



Planning Report

To: Township of Huron Kinloss Council

From: Monica Walker-Bolton, Sr. Policy Planner

Date: May 9, 2022

Re: Zoning By-Law Amendment - Z-2022-016 (Hopper)

Recommendation:

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

That Council approve Zoning By-law Amendment Z-2022-016 as attached and the necessary by-law be forwarded to Council for adoption.

Summary:

The purpose of the application is to change the zoning on a portion of the property 12.5 ha in area from Extractive Resource (ER) to AG4 (Agricultural Rural). The balance of the property will remain zoned Environmental Protection (EP). If approved the zoning amendment will facilitate the development of the property for agriculture, including a single detached dwelling.

The property is located North of Lucknow, east of Bruce Road 1. The subject property is surrounded by an aggregate operation and a residential use to the east and a cemetery to the west.

Airphoto (2020)



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.

The subject property is designated Rural and Hazard in the Bruce County Official Plan. The proposed Zoning By-Law Amendment applies to the portion of the property designated Rural. The lands designated Hazard will remain zoned Environmental Protection (EP). Portions of the subject property are identified in the Bruce County Official Plan as containing Mineral Resources. The property was formerly used for a gravel pit. The gravel resource on site has been depleted and the site rehabilitated. The aggregate resource license for the subject property has been surrendered.

Section 4.8.1 of the Bruce County Official Plan states that it is an objective of the Mineral Resource policies of the Plan to ensure proper rehabilitation and reuse of extracted sites.

The proposed rezoning conforms with the policies of the Bruce County Official Plan because it will facilitate the property to be reused for uses permitted in the Rural designation.

Natural Hazards and Natural Heritage

The northern and eastern portions of the property contain lands identified as Hazard in the Bruce County Official Plan. These areas are composed of woodland, wet areas and a watercourse. The subject property fall within an area regulated by the Saugeen Valley

Conservation Authority (SVCA) The Saugeen Valley Conservation Authority (SVCA) has confirmed that the application is generally acceptable to SVCA staff.

Efficient use of Lands and Resources

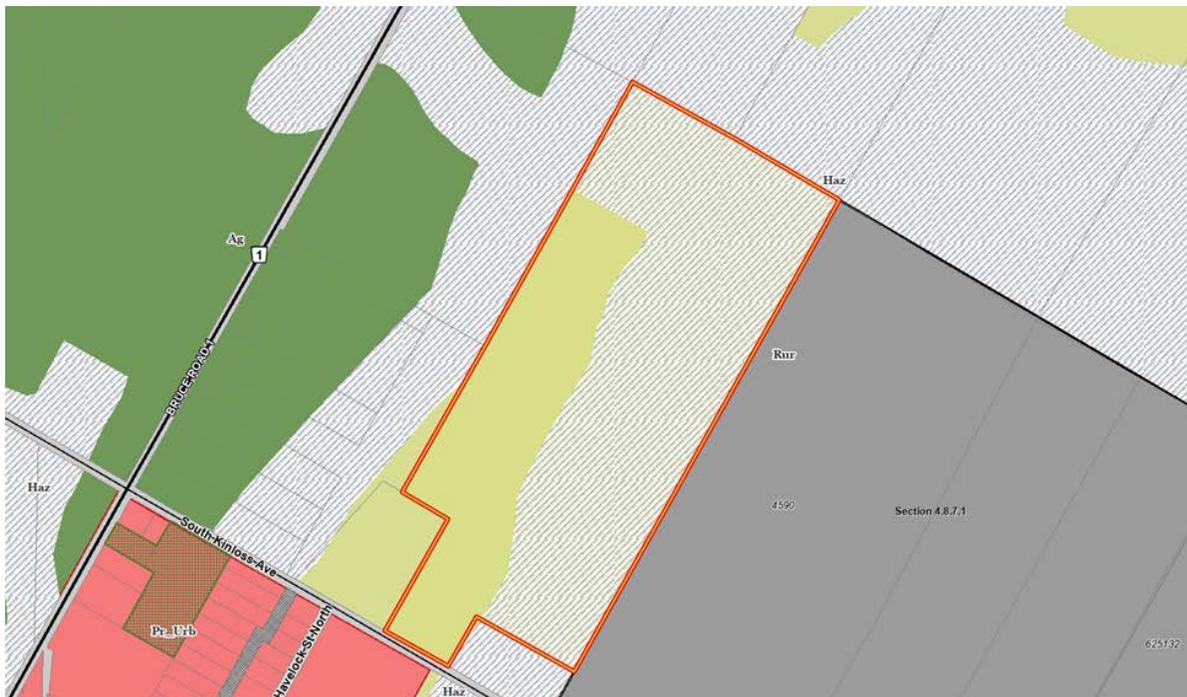
The proposed rezoning will allow a former gravel pit that has been rehabilitated to be reused for uses permitted in the Rural designation. The application is consistent with the policies of the Provincial Policy Statement that require rehabilitation of properties used for extractive resources. The proposed rezoning will facilitate an efficient use of land and resources by allowing the former gravel pit to be used for a new use.

