



Planning Report

To: Township of Huron-Kinloss Council

From: Amy Rogers, Planner

Date: March 10, 2025

Re: Zoning By-law Amendment Application - Z-2024-072 (Michie)

Recommendation:

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

That Council approve Zoning By-law Amendment Z-2024-072 as attached and the necessary by-law be forwarded to Council for adoption.

Summary:

The purpose of this application is a Zoning By-law Amendment. If approved this will facilitate the creation of a new residential lot. It is proposed that the severed lands be permitted a lot frontage of +/-36m, and a lot area of +/-0.22ha. It is also proposed that the retained lands be permitted a lot frontage of +/-20m, and a lot area of +/-2.53 ha. A holding provision will be applied in unassessed areas of high archaeological potential, and to require an approved site plan.

The subject property is designated both Hamlet Areas and Agricultural Areas. With the exception of a portion of the Hamlet Area remaining on the retained lands for access to the agricultural area, the proposed consent, would separate designated Hamlet Areas from Agricultural Areas.

The proposed lot to be severed contains an existing residential dwelling and accessory building and will continue to be used for residential purposes. The retained lands contain an accessory building, which is proposed to be removed from the property as a condition of consent, and the lands will continue to be used for agricultural purposes.

The related Consent file (B-2024-099) will be considered by the County at a later date.

The subject property has a civic address of 196 Bruce Road 86 and is located on the North side of Bruce Road 86 and East of Whitechurch Street, partially in the settlement area of Whitechurch. It is surrounded by residential, agricultural, open space, and natural area land uses.

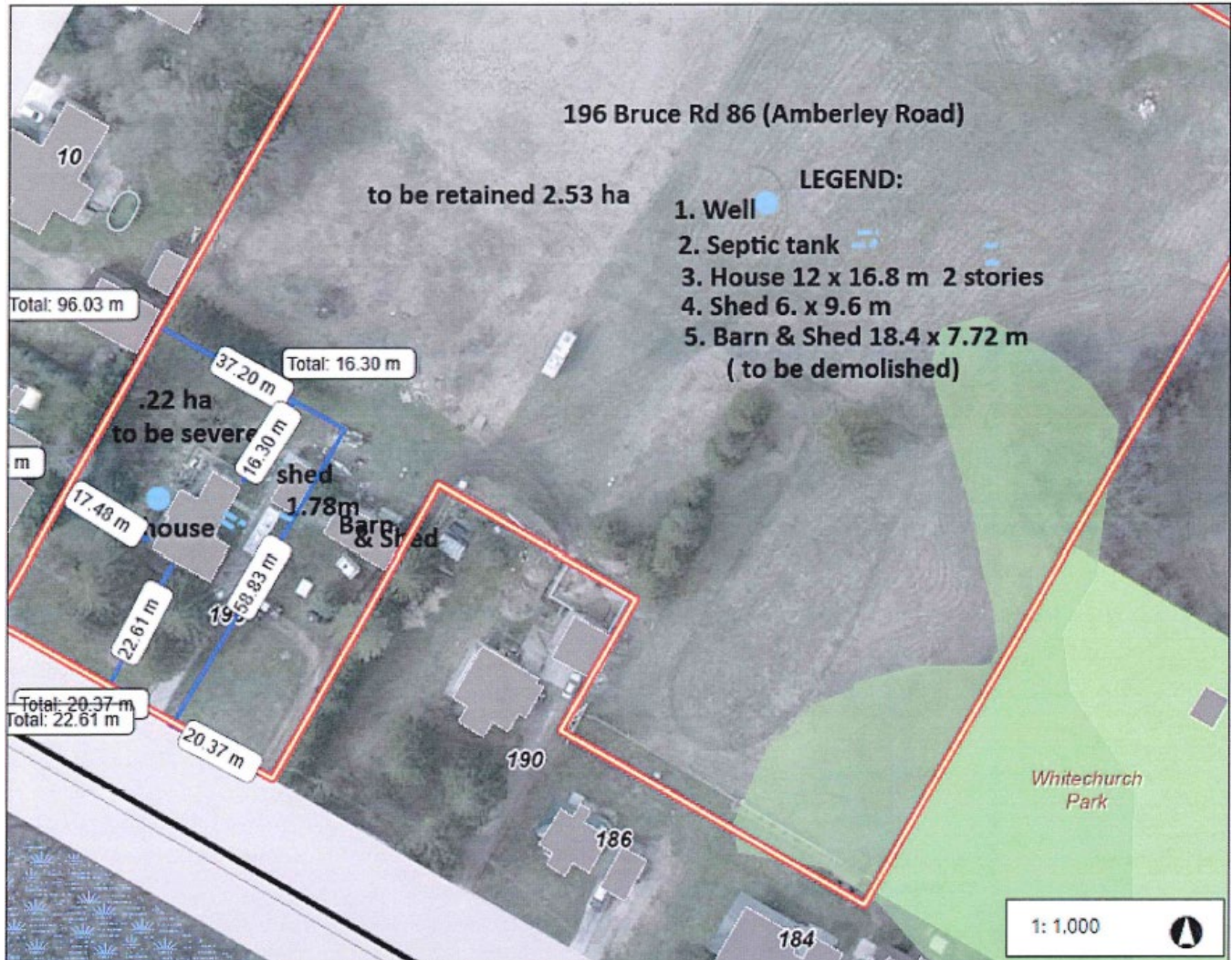
A Nitrate Study was submitted with the subject application. The proposed lot meets the nitrate requirements with a tertiary septic system. As a condition of consent, an advanced tertiary sewage disposal system that is certified to meet the specifications of the CAN/BNQ 3680-600 NI standard, and confirmation that the owner has entered into a development agreement regarding septic parameters with the Township is required. The tertiary septic system would receive ongoing inspections through the Huron-Kinloss Community Septic Inspection Program (HK-CSI).

