



Planning Report

To: Township of Huron-Kinloss Council

From: Coreena Smith, Senior Development Planner

Date: August 9, 2021

Re: Zoning By-law Amendment - Z-2021-028 (Farrell)

Recommendation:

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

That a decision on Zoning By-law Amendment Z-2021-028 be deferred to a later date.

Summary:

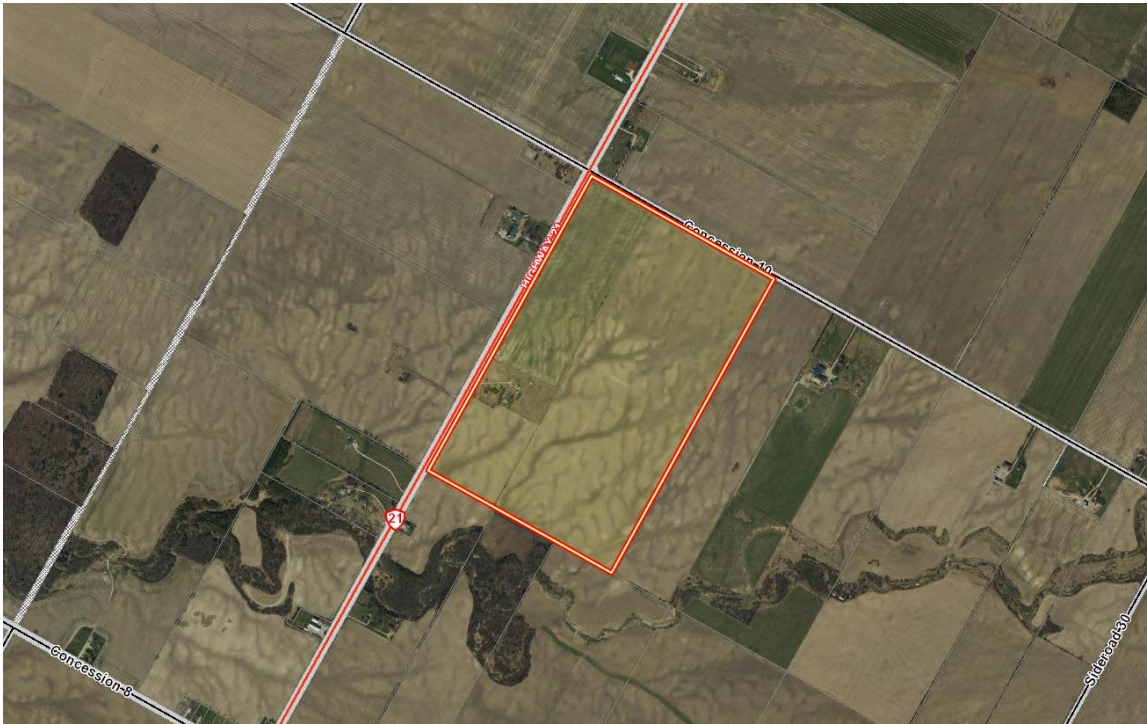
The purpose of this application is to permit a surplus farm dwelling severance of a +/-0.79 ha lot from a 63.82 ha agricultural parcel at 952 Highway 21 (Huron), in the Township of Huron-Kinloss. An amendment to the Zoning By-Law is required to rezone the lands from General Agriculture (AG1) to General Agriculture Special (AG1-25.1) 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. A holding provision requiring an Archaeological Assessment for the lands containing high archaeological potential is proposed. The Environmental Protection (EP) zone will remain unchanged.

County staff are recommending that a decision on the application be deferred to a later date pending confirmation from the applicant that the single detached dwelling on the subject lands is habitable.

