



Planning Report

To: Township of Huron-Kinloss Council

From: Julie Steeper, Planner

Date: May 9, 2022

Re: Zoning Bylaw Amendment Application - Z-2022-028 (Rick Smith Farms)

Recommendation:

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

That Council approve Zoning By-law Amendment Z-2022-28 as attached and the necessary by-law be forwarded to Council for adoption.

Summary:

The purpose of the application is to sever 4 vacant residential lots from an 18.15 ha parcel. Three of the lots will be 4050 sq m in size and one lot will be 4800 sq m in size. All lots will front onto Hayes Lake Avenue. An amendment to the Zoning Bylaw is required to permit the reduced lot frontage of the retained farm parcel. If approved, the application would facilitate the creation of 4 residential lots.

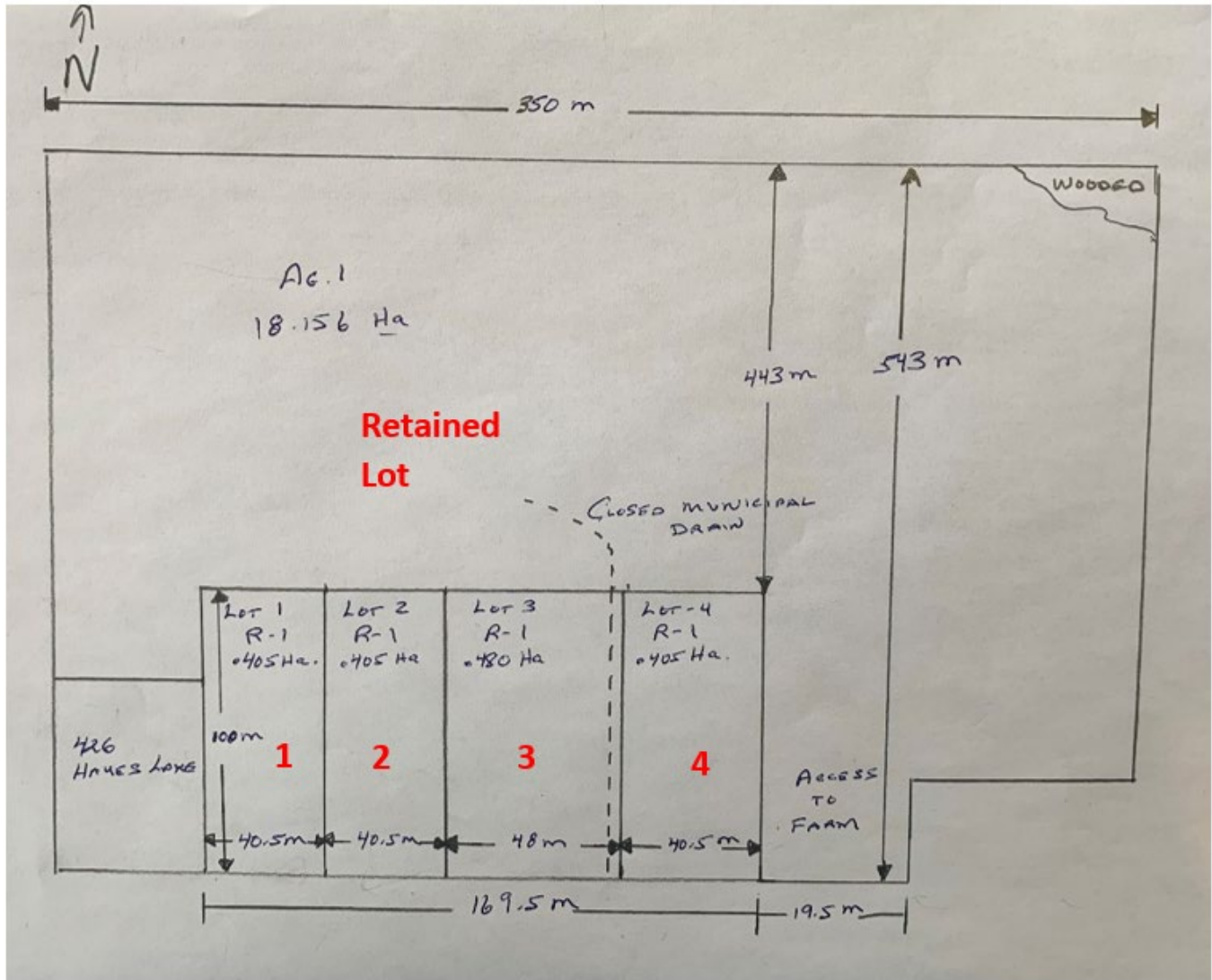
The related consent files (B-2021-124, B-2021-125, B-2021-126 & B-2021-127) will be considered by the County at a later date.

