



Planning Report

To: Township of Huron-Kinloss Council

From: Benito Russo, Planner

Date: April 8, 2024

Re: Zoning By-law Amendment Application - Z-2024-010 (Morrison)

Recommendation:

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

That Council approve Zoning By-law Amendment Z-2024-010 as attached and the necessary by-law be forwarded to Council for adoption.

Summary:

The purpose of this application is to amend the Zoning By-law. It is proposed to permit additional On-Farm Diversified uses for a maximum of three (3) farm vacation cabins each with a maximum ground floor area of 56 square meters (m²), and a Nanobrewery.

The existing Environmental Protection (EP) Zone will be amended to reflect a completed floodplain analysis.

A holding provision is proposed for areas of high archaeological potential, and a portion of the existing holding provision will be lifted in accordance with a completed archaeological assessment.

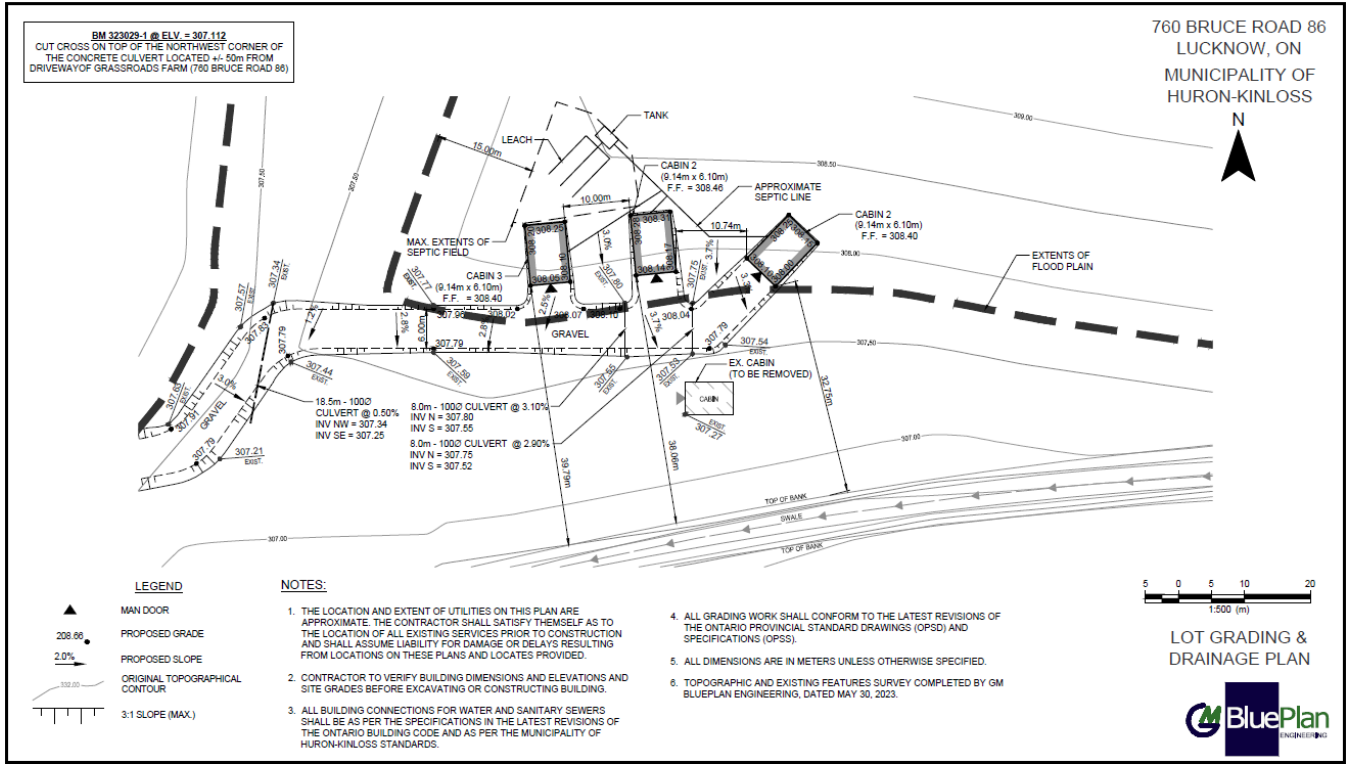
If approved, this will facilitate additional permitted uses for an existing On-Farm Diversified Use.

