



Planning Report

To: Township of Huron-Kinloss Council

From: Benito Russo, Planner

Date: August 12, 2024

Re: Zoning By-law Amendment Application - Z-2024-040 (Geene)

Recommendation:

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

That Council approve Zoning By-law Amendment Z-2024-040 as attached and the necessary by-law be forwarded to Council for adoption.

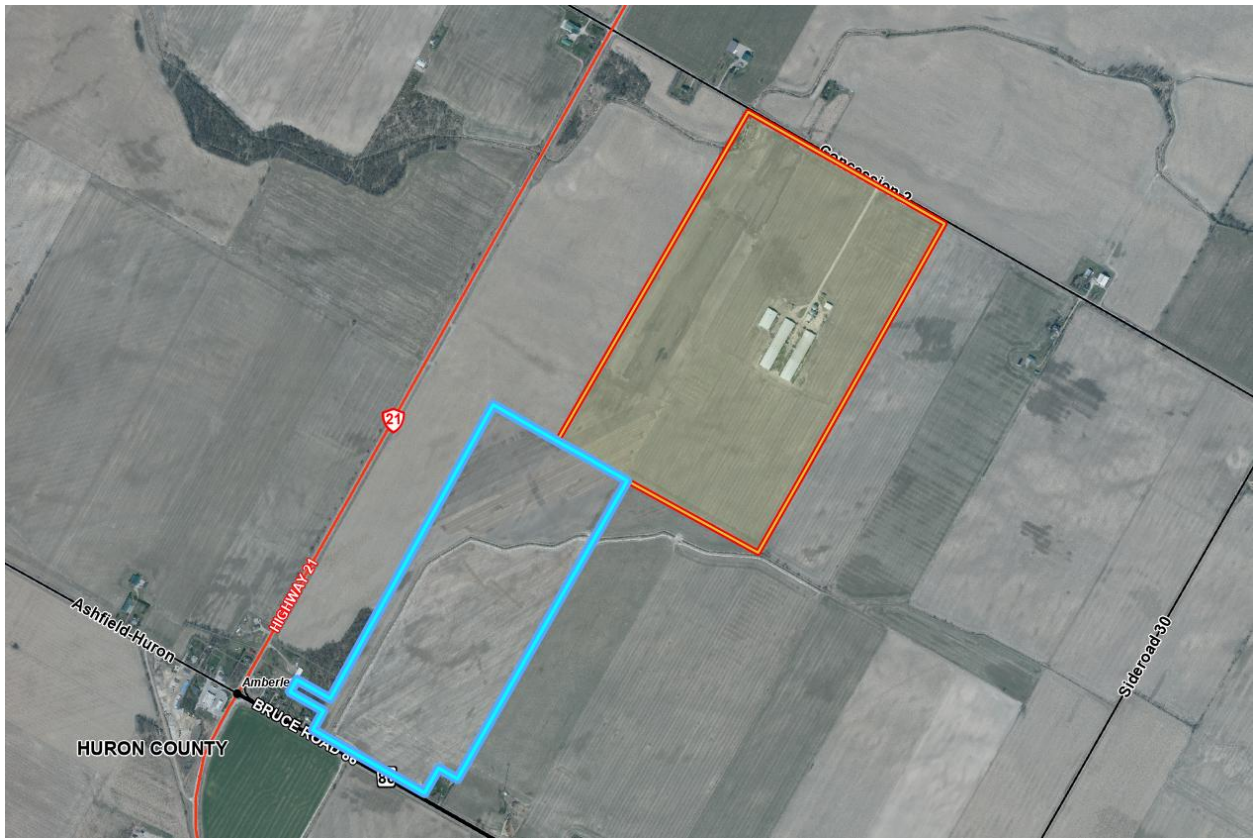
Summary:

The purpose of this application is for a Zoning By-law Amendment. It is proposed that a holding provision be applied in areas of high archaeological potential. If approved, this will facilitate a related Consent for a new agricultural lot.