The property is located south of Highway 9, west of Bruce Road 1, and north Bruce Road 6, in the hamlet of Kinlough. The site is surrounded by residential and 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.

Severance Policies

The Bruce County Official Plan designates the subject lands Hamlet Communities, Agricultural Areas Exception 5.5.13.96, and Hazard lands. The Township of Huron Kinloss designates the lands, Hamlet. Both Official Plans allow for new lot creation on private services with the proposed lot areas. Both Official Plans allow for a Residential use in the proposed location.

The subject lands are zoned Residential (R1), General Agriculture Special (AG1-25.1) and Environmental Protection (EP). The proposed severed lots meet the minimum lot areas and frontages. The minimum lot size also helps to ensure that the sizes of lots are similar to and compatible with the area. In this case, there are lots in this area that are smaller or similar in size to the proposed lot. The proposed use for the severed lots will be for residential purposes which is considered a permitted use. The retained lot will continue to be used for agricultural purposes. The proposal represents an appropriate form of development for the use of the land. The consents facilitate the creation of new infill residential lots that are similar to the surrounding neighborhood while increasing the supply of residential land.

There is a discrepancy between the mapping available on Bruce County Maps and the actual property boundaries of the subject property. The maps provided in this report show the entire property of 426 Hayes Lake as one lot. However, there was a previous surplus farm dwelling severance and the adjacent farmland and proposed residential use are located on their own lot of record separate from the previous severance.

[Retained Lot Frontage & Zoning bylaw Amendment](#)

the Zoning Bylaw is required to permit the reduced lot frontage of the retained farm parcel. The retained farm lot will have frontage of 19.5 m and the farmable area will continue to be farmed in the same manner. Lot frontage helps ensure there is suitable access and a reasonable space for a buildable area. The farm lot has been previously rezoned to prohibit a dwelling. The access will be used for farming purposes and is reasonable in size to accommodate farm equipment. The frontage would still fulfil this purpose and is considered adequate.

[Mineral Resource Area](#)

A mineral resource area is identified in proximity to the development and the proposed severed lots are closer than 500 m. Lots within the existing hamlet are located closer in proximity to the mineral resource area than the proposed development. Given there are existing residential lots that currently limit extraction allowing the proposed residential lots would be in keeping with the intent of the policies.