The subject property is located East of Lucknow, East of Paradise Lake St, and on the North side of Bruce Road 86. At present, the property contains two (2) dwellings, one (1) barn and associated outbuildings, and one (1) event/catering venue. The subject property is surrounded by Agricultural, Residential, and Natural Area land uses.

Airphoto



Site Plan - Farm Vacation Rentals



Site Plan - Nanobrewery



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 Rural and Hazard Land Areas in the Bruce County Official Plan. In the Township of Huron-Kinloss Zoning By-law the subject lands are Zoned:

- Agriculture Rural (AG4)
- Agriculture Rural Special Holding (AG4-H1) - Holding for archaeological potential.
- Agriculture Rural Special (AG4-25.44) - Existing on Farm Diversified Uses.
- Agriculture Rural Special (AG4-25.169) - Secondary Farm Dwelling.
- Environmental Protection (EP)

Within the Bruce County Official Plan Section 5.6.4 the permitted uses in Rural Areas include agricultural uses, this is inclusive of farm diversified uses as detailed in Section 5.5.4.1. It is detailed that an on farm diversified use, such as a farm vacations, are permitted provided:

- 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 a Nanobrewery.

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

Archaeological Potential

The subject lands are identified within the Bruce County screening maps as containing high archaeological potential. These areas are consistent with the Ontario Ministry of Tourism and Culture Criteria for Evaluating Archaeological Potential.

The provincial requirements under the Planning Act require the protection archaeological resources that may be present as part of an application.

As part of the proposal, the applicant has submitted a completed archaeological assessment, which has been reviewed and accepted by the Ontario Ministry of Tourism and Culture, Saugeen Ojibway Nation Environment Office, and the Bruce County Planning Department. As such, a portion of the existing holding zone will be lifted in accordance with the assessment to permit the proposed development.

In other areas of high archaeological potential, a holding provision is proposed, lot grading; excavation; and/or construction shall not be permitted unless the Holding (H1) zone provision is removed.

Natural Heritage and Hazards

In early consultation with the Maitland Valley Conservation Authority (MVCA), areas of the subject property were identified as containing flooding hazards associated with the Patterson municipal drain and topography of the property.

A Floodplain Analysis and Grading & Drainage Plan, prepared by GM Blue Plan, was submitted in support of the proposed application. This report provided an analysis of the flooding hazard through hydrologic & hydraulic modelling of various flow rates, and elevation readings. Through this analysis the true extent of the flooding hazard has been defined, the proposed development is to be located outside of areas identified as flooding hazard.

MVCA has reviewed the submitted materials and supports the proposal to amend the Environmental Protection zone reflecting the true extent of the flooding hazard as detailed by the Floodplain Analysis.

Required Zoning By-Law Amendments

An amendment to the Zoning By-law is required to permit the proposed additional on-farm diversified uses.

The proposed area containing the on-farm diversified uses will be expanded and the subject area of the lands will be rezoned from Agriculture Rural Special Holding (AG4-H1), and Environmental Protection (EP) to Agriculture Rural Special (AG4-25.44), and Environmental Protection (EP) with the following provisions:

