



Planning Report

To: Township of Huron-Kinloss Council

From: Coreena Smith, Senior Development Planner

Date: July 12, 2021

Re: Zoning By-law Amendment - Z-2021-051 (Courtney)

Recommendation:

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

That Council approve Zoning By-law Amendment Z-2021-051 as attached and the necessary by-law be forwarded to Council for adoption.

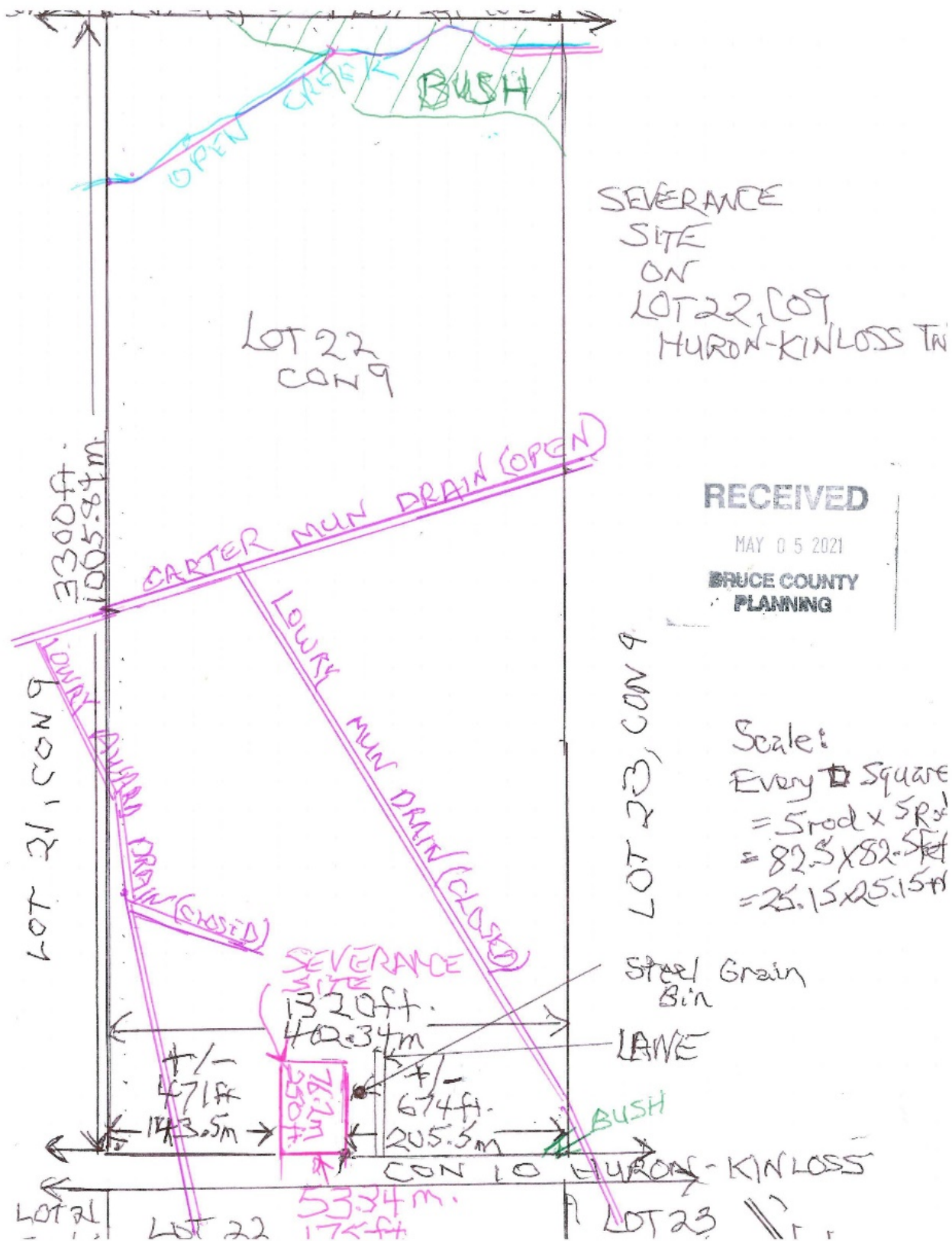
Summary:

The purpose of this application is to permit a surplus farm dwelling severance of a +/-0.4 ha lot from a +/-40.46 ha agricultural parcel at 1847 Concession 10, in the Township of Huron-Kinloss. An amendment to the Zoning By-Law is required to rezone the lands from General Agriculture (AG1) to General Agriculture Special (AG1-25.1) and General Agriculture Special with Holding (AG1-25.1-H1) for the retained farm parcel; and, Agricultural Residential Special (AG3-25.2) for the severed non-farm parcel. The Environmental Protection (EP) zone will remain unchanged.