Airphoto



196 BRUCE ROAD 86
KINLOSS CON 1 PT LOT 10 PLAN; 153 PT LOTS 11 AND 12 (Kinloss Township)
Township of Huron-Kinloss
Roll Number: 410711000201800

Site Plan



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.

Zoning By-law Review

The subject property is zoned Residential One 'R1', General Agriculture 'AG1', and Environmental Protection 'EP' in the Huron-Kinloss Zoning By-law.

For the proposed severed lands, a Zoning By-law Amendment is needed to permit a lot frontage of +/- 36 m, where 40 m is required, and a lot area of +/- 0.22 ha where 0.4 ha is required. If approved, the severed lands would be rezoned R1-25.185, this will facilitate the creation of a new residential lot within the settlement area of Whitechurch containing the existing residential use.

For the retained lands, a Zoning By-law Amendment is needed to permit a lot frontage of +/- 20 m where 40 m is required, and a total lot area of +/- 2.53 ha where 37 ha is required.

For a portion of the retained lands, a holding provision to require an approved site plan by the Township Zoning Administrator is recommended. The holding provision will require an approved site plan to ensure adequate access to the agricultural area will be maintained. The purpose of the site plan is to ensure no new buildings would hinder access to the retained agricultural lands.

A holding provision '-H1' zone will also be applied in unassessed areas of high archaeological potential (H1). Lot grading; excavation; and/or construction shall not be permitted unless the Holding zones are removed.

If approved, the retained lands will be rezoned R1-25.186-H and AG3-25.187-H1 and EP. The existing agricultural uses are proposed to continue, and no other development has been proposed.

Consents within Hamlet Areas

The subject property is designated both Hamlet Areas and Agricultural Areas. With the exception of a portion of the Hamlet Area remaining on the retained lands for access to the agricultural area, the proposed consent, would separate designated Hamlet Areas from Agricultural Areas.

Within the Huron-Kinloss and County Official Plans, consents are limited to infilling and minor rounding out within the Hamlet designation. Development is permitted provided that it is compatible with the existing or planned neighbouring land uses; has direct access to a public road; has adequate lot frontage and area; and that uses can be appropriately serviced.

The proposed lot to be severed contains an existing residential dwelling and accessory building which will continue to be used for residential purposes, and the retained lands will continue their existing agricultural use. The County Transportation & Environmental Services department has confirmed that severed and retained lands can be serviced with public road access through Bruce Road 86. While the proposed lot area and frontage is less than required by the Zoning By-law provisions, the proposed sizes are equal to or greater than many of the surrounding lots in Whitechurch.

The proposed lot is consistent with the policies in the County of Bruce and Huron-Kinloss Official Plans, with a more thorough evaluation of servicing below.

Water and Septic Services

Municipal water service is available in the settlement area of Whitechurch. The subject property is currently serviced by private well. The subject property will be required to connect to municipal water, and to decommission the existing well as a condition of consent. All Township fees, including water connection charge, may apply.

