



Planning Report

To: Township of Huron Kinloss Council

From: Julie Steeper, Planner

Date: December 13, 2021

Re: Zoning Bylaw Amendment Application - Z-2021-063 (Stanley)

Recommendation:

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

That Council approve Zoning By-law Amendment Z-2021-063 as attached and the necessary by-law be forwarded to Council for adoption.

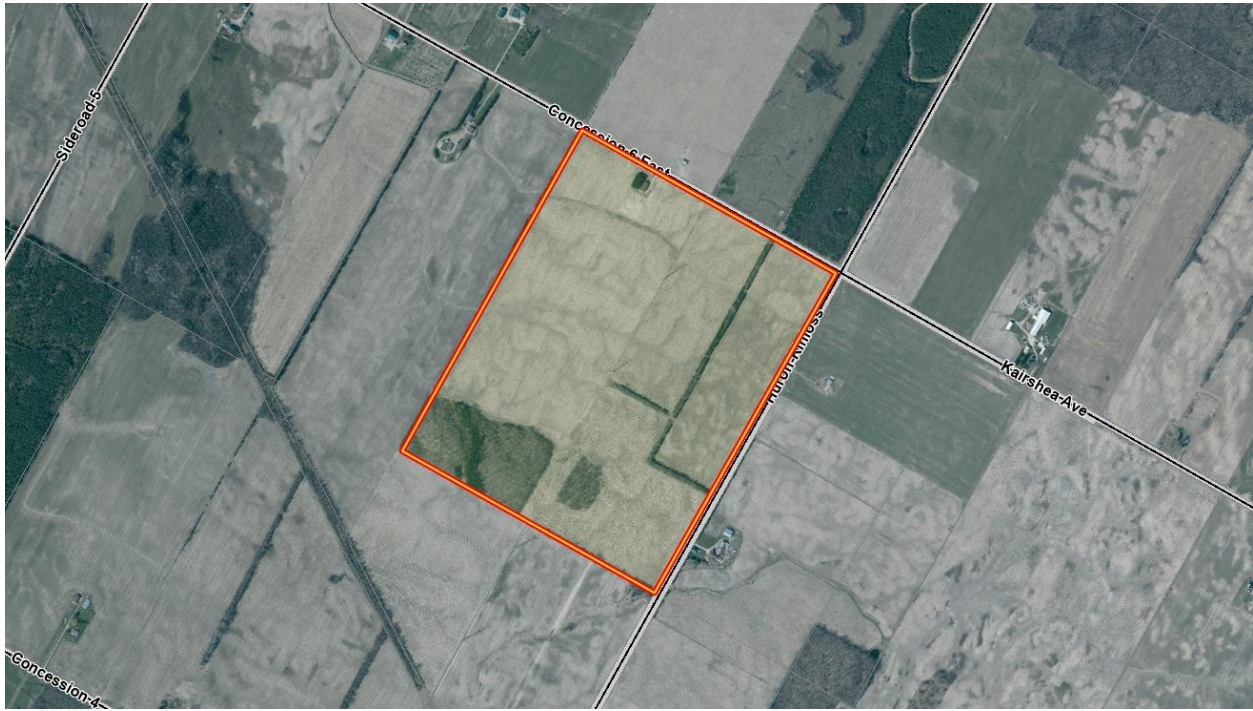
Summary:

The purpose of the application is to facilitate a surplus farm dwelling severance of a +/-1.03 ha lot from an 80.94 ha agricultural parcel at 1389 Concession 6 E, 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 a Holding (AG1-25.1-H1) to prevent development of a future dwelling for the retained farm parcel. The severed non farm lot is to be rezoned from General Agriculture (AG1) to Agricultural Residential Special with a holding (AG3-25.2-H1). The Environmental Protection (EP) zone will remain unchanged. A holding provision requiring an Archaeological Assessment for the lands containing high archaeological potential is proposed.

