



Township of Huron-Kinloss Planning Report

To: Township of Huron-Kinloss Council

From: Julie Steeper, Planner

Date: September 14, 2020

Re: Zoning By-law Amendment - Z-2020-041 (Knorr)

Recommendation:

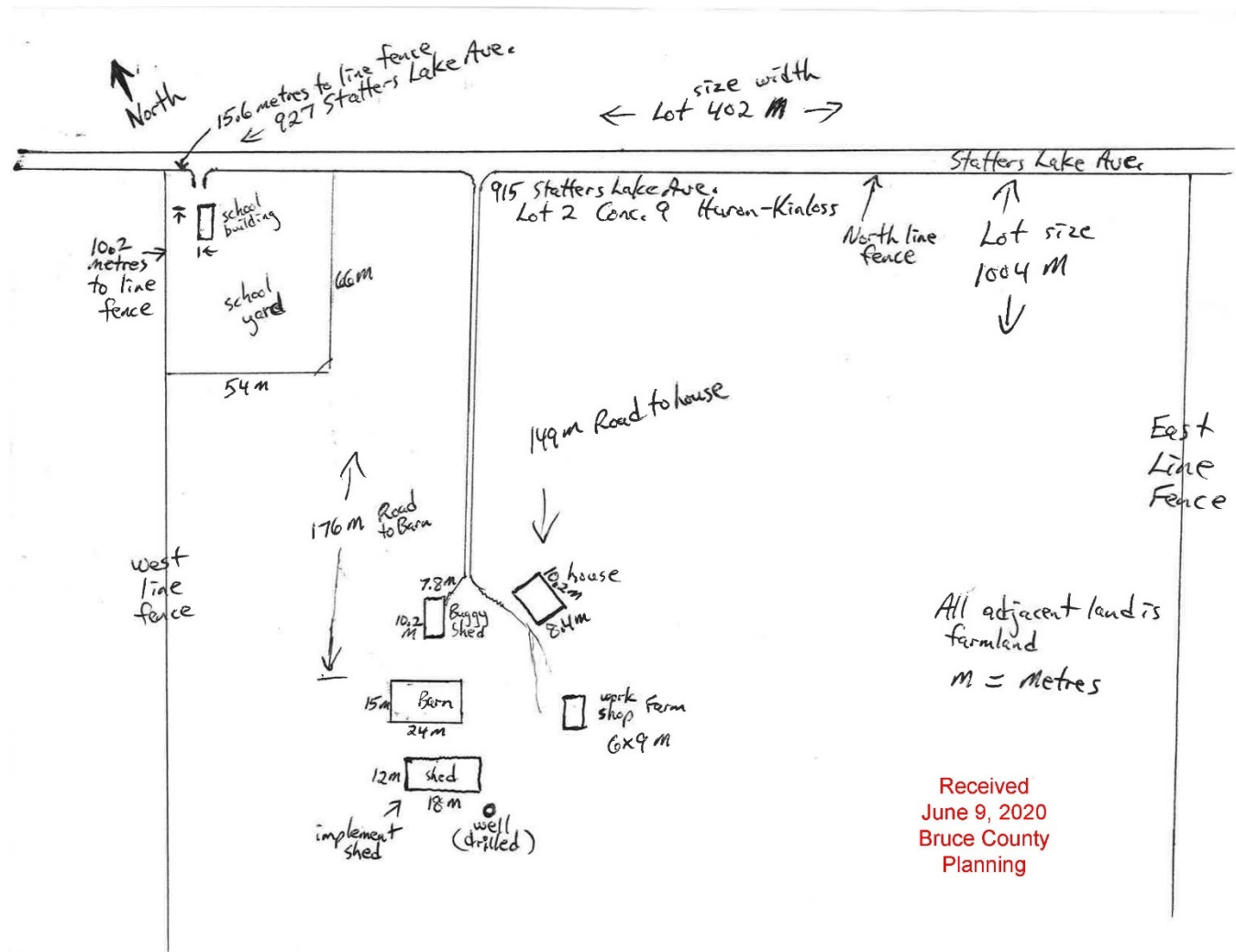
Subject to a review of submissions arising from the public meeting:

That Council approve Zoning By-law Amendment Z-2020-041 as attached and the necessary by-law be forwarded to Council for adoption.

