



Planning Report

To: Township of Huron-Kinloss Council

From: Benito Russo, Planner

Date: June 12, 2023

Re: Zoning By-law Amendment Application - Z-2023-041 (Kempton)

Recommendation:

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

That Council approve Zoning By-law Amendment Z-2023-041 as attached and the necessary by-law be forwarded to Council for adoption.

Summary:

The purpose of this application is for a site-specific Zoning By-law Amendment. If approved, an area of approximately +/-0.16 hectares will be rezoned to permit on-farm diversified uses of a construction and excavation and snow removal business; including maintenance, and associated outdoor storage of construction equipment, fleet vehicles, and materials related to construction and excavation. A holding is also proposed in areas of high archaeological potential.

The Environmental Protection (EP) zone will remain unchanged.

The subject property is located Southwest of Ripley, North of Concession Road 2, and on the West side of Bruce Road 7. The subject property is surrounded by the following land uses: Agriculture, Agriculture Residential, Natural Areas, Township Fire Department Training/Storage, and Aggregate Resource Extraction

Airphoto



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.

On Farm Diversified Uses

The subject lands are designated as Agricultural Areas and Hazard Land Areas in the Bruce County Official Plan, and Zoned General Agriculture and Environmental Protection in the Township of Huron-Kinloss Zoning By-law. Within the Bruce County Official Plan Section 5.5.4.1 the permitted uses in Agricultural Areas include on farm diversified uses. It is detailed that to establish an on farm diversified use:

- i) The proposed use must be zoned in the Zoning By-law for that use.
- ii) The proposed use shall be compatible with and not hinder surrounding agricultural uses.
- iii) The proposed use shall be limited in area up to a maximum of 2% of the subject property area up to one (1.0) hectare.

The Province of Ontario Ministry of Agriculture, Food, and Rural Affairs (OMARFRA) provides guidelines on permitted uses in Ontario Prime Agricultural Areas. Section 2.3 of the guideline details consideration for on farm diversified uses which include:

- i) On-farm diversified uses should be related to agriculture, supportive of agriculture or able to co-exist with agriculture without conflict.
- ii) Is secondary to the principal agricultural use of the property and are limited in area.
- iii) limit off-site impacts (e.g., traffic, changes to the agricultural-rural character) to ensure compatibility with surrounding agricultural operations.
- iv) Is not a use with high water and sewage needs.
- v) Can include a wide variety of uses, among others, includes landscaping businesses.

On-farm diversified uses are intended to enable farm operators to diversify and supplement their farm income. The proposed on farm diversified use conforms with the applicable criteria under the County of Bruce Official Plan and provincial guidance for on farm diversified uses.

It should be noted that immediately adjacent to the subject property is an active aggregate operation. The proposed on farm diversified use is strategically located to minimize transportation of materials from the extraction location to an alternate location and then redistribution to a construction site. The proposed use is compatible with and synergizes with the aggregate extraction operation.

Archaeological Potential

The subject lands contain a watercourse known as the Eighteen Mile River, as such, a portion of the property has been identified to be within an area of high archaeological potential. Therefore, a holding provision is recommended for a portion of the agricultural lot to ensure that any future development will require an archaeological assessment completed by a

qualified individual, and that the recommendations of the assessment, if any, would be implemented prior to development on those lands. Normal farm practices and the proposed on farm diversified use can continue without the need for an assessment.

Natural Heritage and Hazards

Areas of the subject property are zoned as Environmental Protection. The proposed on farm diversified use is located approximately 500 meters from Eighteen Mile River, at the furthest location on the subject property from this feature. At this time no physical development is occurring in these areas, and the proposed EP zone will remain unchanged.

Required Zoning By-Law Amendments

An amendment to the Zoning By-law is required in order to permit the proposed on farm diversified use.

The proposed area containing the on farm diversified use will be rezoned from Agriculture General (AG1) Zone to Agriculture General Special (AG1-25.177) with the following provisions:

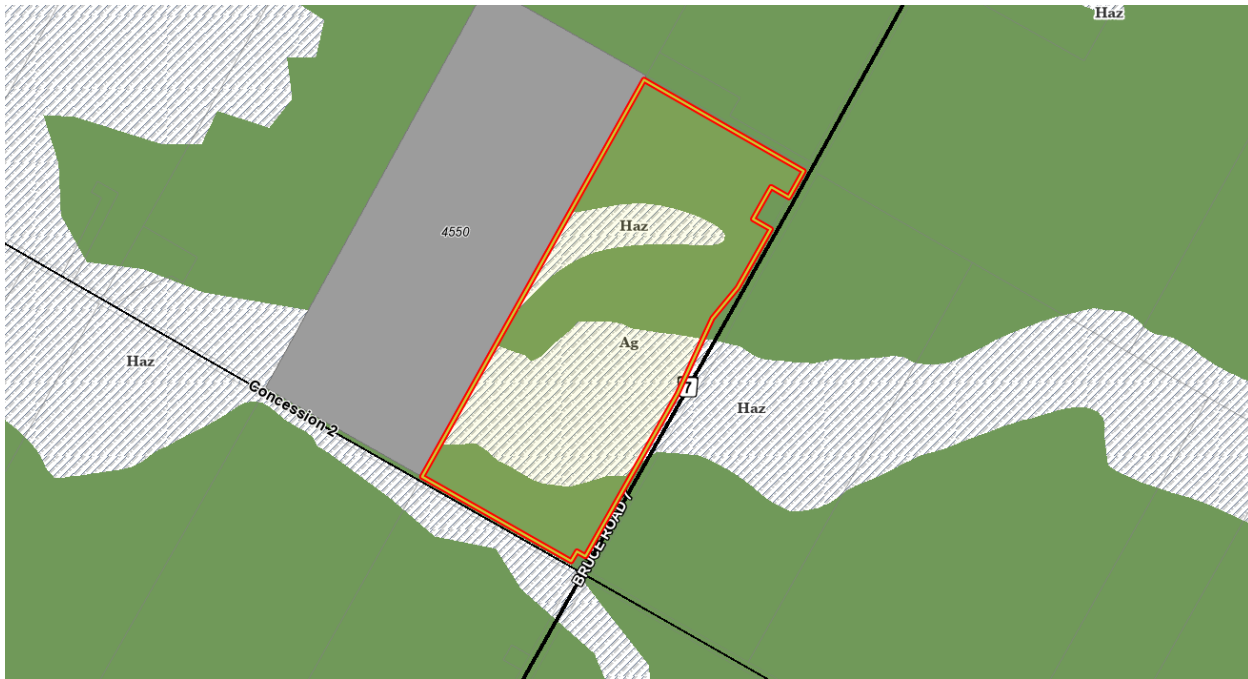
- Notwithstanding their 'AG1' Zoning designation, those lands delineated as 'AG1-25.177' on Schedule 'A' to this By-law shall be used in accordance with the 'AG1' Zone provisions contained in this By-law, excepting however, that:
 - i) The following on farm diversified uses shall be permitted: a construction and excavation and snow removal business; including maintenance, and outdoor storage of construction equipment, fleet vehicles, and materials related to construction and excavation.