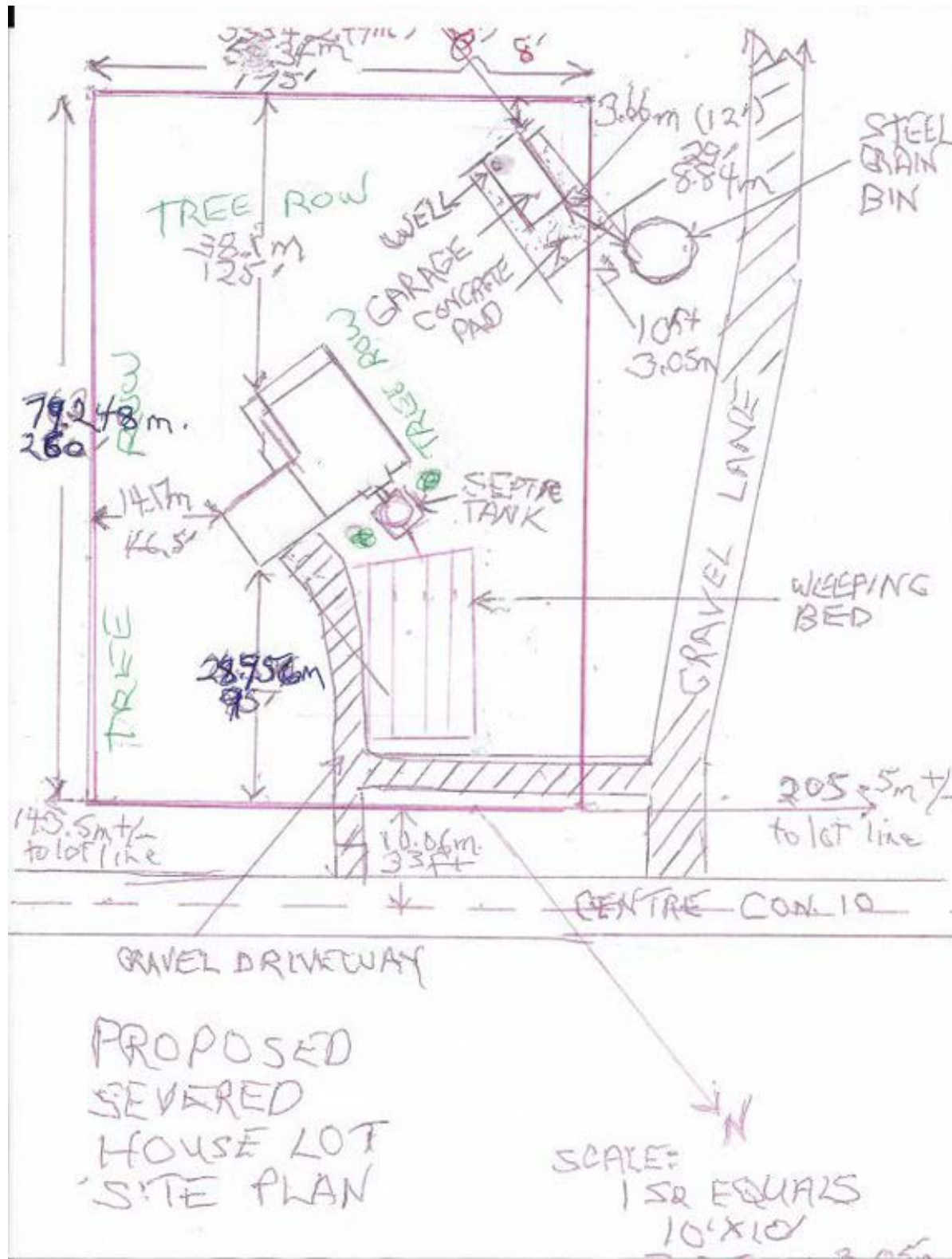
Airphoto



Site Plan of Entire Property



Site Plan Showing Proposed New Lot (with revised lot depth)



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.

