



## Planning Report

To: Township of Huron-Kinloss Council

From: Luisa Vacondio, Planner

Date: September 13, 2021

Re: Zoning By-law Amendment - Z-2021-029 (Sluys)

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### Recommendation:

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

That Council approve Zoning By-law Amendment Z-2021-029 as attached and the necessary by-law be forwarded to Council for adoption.

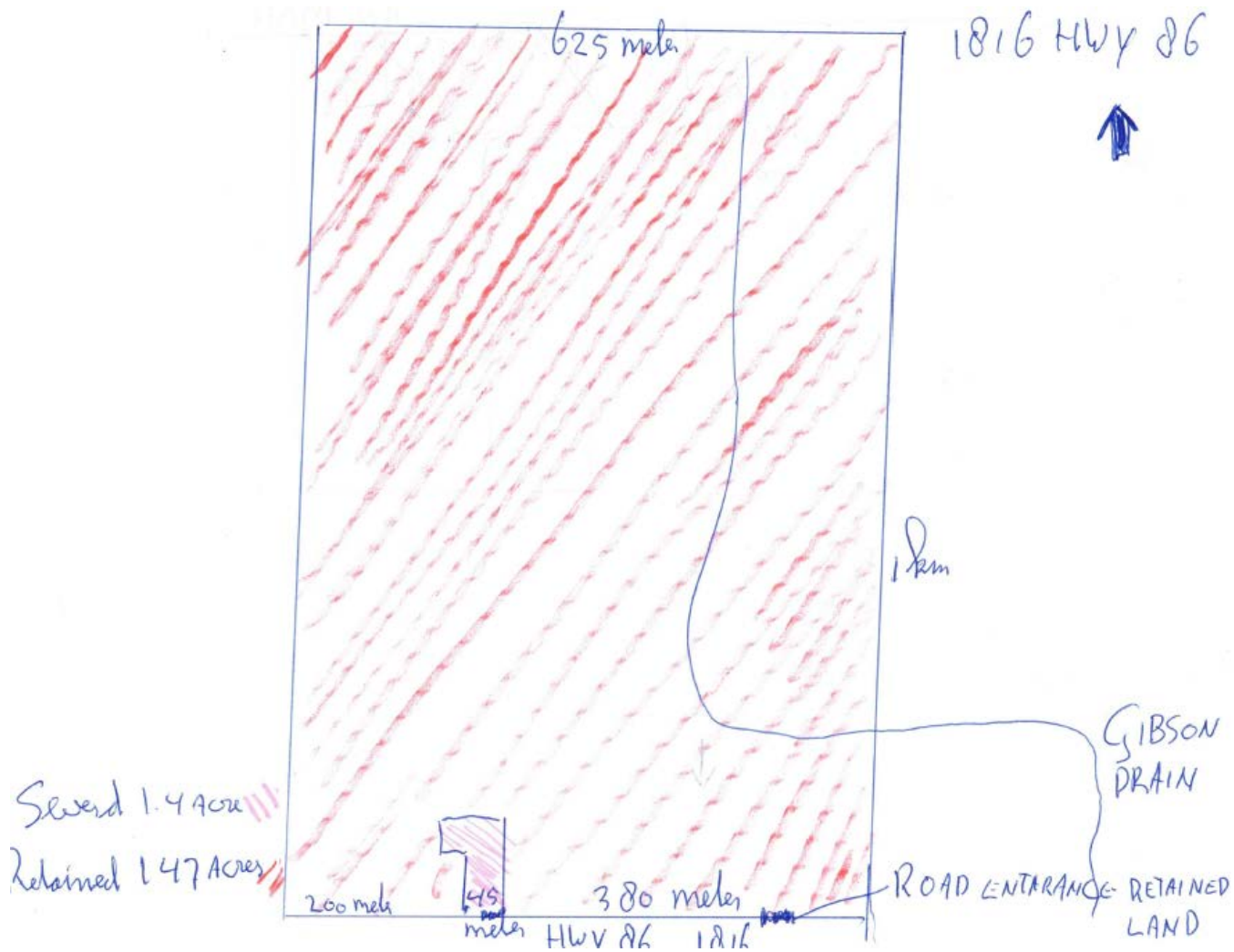
### Summary:

The purpose of this application is to permit a surplus farm dwelling severance of a +/-0.58 ha lot from a +/-60.4 ha agricultural parcel at 1816 Bruce Road 86, 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) and Agricultural Residential Special with Holding (AG3-25.2-H1) for the severed non-farm parcel. The Environmental Protection (EP) zone will remain unchanged.

