



Planning Report

To: Township of Huron-Kinloss Council

From: Julie Steeper, Planner

Date: May 9, 2022

Re: Zoning Bylaw Amendment Application - Z-2021-090 (Voskamp)

Recommendation:

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

That Council approve Zoning By-law Amendment Z-2021-90 as attached and the necessary by-law be forwarded to Council for adoption.

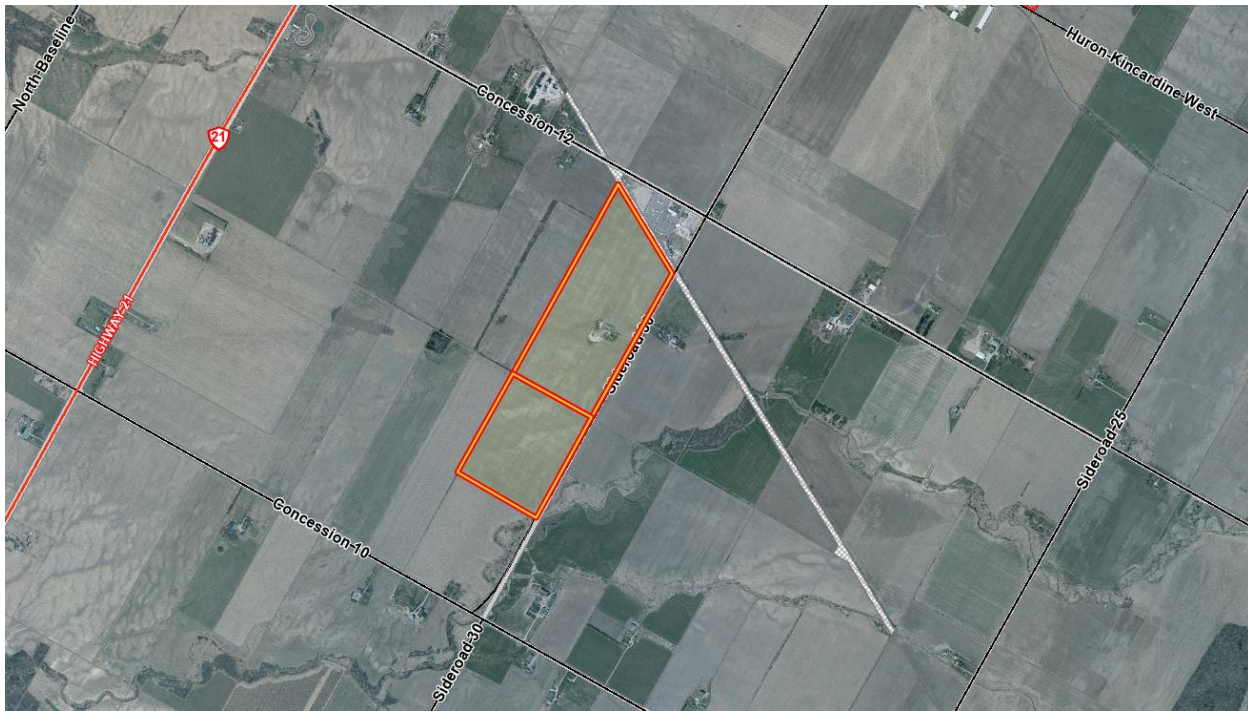
Summary:

The purpose of the application is to facilitate a surplus farm dwelling severance of a +/- 0.88 ha lot from a +/- 53.96 ha agricultural parcel at 1165 Sideroad 30, 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) to prevent development of a future dwelling for the retained farm parcel and to recognize the reduced farm lot size. The severed lot is to be rezoned to General Agriculture Residential Special (AG3-25.2) to identify that any existing buildings or structures are deemed to comply with the provisions of the Zoning By-law. All future buildings and structures, or additions to existing buildings and structures, will need to comply with the provisions of the By-Law. A holding provision requiring an Archaeological Assessment for the lands containing high archaeological potential is proposed. The Environmental Protection (EP) zone will remain unchanged.