Surplus Farm Dwelling Severance

The lands are in a prime agricultural area. The Provincial Policy Statement (PPS) restricts severances in prime agricultural areas to limit the impacts to agricultural operations. Lot creation in prime agricultural areas is only permitted in the following circumstances:

- For agricultural uses;
- For agricultural related uses;
- For a dwelling surplus to a farming operation; and,
- For infrastructure.

Further, the PPS states that the surplus residential lots are to be limited in size to accommodate water and sewage, and that new residential dwellings be prohibited on the larger farm parcel (retained lands).

The County Official Plan establishes criteria for agricultural severances in addition to the PPS policies. The lands are primarily designated Agricultural Areas, which permits the severance of a surplus farm dwelling subject to the criteria below:

- The applicant must be a bona fide farmer;
- The farmer must own and farm the subject lands;
- They must own and farm other lands;
- They must reside elsewhere;
- The dwelling must be habitable; and,
- Minimal active farmland should be removed from agricultural production.

The applicants meet the definition of bona fide farmers. They own the subject property and co-own other lands in area which are used for agricultural purposes. They reside elsewhere. The existing dwelling on the subject lands is habitable and is surplus to their needs.

The lands to be severed are limited in size to accommodate the residence, accessory building, a well and the existing sewage disposal system. As little land as possible is to be removed from the agricultural area. The application will not introduce new impacts to surrounding farm operations.

The proposal meets all the criteria established in the PPS and County Official Plan for agricultural severances.

Required Zoning By-law Amendment

An amendment to the Zoning By-law is required in order to facilitate the severance.

The proposed retained farm parcel will be rezoned from General Agriculture (AG1) to General Agriculture Special (AG1-25.1) and General Agriculture Special with Holding (AG1-25.1-H1) which prohibits a detached dwelling. A holding provision is proposed on a portion of the retained lands containing high archaeological potential given their proximity to a large watercourse at the rear of the property. Site alteration and development on those lands is not permitted until an Archaeological Assessment has been prepared and accepted into the Ontario Public Register of Archaeological Reports and it has been confirmed that any recommendations of the assessment (if any) have been implemented. Regular farm practices can continue in those areas.

The proposed severed parcel will be rezoned from General Agriculture (AG1) to Agricultural Residential Special (AG3-25.2) for the severed non-farm parcel.