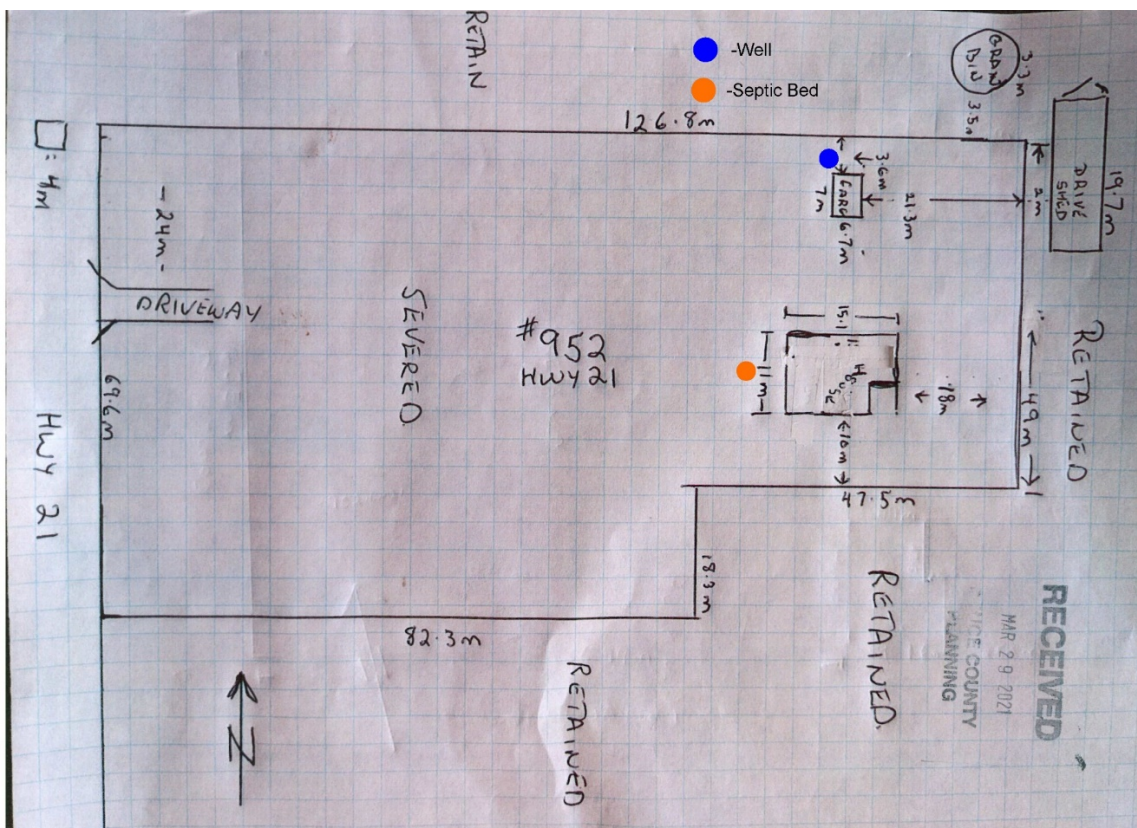
A related Consent application (File B-2021-036) will be considered by the County at a later.

The subject lands are situated southeast of Highway 21 and Concession 10.