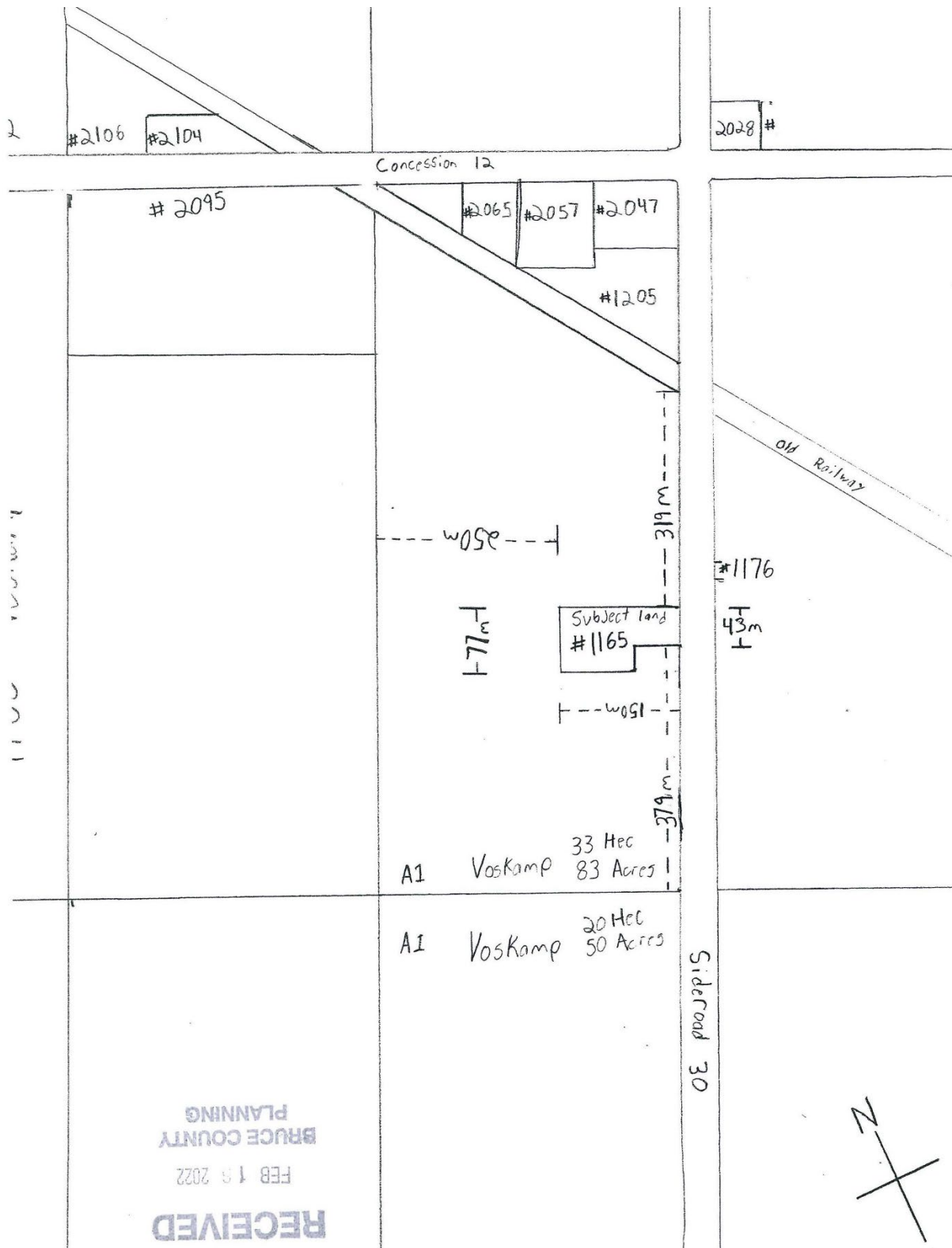
The related consent files (B-2021-119) will be considered by the County at a later date.

The property is located south east of Highway 21, south west of Highway 9, and north of Bruce Road 6. The site is surrounded by commercial and agricultural lands.