The application is in conformity with the policies of the Bruce County Official Plan and consistent with the Provincial Policy Statement.

Appendices

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

County Official Plan Map (Designated Rural and Hazard)



Local Zoning Map (Zoned Extractive Resource (ER) and Environmental Protection (EP))



Agency Comments

Saugeen Valley Conservation Authority: Provided in full below.

SENT ELECTRONICALLY ONLY: mwalker-bolton@brucecounty.on.ca and bcplwa@brucecounty.on.ca

April 27, 2022

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

ATTENTION: Monica Walker Bolton, Planner

Dear Ms. Steeper,

RE: Proposed Zoning By-law Amendment Z-2022-016 (Hooper)
1176 South Kinloss Avenue
Part Lot 12 Concession 2
Roll No.: 410711000111900
Geographic Township of Kinloss
Township of Huron-Kinloss

Saugeen Valley Conservation Authority (SVCA) staff has reviewed the above-noted application 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 application 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 (Policies Manual), amended October 16, 2018, with regard to Natural Heritage Features.

Purpose

The purpose of the application is to change the zoning on a portion of the property 12.5 ha in area from Extractive Resource (ER) to AG4 (Agricultural Rural). The balance of the property will remain zoned Environmental Protection (EP). If approved the zoning amendment will facilitate the development of the property for agriculture, including a single detached dwelling.

Recommendation

The application is generally acceptable to SVCA staff.

Delegated Responsibility and Advisory Comments

SVCA staff has reviewed the application 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 (OP) and/or local official plans. Comments below only include features/technical requirements affecting the property.

Natural Heritage:

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

Bruce County OP Policies

Wetlands

Parts of the Dickies Creek Swamp Provincially Significant Wetlands (PSW) is located on large portions 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 Environmental Impact Study (EIS), by the proponent...”. However, it is the opinion of SVCA staff that, based on the application, the lands to be rezoned will not be located within the wetlands, therefore, it is the opinion of SVCA staff that negative impacts to wetland or its adjacent lands are likely to be negligible based on the application, 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.

Fish Habitat and its Adjacent Lands

Dickies Creek (also part of a constructed drain) flows through the property. The creek is 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 these application will be negligible, and SVCA staff are not recommending the preparation of an EIS to address fish habitat at this time.

Significant Woodlands

Although there is no County-wide mapping for significant woodlands, SVCA staff is of the opinion that the woodlands located on the property and on lands adjacent to the property are considered significant woodlands. SVCA staff notes that significant woodlands are not determined based on property boundaries, nor are they considered interrupted by standard road allowances or roadways. Furthermore, Ministry of Natural Resources and Forestry (MNRF) mapping shows forest cover of 15% for the Geographic Township of Kinloss. However, according to Section 4.3.2.6.2ii of the Bruce County OP, there is no requirement for the preparation of an EIS to address the woodlands, based on the proposal.

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 application, therefore, the preparation of an EIS to address significant wildlife habitat is not recommended 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 property. 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.

SUMMARY

SVCA staff has reviewed the application 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 SVCA Member approved Policies Manual.

The application is generally 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, with the exception of Section 2.1.7 habitat of endangered species and threatened species, which the owner/applicant must address; and
- 2) Consistency with local planning policies for natural heritage has been demonstrated, with the exception of habitat of endangered species and threatened species, which the owner/applicant must address.

Please inform this office of any decision made by the Township of Huron-Kinloss with regards to the application. We respectfully request to receive a copy of the decision 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, Planning and Regulations Supervisor, MVCA (via email)
Don Murray, SVCA 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 26, 2022

File Number: Z-2022-016

Public Meeting Notice- **UPDATE**

You're invited

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

This meeting will be held **virtually** over the zoom platform.

1. Log on to www.zoom.us
2. Enter the Meeting ID: **827 1505 4921**
3. Enter the Password: **620097**

Alternatively, you can access the direct link via the Township Website:

<https://calendar.huronkinloss.com/meetings> and click on the Livestream Link (See website for additional information)

A change is proposed in your neighbourhood: The purpose of the application is to change the zoning on a portion of the property 12.5 ha in area from Extractive Resource (ER) to AG4 (Agricultural Rural). The balance of the property will remain zoned Environmental Protection (EP). If approved the zoning amendment will facilitate the development of the property for agriculture, including a single detached dwelling.