Summary:

The application proposes to seek a site-specific zoning provision to allow for a parochial school serving the Mennonite community in the AG1 - General Agriculture zone at 915 Statters Lake Avenue, in the Township of Huron Kinloss. The zoning provision would be limited to the front northerly corner of the agricultural parcel, approximately 66 m x 54 m in area. The provision would address the proposed institutional use as well as a reduction in the side yard and front yard setbacks. The land is designated to have high archeological potential and an archaeological assessment has deemed to be required as per the Ministry of Tourism Culture and Sport, Criteria for Evaluating Archeological Potential checklist. A H-Holding provision is proposed for the land designated to have high archeological potential that is within the 66 m x 54 m portion of the lot. The applicant will also be required to enter into a site plan agreement with the local municipality, which is also included as part of the H-Holding provision. The balance of the lands will remain unchanged and will continue to be zoned AG1 - General Agriculture and EP - Environmental Protection.

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.

School Location and Size

The subject lands are designated Agricultural Areas and Hazard Land Areas in the Bruce County Official Plan. The proposed development complies with the Bruce County Official Plan policies as new schools are permitted within the Agricultural Areas designation where such a use services the immediate rural community which relies on horse drawn vehicles as their primary means of transportation.

Schools are generally to be located within a designated settlement area such as a Hamlet, in areas already zoned for institutional uses, or on lands designated Rural Area or Rural Recreational Area. If those locations are not possible, the building should be placed within an existing farm building cluster, or on land with the lowest Canada Land Inventory (CLI) Land Capability Class. The location for the subject school is outside these identified priority areas. The applicant has proposed this location due to the proximity of the students it will serve and

because the other existing schools (Silver Lake, Centre Kinloss, and Holyrood East) are above enrollment capacity.

The County Official Plan requires that the lands proposed for the school be limited in area and only of sufficient size to accommodate the proposed use/building, sewage disposal system, parking and any other related outdoor amenity areas, while ensuring that as little land as possible is removed from the agricultural lands. The subject proposal has met this intent by restricting the school site to the northerly corner of the subject lands and limiting its size to the school building and amenity area needed for the students.

The subject property is zoned A1 - General Agriculture and EP - Environmental Protection in the Township of Huron-Kinloss Zoning By-law. A site-specific By-law has been drafted that would change a portion of the property to permit the parochial school.

The required side yard setback is 20 m, and the proposed setback is 10.2 m to the proposed school building. The applicant is requesting a relief of 9.8 m. The required front yard setback is 20 m, and the proposed setback is 15.6 m. The applicant is requesting a relief of 4.4 m. The proposed setbacks still allow for access around the school for maintenance purposes while providing an unobstructed line of sight. It is not expected that permitting the reduced setbacks will have any impact on the character of the area or affect the ability of adjacent owners to use their properties for permitted uses. The surrounding lands are currently farmed.

Minimum Distance Separation Requirements

Schools are required to satisfy the minimum distance separation provisions of MDS I. The proposed location of the school meets minimum distance separation provisions of MDS I to the surrounding farms. The minimum distance separation provisions of MDS I are not applicable in regard to an existing livestock facility or existing manure storage where a school is proposed to be located on the same lot, which is the case here. It is the intent that when the institutional use is no longer required by the horse drawn carriage community that the institutional use be discontinued, and the land be returned to agricultural use. This will be identified in the site-specific zoning provision.

Archaeological Requirements

The land is designated to have high archeological potential due to its proximity to an adjacent watercourse. An archaeological assessment has deemed to be required as per the Ministry of Tourism Culture and Sport, Criteria for Evaluating Archeological Potential checklist. A H-Holding provision is proposed which identifies that site alteration or development shall not be permitted until an archaeological assessment has been provided by a qualified individual; that the appropriate Ministry has accepted, and registered the assessment, if required; and that the recommendations of the archaeological assessment (if any) have been implemented.