Within the Bruce County Official Plan, it is required that where a new lot in the Hamlet designation is proposed to be serviced with private septic services on a lot having an area of less than 4,000 square metres 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 Nitrate Study 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 proposed lot meets the requirements with a tertiary septic system. As a condition of consent, an advanced tertiary sewage disposal system that is certified to meet the specifications of the CAN/BNQ 3680-600 NI standard, and confirmation that the owner has entered into a development agreement with the Township, will be applied. An explanatory note regarding the advanced tertiary sewage disposal system will also be included in the special provisions of the Zoning By-law.

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.

Archaeological Potential

The subject property is considered to have high archaeological potential as identified within the Bruce County screening maps. 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 of archaeological resources that may be present as part of an application.

The applicant has provided a Limited Stage 1-2 archaeological assessment for a +/- 0.3 ha portion of the subject property that falls within the hamlet settlement area designation. 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, provided a '-H1' Holding Zone is applied to any unassessed areas of high archaeological potential. As such, in unassessed areas, a holding provision is proposed for remaining areas of high archaeological potential. Lot grading; excavation; and/or construction shall not be permitted unless the Holding (H1) zone provision is removed.

The submitted archaeological assessment and 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

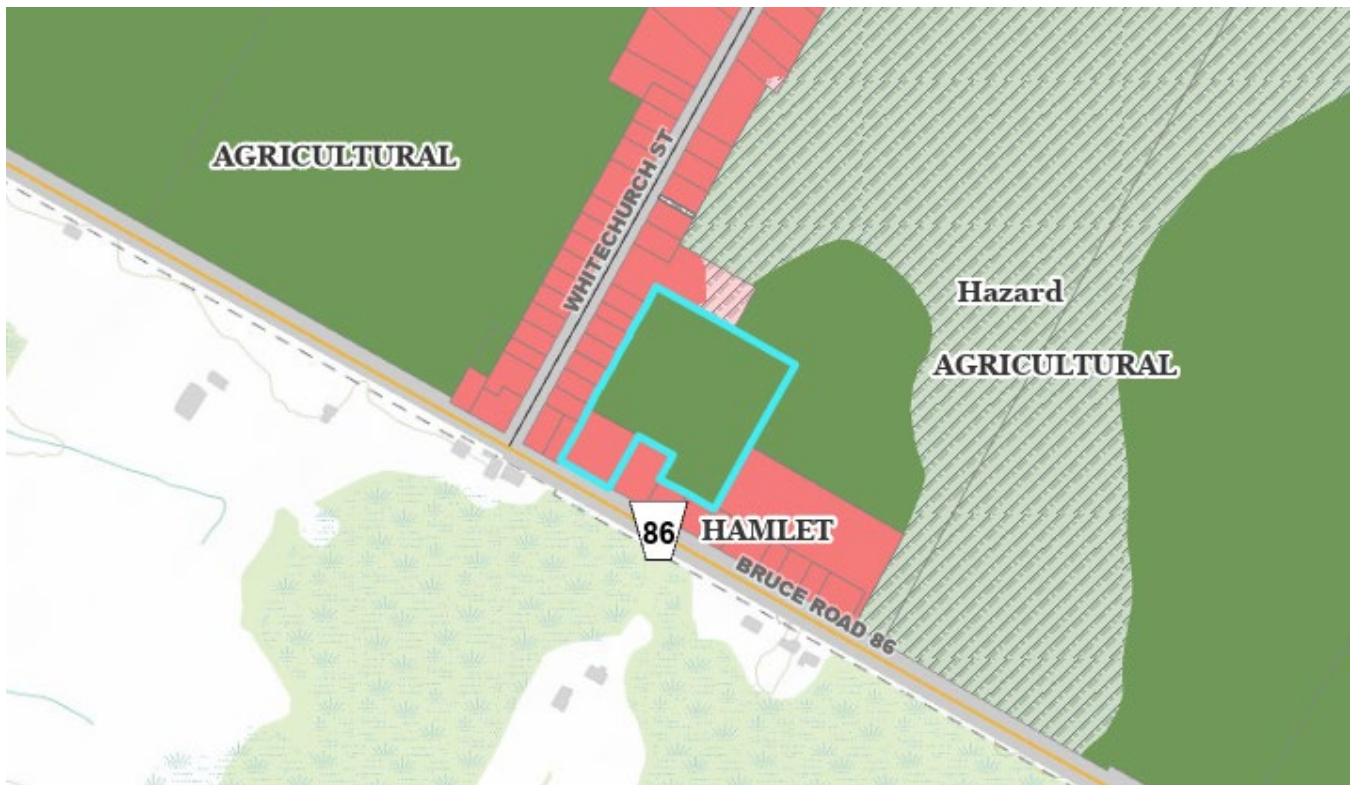
The subject lands are identified on Bruce County maps as containing designated hazard land areas which are also zoned environmental protection and are within proximity to a locally significant wetland.