As previously mentioned, the EP - Environmental Protection zone will remain unchanged, and areas of high archaeological potential will be zoned AG1-H1.

Appendices

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

County Official Plan Map (Designated Agricultural Areas, Hazard Land Area)



Local Zoning Map (Zoned AG1 - Agriculture General, EP - Environmental Protection)



Agency Comments

The Corporation of the Township of Huron-Kinloss: No comments.

BM Ross and Associates: No objection.

Historic Saugeen Métis: No objection or opposition.

Saugeen Ojibway Nation: No objection. The Saugeen Ojibway Nation is satisfied that the proposed archaeological holding provision is sufficient to protect any potential archaeological resources.

Maitland Valley Conservation Authority: The application is acceptable to MVCA staff. Full comment provided below.

Source Water Risk Management Office: The property is located in a significant groundwater recharge area (SGRA). The local Source Protection Plan contains polices to protect source of water from contamination and overuse. However, there are no binding policies that apply to SGRAs. The owner is asked to be mindful of this vulnerable recharge area.

Transportation & Environmental Services: No Comment.

Public Comments: No comments have been received at the time of this report's submission.



MEMORANDUM

TO: Benito Russo, Planner, Bruce County, via email
CC: Amy Rogers, Applications Technician, Bruce County, via email
Donna Clarkson, DWSP Specialist, MVCA/ABCA, via email
Brent Kempton, Applicant, via email
FROM: Anna Marie Soleski, Environmental Planner/Regulations Officer, MVCA
DATE: May 23, 2023
SUBJECT: Application for Zoning By-Law Amendment: Z14-2023 Kempton
Concession 2, Part Lot 16, As in RP 3R9355 Parts 1 & 2, Huron Ward,
Municipality of Huron-Kinloss, County of Bruce, known as 2264 Concession
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The Maitland Valley Conservation Authority (MVCA) has reviewed the above-noted application with respect to natural hazards in accordance with our Memorandum of Understanding with the County of Bruce; and in accordance with our delegated responsibility for representing the “Provincial Interest” for natural hazards; and relative to MVCA 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 application is to rezone 0.16 hectares of agricultural lands to permit on-farm diversified uses of a construction and excavation and snow removal business. It is also understood that this site will be used as outdoor storage for fleet vehicles and materials related to construction and excavation.

Natural Hazards:

The subject property features open watercourses, wetlands, and unmapped floodplain. Wetlands are flood-prone areas and may contain organic soils unsuitable for development.

Drinking Water Source Protection:

A Significant Ground Water Recharge Area (SGRA) is in the area subject to rezoning for industrial use. Recharge areas have loose permeable soil, such as sand and gravel, or shallow fractured bedrock. Water that infiltrates into an SGRA helps to balance the water level of local drinking water supplies.

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*, watercourses, plus 15 meters from the top of bank, wetlands, plus 30 meters from the boundary of the wetland, and floodplains, plus 15 m from the boundary of the floodplain, are regulated by the Maitland Valley Conservation Authority (MVCA). Subject to the regulation, any proposed development (construction, reconstruction, filling and/or site grading) interference and/or site alteration within MVCA's regulated area must be reviewed and approved by MVCA prior to any works beginning.

Background & Recommendation:

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

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



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



May 12, 2023

File Number(s): Z-2023-041

Public Meeting Notice

You're invited:

**To consider Zoning By-law Amendment / file # Z-2023-041
June 12, 2023 at 7:00 p.m., Council Chambers, Township of
Huron-Kinloss, 21 Queen Street, Ripley, ON**

A change is proposed in your neighbourhood: The purpose of this application is for a site-specific Zoning By-law Amendment. It is proposed that an area of approximately +/-0.16 hectares will be rezoned to permit on-farm diversified uses of a construction and excavation and snow removal business; and associated outdoor storage of construction equipment, fleet vehicles, and materials related to construction and excavation. A holding is also proposed in areas of high archaeological potential.



2264 Concession 2
HURON CON 2 PT LOT 16 RP;3R9355 PARTS 1 AND 2 (Huron)
Township of Huron-Kinloss
Roll Number: 410716000113300

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: Benito Russo

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 June 6, 2023 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 June 12, 2023 (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 municipality 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 municipality 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 municipality 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



Site Plan Detail