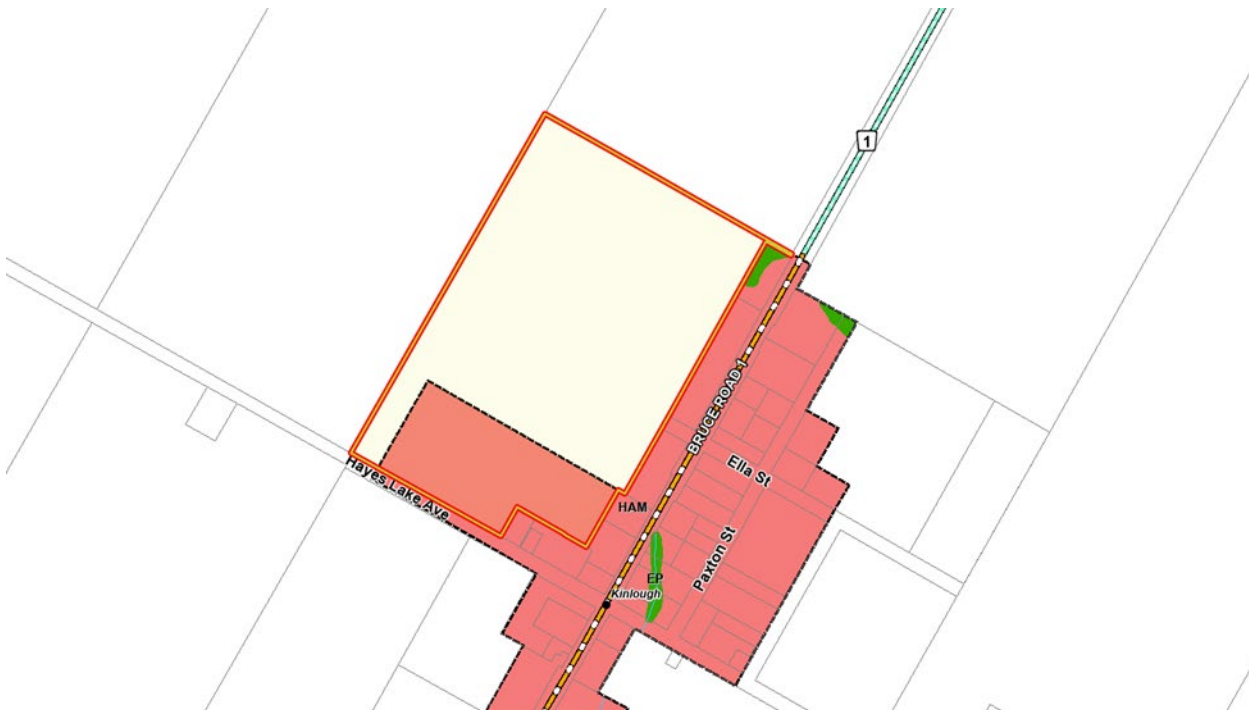
[Appendices](#)

- County Official Plan Map
- Local Official Plan Map
- Local Zoning Map
- Agency Comments
- Public Notice

County Official Plan Map (Designated Agricultural Areas, Hamlet Community, Hazard Land Area)



Local Official Plan Map (Designated Hamlet)



Local Zoning Map (Zoned General Agriculture Special (AG1-25.1), Agricultural Residential Special (AG3-25.2), Residential (R1), and Environmental Protection (EP))



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: The proposed lots appear to be sufficiently sized to accommodate a future septic system. In the future, an Application for Permit to Construct or Demolish and associated fee will be required for the installation of any septic systems on these lots. We have no objections to this proposal.

Bruce County Transportation and Environmental Services: No comment.

Saugeen Valley Conservation Authority: The proposed applications are acceptable to SVCA staff and provided in full below.

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

May 2, 2022

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

ATTENTION: Julie Steeper, Planner

Dear Ms. Steeper,

RE: Z-2022-028 and B-2021-124 and B-2021-125 and B-2021-126 and B-2021-127 (Rick Smith Farms)
426 Hayes Lake Avenue,
South Part Lot 10 Concession 12,
Roll No.: 410711000310700.
Geographic Township of Kinloss
Township of Huron-Kinloss

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

Purpose

The purpose of the applications is to sever 4 vacant residential lots from a 18.15 ha parcel. 3 of the lots will be 4050 sq m in size and 1 lot will be 4800 sq m in size. All lots will front onto Hayes Lake Avenue. An amendment to the Zoning Bylaw is required to permit the reduced lot frontage of the retained farm parcel. If approved, the application would facilitate the creation of 4 residential lots.

Recommendation

The proposed applications are acceptable to SVCA staff.

Background

As part of the pre-submission consultation process, Bruce County planning staff recommended that the owner obtain comments from the SVCA. On January 25, 2021, Mike Smith on behalf of Rick Smith Farms, contacted SVCA staff (Michael Oberle), and on January 26, 2021, SVCA staff provided Mike Smith with preliminary pre-consultation process comments directly related to the current proposal.