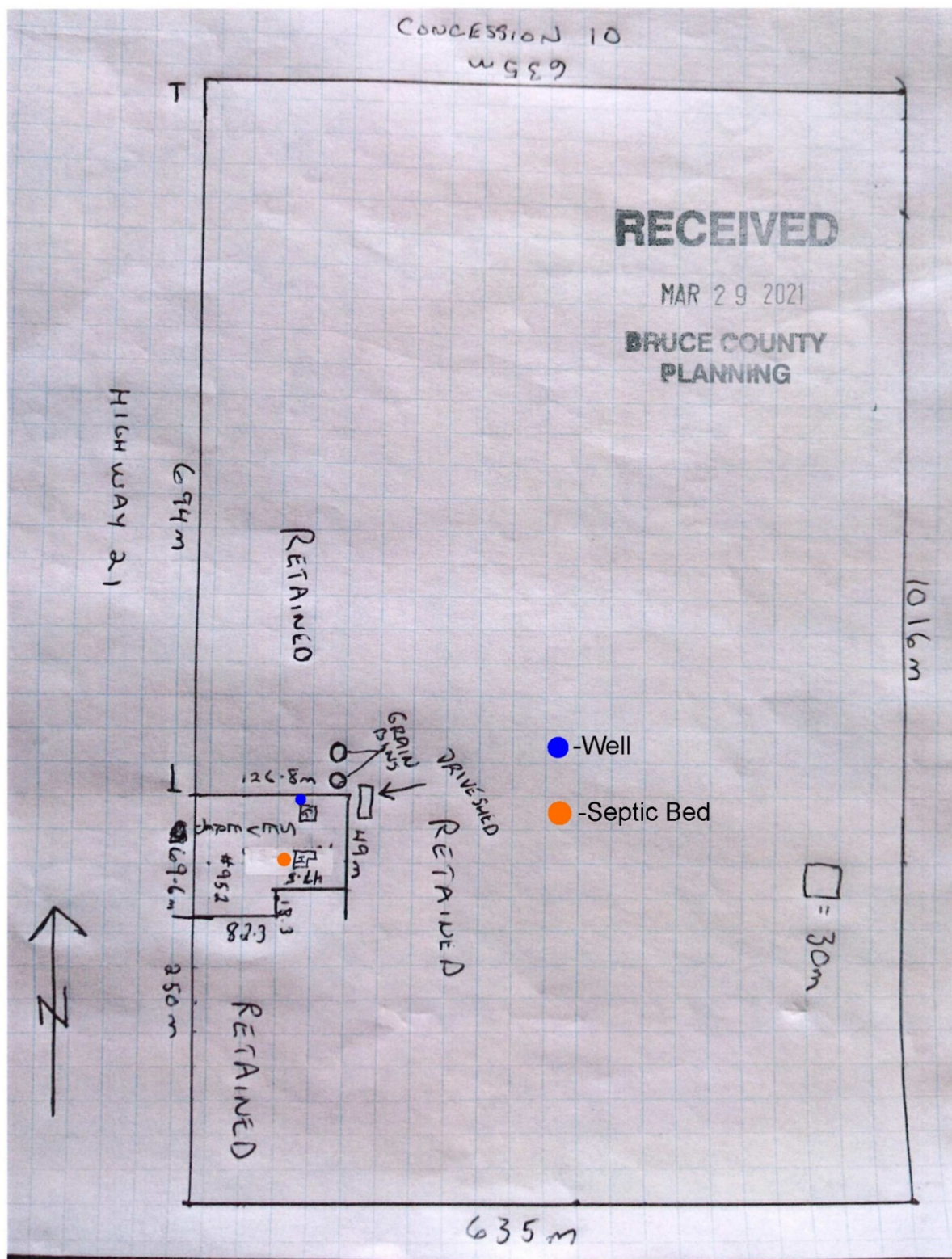
Airphoto



Site Plan Showing the Proposed New Lot



Site Plan of the 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.

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 applicant meets the definition of a bona fide farmer. They own multiple properties in the area for agricultural purposes. The existing dwelling on the subject lands is surplus to their needs.

The lands to be severed are also limited in size to accommodate the residence, a garage, a well and the existing sewage disposal system. As little land as possible is to be removed from the agricultural area.

The proposal meets all the criteria established in the PPS and County Official Plan for agricultural severances, except for the habitability of the dwelling which is discussed below.

Habitable Dwelling

The only kind of residential severance allowed under the PPS is a surplus farm dwelling severance. The County Official Plan requires the existing surplus dwelling to be habitable at

the time of application. The intent of the policies is to maintain the viability of agricultural system by ensuring that all lands available for agricultural production are maintained for that purpose, while allowing farm operators the ability to dispose of viable residential dwellings that they do not require for themselves or their farm help. It also allows farmers an option to sell rather than renting such dwellings, which many do not have the time or interest in pursuing.

The policies have the added benefit of allowing an alternative housing option for potential purchasers who may be seeking a more rural lifestyle. The policies also align with the Ontario Building Code requirements, which seek to ensure that the dwelling to be severed is suitable for human habitation.

Based on separate site visits conducted by County and Township staff, the existing yellow brick farmhouse is not occupied and is in need repairs. The extent of repairs that would be needed to make it habitable per the Ontario Building Code is not known as a full assessment of both the exterior and interior of the structure has not been completed. Given this uncertainty, it cannot be confirmed that the house is habitable or easily made habitable and thus eligible for severance. Should the house not be habitable, approval of the Zoning By-law Amendment and related Consent would facilitate the severance of a vacant lot which is contrary to the intent of the policies.