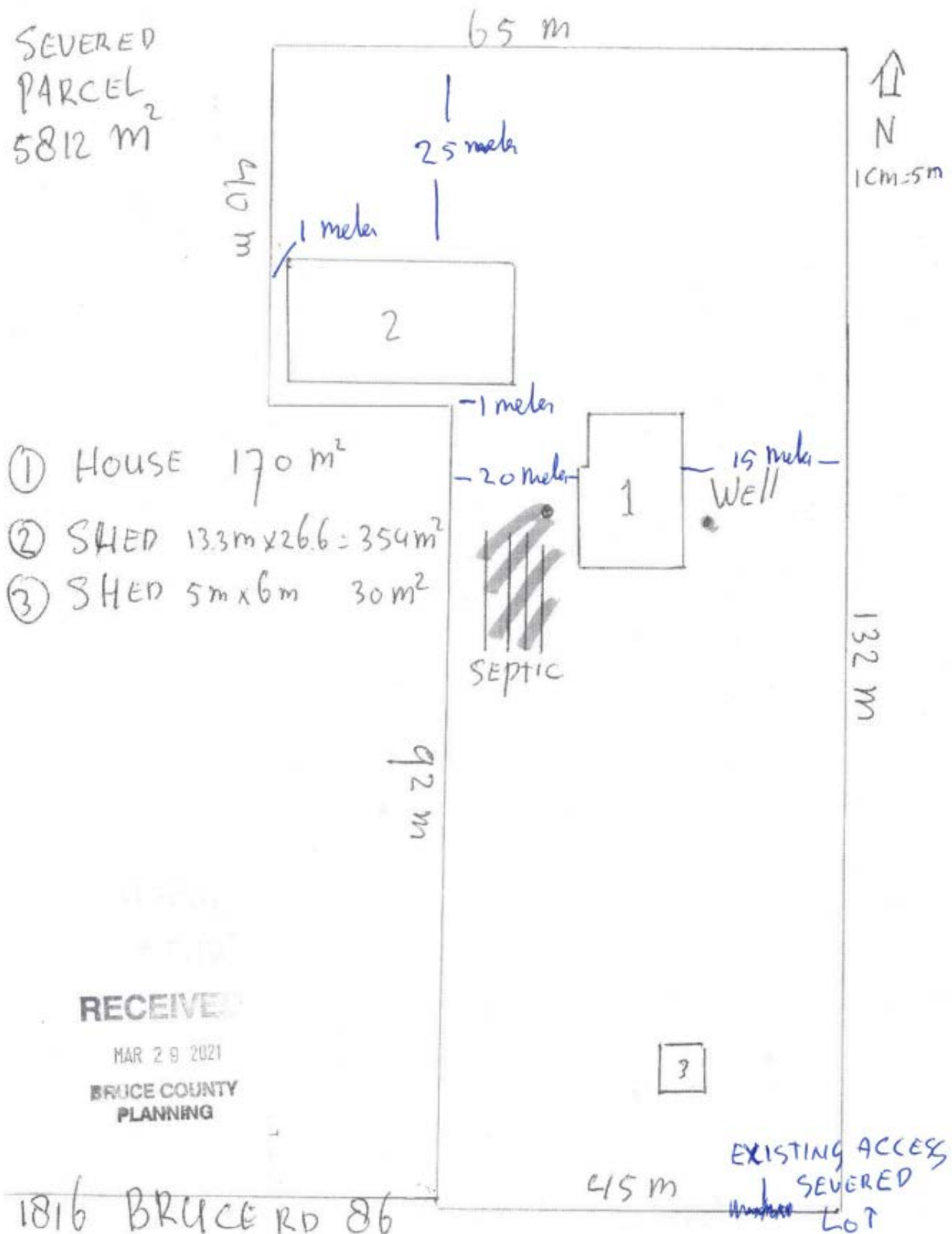
### Airphoto



# Site Plan of Entire Property



Site Plan Showing Proposed New Lot (with revised setbacks)



## 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 the subject property and own or rent 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 buildings, 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 watercourse that runs through and adjacent to 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) and Agricultural Residential Special with Holding (AG3-25.2-H1) for the severed non-farm parcel. The holding provision for the severed parcel is proposed to be applied based on a similar rationale as noted above for the retained 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

- Revised Site Plan.
- Surplus Farm Dwelling Severance Information Sheet.