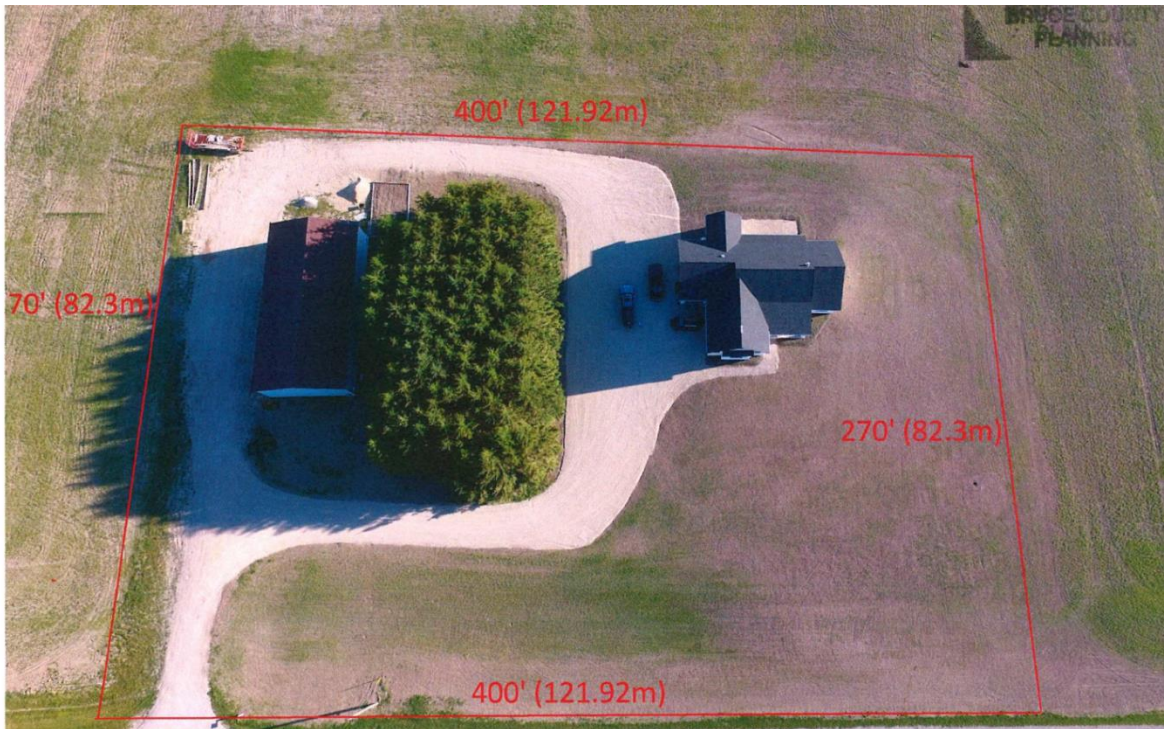
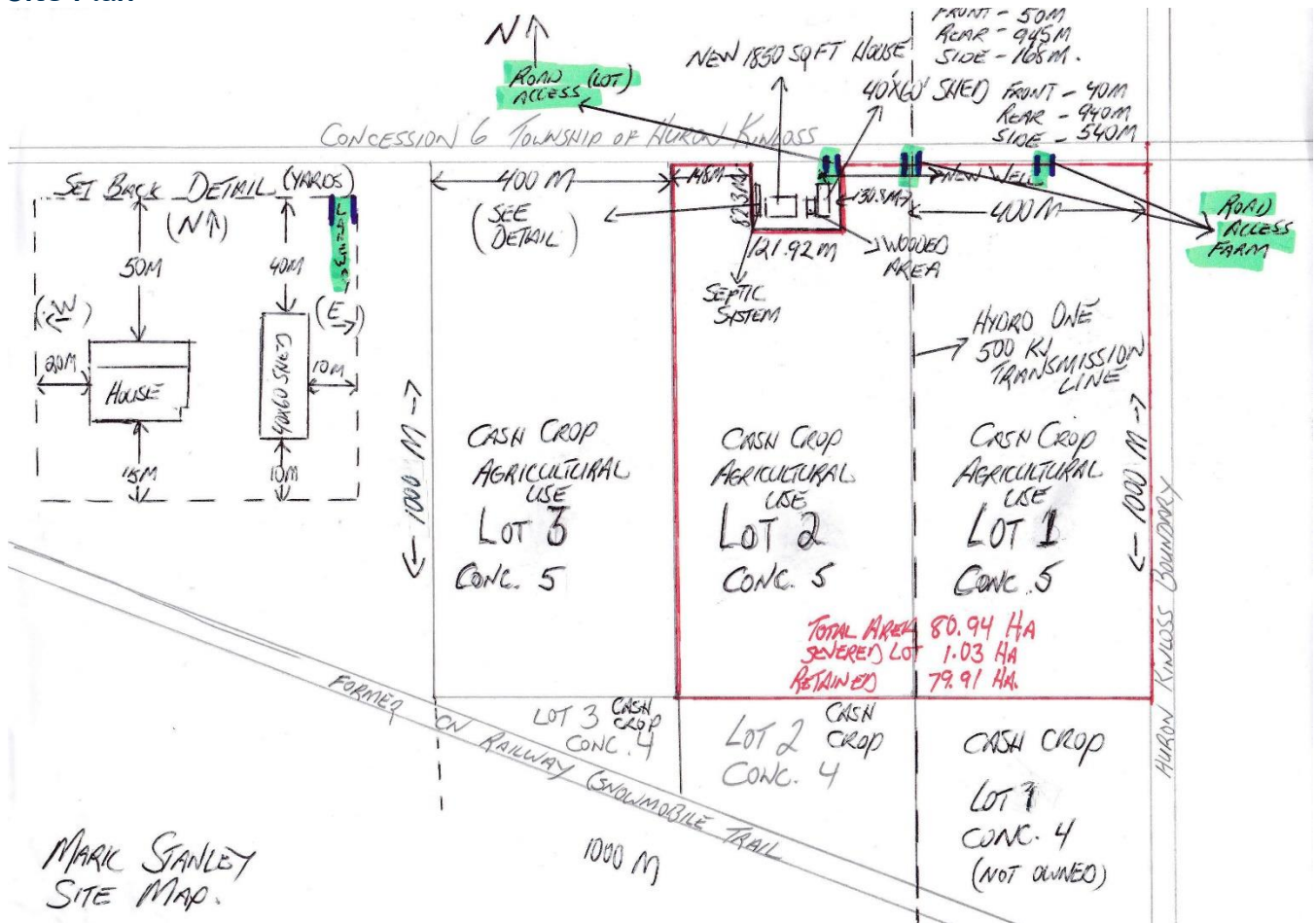
The related consent file (B-2021-071) will be considered by the County at a later date.