Site alteration or development shall also not be permitted until a site plan agreement has been entered into and has accepted by the Township of Huron-Kinloss.

Appendices

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

County Official Plan Map



Designated Agricultural Areas and Hazard Land Areas

Local Zoning Map



Zoned General Agriculture (AG1) and Environmental Protection (EP)

Agency Comments

Township of Huron Kinloss:

- Clerk: The applicant should be aware that if the school is not located on a separate parcel, it may not qualify for an exemption from taxation. If they have any concerns, please refer them to the Township of Huron-Kinloss Treasurer.
- BM Ross Associates Limited: We note that any on-site sewage system installed in association with the future Parochial School (including a pit privy or greywater system) will be required to be inspected under the Huron-Kinloss Community Septic Inspection program. No concerns.

Bluewater District School Board: No objections.

Historic Saugeen Metis: No concerns.

Saugeen Valley Conservation Authority: No concerns and provided in full below.



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: jsteeper@brucecounty.on.ca and bcplwa@brucecounty.on.ca

August 21, 2020

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-2020-041 (Knorr)
915 Statters Lake Avenue
Roll No.: 410711000300300
Lot 2 Concession 9
Geographic Township of Kinloss
Township of Huron-Kinloss

Saugeen Valley Conservation Authority (SVCA) staff has reviewed the above-noted application 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 CA Member approved Environmental Planning and Regulations Policies Manual, amended October 16, 2018.

The purpose of the application is to rezone a portion of the property (60 metres by 54 metres) to General Agricultural Special (AGI-XX) to allow for the placement of a Parochial School.

Recommendation

The proposed application is acceptable to SVCA staff.

Background

SVCA staff was contacted by Bruce County planning staff regarding preliminary pre-consultation comments for the application. SVCA staff provided preliminary comments to Bruce County planning staff dated July 10, 2020.



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

Delegated Responsibility and Advisory Comments

SVCA staff has reviewed the application through 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). We have also 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 hazards, natural heritage, and water resources 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 Hazards:

It is SVCA staff's opinion that the Hazard Lands designation as shown on Schedule A to the Bruce County OP and the Environmental Protection (EP) Zone as shown in the Huron-Kinloss Zoning By-law, generally coincides with SVCA Hazard Lands as mapped by the SVCA for the property. We note that a small portion in the southeast portion of the area to be rezoned may be located in the EP zone.

Provincial Policy Statement – Section 3.1

Section 3.1 of the PPS, 2020 states in part that development shall generally be directed to areas outside of: b) hazardous lands adjacent to river, stream and small inland lake systems which are impacted by flooding and erosion hazards; and c) hazardous sites. It is the opinion of SVCA staff that the application, and the site plan sketch included with the application showing the general location of the proposed school building, complies with Section 3.1. of the PPS, 2020.

County of Bruce OP Policies

Section 5.8 of the County of Bruce OP generally directs development to be located outside of Hazardous Land Area. It is the opinion of SVCA staff that the application, and the site plan sketch included with the application showing the general location of the proposed school building, complies with the policies of the Bruce County OP.

Natural Heritage:

It is the opinion of SVCA staff that the natural heritage features affecting the property are fish habitat and its adjacent lands, and 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 fish habitat and its adjacent lands, and habitat of endangered species and threatened species, and the adjacent lands to the above referenced features except in accordance with the specified policies found in Section 2.1.

Bruce County OP Policies

Fish Habitat and its Adjacent Lands

Part of Pollard Municipal Drain (MD) appears to traverse the property in the area to the southeast of the proposed area to be rezoned. Although the portion of the MD that traverses the property appears to be a

closed/tiled MD, it may be 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 negative impacts to 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 Environmental Impact Study (EIS) 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, 2014 and local policies, however it is the responsibility of the applicant to ensure the endangered species and threatened species policy referred to in the PPS, 2014 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.