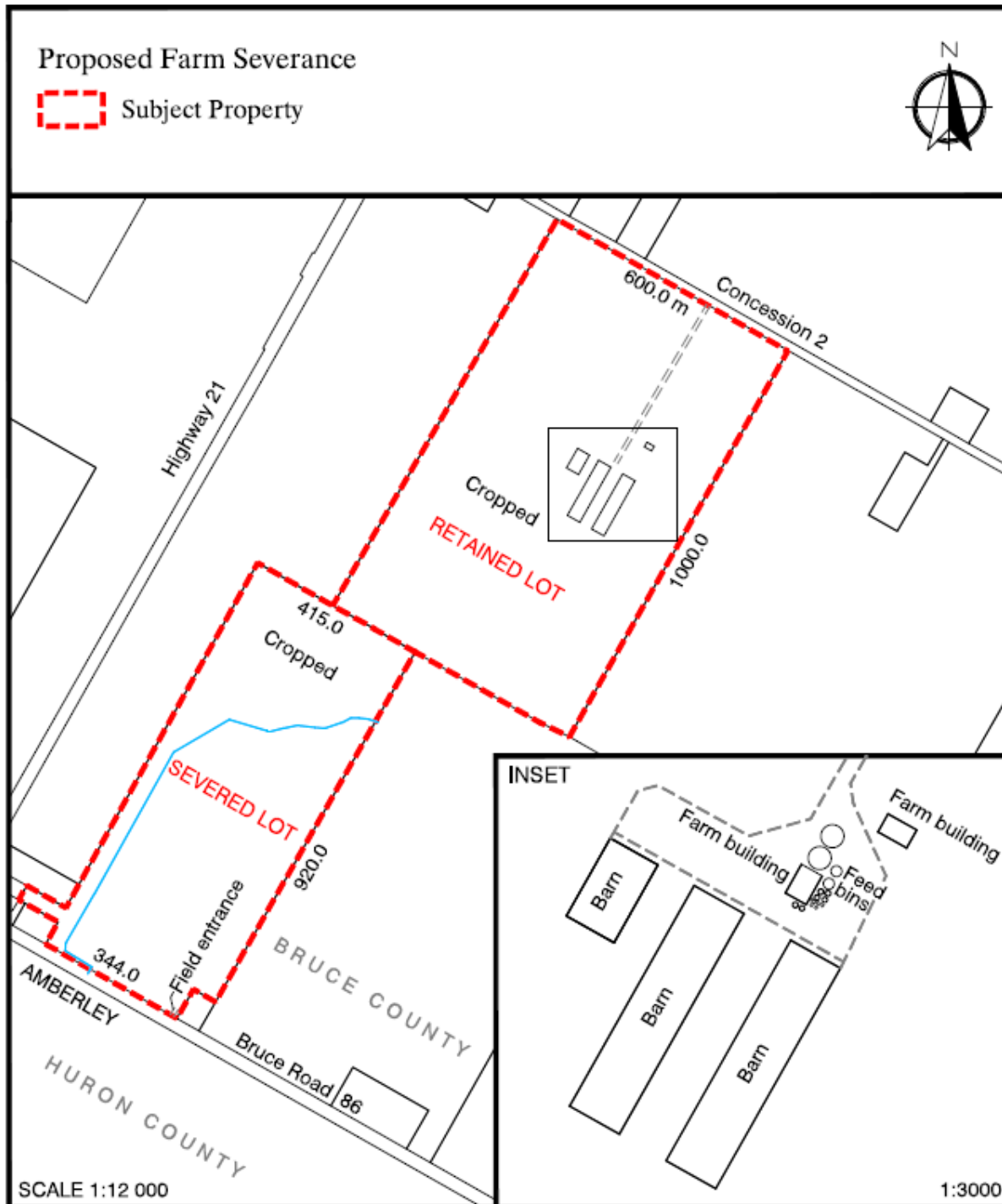
The related consent file (B-2024-039) will be considered by the County at a later date.

The subject property has a civic address of 2989 Concession 2 and is located East and North of Amberley. It is surrounded by residential, agricultural, and natural area land uses.

Airphoto



Site Plan - Entire Property



Farm Split
 Hendrikus (Peter) Geene
 Township of Huron-Kinloss

RD **RON DAVIDSON**
 LAND USE PLANNING CONSULTANT INC
 OWEN SOUND, ONTARIO

*Nearest building/structure to nearest lot line is +/-145m.

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.

Agricultural Consents

The subject lands are designated Agricultural Areas, and Hazard Land Areas in the Bruce County Official Plan. The Official Plan details that lands designated as Agricultural should generally have a minimum lot area of 40 hectares to support farming operations and minimize impacts on the farming community.

