



Planning Report

To: Township of Huron-Kinloss Council

From: Benito Russo, Intermediate Planner

Date: January 13, 2025

Re: Zoning By-law Amendment Application - Z-2024-019 (Brubacher)

Recommendation:

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

That Council approve Zoning By-law Amendment Z-2024-019 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 an agricultural lot be permitted a minimum lot area of +/-10-hectares, and a Holding Provision (-H1) be applied in areas of high archaeological potential. If approved this will facilitate the creation of a new specialized farm lot.

The related consent file (B-2024-019) will be considered by the County at a later date.

The subject property has a civic address of 1092 Bruce Road 1 and is located on the Northeast corner of Statters Lake Ave and Bruce Road 1. It is surrounded by residential, institutional, agricultural, and natural area land uses.

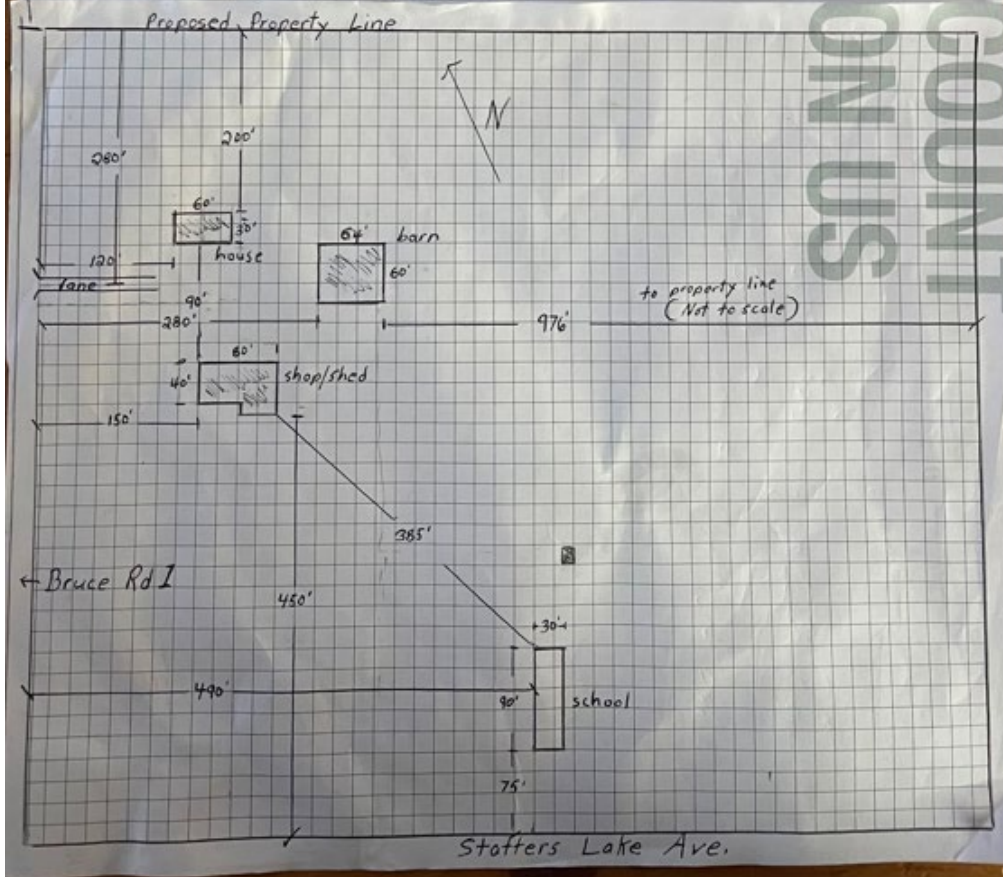
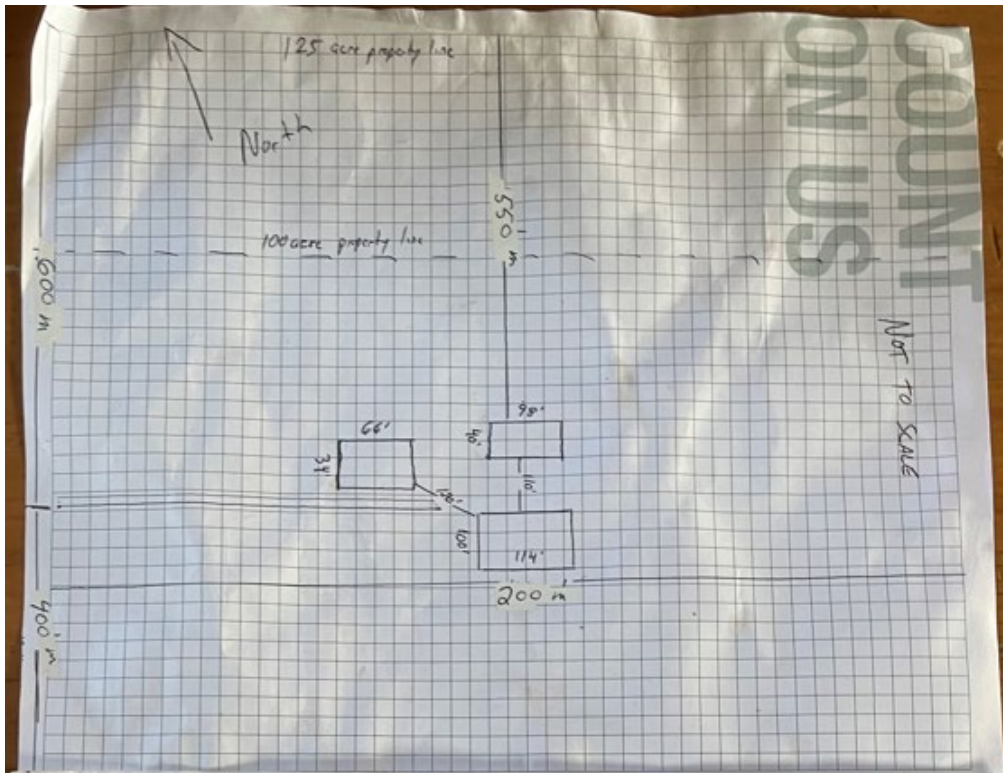
The proposed application complies with provincial Minimum Distance Separation (MDS) requirements with respect to the establishment of a new residence and farm operation from the existing parochial school and surrounding residential uses.