Statutory Comments

SVCA staff has reviewed the application as per our responsibilities as a regulatory authority under Ontario Regulation 169/06 (SVCA's Development, Interference with Wetlands, and Alterations to Shorelines and Watercourses Regulation). This regulation, made under Section 28 of the *Conservation Authorities Act*, enables SVCA to regulate development in or adjacent to river or stream valleys, Great Lakes and inland lake shorelines, watercourses, hazardous lands and wetlands. Subject to the CA Act, development taking place on or adjacent to these lands may require permission from SVCA to confirm that the control of flooding, erosion, dynamic beaches, pollution or the conservation of land are not affected. SVCA also regulates the alteration to or interference in any way with a watercourse or wetland.

Small areas of the property are within the SVCA Approximate Screening Area associated with Ontario Regulation 169/06. As such, development and/or site alteration within the SVCA Approximate Screening Area may require permission from SVCA, prior to carrying out the work.

"Development" as defined under the *Conservation Authorities Act* means:

- a) the construction, reconstruction, erection or placing of a building or structure of any kind;
- b) any change to a building or structure that would have the effect of altering the use or potential use of the building or structure, increasing the size of the building or structure or increasing the number of dwelling units in the building or structure;
- c) site grading; or,
- d) the temporary or permanent placing, dumping or removal of any material, originating on the site or elsewhere.

And;

"Alteration" as per Section 5 of Ontario Regulation 169/06 generally includes the straightening, diverting or interference in any way with a river, creek, stream or watercourse, or the changing or interfering in any way with a wetland.

To determine where the SVCA Approximate Screening Area is located associated with our Regulation on the property, please refer to the SVCA's online mapping program, available via the SVCA's website at <http://eprweb.svca.on.ca>.

SVCA Permission for Development or Alteration

If development or alteration including construction, reconstruction, conversion, grading, filling or excavation, is proposed within the SVCA Approximate Screening Area on the property, the SVCA should be contacted, as permission may be required.

Based on the site plan sketch submitted with the application, the area to be rezoned including the school building location may encroach into the SVCA Approximate Screening Area. However, the school building location would not be located within the SVCA Hazard/ Huron-Kinloss EP zone. The SVCA would want to review the final site plan when available to determine if the school building, septic if proposed, any other buildings, etc. would be needing a permit from the SVCA.

Please provide a copy of this correspondence to the applicant/landowner so that they may contact the SVCA to determine if a permit from the SVCA may be require for the development.

Summary

SVCA staff has reviewed the application in accordance with our MOA with the County of Bruce, and as per our mandated responsibilities for natural hazard management, including our regulatory role under the *Conservation Authorities Act*.

The application is acceptable to SVCA staff.

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

- 1) Consistency with Section 3.1, Natural Hazard policies of the PPS, 2020 has been demonstrated;
- 2) Consistency with Section 2.1, Natural Heritage policies of the PPS, 2020 has been demonstrated, with the exception of habitat of endangered species and threatened species which must be addressed by the applicant/landowner; and
- 3) Consistency with local planning policies for natural hazards and natural heritage has been demonstrated, with the exception of habitat of endangered species and threatened species which must be addressed by the applicant/landowner.

Please inform this office of any decision made by the Municipality of Brockton and/or the County of Bruce with regards to the application. 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: Emily Dance, Clerk, Township of Huron-Kinloss (via email)
Don Murray, Authority Member, SVCA (via email)



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



July 31, 2020

File Number: Z-2020-041

Public Meeting Notice

**You're invited to participate in an Online Public Meeting
Monday, September 14, 2020 at 7:00 pm**

A change is proposed in your neighbourhood: The purpose of the application is to rezone a portion of the property (60m X 54m) to General Agricultural Special (AG1-XX) to allow for the placement of a Parochial School.



915 Statters Lake Ave – CON 9 LOT 2 (Kinloss), Township of Huron-Kinloss
Roll Number 410711000300300

COVID-19 Notice: All Bruce County and Municipal offices are closed to the public until further notice. Our staff would be pleased to connect with you by email or phone.