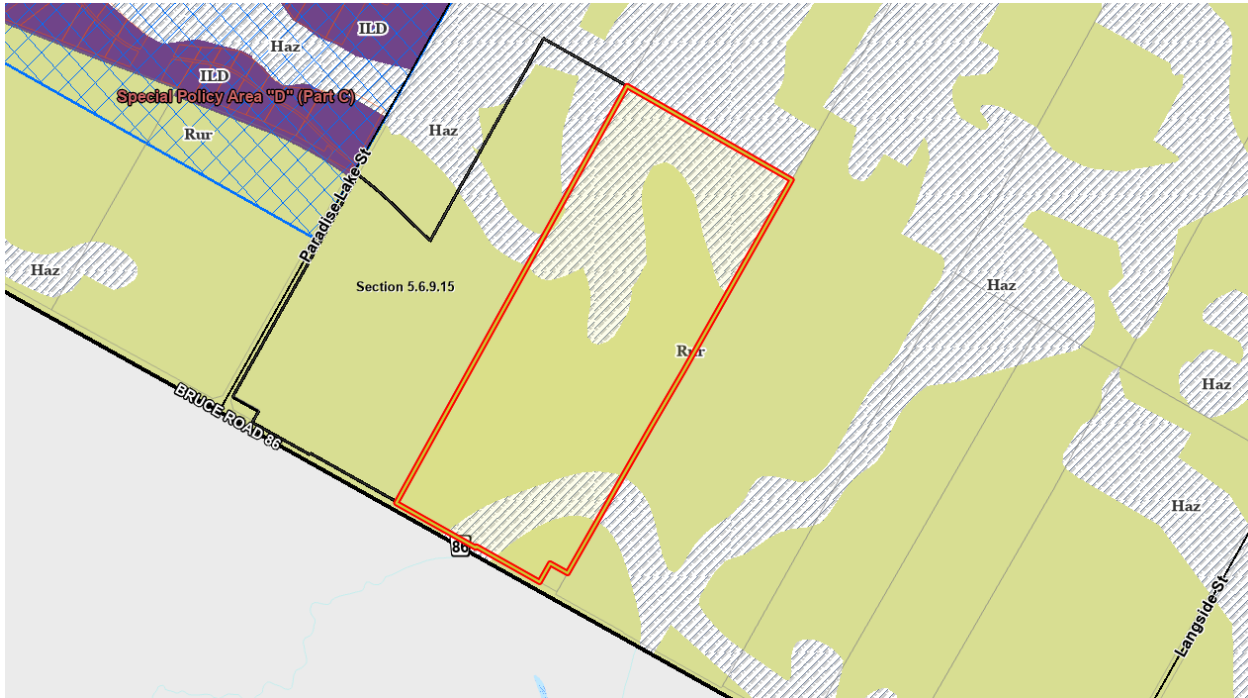
- Notwithstanding their 'AG4' Zoning designation, those lands delineated as 'AG4-25.44' on Schedule 'A' to this By-law shall be used in accordance with the 'AG4' Zone provisions contained in this By-law, excepting however, that:
 - i) The following on farm diversified uses shall be permitted: farm tours; a farm market and café; an event centre with commercial kitchen for cooking classes; food preparations for the café or catering weddings or other events; a health and beauty spa; nano-brewery; and a maximum of three (3) farm vacation cabins each with a maximum ground floor area of 56 square meters are permitted. The cabins shall be designed to be portable, and the maximum length of rental term shall be 10 days.
 - ii) For the purposes of this by-law a 'Nanobrewery' shall be defined as the use of buildings, structures and/or facilities devoted to the manufacturing of less than 300,000 litres per year, cooling, bottling, storage, consumption, sale, transporting of beer and beer-related products, whether alcoholic or non-alcoholic, in compliance with ongoing, relevant provincial and/or federal policy and regulations. A nanobrewery may also include the preparation, offering for sale, and consumption of food or drinks including alcoholic drinks; entertainment and hosting of events; and tours of the facility.

Unassessed areas identified as containing high archaeological potential will be zoned AG4-H1.