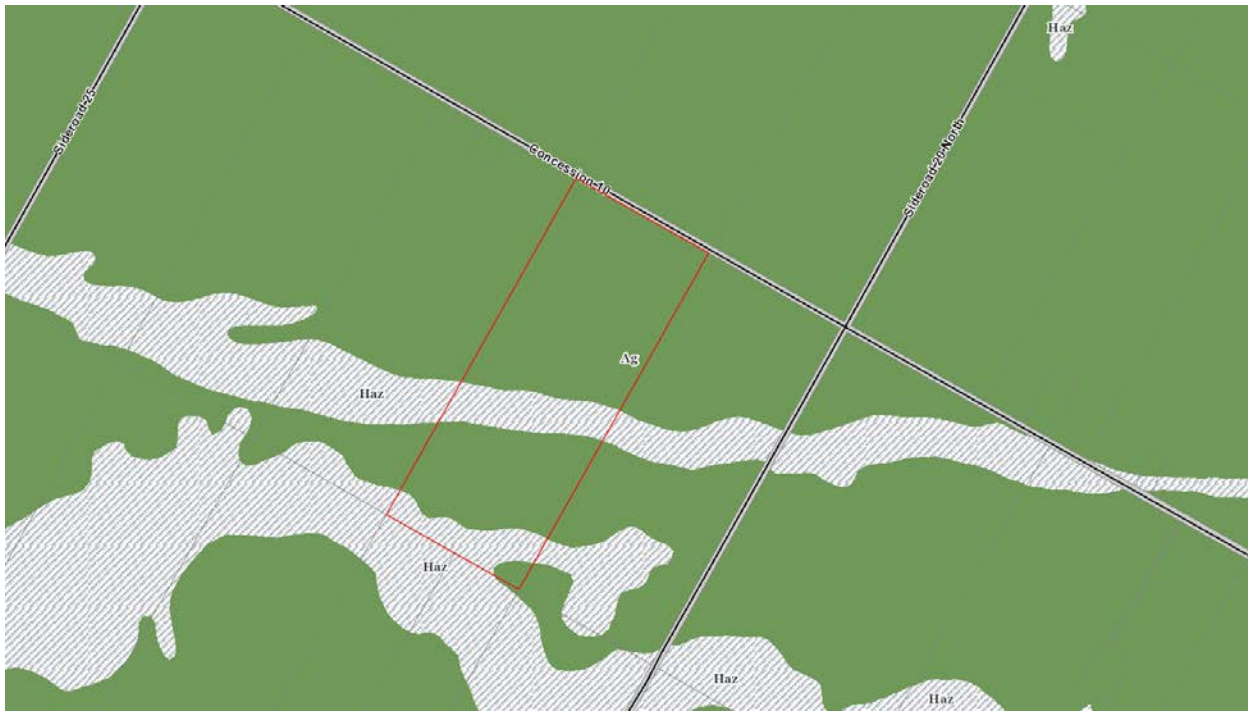
Based on the special provisions in the Zoning By-law, both parcels shall be deemed to comply with the minimum lot area and lot frontage provisions of their respective zones. Permitted and legally established existing buildings or structures or driveways shall also be deemed to comply with any applicable zone provisions (e.g., setbacks) as per the Non-Complying Uses provisions of the Zoning By-law.

The Environmental Protection (EP) zone will remain unchanged.

Appendices

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

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



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



List of Supporting Documents and Studies

- Drinking Water Analysis.
- Septic Inspection Report.
- Supporting Letter.
- Supporting Maps.

Agency Comments

Township of Huron-Kinloss:

1. The Township requests that the Owner provide written verification to the Clerk of septic re-inspection or intent for a new septic system for both the severed and retained parcel; and
2. The Township requests that the Owner provide written verification to the Clerk that the wells are in use or proof of wellhead decommissioning from a qualified well driller.

Note: These comments will be addressed as conditions on the consent application (File B-2021-059).

Township of Huron-Kinloss, Engineer, BM Ross: No objections.

Hydro One Networks Inc.: No comments or concerns.

Saugeen Valley Conservation Authority (attached): The proposed applications are acceptable to SVCA staff.



1078 Bruce Road 12, P.O. Box 150, Formosa ON Canada N0G 1W0
Tel 519-367-3040, Fax 519-367-3041, publicinfo@svca.on.ca, www.svca.on.ca

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

July 6, 2021

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

ATTENTION: Julie Steeper, Planner

Dear Ms. Steeper,

RE: Proposed Zoning By-law Amendment Z-2021-051 and Consent B-2021-059 (Courtney)
1847 Concession 10
Lot 22 Concession 9
Roll No.: 410716000302300
Geographic Township of Huron
Township of Huron-Kinloss

Saugeen Valley Conservation Authority (SVCA) staff has reviewed the above-noted applications as per our delegated responsibility from the Province to represent provincial interests regarding natural hazards identified in Section 3.1 of the Provincial Policy Statement (PPS, 2020) and as a regulatory authority under Ontario Regulation 169/06 (SVCA's Development, Interference with Wetlands, and Alterations to Shorelines and Watercourses Regulation). SVCA staff has also provided comments as per our Memorandum of Agreement (MOA), dated September 2019, with the County of Bruce representing natural hazards, natural heritage, and water resources; and the applications have also been reviewed through our role as a public body under the *Planning Act* as per our Conservation Authority Member approved Environmental Planning and Regulations Policies Manual, amended October 16, 2018.

Purpose

The purpose of the applications is to permit a surplus farm dwelling severance of a +/- 0.406 hectare (ha) lot from a +/- 40.46 ha agricultural parcel at 1847 Concession 10. An amendment to the Zoning By-Law is required to rezone the lands from General Agriculture (AG1) to General Agriculture Special (AG1-25.1) for the retained farm parcel to prevent development of a future dwelling; and, Agricultural Residential Special (AG3-25.2) for the severed non-farm parcel. Both parcels shall be deemed to comply with the minimum lot area and lot frontage provisions. The Environmental Protection (EP) zone will remain unchanged.