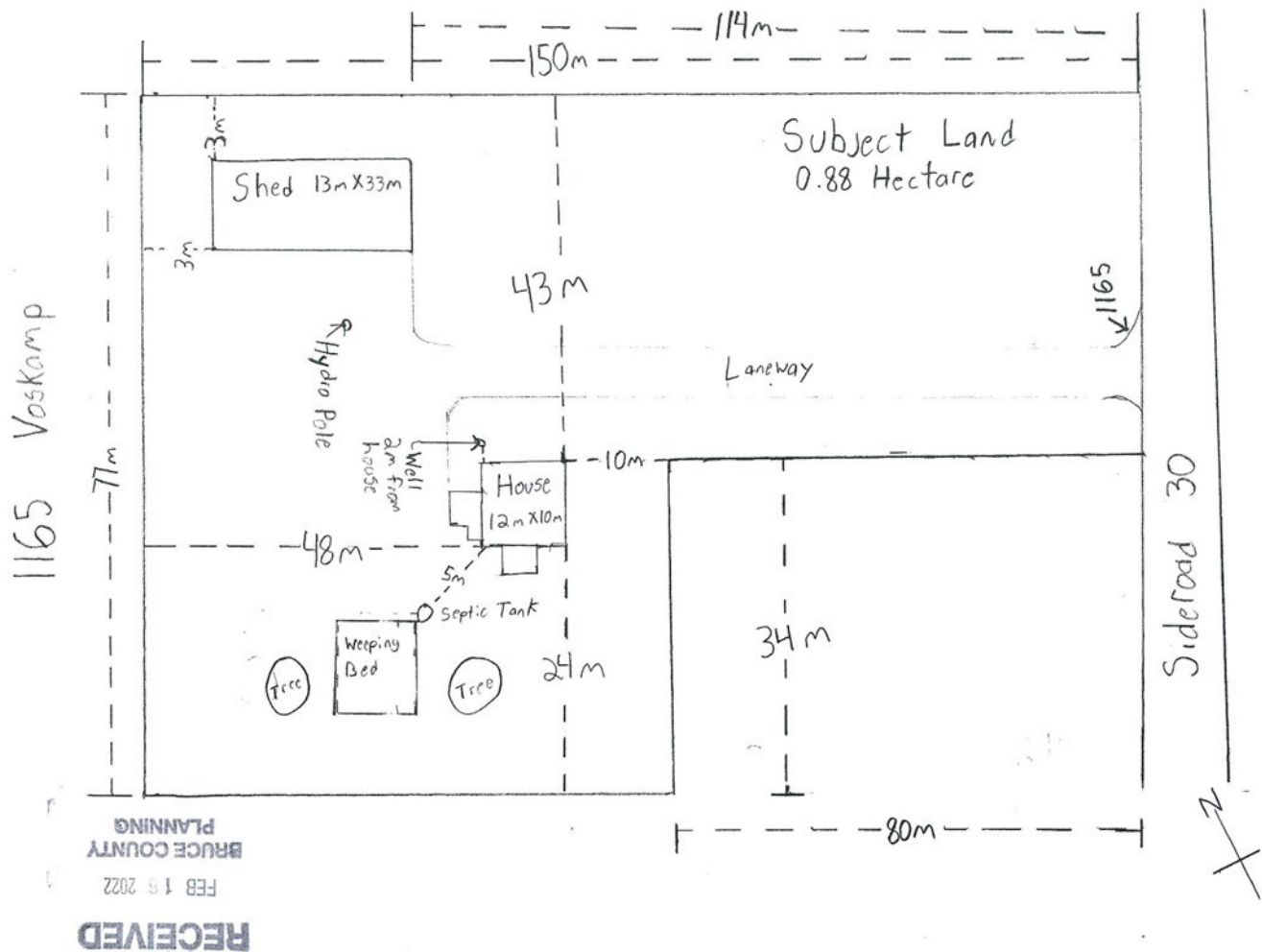
Airphoto



Site Plan- Entire Lot



Site Plan- Proposed Severed Lot



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 dwelling severances 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 area as possible is removed from the agricultural lands.

The applicant meets the definition of a bona fide farmer. They own multiple properties in the area for agricultural purposes. The existing 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.

It is the opinion of County staff that this proposal maintains the overall intent of the agricultural policies. The farmable area will continue to be farmed in the same manner. The amendment will allow the applicants to sever a house and shed that is surplus to their needs while contributing to the ongoing viability of their farm operations.

Archaeological Potential

The proposed retained farm lot is considered to have high archeological potential due to a watercourse that runs in proximity to the property. A holding provision requiring an Archaeological Assessment for the lands containing high archaeological potential is proposed with the associated application to amend the Township of Huron Kinloss Zoning By-law. 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 lot will be rezoned from General Agriculture (AG1) to Agricultural Residential Special (AG3-25.2)

with the following provisions:

- i) The surplus farm residence parcel shall be deemed to comply with the minimum lot area and lot frontage provisions of the Agricultural Residential (AG3) Zone.