Areas of environmental protection on the subject land are currently utilized for agrarian purposes, namely agricultural cropping, or natural areas. As there are no changes to the existing uses proposed through this application, it can be anticipated that any impacts resulting from the proposed Consent and Zoning By-law Amendment are negligible.

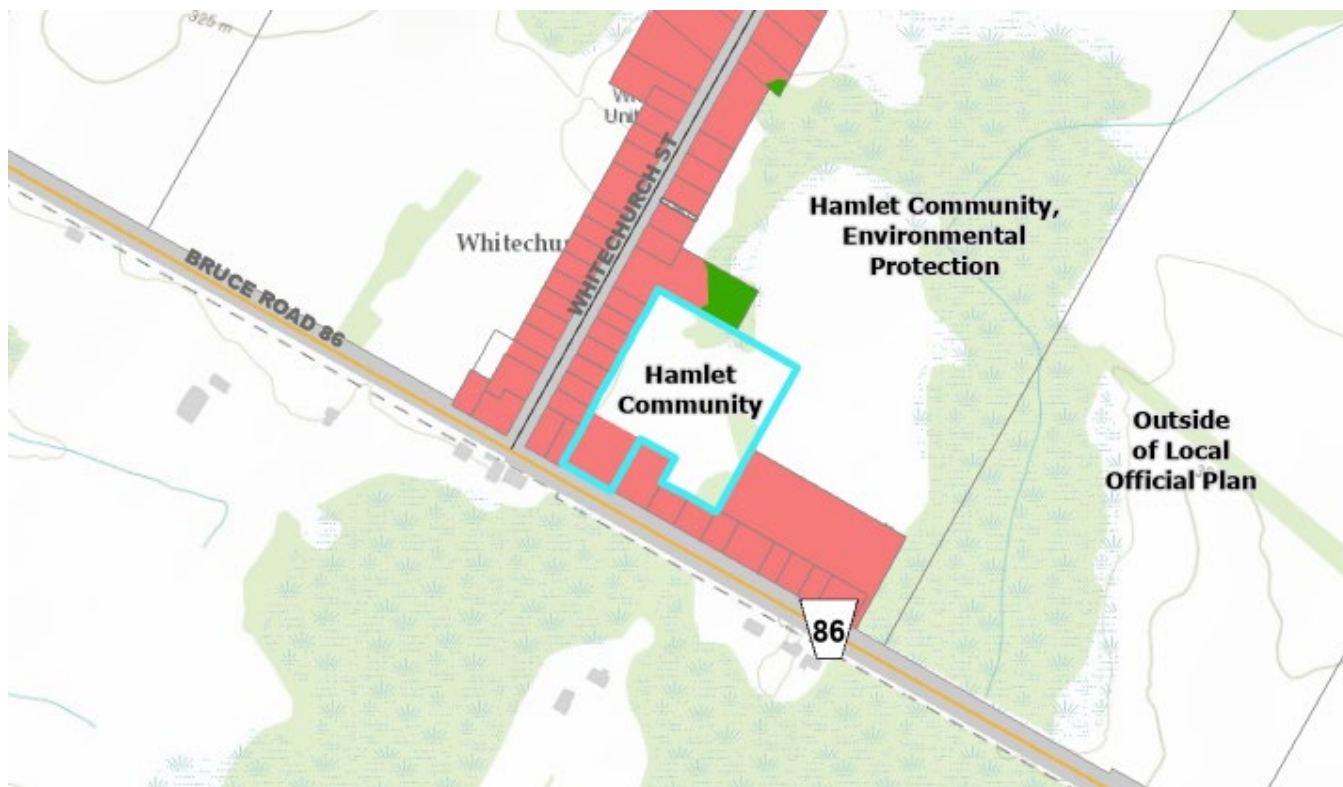
Appendices

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

County Official Plan Map (Designated Hamlet Community, Agricultural Areas)



Local Official Plan Map (Designated Hamlet Community, and areas that fall outside of Local Official Plan Designation)



Local Zoning Map (Zoned Residential One 'R1', General Agriculture 'AG1', and Environmental Protection 'EP')



List of Supporting Documents and Studies

The following documents can be viewed in full at [Planning Huron Kinloss | Bruce County](#):

- Archaeological Assessment - Detritus - October 4, 2024
- Nitrate Study - Wilson Associates - June 27, 2024

Agency Comments

Township of Huron-Kinloss: Property should connect to municipal water and disconnected existing well. Owner to obtain permits and pay appropriate fees, including water connection charge, if required.

