



Planning Report

To: Township of Huron-Kinloss Council

From: Julie Steeper, Planner

Date: June 13, 2022

Re: Zoning Bylaw Amendment Application - Z-2022-037 (Martin)

Recommendation:

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

That Council approve Zoning By-law Amendment Z-2022-037 as attached and the necessary by-law be forwarded to Council for adoption.

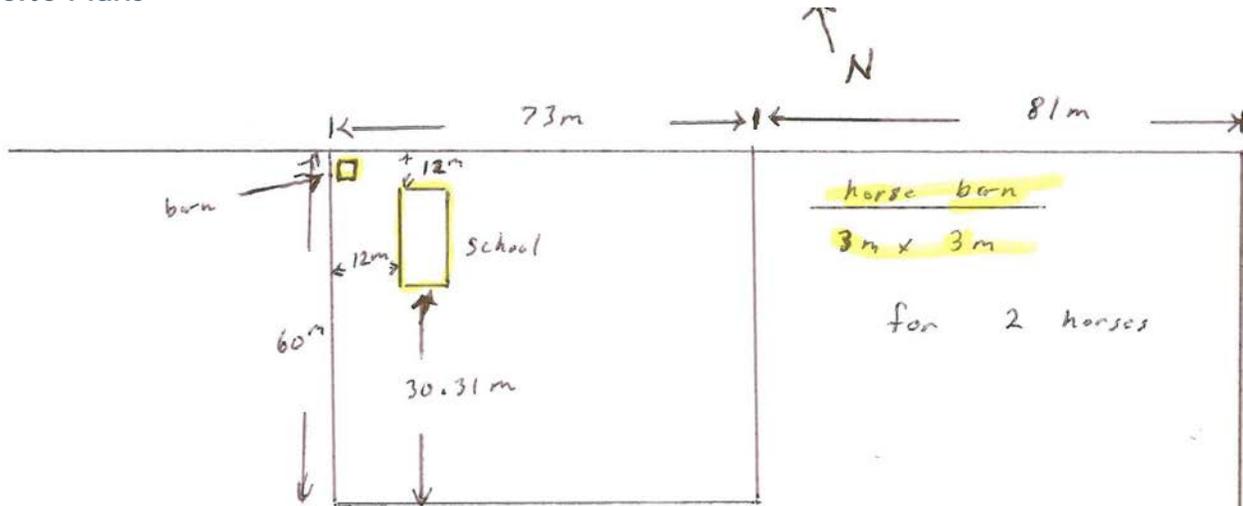
Summary:

The application proposes to seek a site-specific zoning provision to allow for a parochial school serving the Mennonite community at 251 Hayes Lake Avenue, in the Township of Huron Kinloss. The purpose of the application is to rezone a portion of the property (60m X 73m) to allow for the placement of a Parochial School. The provision would address the proposed institutional use as well as a reduction of the front yard setback. The land is designated to have high archeological potential and a holding provision requiring an Archaeological Assessment for the lands containing high archaeological potential is proposed.