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) with the following provisions:

- i) A detached dwelling is not permitted on a retained farm parcel zoned AG1-25.1; and
- ii) the retained farm parcel shall be deemed to comply with the minimum lot area and lot frontage provisions of the General Agriculture (AG1) Zone

The EP - Environmental Protection zone will remain unchanged

Appendices

- County Official Plan Map
- Local 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

- Surplus Farm Dwelling Severance Information Sheet.

Agency Comments

Historic Saugeen Metis (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(s) to Sever Land and Zoning By-law as presented.

Township of Huron-Kinloss: No comment.

Township of Huron-Kinloss, Engineer, BM Ross: We note that original permit for the system indicates the septic bed consists of 8, 50 foot runs, located in the field south of the existing trees/fence line. Given this, the septic bed may be partially located beyond the proposed new property line. The location of the septic bed should be verified to ensure it is wholly within the proposed new lot.

Note: This will be addressed as a condition on the associated consent application.

Hydro One Networks Inc.: No comments.

Bruce-Grey Catholic District School Board: No comment.

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

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

April 9, 2022

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-2021-090 and Consent B-2021-119 (Voskamp)
1165 Sideroad 30
Part Lot 31 Concession 11, and North Part Lot 31 Concession 10
Roll Nos.: 410716000311600; 410716000308000
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 application is to facilitate a surplus farm dwelling severance of a +/- 0.88 hectare (ha) lot from a +/- 53.96 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

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 branches of Royal Oak Creek/Royal Oak Creek Municipal Drain (MD) and Stewart MD, and any floodplain hazard of the watercourse/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 fish habitat.

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, except in accordance with the specified policies found in Section 2.1.

Bruce County OP Policies

Part of Royal Oak Creek/Royal Oak municipal drain (MD); and part of Stewart MD cross the property, or lands adjacent to the property. Royal Oak Creek 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.

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 of the watercourse and/or 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