## Agency Comments

Township of Huron-Kinloss:

1. That the Owner provide written verification to the Clerk of the Municipality that the wells are in use or proof of wellhead decommissioning from a qualified well driller.
2. That the owner satisfies the Municipality with respect to the provisions of (911) entrance permits.
3. That the Owner provide written verification to the Clerk of the Municipality of septic re-inspection or intent for a new septic system for both the severed and retained parcels.

Bruce County Transportation and Environmental Services: No comment.

Bruce-Grey Catholic District School Board: No comments.

Hydro One: No comments or concerns.

Maitland Valley Conservation Authority (attached): No objections.

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

Township of Huron-Kinloss, Engineer, BM Ross (attached): The existing septic system associated with the farm dwelling was inspected in 2015. It is assumed the septic bed associated with this system is located on the west side of the dwelling. The Inspector has raised concerns regarding the location of the bed and the proposed property line on the west side of the dwelling. A locate of the bed should be done to ensure the septic bed does not cross the proposed property line and meets the required setbacks.

Note: These comments will be addressed as conditions on the consent application (File B-2021-038).

**MEMORANDUM**

**TO:** County of Bruce Inland Planning Hub, via email  
**CC:** Luisa Vacondio, Planner, County of Bruce  
Winjandus Sluys, Owner, via email  
**FROM:** Patrick Huber-Kidby, Environmental Planner/Regulations Officer, MVCA  
**DATE:** August 30, 2021  
**SUBJECT:** Application for Consent to Sever: B-2021-038  
Application for Zoning Bylaw Amendment: Z-2021-029  
South Part Lots 8, 9, & 10, Concession 1, Township of Huron-Kinloss,  
(Geographic Township of Huron), County of Bruce; known as 1816 Bruce  
Road 86

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Maitland Valley Conservation Authority (MVCA) has reviewed the above-noted applications with regard for the natural hazard policies contained in the Provincial Policy Statement, 2020 (PPS, 2020) and pursuant to our 'Memorandum of Agreement' with the Corporation of the County of Bruce. This application has also been screened with regard for MVCA's policies made under *Ontario Regulation 164/06* (Development, Interference with Wetlands and Alterations to Shorelines and Watercourses Regulation). Based on our review, we offer the following comments.

It is our understanding the purpose of these applications is to sever a surplus farm dwelling, and rezone the severed and retained lands, to Agricultural Residential Special and General Agricultural Special respectively.

**Natural Hazards:**

The subject property features wetland and open watercourse. Wetlands are floodprone areas containing unstable organic soils not suitable for development.

**MVCA Ontario Regulation 164/06 Regulated Areas:**

Watercourse plus 15 meters from the stable top of bank; and wetlands, plus a prescribed buffer, are MVCA regulated lands, along with the extent of floodplains, plus fifteen meters, pursuant to *Ontario Regulation 164/06* made under the *Conservation Authorities Act (R.S.O., 1990, chapter C.27)*. Subject to the Regulation, development (construction, reconstruction, filling, grading) interference, and alteration within Authority regulated lands requires permission from MVCA, prior to undertaking the work.

There is no work proposed as part of this application requiring MVCA permission at this time; however all future works in the above noted regulated areas must be reviewed and approved by MVCA prior to commencing.

**Report & Recommendation:**



The lands to be severed are not known to be affected by natural hazards as per the PPS, and the lands to be retained have extensive areas and frontage outside any known areas of natural hazard.

These applications are in general conformance with Section 3.1, Natural Hazard Policies of the PPS, 2020, 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.



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](mailto:publicinfo@svca.on.ca), [www.svca.on.ca](http://www.svca.on.ca)

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

September 8, 2021

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

ATTENTION: Luisa Vacondio

Dear Ms. Luisa Vacondio,

RE: Proposed Zoning By-law Amendment Z-2021-029 and Consent B-2021-038 (Sluys)  
1816 Bruce Road 86  
South Part Lot 8 South Part Lot 9, South Part Lot 10 Concession 1  
Roll Number: 410716000100400  
Geographic Township of Huron  
Township of Huron-Kinloss

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Saugeen Valley Conservation Authority (SVCA) staff have reviewed the above-noted applications as per our Memorandum of Agreement (MOA), dated September 2019, with the County of Bruce representing natural heritage within the Maitland Valley Conservation Authority (MVCA) watershed. The applications have 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 (Policies Manual), amended October 16, 2018, with regard to Natural Heritage Features.