Airphoto



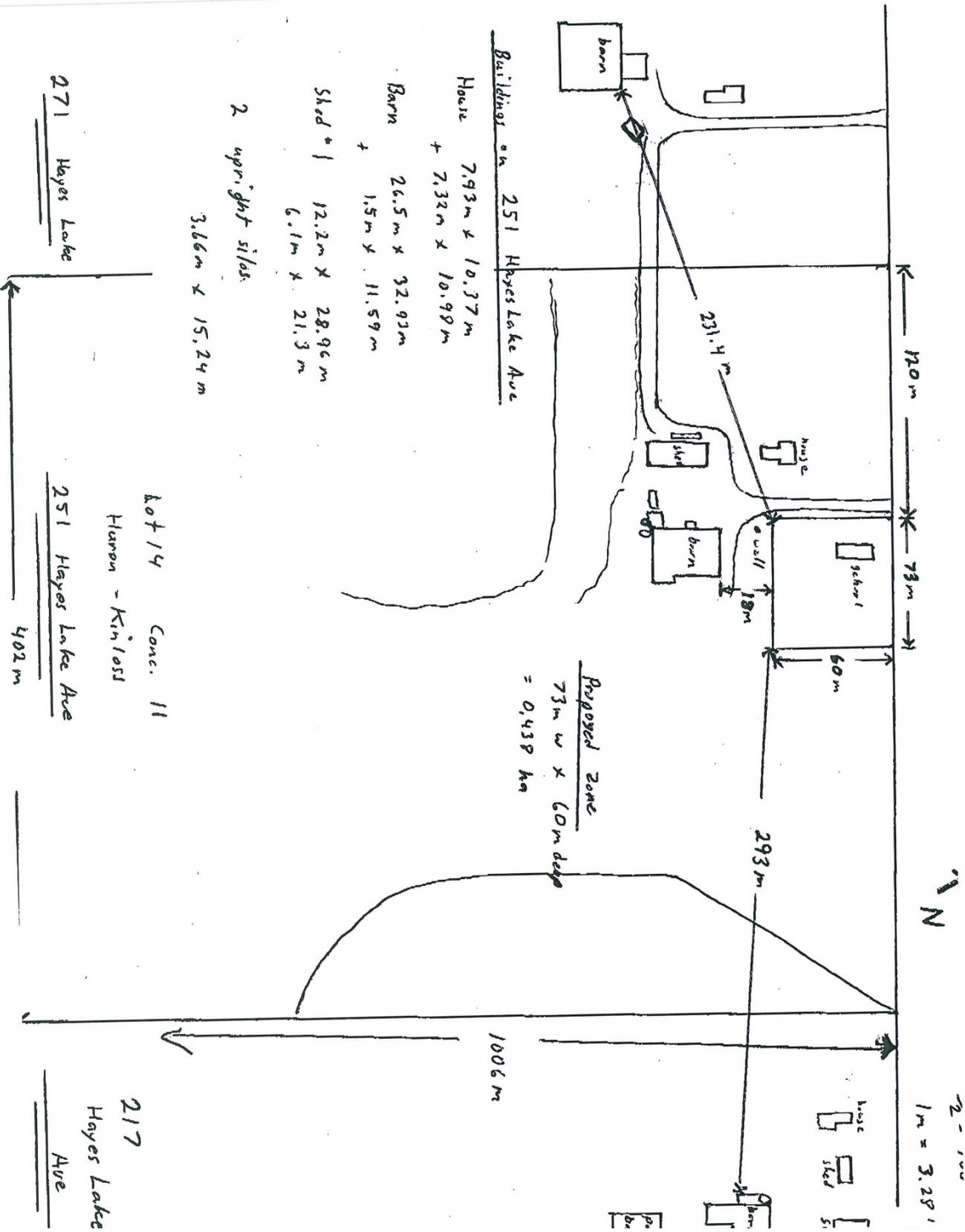
Site Plans



portable school

7.3 m wide x 9.76 m long
 + 7.3 m wide x 7.93 m long woodshed

$73\text{m w} \times 60\text{m deep} = 0.438 \text{ ha.}$



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.

School Location and Size

The subject lands are designated Agricultural Areas and Hazard Land Areas in the Bruce County Official Plan. The proposed development complies with the Bruce County Official Plan policies as new schools are permitted within the Agricultural Areas designation where such a use services the immediate rural community which relies on horse drawn vehicles as their primary means of transportation.

Schools are generally to be located within a designated settlement area such as a Hamlet, in areas already zoned for institutional uses, or on lands designated Rural Area or Rural Recreational Area. If those locations are not possible, the building should be placed within an existing farm building cluster, or on land with the lowest Canada Land Inventory (CLI) Land Capability Class. The location for the subject school is outside these identified priority areas. The applicant has proposed this location due to the proximity of the students it will serve.

The County Official Plan requires that the lands proposed for the school be limited in area and only of sufficient size to accommodate the proposed use/building, sewage disposal system, parking and any other related outdoor amenity areas, while ensuring that as little land as possible is removed from the agricultural lands. The subject proposal has met this intent by limiting its size to the school building and amenity area needed for the students.

The subject property is zoned General Agriculture (A1) and Environmental Protection (EP) in the Township of Huron-Kinloss Zoning By-law. The required front yard setback is 20 m, and the proposed setback is 12 m. The applicant is requesting a relief of 8 m. The proposed setbacks still allow for access around the school for maintenance purposes while providing an unobstructed line of sight. It is not expected that permitting the reduced setback will have any impact on the character of the area or affect the ability of adjacent owners to use their properties for permitted uses. The surrounding lands are currently farmed.

Archaeological Potential

The subject property 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. 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.