April 12, 2022

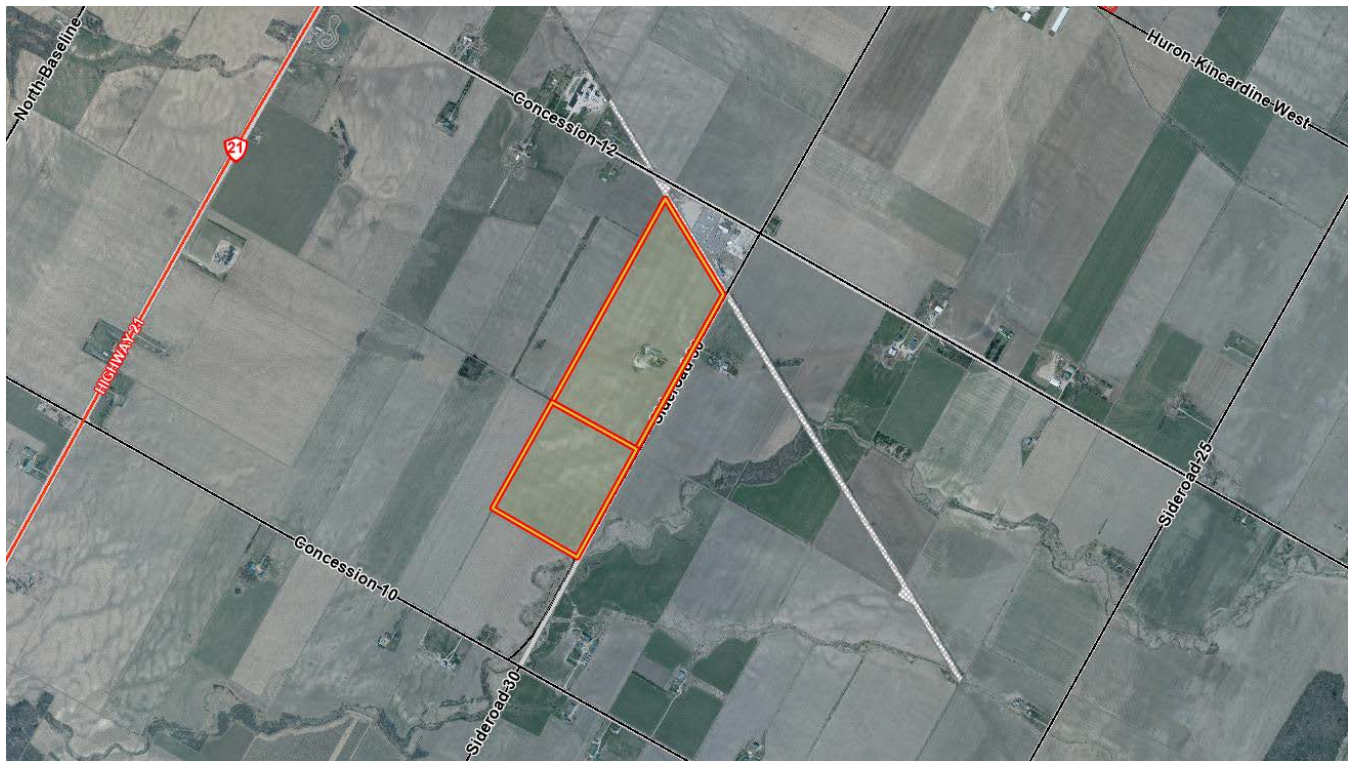
File Number: Z-2021-090

Public Meeting Notice

You're invited

**Monday, May 9, 2022 at 7:00 pm, Council Chambers,
Township of Huron-Kinloss, 21 Queen Street, Ripley, ON**

A change is proposed in your neighbourhood: The purpose of the application is to facilitate a surplus farm dwelling severance of a +/- 0.88 ha lot from a +/- 53.96 ha agricultural parcel. An amendment to the Zoning By-law is required to facilitate the severance. The related Consent file is B-2021-119.



1165 SIDEROAD 30 – CON 11 PT LOT 31; and
CON 10 N PT LOT 31 (Huron), Township of Huron-Kinloss
Roll Numbers 410716000311600; 410716000308000

Learn more

You can view limited information about the application at <https://brucecounty.on.ca/living/land-use>. Additional information, including the supporting materials, can be provided upon request by e-mailing bcplwa@brucecounty.on.ca or calling 226-909-5515. Information can also be viewed in person at the County of Bruce Planning Office noted above, between 8:30 a.m. and 4:30 p.m. (Monday to Friday).

The Planner on the file is: 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 May 2, 2022 may not be included in the Planning report but will be considered if received prior to a decision being made, and included in the official record on file.

1. Please contact us by mail (address above) or bcplwa@brucecounty.on.ca if you have any questions, concerns or objections about the application.
2. You can speak at the Public Meeting.

Stay in the loop

If you'd like to be notified of the decision of the Township of Huron-Kinloss on the proposed application, 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 County Planning Department before the by-law is passed, the person or public body is not entitled to appeal the decision.

