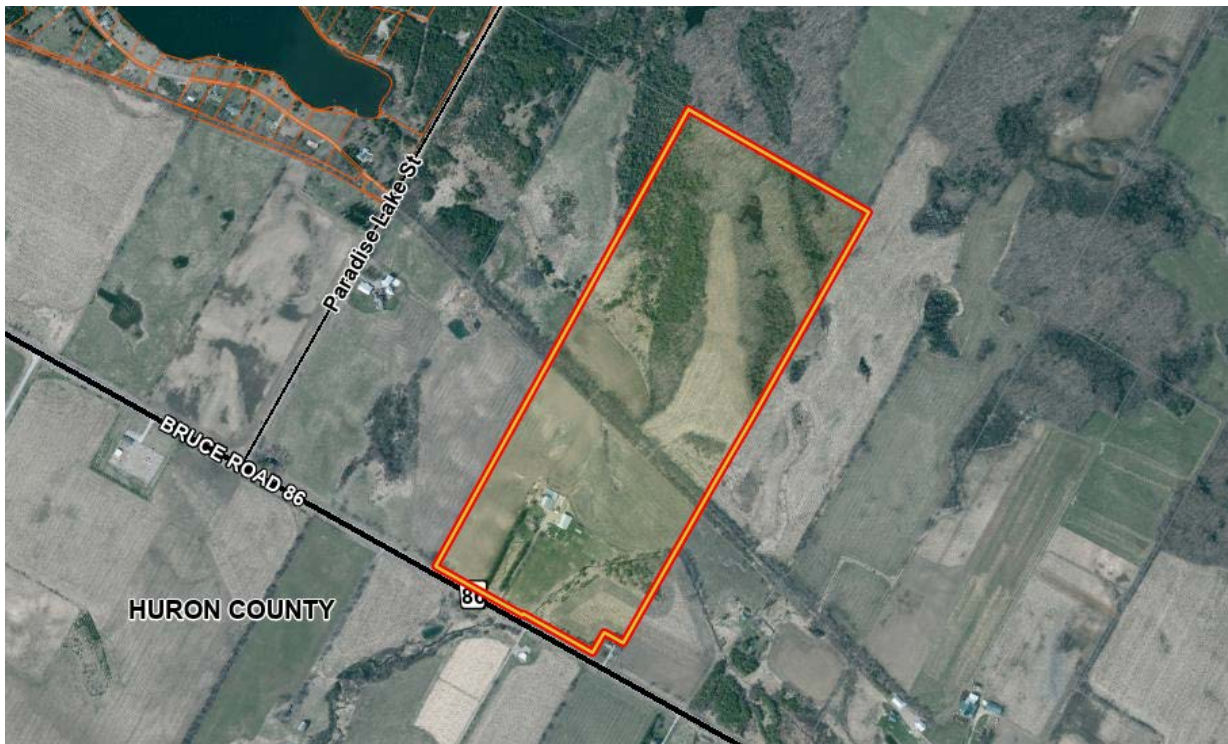
File Number: Z-2022-107

Public Meeting Notice

You're invited

**Monday, December 12, 2022 at 7:00 pm, Council Chambers,
Township of Huron-Kinloss, 21 Queen Street, Ripley, ON**

A change is proposed in your neighbourhood: The purpose of the application is to rezone a portion of the property to allow for a secondary dwelling. If approved, the application would facilitate the new construction of an additional dwelling. A holding provision requiring an Archaeological Assessment for the lands containing high archaeological potential is proposed.



760 BRUCE RD 86 – KINLOSS CON 1 PT LOTS 37 TO;40 (Kinloss)
Township of Huron-Kinloss, Roll Number 410711000208000

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 bcplwa@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: Julie Steeper

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 December 5, 2022 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.

1. Please contact us by mail (address above) or bcplwa@brucecounty.on.ca if you have any questions, concerns or objections about the application.
2. You can speak at the Public Meeting.

For information on how to participate in the Public Meeting, please visit the Township of Huron-Kinloss website at: <https://calendar.huronkinloss.com/meetings>, or contact the Township by 4:30 pm on December 12, 2022 (jwhite@huronkinloss.com or 519-395-3735 ext. 123) if you have any questions regarding how to participate in the hearing.