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 includes the low laying wooded area in the northeast corner of 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 (which represents the natural hazard feature) as mapped by the SVCA for the property. Although not mapped as a natural hazard feature, SVCA staff note that part of Sutton Municipal Drain (MD), a closed/tiled drain, is located on 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 is: wetlands, 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 wetlands, significant wildlife habitat, and the adjacent lands to the above referenced features, except in accordance with the specified policies found in Section 2.1.

Bruce County OP Policies

Wetlands

Part of the Greenock Swamp Provincially Significant Wetlands (PSW) is located on lands adjacent to the north of the property and is shown on Schedule C: Constraints of the County of Bruce OP. Section 4.3.2.4 of the Bruce

County OP states in part that “development, which may have a significant impact on lands, located within significant wetlands, may require the preparation of an EIS, by the proponent...”. However, it is the opinion of SVCA staff that, based on the applications, it is the opinion of SVCA staff that negative impacts to wetland or its adjacent lands are likely to be negligible, and SVCA staff recommend that the preparation of an EIS to address the wetlands be waived according to Section 4.3.3.8 of the Bruce County OP.

Significant Wildlife Habitat

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

Statutory Comments

SVCA staff has reviewed the applications as per our responsibilities as a regulatory authority under Ontario Regulation 169/06 (SVCA’s Development, Interference with Wetlands, and Alterations to Shorelines and Watercourses Regulation). This regulation, made under Section 28 of the *Conservation Authorities Act*, enables SVCA to regulate development in or adjacent to river or stream valleys, Great Lakes and inland lake shorelines, watercourses, hazardous lands and wetlands. Subject to the CA Act, development taking place on or adjacent to these lands may require permission from SVCA to confirm that the control of flooding, erosion, dynamic beaches, pollution or the conservation of land are not affected. SVCA also regulates the alteration to or interference in any way with a watercourse or wetland.

Small areas of the property 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 part of Sutton MD (a closed/tiled drain), and an offset distance of 30 metres/100 feet outwards from the drain; and the low laying wooded area in the northeastern portion of the property, and a 30 metres distance outwards from the low laying area.

“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 properties, 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 and re-routing of the drain, is proposed within the SVCA Approximate Screening Area on the property, the SVCA should be contacted, as permission may be required.

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 applications are 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 11, 2022

File Number: Z-2022-028

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 sever 4 vacant residential lots from a 18.15 ha parcel. 3 of the lots will be 4050 sq m in size and 1 lot will be 4800 sq m in size. All lots will front onto Hayes Lake Avenue. An amendment to the Zoning Bylaw is required to permit the reduced lot frontage of the retained farm parcel. If approved, the application would facilitate the creation of 4 residential lots. The related consent files are B-2021-124, B-2021-125, B-2021-126 & B-2021-127.



