



## Planning Report

**To:** Township of Huron-Kinloss Council

**From:** Benito Russo, Intermediate Planner

**Date:** October 16, 2024

**Re:** Zoning By-law Amendment Application - Z-2024-053 (Brown)

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### Recommendation:

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

That Council approve Zoning By-law Amendment Z-2024-053 as attached and the necessary by-law be forwarded to Council for adoption.

### Summary:

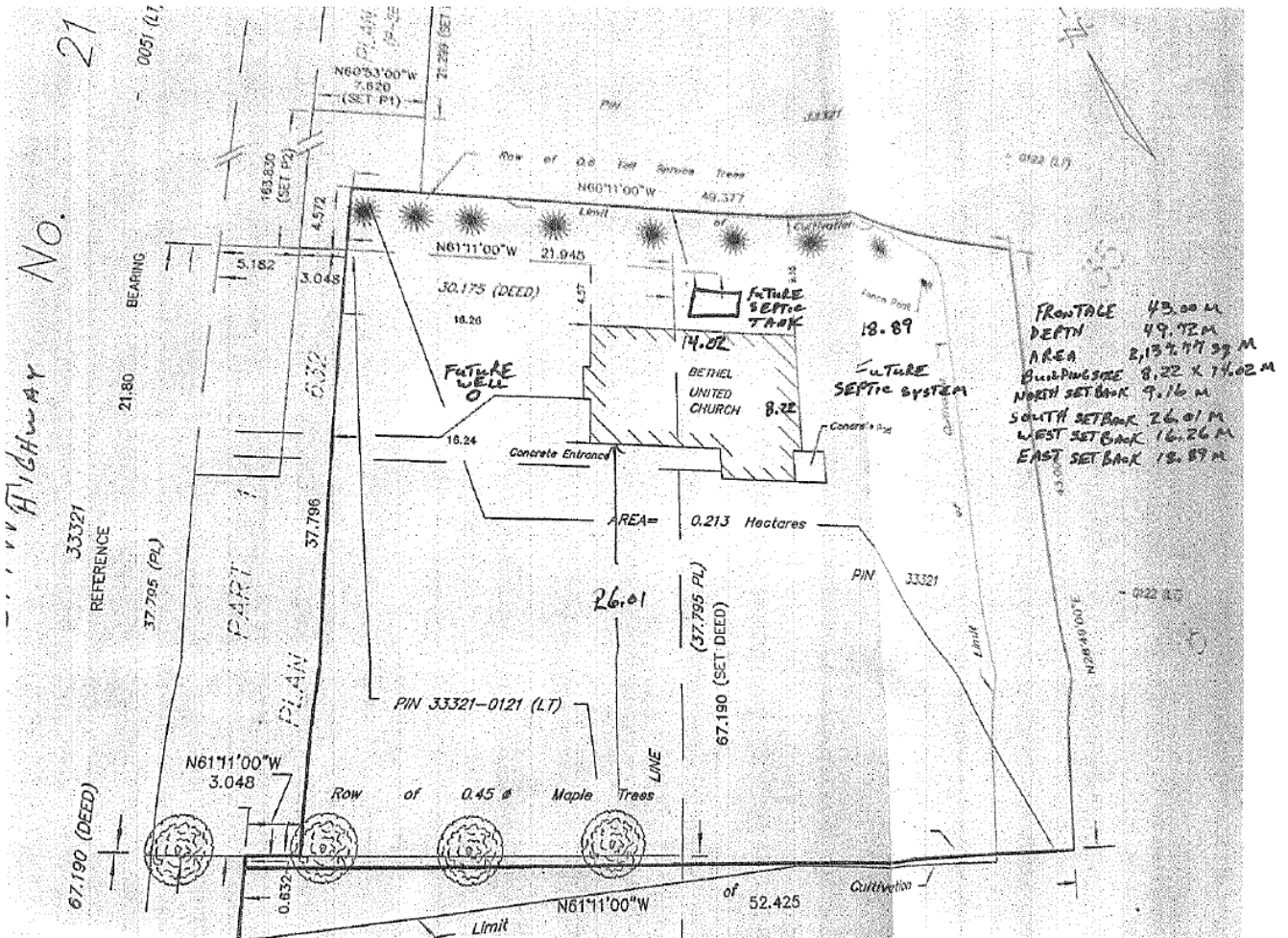
The purpose of this application is for a Zoning By-law Amendment. It is proposed to permit the general uses of the Agricultural Residential (AG3) Zone, an Additional Residential Unit on a lot having an area less than 0.4 hectares, and recognize the existing buildings and structures to be in compliance with the requirements of the Zoning By-law. If approved, this will permit the general uses of the AG3 Zone, and one (1) additional residential unit.