Learn more

You can view more information about the application at <https://brucecounty.on.ca/living/land-use>. Our staff would be pleased to connect with you by email (bcplwa@brucecounty.on.ca) or phone (226-909-5515). Once our offices re-open, information about the application will be available 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.

Before the meeting: You can submit comments by email bcplwa@brucecounty.on.ca or mail, or phone (226-909-5515) if you have any questions, concerns or objections about the application. Comments will be provided to the Committee for its consideration.

On the day of and during the Public Meeting: you can speak during the online public meeting.

How to access the public meeting

As a result of the COVID-19 Pandemic, the Township of Huron-Kinloss has closed the Municipal Office to the public. The Public Meeting will be held in electronic format.

For information on how to participate in the public meeting, please visit the municipal website at: <https://www.huronkinloss.com/minutes-agendas.cfm>.

Details on participating in the electronic meeting will be provided when the agenda is published. Please contact the Township of Huron-Kinloss by 4:30 pm on September 14, 2020 (edance@huronkinloss.com or 519-395-3735 ext. 123) if you have any questions regarding how to participate in the meeting.

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 Local Planning Appeal Tribunal but the person or public body does not make oral submissions at a public meeting or make written submissions

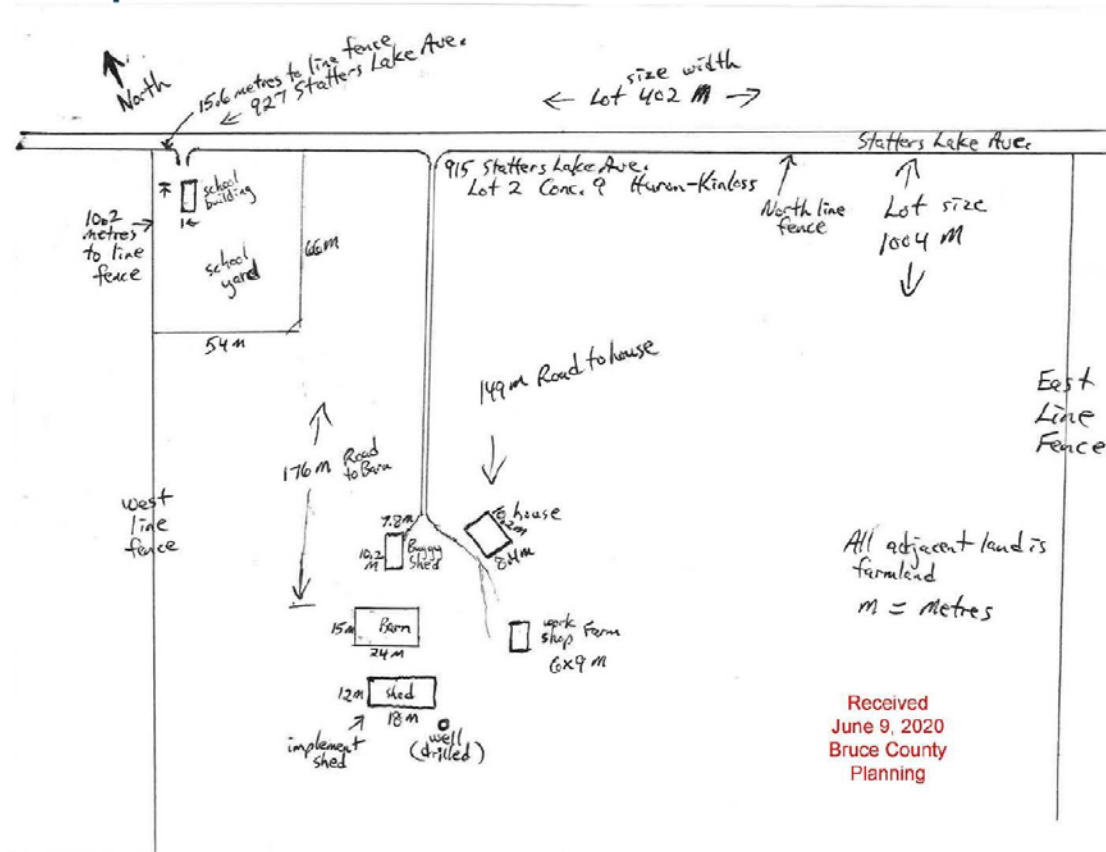
COVID-19 Notice: All Bruce County and Municipal offices are closed to the public until further notice. Our staff would be pleased to connect with you by email or phone.