1176 SOUTH KINLOSS AVE – CON 2 PT LOT 12 (Kinloss)
Township of Huron-Kinloss, Roll Number 410711000111900

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: Monica Walker Bolton

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 April 27, 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

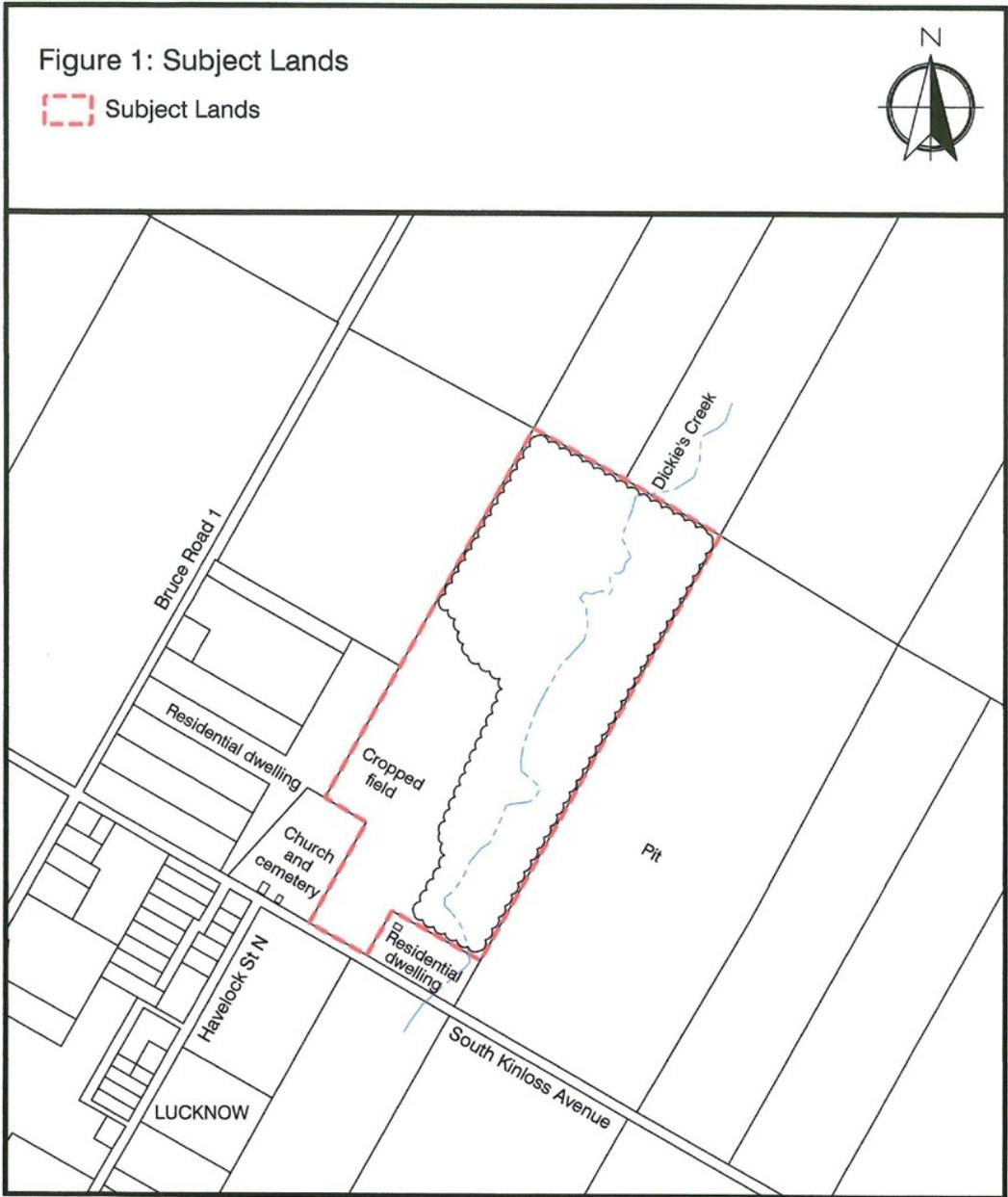
Section 34(11) of the [Planning Act](#) outlines rights of appeal for Zoning By-law Amendment applications.