The total lot area of the subject lands is +/-50 hectares. The subject lands were at one time a +/-40-hectare parcel and a +/-10-hectare parcel that have merged.

Airphoto



Site Plan Entire Property



Site Plan Details



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 subject lands are proposed to be divided into two parcels, the retained lands having an area of +/- 40 hectares, and the severed lands having an area of +/- 10-hectares. 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. However, a smaller agricultural lot size may be permitted provided that the owner can prove:

- i) Both the proposed severed and retained lots will primarily be used for agriculture, and similar-sized lots within a 25-kilometer radius are unavailable for the intended use;
- ii) The size of both severed and retained parcels suits the type of agriculture proposed for each; and
- iii) The proposed lots are suitable for common agricultural uses in the area and flexible enough for future changes in farming operations.

As the area proposed to be severed is below the general agricultural lot size of 40 hectares, the applicant has submitted a Multiple Listing Service (MLS) search prepared by a licensed realtor, and a justification letter/farm plan to meet these requirements. These materials have been summarized below:

MLS Search

- At the time of search, that there were no properties available for purchase within the past 12 months within a 25km radius of a similar size (10-50 acres) for agricultural purposes.

Justification Letter

- Mennonite farming activities are mainly done by hand labour or by aid of horses. This allows for great opportunities in enhanced and intense farming, particularly for grazing of sheep and agronomic crop rotation.
- There is also a positive outcome from having multiple generations working in close proximity in an agricultural setting.
- 125 acres is not practical through hand labour, in this setting this acreage would be able to sustain another farm.
- The farm plan includes the erection of a barn, shop, and residence. The lands would largely be used for growth various crops, horses for transportation and operation of equipment, and raising of sheep.