In addition, the house is not currently connected to hydro but there is a connection available. There is also an existing well and septic system available. B.M. Ross and Associates Limited, who are the Township's agent for administration of the Sewage Systems under the Ontario Building Code, have advised that the septic system was last inspected in 2015 and was given a high-age rating at that time. Township staff have asked that a septic re-inspection be conducted or the intent for a new septic system be provided by the applicant. Staff have also asked that written verification be provided that the well(s) are in use or proof of wellhead decommissioning be provided from a qualified well driller. These comments related to the well and septic system need to be addressed now or may be considered as conditions on the related Consent file once it is confirmed that the structure is otherwise habitable.

For the above reasons, County staff is recommending that a decision on the application be deferred to a later date.

Required Zoning By-law Amendment

An amendment to the Zoning By-law is required in order to facilitate the severance. Once issues relating to the status of the dwelling are confirmed, the following amendments to the Township Comprehensive Zoning By-law are proposed. A draft zoning by-law amendment and schedule will be provided by the County staff at a later date.

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

watercourse southeast 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 on those lands.

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

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. It should be noted that the existing drive shed will be removed, and grain bin(s) relocated to comply with the Zoning By-law provisions.

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 AG1 - General Agriculture and EP - Environmental Protection)



List of Supporting Documents and Studies:

- Justification Letter.
- Surplus Farm Dwelling Severance Information Sheet.

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.
2. The Township requests that the Owner provide written verification to the Clerk that the wells are in use or proof of wellhead decommissioning be provided from a qualified well driller.

Comment: Comments 1 and 2 can be addressed now or as conditions on the Consent application (File B-2021-036). However, based on subsequent conversations between the County and Township staff, it has been determined that the current single detached dwelling is in need of repair. It is unknown at this time the extent of work that needs to be done to bring it to a habitable state per the Ontario Building Code. As such, it is recommended that a decision on the planning applications be deferred to a later date to allow time to address this comment.

Hydro One Networks Inc.: No comments or concerns at this time. This preliminary review considers issues affecting Hydro One's 'High Voltage Facilities and Corridor Lands' only. For proposals affecting 'Low Voltage Distribution Facilities', the applicant must consult the local area Distribution Supplier.

Rick Management Official (Source Water): The Risk Management Official at the Ausable Bayfield Conservation Authority reviewed the proposed application as it relates to drinking water source protection and the Clean Water Act. The subject property is located within zone D of the Wellhead Protection Area (WHPA-D) for the Murdock Glen Municipal Drinking Water Supply, as identified in the Saugeen Source Protection Plan (SPP). Zone D is the 25-year time-of-travel delineated for the Murdock Glen well. There are no binding SPP policies or restrictions related to properties in WHPA-D; the subject land is not identified as 'Restricted Land Use' so a Notice under section 59 of the Clean Water Act is not required for this application. The policies of the SPP regulate activities in order to protect sources of municipal drinking water. While the local Source Protection Plan does not contain binding policies that address activities in WHPA Zone D, these areas are still considered vulnerable, and it is important to protect them. This can be accomplished using best management practices.

Bruce-Grey Catholic District School Board: No comments.

B.M. Ross and Associates Limited for the Township of Huron-Kinloss (attached): No objections.

Saugeen Valley Conservation Authority (attached): The proposed application is acceptable.

B. M. ROSS AND ASSOCIATES LIMITED
Engineers and Planners
62 North Street, Goderich, ON N7A 2T4
p. (519) 524-2641
www.bmross.net

File No. 11187

(EMAILED)

August 3, 2021

County of Bruce
Planning and Development
30 Park Street
P.O. Box 848
Walkerton, ON N0G 2V0

Attention: Candace Hamm

Dear Ms. Hamm

Re: File: B-2021-036, Z-2021-029
952 Highway 21
Con 9 W PT Lot 34 Pt Lot 35
Farrell, Ross (Owner)
Township of Huron-Kinloss
(Geographic Township of Huron)

We received the above mentioned "Request for Agency Comment" on July 13, 2021. As the Township of Huron-Kinloss' agent for administration of the Ontario Building Code (OBC), Part 8, Sewage Systems we appreciate the opportunity to comment on this application.