The subject property has a civic address of 904 Highway 21 and is located North of the Pine River Hamlet on the East side of Highway 9. It is surrounded by agricultural and natural area land uses.

**Airphoto**



# Site Plan - Entire Property



## 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.

### Lot Size and Septic Servicing

Within the Bruce County Official Plan, it is required that where an Additional Residential Unit is proposed to be serviced with private water and septic services on a lot having an area of less than 4,000 square metres it shall be supported by a Nitrate Study. The purpose of a Nitrate Study is to ensure that no development proposal shall result in a nitrate concentration of more than 10mg/L of nitrate at the property boundary.

A Hydrogeological Study (Nitrate Impact) was submitted with the subject application and addressed the matters as prescribed in the *D-5-4 Technical Guideline for Individual On-Site Sewage Systems: Water Quality Impact Risk Assessment of the Ministry of Environment*.

The Hydrogeological Study detailed it has been demonstrated that the proposed sewage effluent is hydrogeologically isolated from existing or potential water supply aquifers through deep widespread presence of fine-grained soils. As such, it is concluded that the proposed Additional Residential Unit meets the requirements without the need for a tertiary septic system.

It is noted that any existing, or future, septic system would receive ongoing inspections through the Huron-Kinloss Community Septic Inspection Program (HK-CSI). This program aims to protect surface and groundwater quality through regular septic system inspections.

### Natural Heritage and Hazards

There are no areas zoned or designated environmental protection on the subject lands. The proposed development of an Additional Residential Unit is occurring entirely within the existing structure, and as such it is anticipated that any impacts will be negligible.

### Archaeological Resources

A stage 1-2 archaeological assessment was prepared by Great Lakes Archaeology in support of the subject Zoning By-law Amendment application. This report assessed the entirety of the property and concluded that no further archaeological investigation is required and that the subject property is considered free from archaeological concern.

The Saugeen Ojibway Nation Environment Office (SON) has confirmed their review and acceptance of the submitted archaeological assessment, and the assessment has been entered into the Ontario Public Register of Archaeological Reports.

## Zoning By-Law Review & Amendments

The Zoning By-law does not permit an Additional Residential Unit on a privately serviced lot having an area less than 0.4 hectares. As previously detailed, the intent and purpose of this provision is to ensure a nitrate study is provided prior to development. As previously detailed the hydrogeological assessment (nitrate study) concluded that the subject property is hydrogeologically isolated, as such the proposal can be serviced by a conventional septic system.

The subject lands are an existing undersized lot of record and the existing zoning limits uses to a single detached residential use. An amendment to the Zoning By-law is required expand the permitted uses of the property including the additional residential unit.

The subject lands will be rezoned from the existing Agricultural Residential Special (AG3-25.35) Zone and replaced with a new Agricultural Residential Special (AG3-25.35) Zone with the following provisions:

- Notwithstanding their 'AG3' Zoning designation, those lands delineated as 'AG3-25.35' on Schedule 'A' to this By-law shall be used in accordance with the 'AG3' Zone provisions contained in this By-law, excepting however, that:
  - i) One (1) Additional Residential Unit shall be permitted on the subject lands having a minimum lot area no less than 2,100 square metres.
  - ii) Any buildings and structures existing as of October 16, 2024, which do not comply with the provisions of the By-law are hereby recognized as being in compliance with the zoning. All future buildings and structures, or additions to existing buildings and structures, shall comply with the provisions of the By-law.