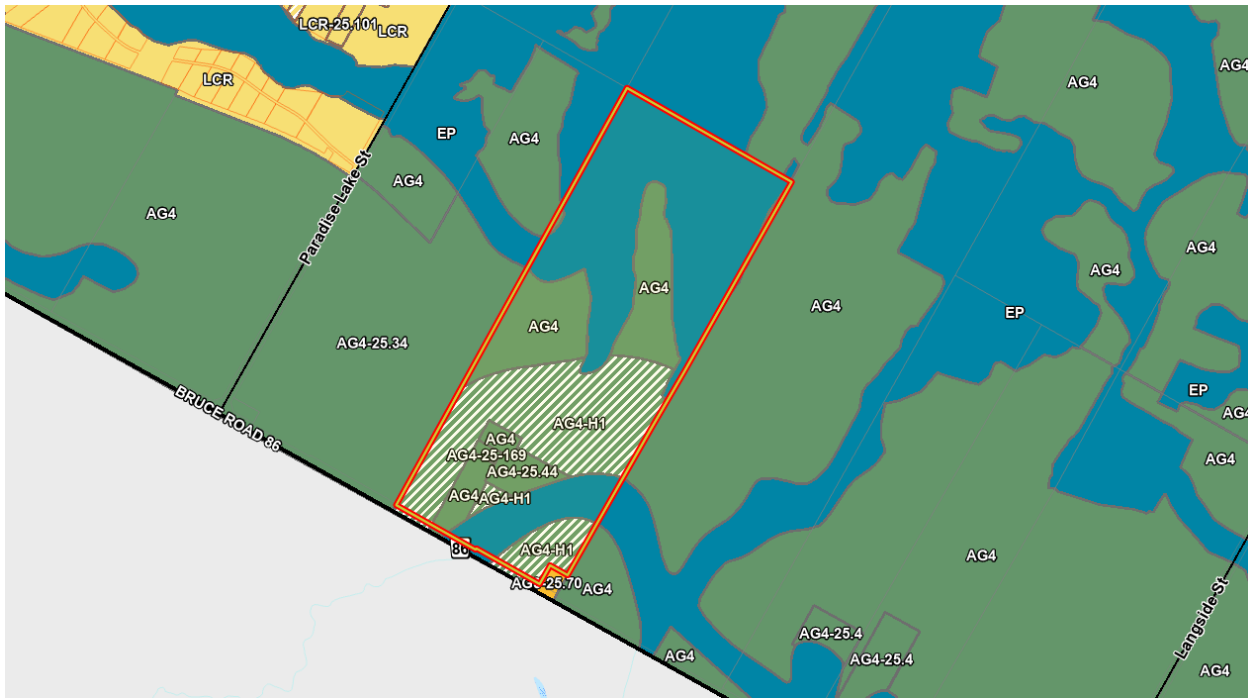
Appendices

- County Official Plan Map
- Local Zoning Map
- List of Supporting Studies
- Agency Comments
- Public Comments
- Public Notice

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



Local Zoning Map (Zoned Agricultural Rural 'AG4', Agricultural Rural Holding 'AG4-H1', Agricultural Rural Special 'AG4-25.169' and 'AG4-25.44', Environmental Protection 'EP')



List of Supporting Studies

Archaeological Assessment - Prepared by Seguin Archaeological Services - December 2023

Floodplain Analysis + Grading & Drainage Plan - Prepared by GM Blue Plan - June 2023

Agency Comments

The Corporation of the Township of Huron-Kinloss: A building permit is required for the proposed development(s). It is noted that a change in use may impact the assessment class of the property.

BM Ross and Associates: new septic system is proposed to service the vacation cabins. Given the provided site plan, it appears there is sufficient space to accommodate an additional septic system on this property. An Application for Permit to Construct or Demolish and associated fee will be required prior the installation of the septic system for the cabins. We also anticipate that a Building Alteration Application will be submitted to review the proposed servicing for the microbrewery in the future. No objections to the proposal.

Source Water Risk Management Office: the application as it relates to drinking water source protection and the Clean Water Act. The subject property is located zone D of the Lucknow wellhead protection area (WHPA-D), as identified in the Maitland Source Protection Plan (SPP). Zone D is the 25-year time-of-travel capture zone for the municipal well. There are no binding SPP policies or restrictions in zone D; a Notice under section 59 of the Clean Water Act is not required for this application.

Historic Saugeen Métis: No objection or opposition to the proposal.

Saugeen Ojibway Nation: SON has reviewed the submitted archaeological assessment and has no concerns with the findings of the report.

Maitland Valley Conservation Authority: The site-specific study to determine the extent of flooding on the property during a regulatory flood event, and associated site plan prepared by GM Blue Plan, is satisfactory to locate new structures and access outside/above the regulatory flood limit/elevation. The application is acceptable to MVCA staff. Full comment provided below.