The application was submitted to facilitate severance of a surplus farm dwelling from a 63.82 ha parcel at 952 Highway 21. The application also requires an amendment to the Zoning By-Law to rezone the severed and retained lots.

The application has been reviewed by OBC Part 8 Inspector Dave Bell (BCIN# 34600). We note that the septic system was inspected in 2015. The system was given a High-Age rating at the time. Currently the system is noted as being abandoned. The proposed severance has sufficient space to accommodate the existing septic system, or a new system if required, and the required setbacks.

We have no objections to this proposal.

Yours very truly

B. M. ROSS AND ASSOCIATES LIMITED

Per 

Lisa J. Courtney, M.Sc. R.P.P., M.C.I.P.
Environmental Planner

cc. Matt Farrell, Chief Building Official, Township of Huron-Kinloss



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: CJSmith@brucecounty.on.ca and bcplwa@brucecounty.on.ca

July 25, 2021

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

ATTENTION: Coreena Smith, Planner

Dear Ms. Smith,

RE: Proposed Zoning By-law Amendment Z-2021-029 and Consent B-2021-036 (Farrell)
952 Highway 21
West Part Lot 34 Part Lot 35 Concession 9
Roll Number: 410716000304100
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 this applications are to permit a surplus farm dwelling severance of a +/-0.79 hectare (ha) lot from a 63.82 ha agricultural parcel. An amendment to the Zoning By-Law is required to facilitate the severance.

Recommendation

The proposed applications are acceptable to SVCA staff.

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



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

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 any flood and erosion hazards of the closed/tiled drains that cross the property. 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 as historically 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 potentially fish habitat, and habitat of endangered species and threatened species.

Provincial Policy Statement – Section 2.1

Section 2.1 of the PPS, 2020 states in part that development shall not be permitted in fish habitat and its adjacent lands, and habitat of endangered species and threatened species, 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

Potential Fish Habitat and its Adjacent Lands

Two closed/tiled drains, namely: part of Harrison Drain, and an unnamed drain appear to cross the property. These drains are tributaries of Royal Oak Creek (also part of Royal Oak Creek Drain). Royal Oak Creek is considered fish habitat by SVCA staff, and the drains may be considered by SVCA staff, to be contributory to fish habitat. 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 potential fish habitat and its adjacent lands as a result of the applications will be negligible, and SVCA staff are not recommending the preparation of an Environmental Impact Study (EIS) to address potential fish habitat at this time.

Habitat of Endangered Species and Threatened Species

Although not mapped in the Bruce County OP, it has come to the attention of SVCA staff that habitat of endangered species and threatened species may be located on and/or on lands adjacent to the properties. Section 4.3.2.7 of the Bruce County OP states in part that development will not be permitted within habitat of endangered species and threatened species, and their adjacent lands. It is the role of the SVCA to identify habitat of endangered species and threatened species through a screening process in consideration of the PPS, 2020 and local policies, however it is the responsibility of the owner/applicant to ensure the endangered species and threatened species policy referred to in the PPS, 2020 has been appropriately addressed. Please contact the Ministry of Environment, Conservation and Parks (MECP) for information on how to address this policy. MECP inquiries can be addressed to SAROntario@ontario.ca.

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.

Small areas of the property, associated with the closed/tiled drains 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 property, 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 property, the SVCA should be contacted, as permission may be required.

Drinking Water Source Protection

According to SVCA mapping, the property appears to be located within an area that is subject to the local Drinking Water Source Protection Plan. To confirm, please contact the Township of Huron-Kinloss Risk Management Official Mary Lynn MacDonald at mmacdonald@abca.ca.

Summary

SVCA staff has reviewed the applications 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, with the exception of habitat of endangered species and threatened species which must be addressed by the applicant/landowner; and
- 3) Consistency with local planning policies for natural hazards and natural heritage has been demonstrated, with the exception of habitat of endangered species and threatened species which must be addressed by the applicant/landowner.

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



July 13, 2021

File Number: Z-2021-028

Public Meeting Notice

You're invited:

On-line Public Meeting to consider
Zoning By-law Amendment file Z-2021-028
Monday, August 9, 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 +/-0.79 ha lot from a 63.82 ha agricultural parcel. An amendment to the Zoning By-Law is required to facilitate the severance. The related consent file is B-2021-036.