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

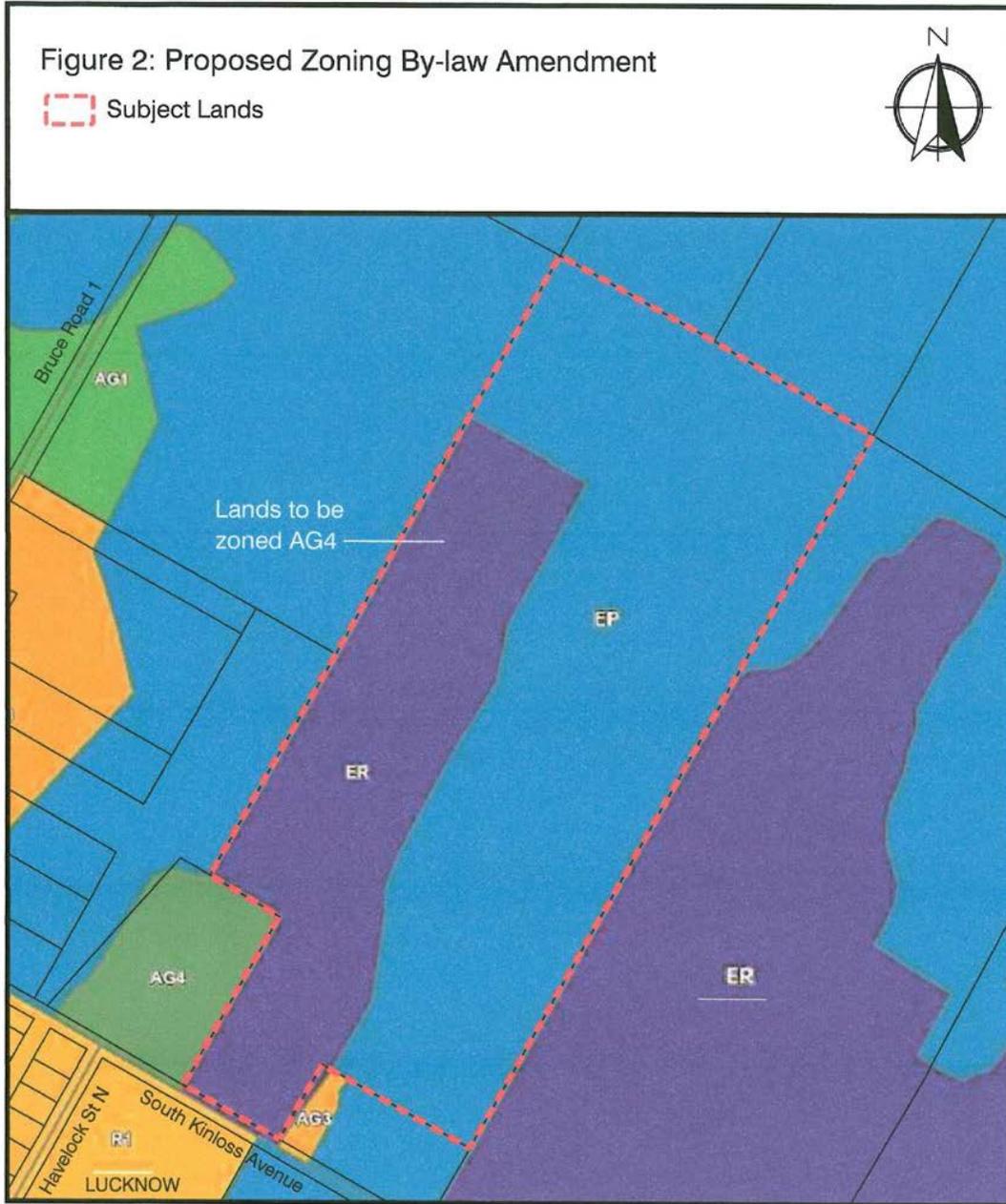


Proposed Rezoning
1176 South Kinloss Avenue
Township of Huron-Kinloss

RECEIVED
JAN 27 2022
BRUCE COUNTY
PLANNING

RD RON DAVIDSON
LAND USE PLANNING CONSULTANT INC
OWEN SOUND, ONTARIO
SCALE 1:10 000

Site plan - proposed zoning



Proposed Rezoning
1176 South Kinloss Avenue
Township of Huron-Kinloss

RECEIVED

JAN 27 2022

BRUCE COUNTY
PLANNING

RD RON DAVIDSON
LAND USE PLANNING CONSULTANT INC
OWEN SOUND, ONTARIO
SCALE 1:6000

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 Extractive Resource (ER) to Agricultural Rural (AG4) the zoning designation of those lands described as Part of Lot 12, Concession 2 (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 – Z-2022-016 Hopper".