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: Bruce County Planning Department, via email
Blair Morrison, Applicant, via email
FROM: Patrick Huber-Kidby, Supervisor of Planning & Regulations, MVCA
DATE: March 28, 2024
SUBJECT: Application for Zoning By-Law Amendment: Z-2024-010
Concession 1, Part Lots 37 to 40, Kinloss Ward, Township of Huron-Kinloss,
County of Bruce; known as 760 Bruce Road 86

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 zoning by-law amendment Z-2024-010 is to permit the construction or placement of 3 rental cabins on the property and the operation of a microbrewery. Further it is our understanding the Environmental Protection zoning boundary is to be refined, reflective of a local flood study completed by the applicant.

Natural Hazards:

The subject property features watercourses, wetlands, and flood hazards associated with the former.

Drinking Water Source Protection:

The subject property is located within Zone D of 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*, watercourses, plus 15 meters from the top of bank, floodplains plus an additional 15 meters, and wetlands plus an additional 30 or 120 meters, 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:

In order to demonstrate conformance with the natural hazard policies of the province, through both the Planning and Conservation Authorities Acts, the applicant undertook a site-specific study to determine the extent of flooding on the property during the regulatory flood event (*GM BluePlan Floodplain Analysis, Lots 37 & 38 Con 1 Kinloss, Township of Huron-Kinloss, ON, June 2023, GMBP File: 323029*). From this site-specific data a satisfactory site plan was developed locating new structures, and access to new structures outside/above the regulatory flood limit/elevation.

Of relevance to the above are the rental cabins, the proposed microbrewery facility is outside any known natural hazards or MVCA regulated lands.

As such, the 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



March 7, 2024

File Number(s): Z-2024-010

Public Meeting Notice

You're invited:

In-Person Public Meeting

To consider Zoning By-law Amendment / Z-2024-010

April 8, 2024 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 to amend the Zoning By-law. It is proposed to permit additional On-Farm Diversified uses for a maximum of three (3) farm vacation cabins each with a maximum ground floor area of 56 square meters (m²), and a microbrewery. In addition, the existing Environmental Protection (EP) Zone will be amended to reflect a completed floodplain analysis. A holding provision is proposed for areas of high archaeological potential, and a portion of the existing holding provision will be lifted in accordance with a completed archaeological assessment. If approved, this will facilitate additional permitted uses for an existing On-Farm Diversified Use.



760 Bruce Road 86
KINLOSS CON 1 PT
LOTS 37 TO;40
(Kinloss)
Township of Huron-
Kinloss
Roll Number:
410711000208000

Learn more

Additional information about the application is available online at <https://www.brucecounty.on.ca/active-planning-applications>. 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 March 28, 2024 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.

How to access the public meeting

Meetings are open to the public. Please visit the Township of Huron-Kinloss website at <https://events.huronkinloss.com/meetings> to view the agenda. Contact the Township at jwhite@huronkinloss.com or 519-395-3735 x123 by 4:30 pm on April 5, 2024 if you have any questions about participating 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