Recommendation

The proposed applications are acceptable to SVCA staff.



Watershed Member Municipalities

Municipality of Arran-Elderslie, Municipality of Brockton, Township of Chatsworth, Municipality of Grey Highlands,
Town of Hanover, Township of Howick, Municipality of Morris-Turnberry, Municipality of South Bruce,
Township of Huron-Kinloss, Municipality of Kincardine, Town of Minto, Township of Wellington North,
Town of Saugeen Shores, Township of Southgate, Municipality of West Grey

Delegated Responsibility and Advisory Comments

SVCA staff has reviewed the applications through our delegated responsibility from the Province to represent provincial interests regarding natural hazards identified in Section 3.1 of the Provincial Policy Statement (PPS, 2020). We have also reviewed the applications through our responsibilities as a service provider to the County of Bruce in that we provide expert advice and technical clearance on *Planning Act* applications with regards to natural hazards, natural heritage, and water resources as set out in the PPS, 2020, County Official Plan (OP) and/or local official plans. Comments below only include features/technical requirements affecting the property.

Natural Hazards:

The natural hazard features affecting the property include the Pine River (aka Pine River Drain), and Carter Drain, and the valley and flood and erosion hazards of these watercourses, and any wetlands/swamps that may be located within the floodplain of the watercourses. It is SVCA staff's opinion that the Hazard Lands Area designation as shown on Schedule A to the Bruce County OP and the Environmental Protection (EP) zone as shown in the Huron-Kinloss Zoning By-law, generally coincides with SVCA Hazard Lands (which represents the natural hazard features) as mapped by the SVCA for the property.

Provincial Policy Statement – Section 3.1

Section 3.1 of the PPS, 2020 states in part that development shall generally be directed to areas outside of: b) hazardous lands adjacent to river, stream and small inland lake systems which are impacted by flooding and erosion hazards; and c) hazardous sites. It is the opinion of SVCA staff that the applications comply with Section 3.1. of the PPS, 2020.

County of Bruce OP Policies

Section 5.8 of the County of Bruce OP generally directs development to be located outside of Hazardous Land Area. It is the opinion of SVCA staff that the applications comply with the natural hazard policies of the Bruce County OP.

Natural Heritage:

It is the opinion of SVCA staff that the significant natural heritage features affecting the property are significant woodlands, fish habitat, and significant wildlife habitat.

Provincial Policy Statement – Section 2.1

Section 2.1 of the PPS, 2020 states in part that development shall not be permitted in significant woodlands, fish habitat and its adjacent lands, and significant wildlife habitat, and the adjacent lands to the above referenced features, except in accordance with the specified policies found in Section 2.1.

Bruce County OP Policies

Significant Woodlands

Although there is no County-wide mapping for significant woodlands, SVCA staff is of the opinion that the woodlands located on the property and on lands adjacent to the property are considered significant woodlands.

SVCA staff notes that significant woodlands are not determined based on property boundaries, nor are they considered interrupted by standard road allowances or roadways. Furthermore, Ministry of Natural Resources and Forestry (MNRF) mapping shows forest cover of 15% for the Geographic Township of Huron. However, according to Section 4.3.2.6.2ii of the Bruce County OP, there is no requirement for the preparation of an Environmental Impact Study (EIS) to address the woodlands, based on the proposal.

Fish Habitat and its Adjacent Lands

Part of the Pine River (aka Pine River Drain, municipal drain (MD); Carter Drain MD; and Lowry Drain MD cross the property. The Pine River is considered fish habitat by SVCA staff, and the other MDs may be considered fish habitat by SVCA staff. Section 4.3 of the Bruce County OP generally prohibits development within fish habitat and its adjacent lands, except in accordance with applicable policies. SVCA staff are of the opinion that the negative impacts to fish habitat and its adjacent lands as a result of the application will be negligible, and SVCA staff are not recommending the preparation of an EIS to address fish habitat at this time.