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

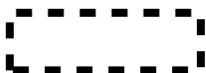
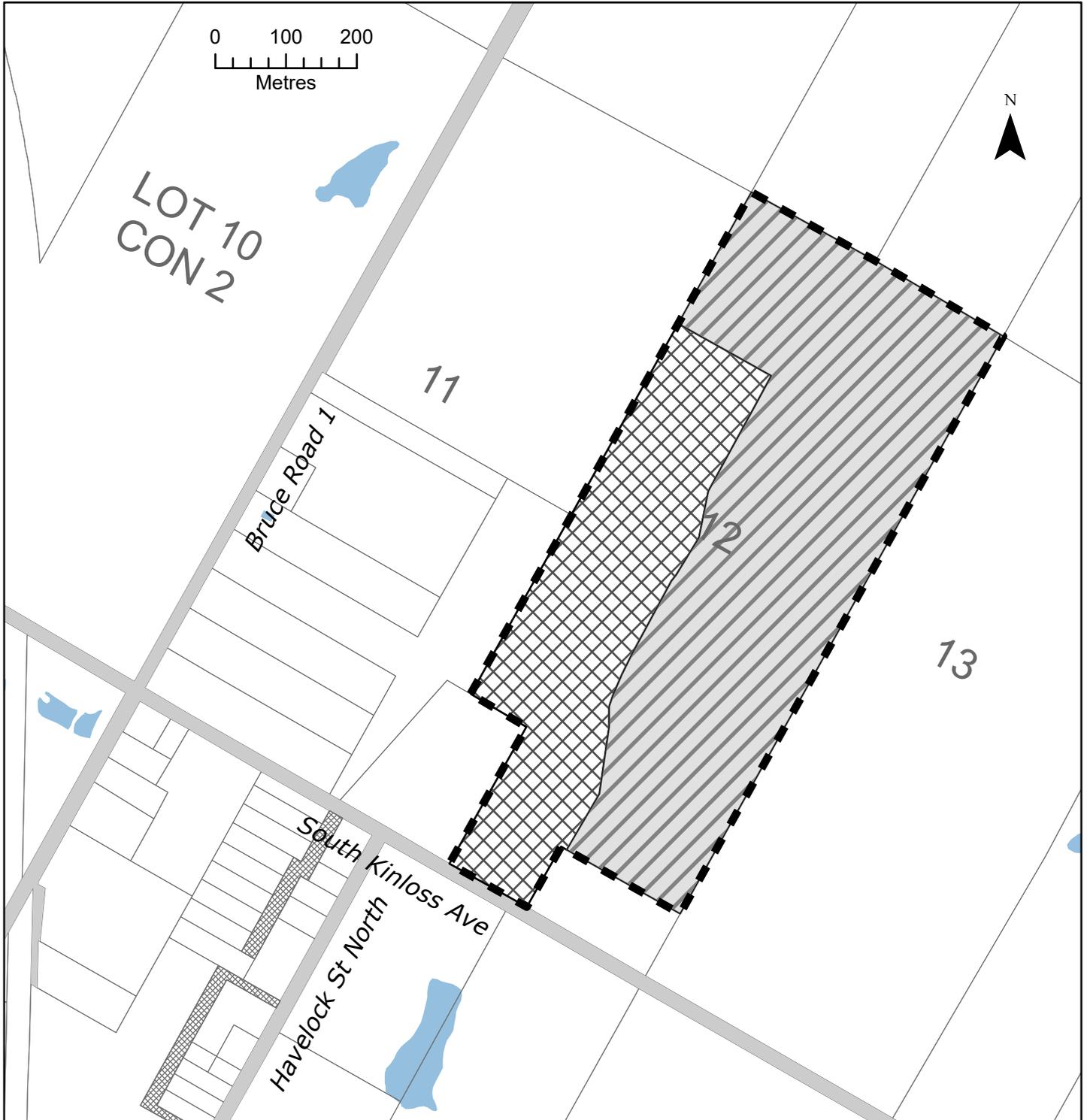
READ a THIRD TIME and FINALLY PASSED this ___th day of _____, 2022.

Mayor

Clerk

Schedule 'A'

1176 South Kinloss Ave - Concession 2 Part Lot 12 - Roll # 410711000111900
Township of Huron-Kinloss, (Township of Kinloss)



Subject Property



Lands to be zoned AG4 - Agricultural Rural



Lands to be zoned EP - Environmental Protection

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

Mayor _____
Clerk _____