The proposal complies with the County Official Plan Agricultural Consent requirements.

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.

The applicant has provided a Limited Stage 1-2 archaeological assessment for a 0.97-hectare portion of the severed lands to contain the proposed barn, shop, and residence. The results of this assessment concluded that no further archaeological work is required within the assessed area. The Saugeen Ojibway Nation Environment Office has accepted the findings of this report, and it has been accepted in the Ontario Registry for archaeological assessments.

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 remainder of 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.

The location of the proposed barn, shop, and residence are located outside of areas designated as hazard land areas and lands 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.

Institutional Uses

The subject property contains two existing special zones for parochial school(s)/cemetery. The southern agricultural special zone AG1-25.3, is presently developed with a parochial school and associated outdoor play areas. The northern agricultural special zone AG1-25.23 has been intended for a future cemetery/school.

As per the Minimum Distance Separation (MDS) requirements from agricultural operations to these institutional uses, no setback is required when located on the same property as the agricultural operation. In review of the existing and proposed uses, the proposal complies with the provincial MDS requirements, and no relief is required.

Required Zoning By-Law Amendments

To facilitate the proposal, an amendment to the Zoning By-law is required to permit a reduced lot size for the severed lands, and to apply a holding provision (-H1) in areas of high archaeological.

The proposed lands to be retained will be rezoned from General Agriculture (AG1), General Agriculture Special (AG1-25.23) and Environmental Protection (EP) to General Agriculture (AG1), General Agriculture Holding (AG1-H1), General Agriculture Special Holding (AG1-25.23-H1) and Environmental Protection (EP).

The proposed lands to be severed will be rezoned from General Agriculture (AG1), General Agriculture Special (AG1-25.3) to General Agriculture Special (AG1-25.184) and (AG1-25.3), General Agriculture Special Holding (AG1-25.184-H1), and (AG1-25.3-H1) with the following provisions:

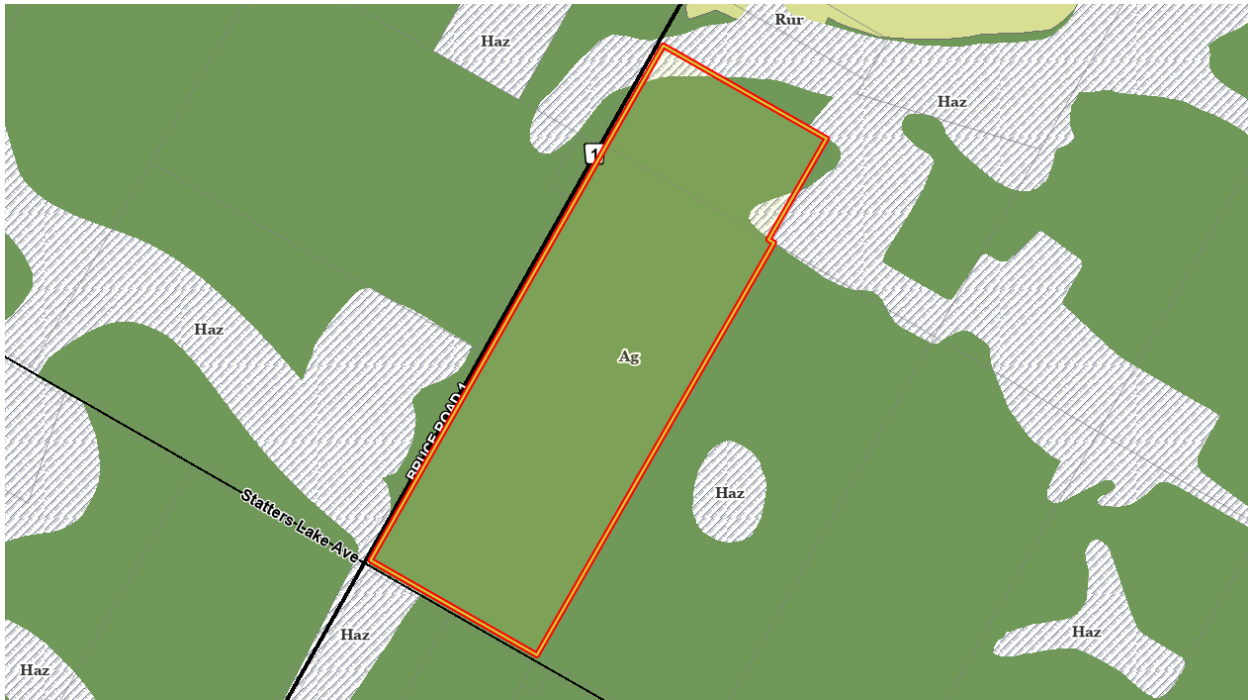
- Notwithstanding their 'AG1' Zoning designation, those lands delineated as 'AG1-25.184' and 'AG1-25.184-H1' on Schedule 'A' to this By-law shall be used in accordance with the 'AG1' Zone provisions contained in this By-law, excepting however, that:
 - i) A minimum lot area of +/-10 hectares is permitted.