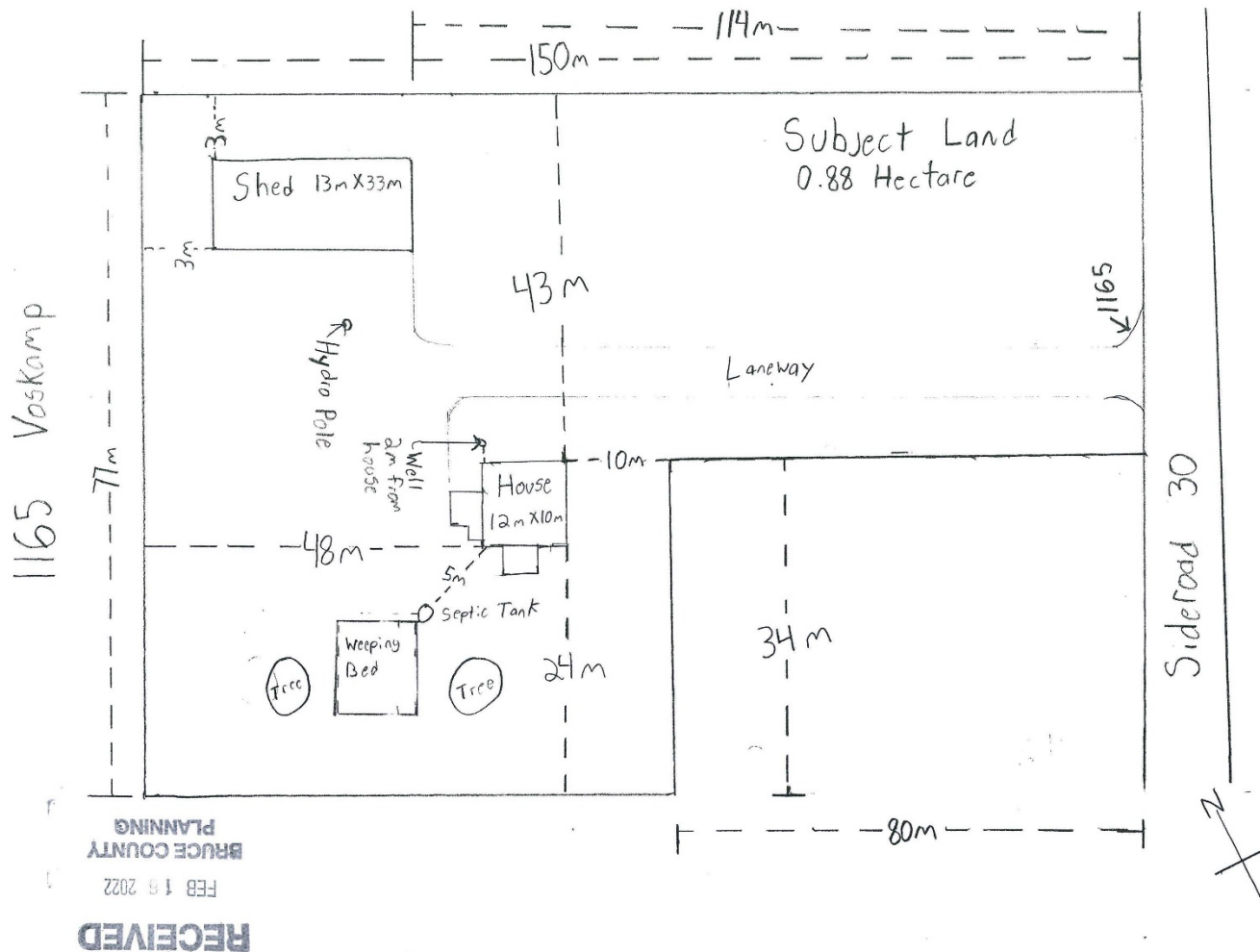
If a person or public body does not make oral submissions at a public meeting, or make written submissions to the Bruce County Planning Department before the by-law is passed, the person or public body may not be added as a party to the hearing of an appeal before the Ontario Land Tribunal unless, in 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 - entire lot



Site plan - proposed severance



The Corporation of the Township of Huron-Kinloss



BY-LAW

2022-XXX

Being a by-law to amend By-Law No. 2018-98, as amended being the
Comprehensive Zoning By-Law of the Township of Huron-Kinloss

WHEREAS The Council for the Corporation of the Township of Huron-Kinloss deems it expedient to amend By-Law No. 2018-98, as amended being the Comprehensive Zoning By-Law for the Township of Huron-Kinloss;

NOW THEREFORE the Council of The Corporation of the Township of Huron-Kinloss, pursuant to Section 34 of the Planning Act, R.S.O. 1990 enacts as follows:

- 1.0 THAT Schedule 'A' to By-Law No. 2018-98, as amended, is hereby further amended by changing thereon from General Agriculture (AG1), and Environmental Protection (EP) to General Agriculture Special (AG3-25.2), General Agriculture Special (AG1-25.1), General Agriculture Special with a holding (AG1-25.1-H1), and Environmental Protection (EP) the zoning designation of those lands described as CON 10 N PT LOT 31 and CON 11 PT LOT 31 [1165 Sideroad 30] , Township of Huron-Kinloss (geographic Township of Kinloss), attached to and forming a part of this By-Law.
- 2.0 This by-law takes effect from the date of passage by Council subject to the provisions of the Planning Act, R.S.O. 1990, as amended.
- 3.0 This By-law may be cited as the "Zoning Amendment By-law – Voskamp Z-2021-090".

READ a FIRST and SECOND TIME this __th day of _____, 2022.