The subject lands are proposed to be divided into two parcels, the retained lands having an area of +/- 60.7-hectares, and the severed lands having an area of +/-40-hectares. The proposal conforms to the County Official Plan policies for agricultural consents.

Archaeological Resources

Large portions of 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.

A holding provision is proposed in areas of high archeological potential, lot grading; excavation; and/or construction shall not be permitted unless the Holding (H1) zone provision is removed. The holding provision fulfills the provincial requirements for the protection of any potential archaeological resources that may be present on the subject property.

Natural Heritage and Hazards

The subject lands are identified on Bruce County maps as containing designated hazard land areas which are also zoned environmental protection.

Areas of environmental protection on the subject land are currently utilized for agrarian purposes, namely agricultural cropping, or natural areas. No change to these uses is proposed through this application. As these areas are zoned Environmental Protection, which does not permit the as of right construction of new buildings or structures, and there are no proposed changes to the current use, it can be anticipated that any impacts resulting from the proposed Consent and Zoning By-law Amendment are negligible.

Required Zoning By-Law Amendments

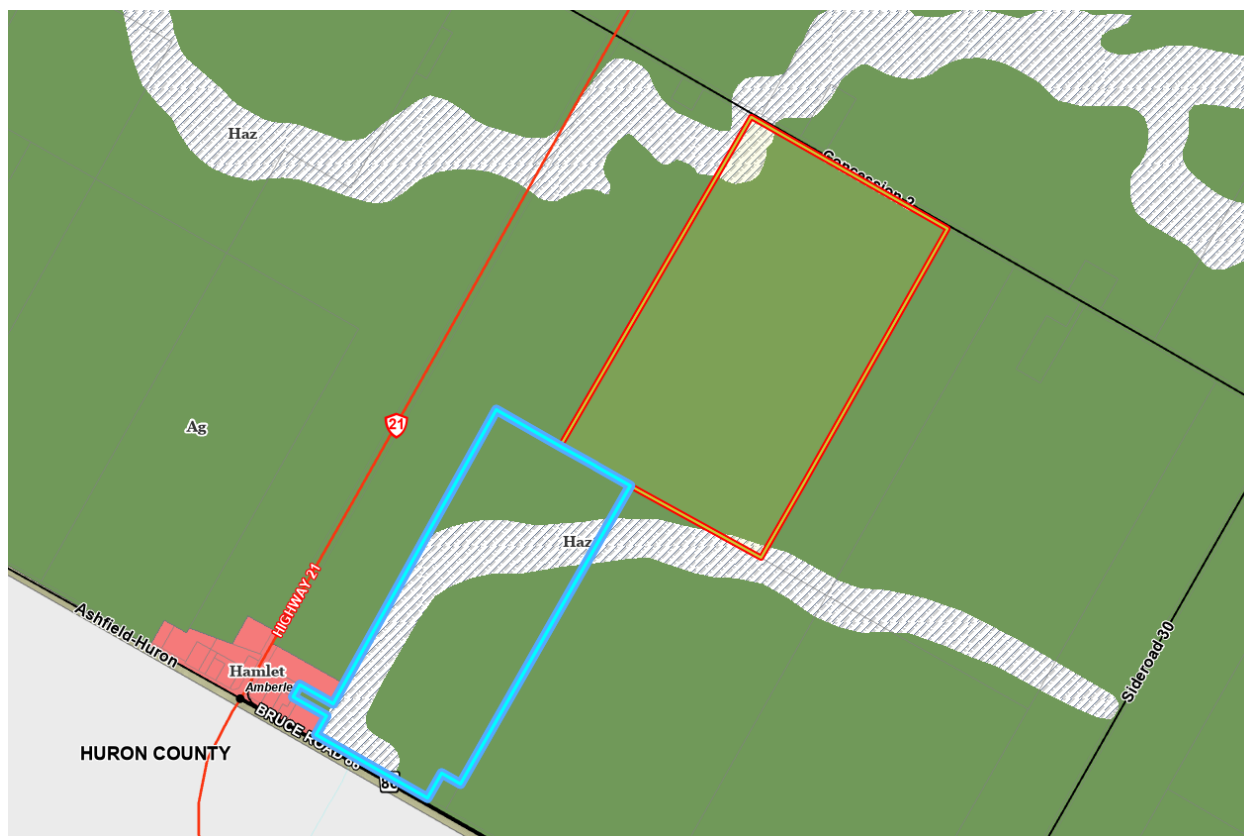
To facilitate the proposal an amendment to the Zoning By-law is required to apply a holding provision in areas of high archaeological. Areas that have not had deep geological disturbance will be zoned with a -H1 holding in accordance with Section 2.12 of the Huron-Kinloss Zoning By-law.