Significant Wildlife Habitat

Although there is no County-wide mapping of significant wildlife habitat, it has come to the attention of SVCA staff that significant wildlife habitat may be located on, and/or within lands adjacent to the property. Section 4.3.2.10 of the Bruce County OP states in part that development and site alteration shall not be permitted within significant wildlife habitat, or their adjacent lands, unless it has been demonstrated through an acceptable EIS that there will be no negative impacts to the natural features or their ecological functions. SVCA staff is of the opinion that negative impacts to significant wildlife habitat is likely to be negligible based on the applications, therefore, the preparation of an EIS to address significant wildlife habitat is not recommended at this time.

Statutory Comments

SVCA staff has reviewed the applications as per our responsibilities as a regulatory authority under Ontario Regulation 169/06 (SVCA's Development, Interference with Wetlands, and Alterations to Shorelines and Watercourses 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, pollution or the conservation of land are not affected. SVCA also regulates the alteration to or interference in any way with a watercourse or wetland.

The property to be severed is not within the SVCA Approximate Screening Area.

However, areas of the parcel to be retained are within the SVCA Approximate Screening Area associated with Ontario Regulation 169/06. As such, development and/or site alteration within the SVCA Approximate Screening Area may require permission from SVCA, prior to carrying out the work. For the property, the SVCA Approximate Screening Area includes the largest extent of the natural hazard features: watercourses/drains, and any floodplains, plus an offset distance from these features of 15 metres outwards from a floodplain and/or the stable valley offset from the watercourse.

"Development" as defined under the *Conservation Authorities Act* means:

a) *the construction, reconstruction, erection or placing of a building or structure of any kind;*

- b) *any change to a building or structure that would have the effect of altering the use or potential use of the building or structure, increasing the size of the building or structure or increasing the number of dwelling units in the building or structure;*
 - c) *site grading; or,*
 - d) *the temporary or permanent placing, dumping or removal of any material, originating on the site or elsewhere.*
- And;

“Alteration” as per Section 5 of Ontario Regulation 169/06 generally includes the straightening, diverting or interference in any way with a river, creek, stream or watercourse, or the changing or interfering in any way with a wetland.

To determine where the SVCA Approximate Screening Area is located associated with our Regulation on the parcel to be retained, please refer to the SVCA’s online mapping program, available via the SVCA’s website at <http://eprweb.svca.on.ca>.

SVCA 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 on the parcel to be retained, the SVCA should be contacted, as permission may be required.

Permission/SVCA permit is not required for development proposed for the parcel to be severed.

Summary

SVCA staff has reviewed the application 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*. The application is acceptable to SVCA staff.

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, 2020 has been demonstrated;
- 2) Consistency with Section 2.1, Natural Heritage policies of the PPS, 2020 has been demonstrated; and
- 3) Consistency with local planning policies for natural hazards and natural heritage has been demonstrated.

Please inform this office of any decision made by the Township of Huron-Kinloss and/or the County of Bruce with regards to the applications. We respectfully request to receive a copy of the decisions and notices of any appeals filed. Should you have any questions, please contact the undersigned.

Sincerely,



Michael Oberle
Environmental Planning Technician
Saugeen Conservation
MO/

cc: Emily Dance, Clerk, Township of Huron-Kinloss (via email)
Don Murray, SVCA Authority Member representing the Township of Huron-Kinloss (via email)



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



June 16, 2021

File Number: Z-2021-051

Public Meeting Notice

You're invited:
On-line Public Meeting
Monday, July 12, 2021 at 7:00 pm

A change is proposed in your neighbourhood: The purpose of this application is to permit a surplus farm dwelling severance of a +/- 0.406 ha lot from a +/- 40.46 ha agricultural parcel at 1847 Concession 10. An amendment to the Zoning By-Law is required to facilitate the severance. The related consent file is B-2021-059.



1847 CONCESSION 10 – CON 9 LOT 22 (Huron), Township of Huron-Kinloss
Roll Number 410716000302300

COVID-19 Notice: Bruce County Planning offices are closed to the public until further notice. Our staff would be pleased to connect with you by email or phone.

Learn more

You can view more information about the application at <https://brucecounty.on.ca/living/land-use>. Our staff would be pleased to connect with you by email (bcplwa@brucecounty.on.ca) or phone (226-909-5515). Once our offices re-open, information about the application will be available 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: Julie Steeper

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.