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 Local Planning Appeal Tribunal unless, in the opinion of the Tribunal, there are reasonable grounds to do so.

For more information please visit the Local Planning Appeal Tribunal website at <https://elto.gov.on.ca/tribunals/lpat>.

Site plan



COVID-19 Notice: All Bruce County and Municipal offices are closed to the public until further notice. Our staff would be pleased to connect with you by email or phone.

The Corporation of the Township of Huron-Kinloss



BY-LAW

2020-XXX

Being a by-law to amend By-Law No. 2018-98, as amended being the Comprehensive Zoning By-Law of the Township of Huron-Kinloss

WHEREAS The Council for the Corporation of the Township of Huron-Kinloss deems it expedient to amend By-Law No. 2018-98, as amended being the Comprehensive Zoning By-Law for the Township of Huron-Kinloss;

NOW THEREFORE the Council of The Corporation of the Township of Huron-Kinloss, pursuant to Section 34 of the Planning Act, R.S.O. 1990 enacts as follows:

1.0 THAT Schedule 'A' to By-Law No. 2018-98, as amended, is hereby further amended by changing thereon from General Agriculture (AG1) and Environmental Protection (EP) to General Agriculture Special with Holding (AG1-25.147-H), General Agriculture (AG1) and Environmental Protection (EP) the zoning designation of those lands described as Concession 9 Lot 2, Township of Huron-Kinloss (geographic Township of Kinloss), attached to and forming a part of this By-Law.

2.0 THAT By-law No. 2018-98, as amended, is hereby further amended by adding subsections to Section 25, as follows:

25.147-H Notwithstanding the provisions of the General Agriculture (AG1) Zone, the land identified with Special Provision 25.147-H shall be used in compliance with the 'AG1' zone provisions contained in this By-law, excepting however that:

- i) A 'Parochial School' servicing the horse-drawn carriage community is permitted;
- ii) The side yard setback be no less than 10.2 m;
- iii) The front yard setback be no less than 15.6 m;
- iv) When the 'Parochial School' use is no longer required by the horse-drawn carriage community that the institutional use be discontinued and the land be returned to agricultural use to the satisfaction of the Zoning Administrator; and
- v) Prior to removal of the 'H – Holding' provision, site alteration and development shall be prohibited. Council may consider removal of the 'H – Holding' provision in accordance with the Planning Act, R.S.O. 1990, once:
 - a) The Zoning Administrator is satisfied that an archaeological assessment has been provided by a qualified individual; that the appropriate Ministry has accepted, and registered the assessment, if required; and, that the recommendations of the archeological assessment (if any) have been implemented.

- b) A site plan agreement has been entered into and has been accepted by the Township of Huron-Kinloss.

3.0 This by-law takes effect from the date of passage by Council subject to the provisions of the Planning Act, R.S.O. 1990, as amended.

4.0 This By-law may be cited as the "Zoning Amendment By-law - Knorr Z-2020-041".

READ a FIRST and SECOND TIME this 14th day of September, 2020.