Financial/Staff/Legal/IT Considerations:
Potential Appeal to the Ontario Land Tribunal.

Appendices

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

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



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



List of Supporting Materials

- Planning Justification Report - Prepared by Ron Davidson Land Use Planning Consultant Inc.
- Minimum Distance Separation Report - Prepared by Ron Davidson Land Use Planning Consultant Inc.

Agency Comments

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

BM Ross: No objections. It is noted that neither the severed nor retained parcels have a septic system to our knowledge.

Historic Saugeen Métis: No objection or opposition.

Hydro One: No comments or concerns.

Maitland Valley Conservation Authority: The applications are generally acceptable to MVCA staff. Full comments provided below.

Saugeen Valley Conservation Authority: The applications are generally acceptable to SVCA staff. Full comments provided below.

Source Water Risk Management Office: The subject properties are located within Zone D of the Wellhead Protection Area (WHPA-D) for the Point Clarke municipal drinking water supply, as identified in the Source Protection Plan (SPP). Zone D is the 25 year time-of-travel delineated for the municipal wells. There are no binding SPP policies or restrictions related to properties in WHPA-D; the subject land is not identified as 'Restricted Land Use' so a Notice under section 59 of the Clean Water Act is not required for this application.

Transportation & Environmental Services: No comment.

Public Comments

No comments received at the time of this report's submission.



MEMORANDUM

TO: Bruce County Planning Department, Bruce County via email
CC: Benito Russo, Planner, Bruce County, via email
FROM: Ethan Dykstra, Environmental Planner/Regulations Officer, MVCA
DATE: July 24, 2024
SUBJECT: Application for Zoning By-Law Amendment: Z-2024-039
Application for Consent to Sever: B-2024-039
Concession 1, N Pt Lot 66 N Pt Lot; 67 N Pt Lot 69 & Con 1 S Pt Lot 68 S Pt Lot; 69 Pt Lot, Huron Ward, Township of Huron-Kinloss, County of Bruce, known as 2989 Concession 2 & No Civic Address.

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. Based on our review, we offer the following comments.

It is our understanding the purpose of these applications is to; create a new agricultural parcel of +/- 40 ha with a frontage of +/- 344 m, retain the original lot area of +/- 60.7 ha with a frontage of +/- 604 m, and that a holding provision be applied in areas of high archaeological potential.

Natural Hazards:

The subject property features an open watercourse which abuts the western property line before intersecting the northern portion of Lot 69.

MVCA Regulated Lands:

As per *Ontario Regulation 41/24*, watercourses, plus 15 meters from the stable top of bank of the watercourse, and flood hazards, plus 15 meters from the boundary of the flood hazard, 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:

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.

SENT ELECTRONICALLY ONLY: BRusso@brucecounty.on.ca and bcplwa@brucecounty.on.ca

August 1, 2024

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

ATTENTION: Benito Russo, Planner

Dear Mr. Russo,

RE: Application for Consent B-2024-039 and Zoning By-Law Amendment Z-2024-040 (Geene)
2989 Concession 2
Roll No.: 41071600010200 and 410716000103900
N Part Lot 66, 67 and 68 and S Part Lot 68 and 69, Pt Lot 70, Concession 1
Geographic Township of Huron
Township of Huron-Kinloss

Saugeen Valley Conservation Authority (SVCA) staff has reviewed the above-noted proposal as per our delegated responsibility from the Province to represent provincial interests regarding natural hazards identified in Section 3 of the Provincial Policy Statement (PPS, 2020) and as a regulatory authority under Ontario Regulation 41/24 (SVCA's Prohibited Activities, Exemptions and Permits Regulation). SVCA staff has also provided comments as per our Memorandum of Agreement (MOA) with the County of Bruce representing natural hazards. The applications have 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. Finally, we have screened the applications to determine the applicability of the Saugeen, Grey Sauble, Northern Bruce Peninsula Source Protection Plan, prepared under the Clean Water Act, 2006.