The property is located south east of Ripley, south of Bruce Road 6, and east of Bruce Road 7. The site is surrounded by agricultural lands.

Airphoto



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.

Surplus Farm Dwelling Severance

Surplus farm dwellings are generally considered to be good for agriculture, on balance, because they enable farmers who have consolidated different lots into one operation to dispose of houses on the land that are surplus to the needs of the operation.

The only kind of residential severance allowed under the Provincial Policy Statement is a surplus farm dwelling severance provided that it: is the result of farm consolidation, the new lot is limited in size and that residential dwellings are prohibited on the remnant parcel.

The subject lands are designated Agricultural Area, and Hazard Land Area in the Bruce County Official Plan. To meet the Official Plan policies for surplus farm dwelling severances, the owner of the farmlands must be a 'bona fide farmer'. For the purposes of this policy, the 'bona fide farmer' must:

- a) own and farm the lands on which the surplus dwelling is proposed to be severed;
- b) own and farm other lands; and,
- c) own a residence elsewhere, or reside as a tenant elsewhere, therefore rendering the residence on the subject farm surplus to their needs.

A 'bona fide farmer' is defined as including a limited company, sole proprietorship, incorporated company, numbered company, partnership, non-profit and other similar ownership forms.

The Official Plan requires that the lot proposed for the residence and buildings surplus to the farming operation be limited in area and shall only be of sufficient size to accommodate the residence surplus to the farming operation, accessory buildings (where including accessory buildings does not render the lot excessively large in the opinion of the Land Division Committee), a well and a sewage disposal system, while ensuring that as little land as possible is removed from the agricultural lands.

The applicants meet the definition of bona fide farmers. They own multiple properties in the area for agricultural purposes. The severed land with the single detached dwelling, and shed are surplus to the owner's needs. The proposal meets all the criteria established in the PPS and County Official Plan for agricultural severances.

The Bruce County Official Plan also requires a minimum farm size of generally 40 ha, which is achieved in this instance on the retained lands. The zoning will place a restriction on the retained lands that will not permit another house. This would implement Provincial and Official Plan policies.

Archaeological Potential

The proposed severed and retained lots are considered to have high archeological potential due to a watercourse that runs on the property. A holding provision requiring an Archaeological Assessment for the lands containing high archaeological potential is proposed. The holding provision will not allow site alteration or development until an archaeological assessment has been provided by a qualified individual; the appropriate Ministry has accepted and registered the assessment, if required; and the recommendations of the archaeological assessment (if any) have been implemented. Normal farm practices can continue on the lands identified as having high archeological potential.