Before the meeting: You can submit comments by email bcplwa@brucecounty.on.ca or mail, or phone (226-909-5515) if you have any questions, concerns or objections about the application. Comments will be provided to Council for its consideration.

On the day of and during the Public Meeting: you can speak during the online public meeting.

How to access the public meeting

As a result of the COVID-19 Pandemic, the Township of Huron-Kinloss is holding public meetings in electronic format.

For information on how to participate in the public meeting, please visit the municipal website at: <https://www.huronkinloss.com/minutes-agendas.cfm>.

Details on participating in the electronic meeting will be provided when the agenda is published. Please contact the Township of Huron-Kinloss by 4:30 pm on July 12, 2021 (edance@huronkinloss.com or 519-395-3735 ext. 123) if you have any questions regarding how to participate 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 Bruce

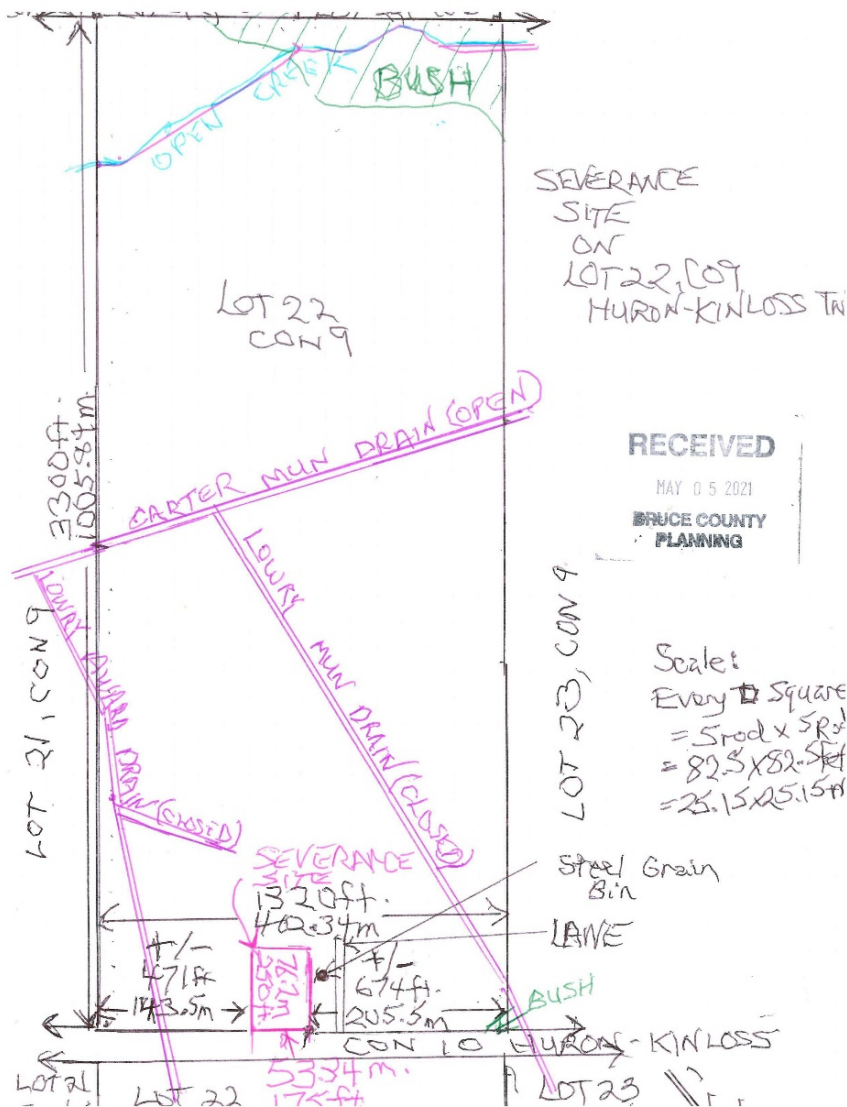
COVID-19 Notice: Bruce County Planning offices are closed to the public until further notice. Our staff would be pleased to connect with you by email or phone.

County Planning Department 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 Bruce County Planning Department 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.