Note: The '-H1' zone provision may be lifted in accordance with Section 2.12 of the Huron-Kinloss Zoning 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, Hazard Land Areas)



Local Zoning Map (Zoned General Agriculture 'AG1', General Agriculture Special 'AG1-25.3' and 'AG1-25.23', Environmental Protection 'EP')



List of Supporting Materials

- Archaeological Assessment - CRM Labs - June 27, 2024.
- MLS Report - Wilfred McIntee & Co - April 15, 2024.
- Justification Letter - Jason Weber - April 13, 2023.

Agency Comments

The Corporation of the Township of Huron-Kinloss: This property is located in a Source Water Protection area. Information not provided to confirm if it will be possible to issue permits for the proposed structures. This may limit the ability of existing agricultural operations to expand.

Historic Saugeen Métis: No objection or opposition.

Hydro One: No comments or concerns.

Maitland Valley Conservation Authority: No comments at this time.

Source Water Risk Management Office: No concerns with this proposal. The property is in zone D of the wellhead protection area (WHPA-D), so a Notice per 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.



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



December 13, 2024

File Number(s): Z-2024-019

Public Meeting Notice

You're invited:

In-Person Public Meeting

to consider Zoning By-law Amendmet / file #Z-2024-019

**January 13, 2025, at 1:00 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 an agricultural lot be permitted a minimum lot area of +/-10-hectares, and a Holding Provision (-H1) be applied in areas of high archaeological potential. If approved this will facilitate the creation of a new specialized farm lot.

The related consent file is B-2024-019.



1092 Bruce Road 1
CON 10 LOT 11 and CON 11 S PT LOT 11 (Kinloss)
Township of Huron-Kinloss
Roll Numbers: 410711000304200 and 410711000308000

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 January 6, 2025 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 January 10, 2025 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.

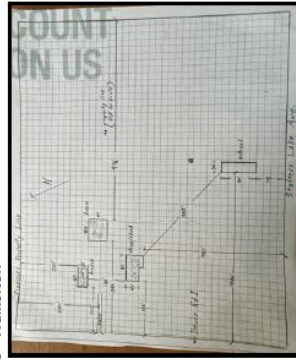
Please note that third parties (anyone who is not a specified person or public body) do not have the right to appeal a decision to the Ontario Land Tribunal.

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

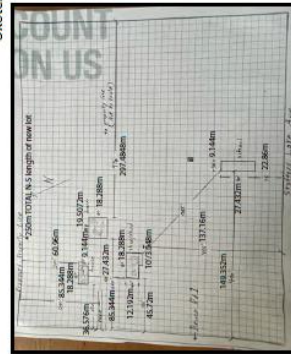
Site plan



MNR Topographic 41A03 - Walkerton



Sketch Site Plan - Not to Scale



Sketch Site Plan - Not to Scale; with Metric Measurements

CRM Lab Archaeological Services



1092 Bruce Road 1
 LIMITED Stage 1-2 Archaeological Assessment
 Holyrood, Ontario
 2023
Figure A4: Proposed Site Plan - WORK AREA