952 HIGHWAY 21 – CON 9 W PT LOT 34 PT LOT 35 (Huron), Township of Huron-Kinloss
Roll Number: 410716000304100

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: Coreena Smith

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 the Committee 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 Public Meeting will be held 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 June 14, 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

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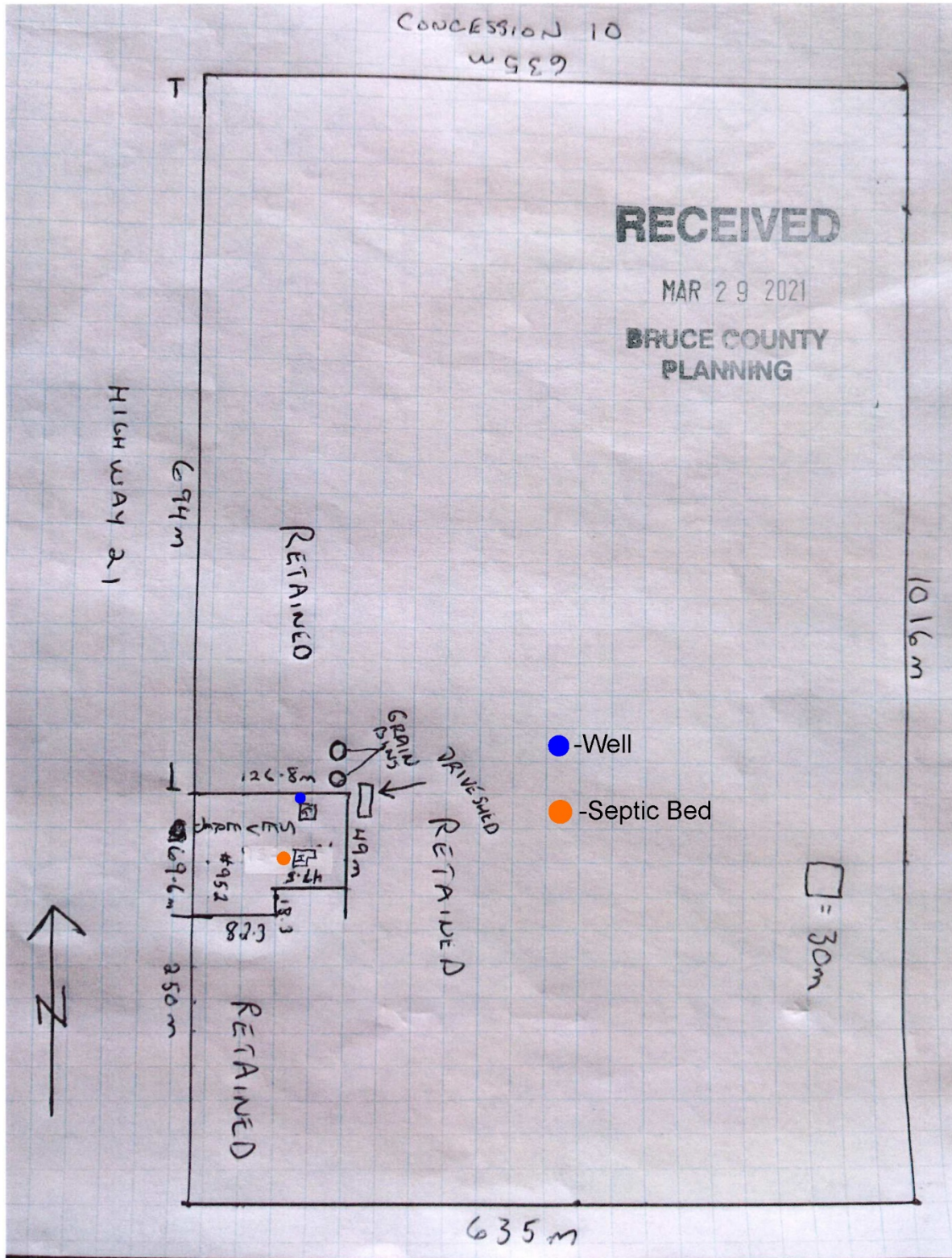
to the Bruce County Planning Department before the by-law is passed, the person or public body is not entitled to appeal the decision.