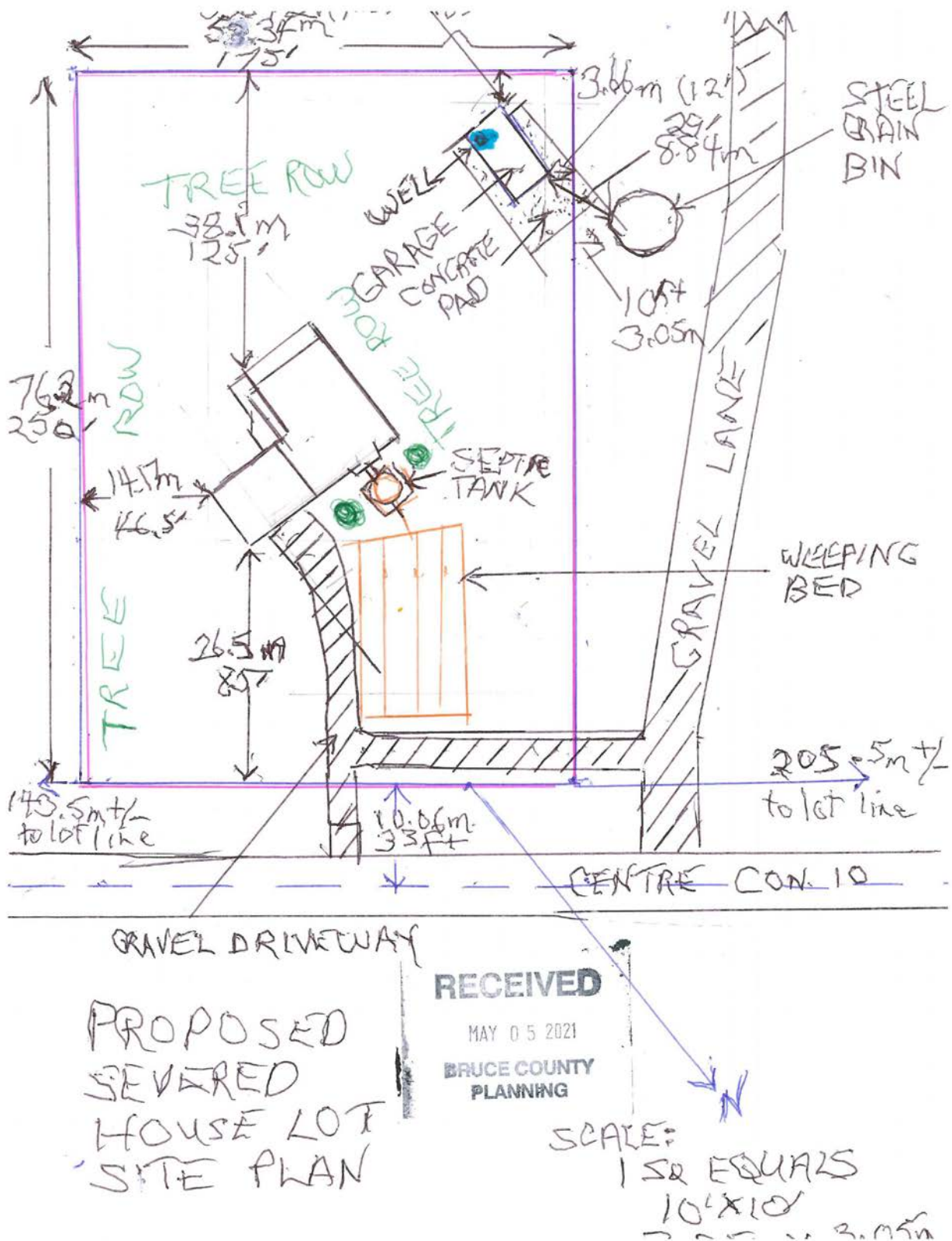
For more information please visit the Ontario Land Tribunal website at <https://olt.gov.on.ca/appeals-process/>.

Site plan



COVID-19 Notice: Bruce County Planning offices are closed to the public until further notice. Our staff would be pleased to connect with you by email or phone.

Site plan



COVID-19 Notice: Bruce County Planning offices are closed to the public until further notice. Our staff would be pleased to connect with you by email or phone.