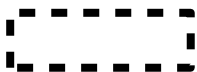
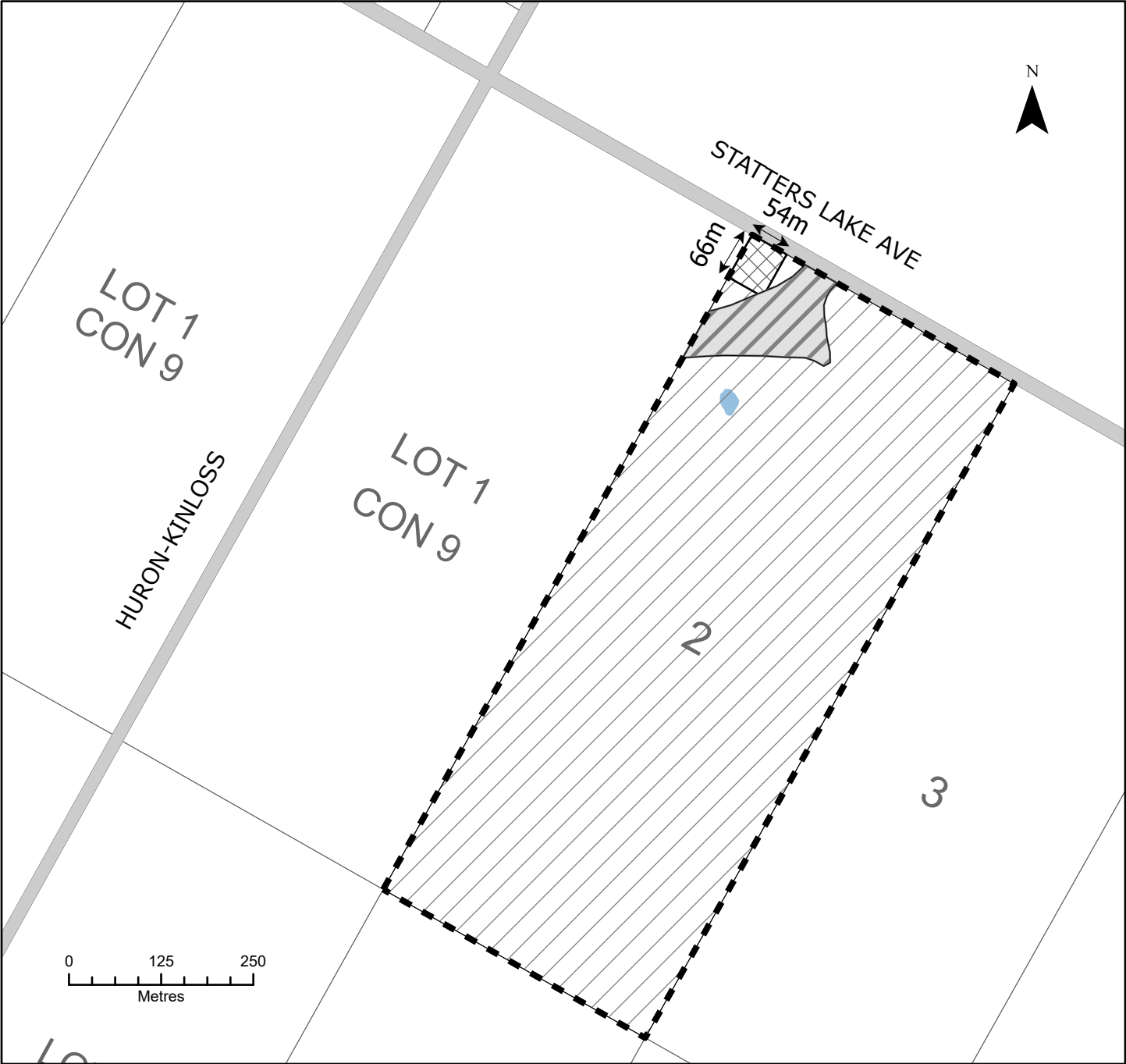
READ a THIRD TIME and FINALLY PASSED this ____th day of _____, 2020.

Mayor

Clerk

Schedule 'A'

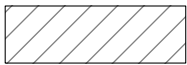
915 Statters Lake Ave - Concession 9 Lot 2 Roll # 410711000300300
Township of Huron-Kinloss (geographic Township of Kinloss)



Subject Property



Lands to be zoned AG1-25.147-H - General Agricultural Special Holding



Lands zoned AG1 - General Agriculture



Lands zoned EP - Environmental Protection

This is Schedule 'A' to the zoning by-law
amendment number _____ passed this
_____ day of _____

Mayor _____
Clerk _____