



Planning Report

To: Township of Huron-Kinloss Council

From: Benito Russo, Planner

Date: August 12, 2024

Re: Zoning By-law Amendment Application - Z-2024-045 (De Boer)

Recommendation:

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

That Council approve Zoning By-law Amendment Z-2024-045 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-2024-041) will be considered by the County at a later date.

The subject property has a civic address of 540 Wolfe St, and is located on the Southeast corner of Wolfe St and Kairshea Ave. It is surrounded by agriculture, and natural area land uses.

Airphoto



Site Plan - Entire Property



*Nearest building/structure to nearest lot line is +/-45m.

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, Rural Areas, and Hazard Land Areas in the Bruce County Official Plan. On the subject lands, 71% are designated Agriculture. As less than 90% are designated Rural the policies of the Agriculture designation apply. 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 equally divided between the severed and retained portions, each having a lot area of approximately +/-40-hecatres. The proposal conforms to the County Official Plan policies for agricultural severances.

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

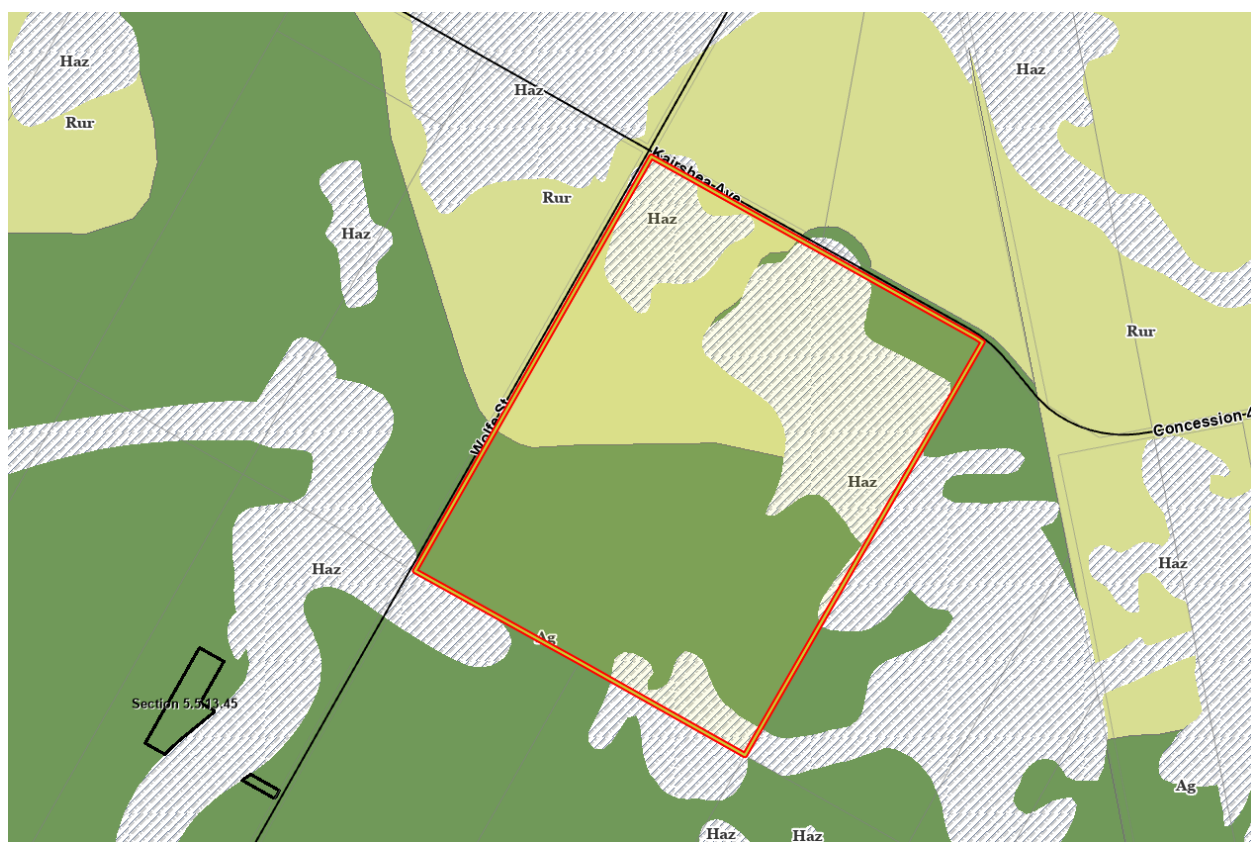
To facilitate the proposal an amendment to the Zoning By-law is required to apply a holding provision in areas of high archaeological. Areas that have not had deep geological disturbance will be zoned with a -H1 holding in accordance with Section 2.12 of the Huron-Kinloss Zoning By-law.

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

Appendices

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

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



Local Zoning Map (Zoned General Agriculture 'AG1', Agriculture Rural 'AG4', Environmental Protection 'EP')



Agency Comments

The Corporation of the Township of Huron-Kinloss: May require Section 65 Drainage Agreement

BM Ross: No objections. The septic system on the retained lands is due for a cycle 3 inspection in 2027.

Hydro One: No comments or concerns.

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

Public Comments

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

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

July 15, 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-2024-041 and Zoning By-Law Amendment Z-2024-045 (De Boer)
540 Wolfe Street
Roll No.: 410711000218200
Lot 31 and Part Lot 32, Concession 5
Geographic Township of Kinloss
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 and retained lots will have a frontage of +/-510m, and an area of +/-40 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. The zoning by-law amendment will facilitate re-orientation of Lot 31 & 32 to form two 40-hectare lots beside each other running east/west.

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 wetlands/swamps, an unnamed Municipal Drain, any floodplain associated with the wetlands/swamps and the Municipal Drain and the valley slope. SVCA Hazardous Land mapping shows areas of the property to be low in elevation associated with the floodplain of the Municipal Drain and the wetlands/swamp land.

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 and Huron-Kinloss OP Policies

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

Drinking Water Source Protection

The property appears to SVCA staff to not be located within an area that is subject to the local Drinking Water Source Protection Plan.

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.

Portions of the property are within the SVCA Approximate Screening/Regulated 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/Regulated Area includes wetlands/swamps, an unnamed Municipal Drain, any floodplain associated with the wetlands/swamps and the Municipal Drain, the valley slope, and an offset distance from these features.

To determine where the SVCA Approximate Screening/Regulated 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, portions of both the parcel to be severed and the parcel to be retained are within the SVCA Approximate Screening Area associated with Ontario Regulation 41/24. Therefore, 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



June 25, 2024

File Number(s): Z-2024-045

Public Meeting Notice

You're invited:

In-person Public Meeting

to consider Zoning By-law Amendment Z-2024-045

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 a Consent for new lot creation. It is proposed that the severed and retained lots will have a frontage of +/- 510m, and an area of +/-40 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. Zoning by-law amendment will facilitate re-orientation of Lot 31 & 32 to form two 40-hectare lots beside each other running east/west.

The related consent file is B-2024-041.



540 Wolfe Street

CON 5 LOT 31 & PT
LOT 32 (Kinloss)

Township of Huron-
Kinloss

Roll Number:
410711000218200

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 July 16, 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 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.

Section 53(19) of the [Planning Act](#) outlines rights of appeal for Consent applications.

If a person or public body that files an appeal of a decision of the County of Bruce in respect of the proposed consent does not make written submissions to the County of Bruce before it gives, or refuses to give, a provisional Consent, the Ontario Land Tribunal may dismiss the appeal.

For more information please visit the Ontario Land Tribunal website at <https://olt.gov.on.ca/appeals-process/>.

Site plan