Appendices

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

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



Local Zoning Map (Zoned General Agriculture 'AG1', and Environmental Protection 'EP')



Agency Comments

Township of Huron Kinloss: No comment.

BM Ross, Township of Huron-Kinloss Engineers: The application has been reviewed by OBC Part 8 Inspector Dave Bell (BCIN# 34600). The existing greywater system on this property was inspected as part of Cycle 2 of the HKCSI program in 2017, with no issues observed at that time. In the future, if an additional greywater system or pit privy is added to the property, it is expected that it will be inspected as part of the HKCSI program moving forward. We have no objections to this proposed rezoning.

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 Zoning By-law as presented.

Risk Management (Source water): Based on a review of the information submitted, it has been determined that neither Section 57 (Prohibition) nor Section 58 (Risk Management Plan) applies on the above-noted property, pursuant to the Clean Water Act, 2006. Consequently, no policies apply to the activities identified in the application, under the approved Source Protection Plan for the SGSNBP Source Protection Region. It should be noted that this property falls within the wellhead protection area, where future storage of DNAPL (dense non-aqueous phase liquids) chemicals may require a risk management plan.

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

June 1, 2022

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

ATTENTION: Julie Steeper, Planner

Dear Ms. Steeper,

RE: Proposed Zoning By-law Amendment Z-2022-037 (Martin)
251 Hayes Lake Avenue
Lot 14 Concession 11
Roll No.: 410711000308500
Geographic Township of Kinloss
Township of Huron-Kinloss

Saugeen Valley Conservation Authority (SVCA) staff has reviewed the above-noted application 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 application has 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 rezone a portion of the property (60m X 73m) to allow for the placement of a Parochial School. A holding provision requiring an Archaeological Assessment for the lands containing high archaeological potential is proposed.

Recommendation

The proposed application is acceptable to SVCA staff.

Background

As part of the pre-submission consultation process, Bruce County planning staff contacted the SVCA regarding the proposal for the property. SVCA staff provided general comments in an email to Bruce County planning staff dated April 12, 2022.

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 areas associated with part of Black Creek Drain Branch B Municipal Drina (MD), which is an open channel watercourse on the property, as well as any wetlands/swamps located on 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 features) as mapped by the SVCA for the property. It is the opinion of SVCA staff that the area to be rezoned for the school will not be within the EP zone.

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 application is consistent 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 application is consistent with the natural hazard policies of the Bruce County OP.

Natural Heritage:

As part of SVCA staff's desktop review, it is our opinion that the significant natural heritage features affecting the property are: fish habitat, potentially significant wildlife habitat, and 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: 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 specified policies found in Section 2.1.

Bruce County OP Policies

Fish Habitat

As mentioned above, Black Creek Drain Branch B is located on the property. The watercourse 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. Based on the site plan submitted with the application, the proposed area to be rezoned will not be located within the adjacent lands to fish habitat. SVCA staff are of the opinion that the negative impacts to fish habitat and its adjacent lands as a result of this proposal are likely to be negligible, and SVCA staff recommend that the preparation of an EIS to address fish habitat 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 application, therefore, the preparation of an EIS to address significant wildlife habitat is not recommended at this time.

Endangered Species and Threatened Species

It has come to the attention of SVCA staff that habitat of endangered species and/or threatened species may be located on and/or on lands adjacent to the property. The SVCA's role is to identify habitat 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 and the local OPs have 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.

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 majority of the northern portion of the property is 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 Black Creek Drain Branch B MD, and an offset distance of 30 metres/100 feet outwards from the drain; and floodplain and/or low laying area in the northern portion of the property, and any wetlands/swamps on the property and a 30 metres distance outwards from the wetlands/swamps.

"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 property, 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.

However, based on the site plan as submitted with the application, the area to be rezoned including the school and the shed for horses, will not be located within the SVCA Approximate Screening Area, and therefore a permit from the SVCA is not required within the area to be rezoned to allow for a school.

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 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 application. 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



May 17, 2022

File Number: Z-2022-037

Public Meeting Notice

You're invited: On-line Public Meeting
Monday, June 13, 2022 at 7:00 pm

A change is proposed in your neighbourhood: The purpose of the application is to rezone a portion of the property (60m X 73m) to allow for the placement of a Parochial School. A holding provision requiring an Archaeological Assessment for the lands containing high archaeological potential is proposed.