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

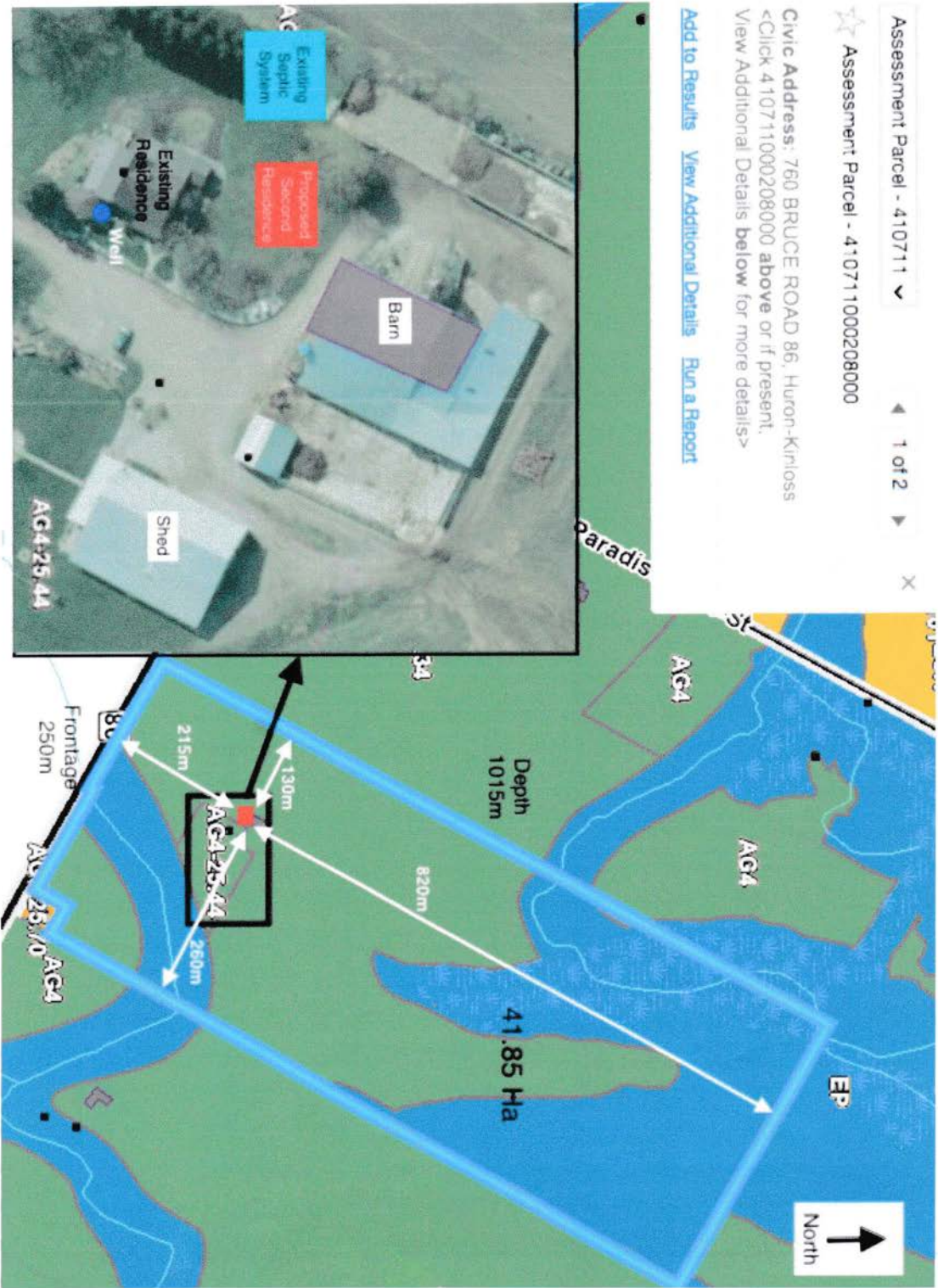
Section 34(11) of the [Planning Act](#) outlines rights of appeal for Zoning By-law Amendment applications.

If a person or public body would otherwise have an ability to appeal the decision of the Council of the Township of Huron-Kinloss 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 Bruce County Planning Department 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 Bruce County Planning Department 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 - entire property



Site plan - proposed secondary dwelling