### **Purpose**

The purpose of this applications are to permit a surplus farm dwelling severance of a +/-0.6 hectares (ha) lot from a +/-60.4 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 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 heritage as set out in the PPS 2020, County Official Plan and/or local official plans. Comments below only include features/technical requirements affecting the property.



### **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

### **Natural Heritage:**

It is the opinion of SVCA staff that the natural heritage features affecting the property include significant woodlands, fish habitat, and potentially 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, significant wildlife habitat, and the adjacent lands to the above referenced features, except in accordance with the policies found in Section 2.1 of the PPS, 2020.

#### County of Bruce OP Policies

##### Significant Woodlands

Although there is no County-wide mapping for significant woodlands, SVCA staff is of the opinion that the woodlands on the property, as well as woodlands located on the adjacent lands to the property, form part of a larger woodland and therefore may be considered significant woodlands in accordance with Section 4.3.2.6 of the Bruce County OP. SVCA staff note that significant woodlands are not determined based on property boundaries, nor are they considered interrupted by standard road allowances or roadways. However, based on the applications, no new buildings or structures are proposed within the adjacent lands to the woodlands therefore, the preparation of an Environmental Impact Study (EIS) to address potential impacts to significant woodlands are not warranted at this time.

##### Fish Habitat

Hamilton Drain and Towle Award Drain flow through the property. The drains are watercourses that are considered fish habitat by SVCA staff. SVCA staff review of fish habitat is provided in consideration of the PPS, 2020, and local policies but does not provide clearance on the required statutes or legislation from either the Ministry of Natural Resources and Forestry (MNRF) or Department of Fisheries and Oceans (DFO). Based on the applications, no new buildings or structures are proposed within the adjacent lands to the watercourses, therefore, the preparation of an EIS to address potential impacts to fish habitat is not warranted at this time.

##### Significant Wildlife Habitat

While 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 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. Based on the applications, no new buildings or structures are proposed on the property, therefore, it is the opinion of SVCA staff that negative impacts to significant wildlife habitat or its adjacent lands are likely to be negligible based on the applications, and the preparation of an EIS to address potential impacts to significant wildlife habitat may be waived according to Section 4.3.3.8 of the Bruce County OP.

### **Summary**

SVCA staff has reviewed the applications in accordance with our MOA with the County of Bruce representing natural heritage; and the application has also been reviewed through our role as a public body under the *Planning Act* as per our CA Member approved Policies Manual.

The applications are acceptable to SVCA staff.

Given the above comments, it is the opinion of the SVCA staff that:

- 1) Consistency with Section 2.1, Natural Heritage policies of the PPS, 2020 has been demonstrated; and
- 2) Consistency with local planning policies for 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)  
Patrick Huber-Kiddy, Environmental Planner-Regulators Officer, MVCA (via email)  
Don Murray, SVCA Member representing the Township of Huron-Kinloss (via email)

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

File No. 11187

**(EMAILED)**

September 8, 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-2021-038, Z-2021-029**  
**1816 Bruce Road 86**  
**Con 1 S Pt Lot 8 S Pt Lot 9; S Pt Lot 10 (Huron)**  
**Wijnandus Sluys (Applicant)**  
**Township of Huron-Kinloss**  
**(Geographic Township of Huron)**


We received the above mentioned "Request for Agency Comment" on August 18, 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 lot of approximately 0.6 ha from a 60.4 ha agricultural parcel. An amendment to the Zoning By-law is required for the severance.

The application has been reviewed by OBC Part 8 Inspector Dave Bell (BCIN# 34600). The existing septic system associated with the farm dwelling was inspected in 2015. It is assumed the septic bed associated with this system is located on the west side of the dwelling. The Inspector has raised concerns regarding the location of the bed and the proposed property line on the west side of the dwelling. A locate of the bed should be done to ensure the septic bed does not cross the proposed property line and meets the required setbacks.

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





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



August 18, 2021

File Number: Z-2021-029

## Public Meeting Notice

You're invited:

On-line Public Meeting

Monday, September 13, 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 +/-0.6 ha lot from a +/-60.4 ha agricultural parcel. An amendment to the Zoning By-Law is required to facilitate the severance.

The related Consent File is B-2021-038.



1816 BRUCE ROAD 86 – CON 1 S PT LOT 8 S PT LOT 9; S PT LOT 10 (Huron)  
Township of Huron-Kinloss, Roll Number: 410716000100400

**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](mailto: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: Luisa Vacondio

## 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](mailto:bcplwa@brucecounty.on.ca), 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 is holding public meetings in electronic format.