## 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)**



**Local Zoning Map (Zoned Agricultural Residential Special 'AG3-25.35')**



## **Supporting Materials**

- Archaeological Assessment - Great Lakes Archaeology dated July 2024
- Hydrogeological Assessment (Nitrate Impact) - Wilson Associates dated April 2024

## **Agency Comments**

BM Ross: We have no objection to the proposal. An application for Permit to Construct or demolish and associated fee will be required prior to the installation of the septic system for the existing dwelling and proposed additional residential unit. The proposed system will be required to meet the setback requirements from property lines (3 m), structures (5 m) and the well (15 m) as set out under Part 8 of the Building Code.

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

Saugeen Ojibway Nation Environment Office: SON archaeology has reviewed the submitted archaeological assessment and finds no concerns.

Saugeen Valley Conservation Authority: The application is acceptable to SVCA staff. Full comment provided below.

## **Public Comments:**

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

SENT ELECTRONICALLY ONLY: [BRusso@brucecounty.on.ca](mailto:BRusso@brucecounty.on.ca) and [bcplwa@brucecounty.on.ca](mailto:bcplwa@brucecounty.on.ca)

October 9, 2024

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

ATTENTION: Benito Russo, Planner

Dear Mr. Russo,

RE: Application for Zoning By-Law Amendment Z-2024-053 (Brown)  
904 Highway 21  
N Part Lot 35 Con 8  
410716000218800  
Geography Township of Huron  
Municipality of Huron-Kinloss

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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 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. Finally, we have screened the application to determine the applicability of the Saugeen, Grey Sauble, Northern Bruce Peninsula Source Protection Plan, prepared under the Clean Water Act, 2006.

### **Purpose**

The purpose of this application is for a Zoning By-law Amendment. It is proposed to permit the general uses of the Agricultural Residential (AG3) Zone, an Additional Residential Unit on a lot having an area less than 0.4 ha, and recognize the existing buildings and structures to be in compliance with the requirements of the Zoning By-law. If approved, this will permit the general uses of the AG3 Zone, and one (1) additional residential unit.

### **Recommendation**

The proposed application for a zoning by-law amendment application are acceptable to SVCA staff.



### **Natural Hazards**

The natural hazard features of concern on the property include the Royal Oaks Creek, and any floodplain associated the watercourse. SVCA Hazardous Land mapping shows adjacent of the property to be low in elevation associated with the floodplain and valley slope of the Royal Oak Creek.

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 be located within a well head protection area, an area that is subject to the local Drinking Water Source Protection To confirm, please contact Carl Seider or Karen Gillian at [rmo@greysauble.on.ca](mailto:rmo@greysauble.on.ca) (RMO).

### **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.

The southern portion of the property is 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 the floodplain and valley slope of Royal Oak Creek, , 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 proposal submitted with the application, the existing building is not within the SVCA Approximate Screening Area associated with Ontario Regulation 41/24. Therefore, the proposed new internal units would not require a SVCA permit.

### **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,

Jason Dodds  
Environmental Planning Technician  
Saugeen Conservation  
JD/

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)



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



September 12, 2024

File Number(s): Z-2024-053

## Public Meeting Notice

**You're invited:**

**In-person Public Meeting**

**to consider Zoning By-law Amendment Z-2024-053**

**October 16, 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 to permit the general uses of the Agricultural Residential (AG3) Zone, an Additional Residential Unit on a lot having an area less than 0.4 ha, and recognize the existing buildings and structures to be in compliance with the requirements of the Zoning By-law. If approved, this will permit the general uses of the AG3 Zone, and one (1) additional residential unit.



904 HIGHWAY 21

HURON CON 8 N PT  
LOT 35 RP;3R9344  
PARTS 2 AND 3  
(Huron)

Township of Huron-  
Kinloss

Roll Number:  
410716000218800

## 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 October 3, 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](mailto: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](mailto:jwhite@huronkinloss.com) or 519-395-3735 x123 by 4:30 pm on October 15, 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.

**Please note that third parties (anyone who is not a specified person or public body) do not have the right to appeal a decision to the Ontario Land Tribunal.**

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