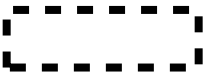
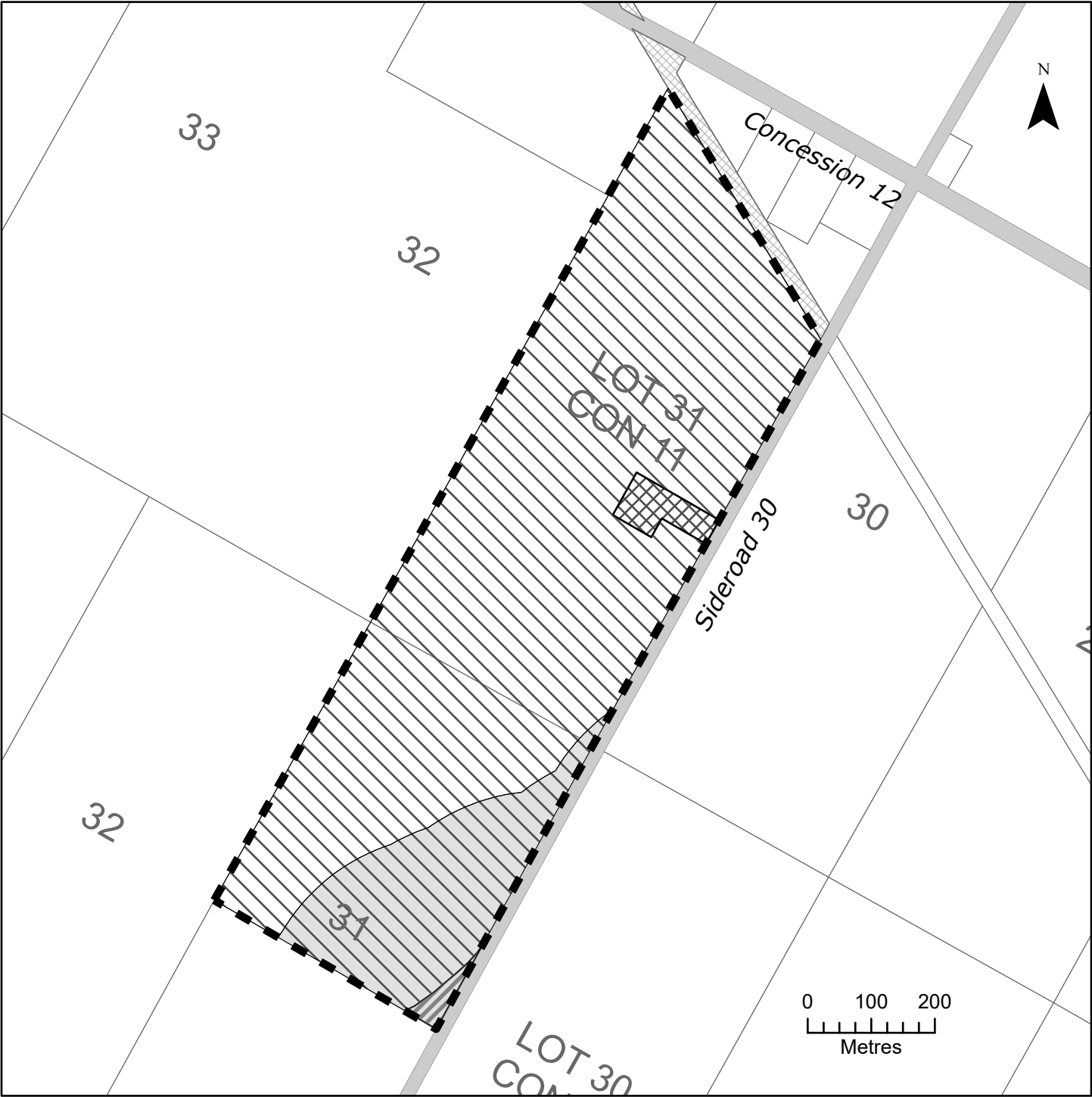
READ a THIRD TIME and FINALLY PASSED this __th day of _____, 2022.

Mayor

Clerk

Schedule 'A'

1165 Sideroad 30 - Concession 11 Part Lot 31
and Concession 10 North Part Lot 31 - Roll #'s 410716000311600; 410716000308000
Township of Huron-Kinloss (Township of Huron)



Subject Property



Lands to be zoned AG3-25.2 - General Agriculture Residential Special



Lands to be zoned AG1-25.1 - General Agriculture Special



Lands to be zoned AG1-25.1-H1 - General Agriculture Special Holding



Lands to be zoned EP - Environmental Protection

This is Schedule 'A' to the zoning by-law
amendment number _____ passed this
_____ day of _____

Mayor _____
Clerk _____