For information on how to participate in the public meeting, please visit the municipal website at: <https://calendar.huronkinloss.com/meetings>.

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](mailto: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

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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 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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1816 Hwy 86

625 meters

1 km

GIBSON DRAIN

ROAD ENTRANCE RETAINED LAND

380 meters

1816 Hwy 86

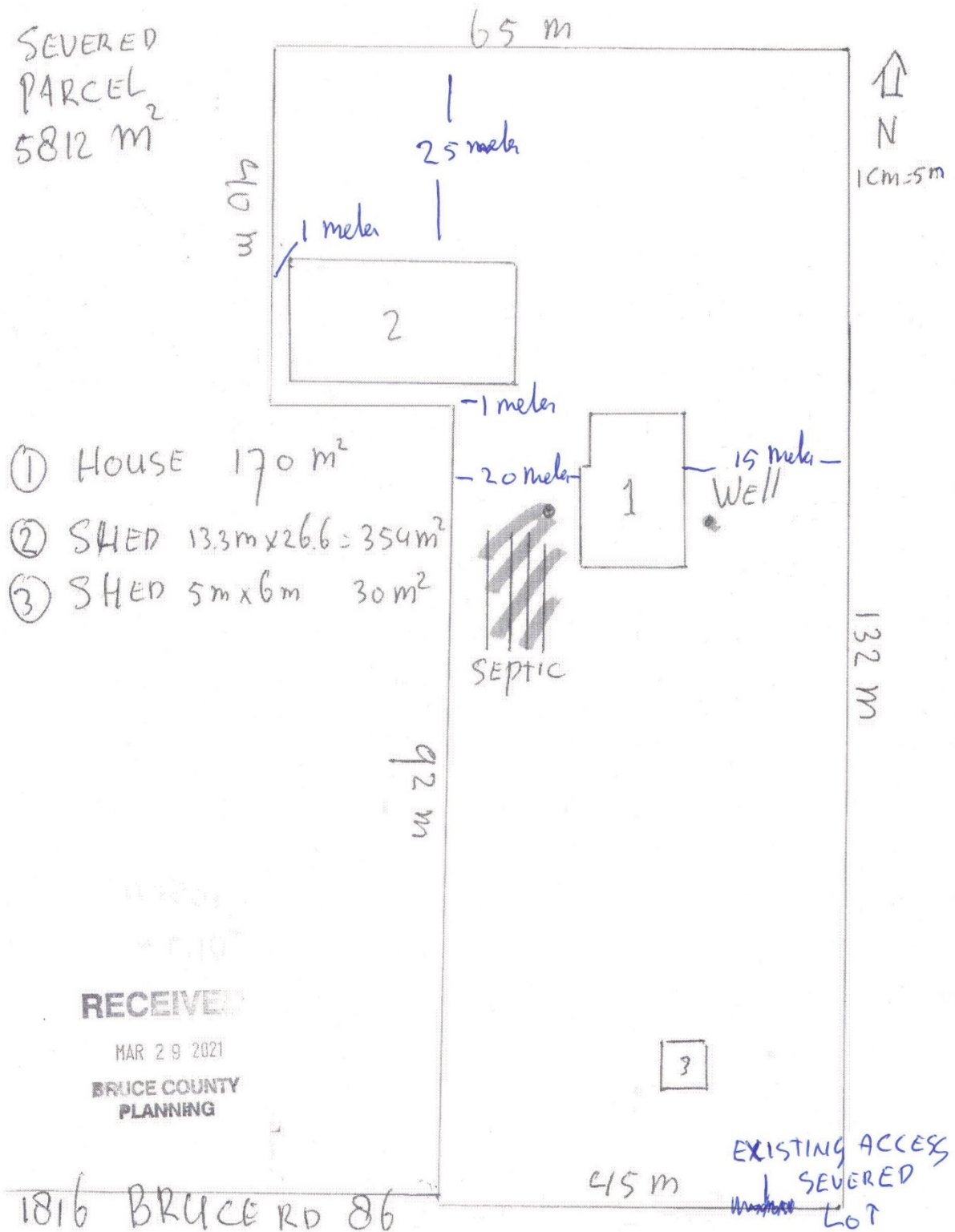
200 meters

45 meters

Several 1.4 Acres

Retained 147 Acres

# Site plan



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