Required Zoning By-law Amendments

An amendment to the Zoning By-law is required in order to facilitate the severance. The proposed severed non-farm parcel will be rezoned from General Agriculture (AG1) to - General Agriculture Special with a holding (AG3-25.2-H1). The proposed retained farm parcel will be rezoned from General Agriculture (AG1) to General Agriculture Special (AG1-25.1) and General Agriculture Special with a Holding (AG1-25.1-H1) to prevent development of a future dwelling.

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.

On those lands identified as being subject to the “H1” Holding zone, lot grading; excavation; and/or construction shall not be permitted unless the Holding (H1) zone provision is removed. The area of the H1 zone that may be lifted shall be limited to the area included in the assessment and may only be removed by Council upon:

1. Approval by the Zoning Administrator of an Archaeological Assessment which has been:
 - a. Conducted by an archaeologist licensed in the Province of Ontario;
and
 - b. Confirmed by the appropriate Ministry to have been accepted into the Ontario Public Register of Archaeological Reports and,
2. Confirmation to the satisfaction of the Zoning Administrator that the recommendations of the archaeological report (if any) have been implemented.

The EP - Environmental Protection 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))



Agency Comments

Township of Huron Kinloss: No concerns.

BM Ross, Township of Huron-Kinloss Engineers: No concerns.

Hydro One Networks Inc.: No concerns.

Saugeen Ojibway Nation: Saugeen Ojibway Nation's Environment Office does not have the resources to engage in consultation on this project. We have no further comments on this project. If at any point anything of archeological interest is revealed on site, please contact the SON Environment Office immediately.

Historic Saugeen Métis (HSM): The Historic Saugeen Métis (HSM) Lands, Resources and Consultation Department has reviewed the relevant documents and have no objection or opposition to the proposed Consent to Sever Land and Zoning By-law as presented.

Saugeen Valley Conservation Authority: No concerns, and provided in full below.



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

December 7, 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-2021-063 and Consent B-2021-071 (Stanley)
1389 Concession 6 E
Lots 1 and 2 Concession 5
Roll No.: 410716000200300
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.

We note that the majority of the property is within the SVCA watershed, but that a small area in the southeastern portion of the property is within the Maitland Valley Conservation Authority watershed.

Purpose

The purpose of the applications is to sever a +/-1.03 hectare (ha) surplus farm dwelling lot from a +/-80.94 ha agricultural parcel. An amendment to the Zoning By-law is required to facilitate the severance. A holding provision requiring an Archaeological Assessment for the lands containing high archaeological potential is proposed.

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 feature affecting the property includes branches of Vanderhoek Municipal Drain and any floodplain hazard of the drains. 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 feature affecting the property is 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 wildlife habitat, and its adjacent lands, except in accordance with the specified policies found in Section 2.1.

Bruce County OP Policies

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: drains, and any floodplains, plus an offset distance from these features of 15 metres outwards from a floodplain of the drains.

"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



November 12, 2021

File Number: Z-2021-063

Public Meeting Notice

You're invited:

On-line Public Meeting

Monday, December 13, 2021 at 7:00 pm

A change is proposed in your neighbourhood: The purpose of the application is to sever a +/- 1.03 ha surplus farm dwelling lot from a +/- 80.94 ha agricultural parcel. An amendment to the Zoning By-law is required to facilitate the severance. A holding provision requiring an Archaeological Assessment for the lands containing high archaeological potential is proposed. The related consent file is B-2021-071.



1389 CONCESSION 6 E - CON 5 LOTS 1 & 2 (Huron)
Township of Huron-Kinloss, Roll Number 410716000200300

Learn more

You can view more information about the application at <https://brucecounty.on.ca/living/land-use> or 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. Comments received after December 3, 2021 may not be included in the Planning report but will be considered and included in the official record on file.

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://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 December 13, 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 Local Planning Appeal Tribunal but the 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 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 Local Planning Appeal Tribunal unless, in the opinion of the Tribunal, there are reasonable grounds to do so.

For more information please visit the Local Planning Appeal Tribunal website at <https://olt.gov.on.ca/tribunals/lpat/about-lpat/>.

Site plan