SVCA staff note that the property is located within both the SVCA and Maitland Valley Conservation Authority (MVCA) watershed.

Purpose

The purpose of the consent application is for new lot creation. It is proposed that the severed lands will have a frontage of +/- 344m, with a lot area of +/-40 ha, and the retained lands will have a frontage of +/-604m with a lot area of +/-60.7 ha. If approved, this will result in the creation of a new agricultural parcel. It is proposed that a holding provision be applied in areas of high archaeological potential.

Recommendation

The proposed application for consent and zoning by-law amendment application are generally acceptable to SVCA staff.

Natural Hazards

The natural hazard features of concern on the property include Clark Creek Municipal Drain and associated floodplain.

It is SVCA staff's opinion that the Environmental Hazard designation in the County of Bruce Official Plan (OP) and the Environmental Protection (EP) zone as shown in the Huron-Kinloss Zoning By-law 2018-98 generally coincides with SVCA Hazard Lands as mapped by the SVCA.

Provincial Policy Statement – Section 3.1

Section 3.1.1 of the PPS, 2020 states in part that development shall generally be directed to areas outside of hazardous lands and hazardous sites. Based on the plan submitted with the proposal, the proposal would be consistent with Section 3.1.1 of the PPS, 2020.

County of Bruce OP Policies

It is the opinion of SVCA staff that the applications comply with the natural hazard policies of the Bruce County OP.

Drinking Water Source Protection

The property appears to SVCA staff to be located within an area that is subject to the local Drinking Water Source Protection Plan where applicable policies may apply, specifically in a Wellhead Protection Area. To confirm, please contact the Risk Management Official (RMO) at mmacdonald@abca.ca directly.

SVCA Regulation 41/24

SVCA staff has reviewed the proposal as per our responsibilities as a regulatory authority under Ontario Regulation 41/24 (SVCA's Prohibited Activities, Exemptions and Permits 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, or unstable soil or bedrock are not affected. SVCA also regulates the alteration to or interference in any way with a watercourse or wetland.

A portion of the property is within the SVCA Approximate Screening Area associated with the SVCA's Prohibited Activities, Exemptions and Permits Regulation (Ontario Regulation 41/24). This Regulation is in accordance with Section 28 of the *Conservation Authorities Act* R.S.O, 1990, Chap. C. 27, and requires that a person obtain the written permission of the SVCA prior to any "development" within a Regulated Area or alteration to a wetland or watercourse.

For this property, the SVCA Approximate Screening Area includes Clark Creek Municipal Drain, and its associated floodplain and an offset distance from these features.

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>. Should you require assistance, please contact our office directly.

Permission for Development or Alteration

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

Based on the plan submitted with the applications, a portion of the parcel to be retained is within the SVCA Approximate Screening Area associated with Ontario Regulation 41/24. However, the proposed development is not located in the SVCA Regulated Area on the property. Therefore, permission from SVCA is not required prior to work commencing. Should any new works such as development and/or site alterations be proposed within the SVCA Approximate Screening Area, it may require permission from SVCA prior to work commencing.

Summary

SVCA staff has reviewed this proposal 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*.

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 has been demonstrated.
- 2) Consistency with local planning policies for natural hazards has been demonstrated.

Please inform this office of any decision made by the Township of Huron-Kinloss and/or the County of Bruce with regard to the proposal. Should you have any questions, please contact the undersigned.

Sincerely,



Vivian Vanceeder
Environmental Planning Technician
Saugeen Conservation
VV/

cc: Jennifer White, Clerk, Township of Huron-Kinloss (via email)
Larry Allison, SVCA member representing the Township of Huron-Kinloss (via email)
Amy Rogers, Applications Technician, Bruce County (via email)
Patrick Huber-Kidby, Planning and Regulations Supervisor, MVCA (via email)



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



July 12, 2024

File Number(s): B-2024-039, Z-2024-040

Public Meeting Notice

You're invited:

In-Person Public Meeting

to consider Zoning By-law Amendment Z-2024-040

August 12, 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 for a Zoning By-law Amendment. It is proposed that a holding provision be applied in areas of high archaeological potential. If approved, this will facilitate a related Consent for a new agricultural lot.

The related consent file is B-2024-039.