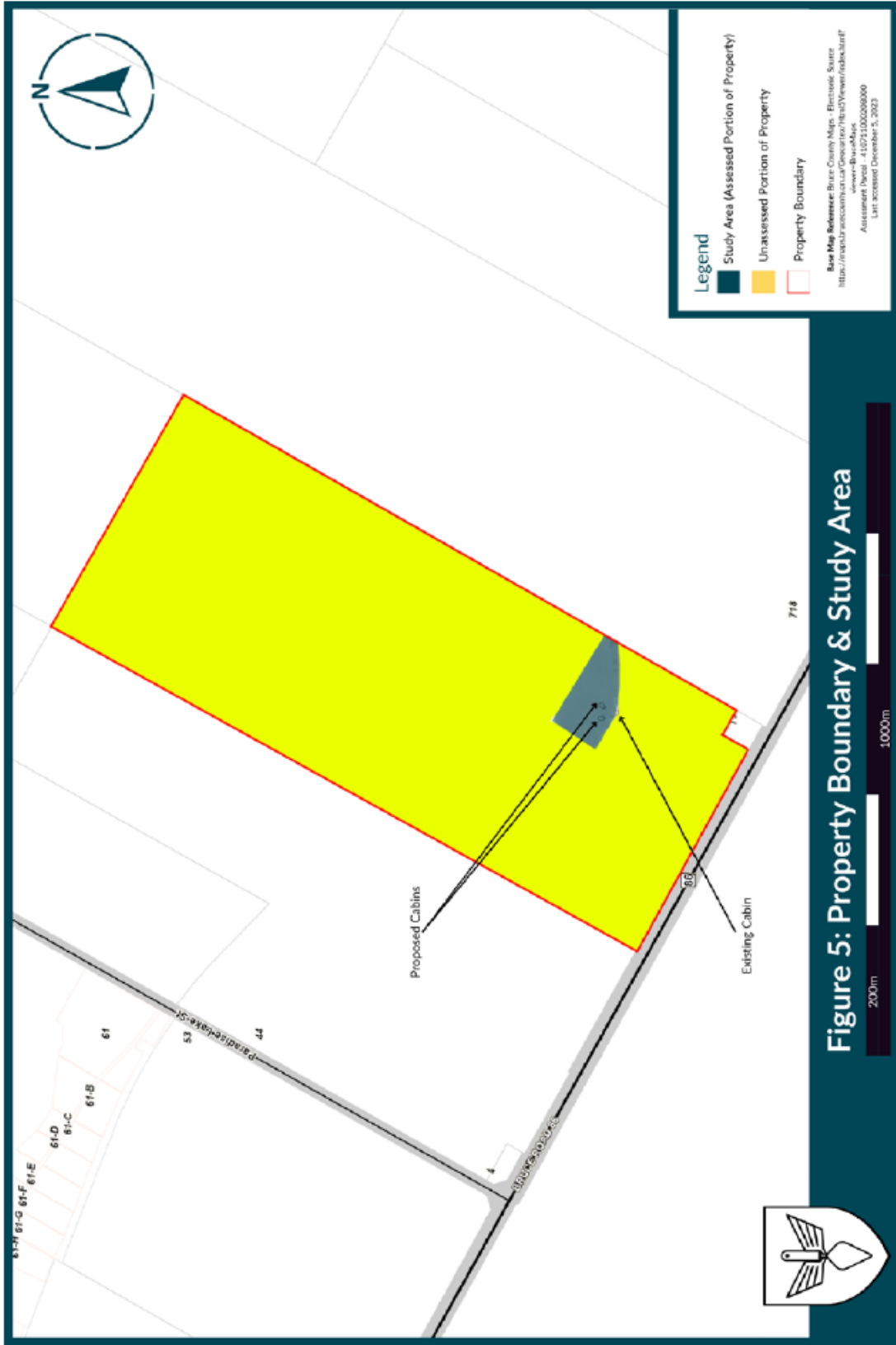
Section 34(11) of the [Planning Act](#) outlines rights of appeal for Zoning By-law Amendment applications.

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 Ontario Land Tribunal but the person or public body does not make oral submissions at a public meeting or make written submissions to the Township 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 Township 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