426 HAYES LAKE AVE - CON 12 S PT LOT 10 (Kinloss)
Township of Huron-Kinloss, Roll Number 410711000310700

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

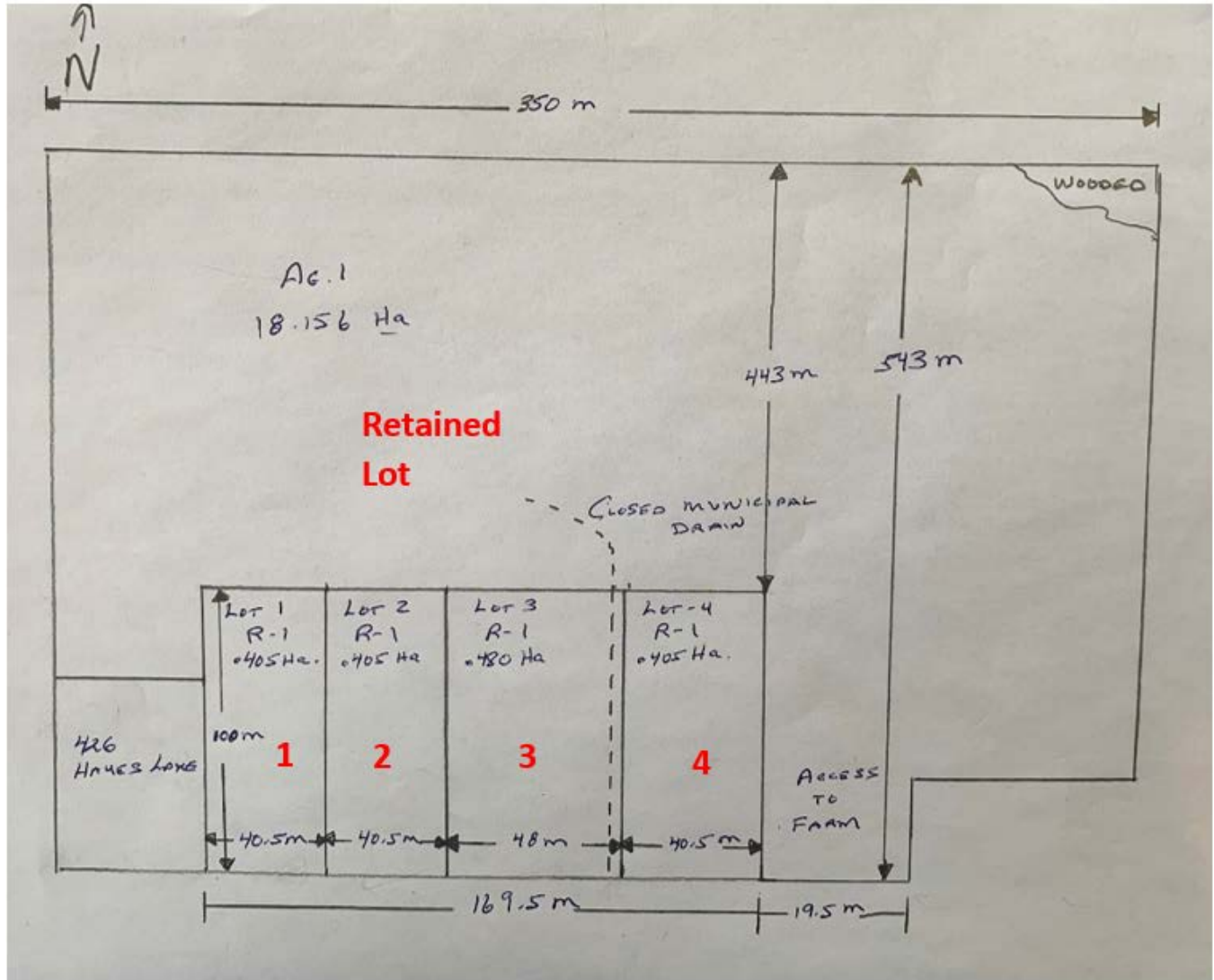
Section 34(11) of the [Planning Act](#) outlines rights of appeal for Zoning By-law Amendment applications.

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



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 Special (AG1-25.1), Environmental Protection (EP) and Residential One (R1) to General Agriculture Special (AG1-25.160), Environmental Protection (EP) and Residential One (R1), the zoning designation of those lands described as CON 12 S PT LOT 10 , Township of Huron-Kinloss (geographic Township of Kinloss), attached to and forming a part of this By-Law.
- 2.0 THAT By-law No. 2018-98, as amended, is hereby further amended by adding subsections to Section 25, as follows:
- 25.160 Notwithstanding the provisions of the General Agriculture (AG1) Zone, the land identified with Special Provision AG1-25.160 shall be used in compliance with the 'AG1' zone provisions contained in this By-law, excepting however that:
- i) A detached dwelling is not permitted;
 - ii) That the lot frontage shall be no less than 19 m.
- 3.0 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.
- 4.0 This By-law may be cited as the "Zoning Amendment By-law – Rick Smith Farms Limited Z-2022-028".