2989 Concession 2
and no Civic Address

CON 1 N PT LOT 66
N PT LOT;67 N PT
LOT 68 and CON 1 S
PT LOT 68 S PT
LOT;69 PT LOT 70
(Huron)

Township of Huron-
Kinloss

Roll Number:
410716000110200
and
410716000103900

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 August 2, 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 August 9, 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

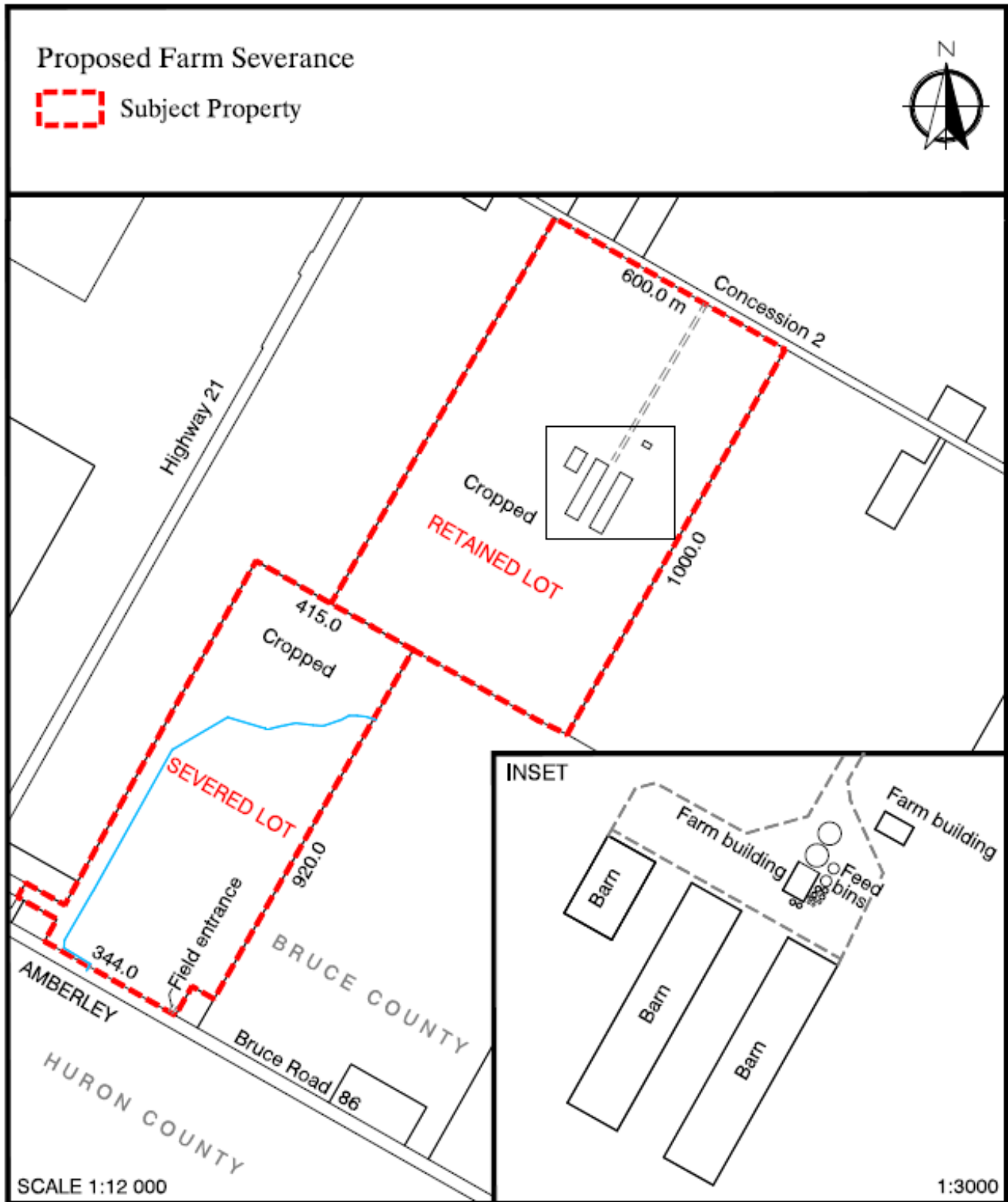
Section 34(11) of the [Planning Act](#) outlines rights of appeal for Zoning By-law Amendment applications.

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 of Huron-Kinloss 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 of Huron-Kinloss 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



Farm Split
Hendrikus (Peter) Geene
Township of Huron-Kinloss