Maitland Valley Conservation Authority: The applications are acceptable to MVCA. Full comments are attached below.

Bruce County Transportation & Environmental Services: No comments.

Public Comments

One neighbour called with clarifying questions about the proposed severance and access to both the severed and retained properties. County Transportation & Environmental Services confirmed road access was available for both the severed and retained lands, this answer

was provided to the neighbour and no further questions, comments, or concerns with the proposal were voiced.

No other comments were received from the public at the time of writing this report.

MEMORANDUM

TO: Bruce County Planning Department, via Email
FROM: Ethan Dykstra, Environmental Planner - Regulation Officer, MVCA
DATE: February 20, 2025
SUBJECT: Application For: Zoning By-Law Amendment: Z-2024-072,
Consent to Sever: B-2024-099
Plan 153, Pt lot 11 & 12, Pt lot 10, Con 1, Kinloss Ward, Municipality of Huron -Kinloss, County of Bruce; Known as 196 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. Based on our review, we offer the following comments.

It is from our understanding the purpose of application Z-2024-072 & B-2024-099 is to sever a 0.22 ha parcel with frontage of 36 m from a 2.75 ha parcel facilitating the creation of a new residential lot. The associated Zoning By-Law amendment proposes that the severed parcel is permitted a frontage of 36 m and lot area of .22ha, and lands retained are permitted a frontage of 20 m and lot area of 2.53 ha.

Natural Hazards:

This property features a wetland that abuts the northern property line.

MVCA Regulated Lands:

Wetlands, plus 15 meters from the boundary of the wetland, are regulated by the Maitland Valley Conservation Authority (MVCA) pursuant to O. Reg 41/24. 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.

Drinking Source Water Protection

This property is located within a highly vulnerable aquifer (HVA) area. An HVA is one of four types of vulnerable areas where local drinking water sources are at risk of contamination from nearby activities, as outlined in the Ontario *Clean Water Act, 2006*.

The drinking water source protection committee for this region has developed source protection plans locally. Those plans have been approved by the Province of Ontario. Plan policies that apply to highly vulnerable aquifers rely on education and outreach to reduce risk to drinking water

sources. The policies in the HVA areas are recommendations only as they do not have legal effect that requires property owners to comply. However, the local source protection committee, through the source protection plan, asks that you have regard for these policies.

When local municipalities draw drinking water from a well, that groundwater is drawn from aquifers. Aquifers are areas of soil or rock under the ground where cracks and spaces allow water to pool. These underground sources of local drinking water are considered highly vulnerable based on a number of factors, including how deep it is underground, what sort of soil or rock is covering it, and the characteristics of the soil or rock surrounding it. A thin layer of permeable soil, such as sand or gravel, over an aquifer, could make that water source particularly vulnerable to the threat of contamination.

Wellhead Protection Area (WHPA)

Please also be advised that the subject property is located within zone 'B & C' of a Wellhead Protection Area. This means that activities on the subject property may be subject to policies contained within the Maitland Valley Source Protection Plan. For more information, please contact Donna Clarkson, Risk Management Official/ Source Protection Specialist at 519-335-3557 ext. 224 or email to dclarkson@abca.ca.

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.



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



February 7, 2025

File Number(s): Z-2024-072

Public Meeting Notice

You're invited:

In-Person Public Meeting

**to consider Zoning By-law Amendment / file # Z-2024-072
Monday, March 10, 2025 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 Zoning By-law Amendment. If approved this will facilitate the creation of a new residential lot. It is proposed that the severed lands be permitted a lot frontage of +/-36m, and a lot area of +/- 0.22ha. It is also proposed that the retained lands be permitted a lot frontage of +/-20m, and a lot area of +/-2.53 ha. A holding provision will be applied in unassessed areas of high archaeological potential, and for an approved site plan.

The related consent file is B-2024-099.



196 BRUCE ROAD 86

KINLOSS CON 1 PT LOT
10 PLAN; 153 PT LOTS 11
AND 12 (Kinloss Township)

Township of Huron-Kinloss

Roll Number:
410711000201800

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: Amy Rogers

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 February 28, 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 March 7, 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