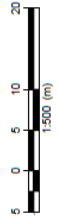
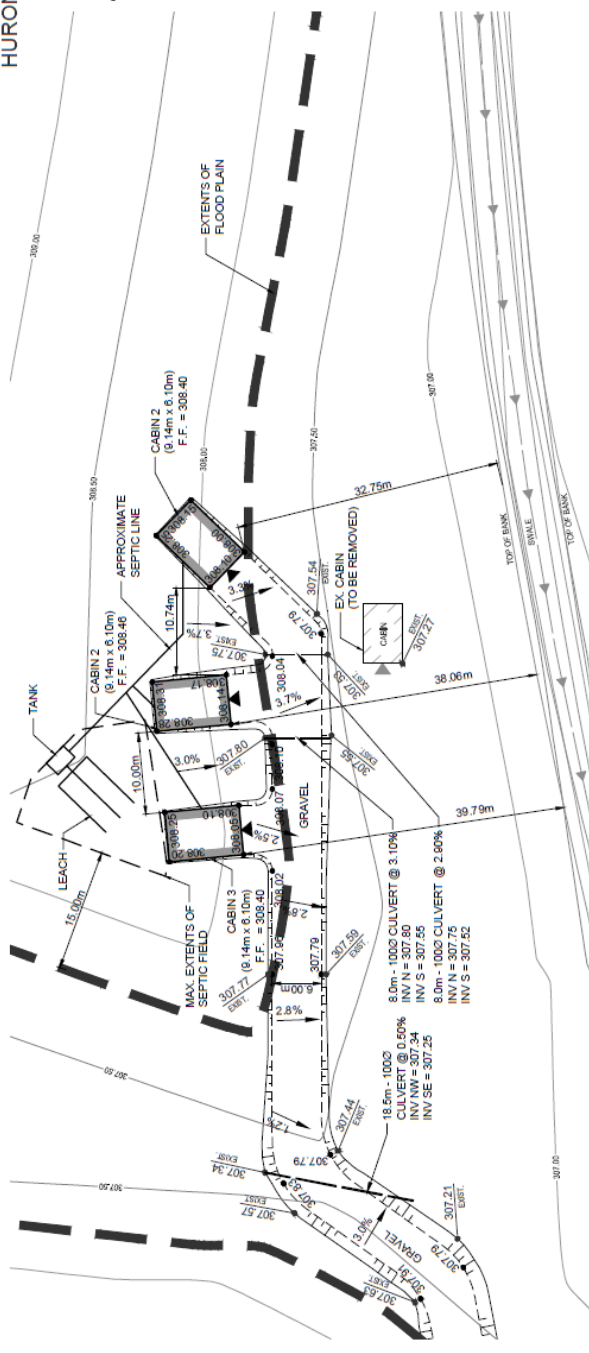


Site plan - Cabin Layout

760 BRUCE ROAD 86
LUCKNOW, ON
MUNICIPALITY OF
HURON-KINLOSS



BM 32626-1 @ E.L.V. = 307.112
CORNERS OF
CUT CROSS SECTION
THE CONCRETE CULVERT LOCATED ~40m FROM
DRIVEWAY OF GRASSROADS FARM (760 BRUCE ROAD 86)



LOT GRADING & DRAINAGE PLAN



LEGEND

- ▲ MAN DOOR
- 208.86
- 2.0%
- 307.20
- 3:1 SLOPE (MAX.)

NOTES:

1. THE LOCATION AND EXTENT OF UTILITIES ON THIS PLAN ARE APPROXIMATE. THE CONTRACTOR SHALL SATISFY THEMSELVES AS TO THE LOCATION OF ALL EXISTING SERVICES PRIOR TO CONSTRUCTION AND SHALL ASSUME LIABILITY FOR DAMAGE OR DELAYS RESULTING FROM LOCATIONS ON THESE PLANS AND LOCATES PROVIDED.
2. CONTRACTOR TO VERIFY BUILDING DIMENSIONS AND ELEVATIONS AND SITE GRADES BEFORE EXCAVATING OR CONSTRUCTING BUILDING.
3. ALL BUILDING CONNECTIONS FOR WATER AND SANITARY SEWERS SHALL BE AS PER THE SPECIFICATIONS IN THE LATEST REVISIONS OF THE NATIONAL BUILDING CODE AND AS PER THE MUNICIPALITY OF HURON-KINLOSS STANDARDS.
4. ALL GRADING WORK SHALL CONFORM TO THE LATEST REVISIONS OF THE ONTARIO PROVINCIAL STANDARD DRAWINGS (OPSD) AND SPECIFICATIONS (OPSS).
5. ALL DIMENSIONS ARE IN METERS UNLESS OTHERWISE SPECIFIED.
6. TOPOGRAPHIC AND EXISTING FEATURES SURVEY COMPLETED BY GM BLUEPLAN ENGINEERING, DATED MAY 30, 2023.

Site Plan - Brewery Location