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

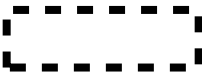
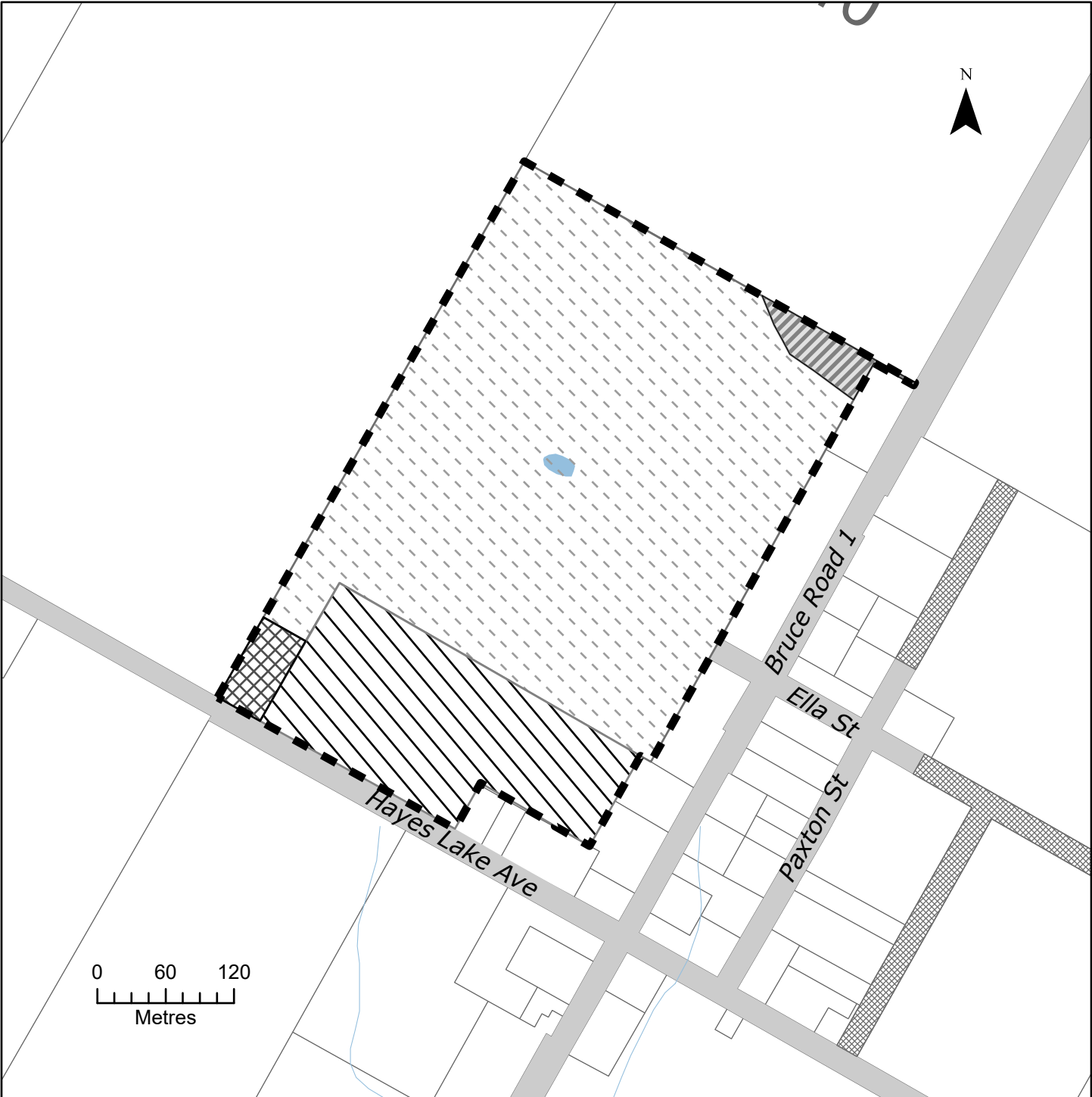
READ a THIRD TIME and FINALLY PASSED this ____th day of _____, 2022.

Mayor

Clerk

Schedule 'A'

426 Hayes Lake Ave - Concession 12 S Part Lot 10 - Roll # 410711000310700
Township of Huron-Kinloss (geographic Township of Kinloss)



Subject Property



Lands to be zoned AG1-25.160 - General Agriculture Special



Lands zoned R1 - Residential One



Lands zoned AG3-25.2 - Agricultural Residential Special



Lands zoned EP - Environmental Protection

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

Mayor _____
Clerk _____