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/>.

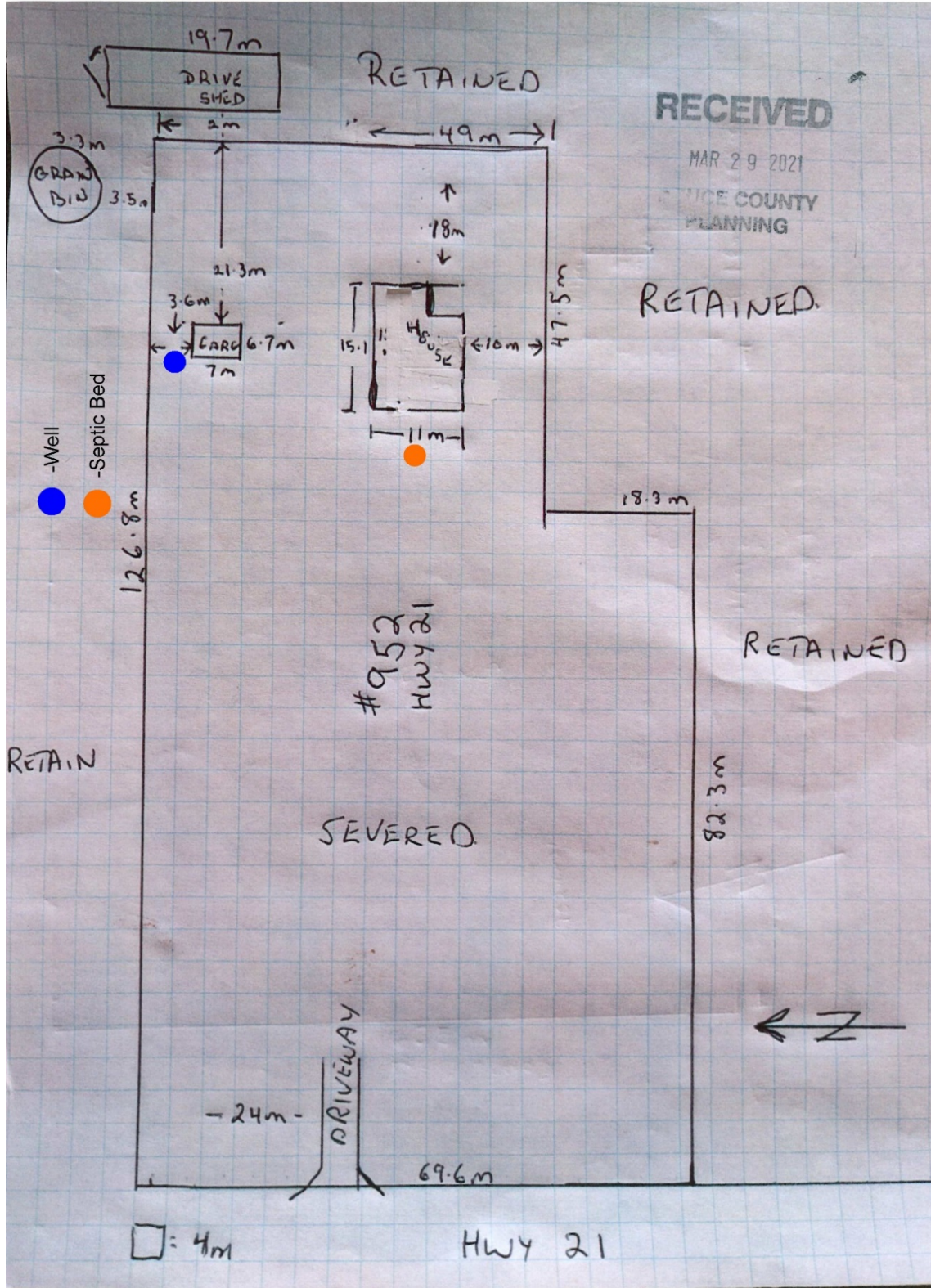
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Site plan



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Site plan



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