251 HAYES LAKE AVE – CON 11 LOT 14 (Kinloss)
Township of Huron-Kinloss, Roll Number 410711000308500

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 June 6, 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.

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 12:00 pm on June 13, 2022 (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 Township of Huron-Kinloss on the proposed application, you must make a written request to the Bruce County Planning Department.

Know your rights

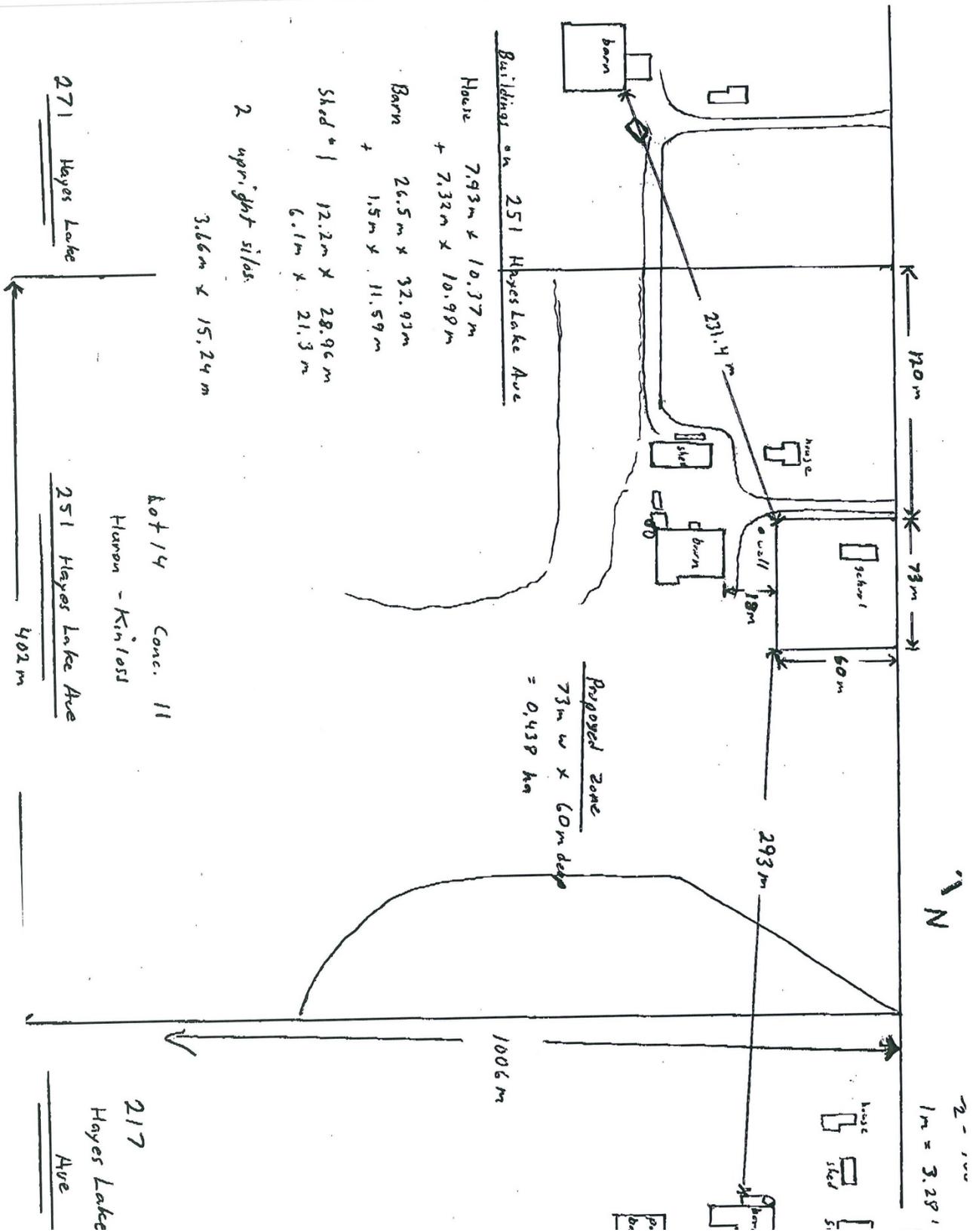
Section 34(11) of the [Planning Act](#) outlines rights of appeal for Zoning By-law Amendment applications.

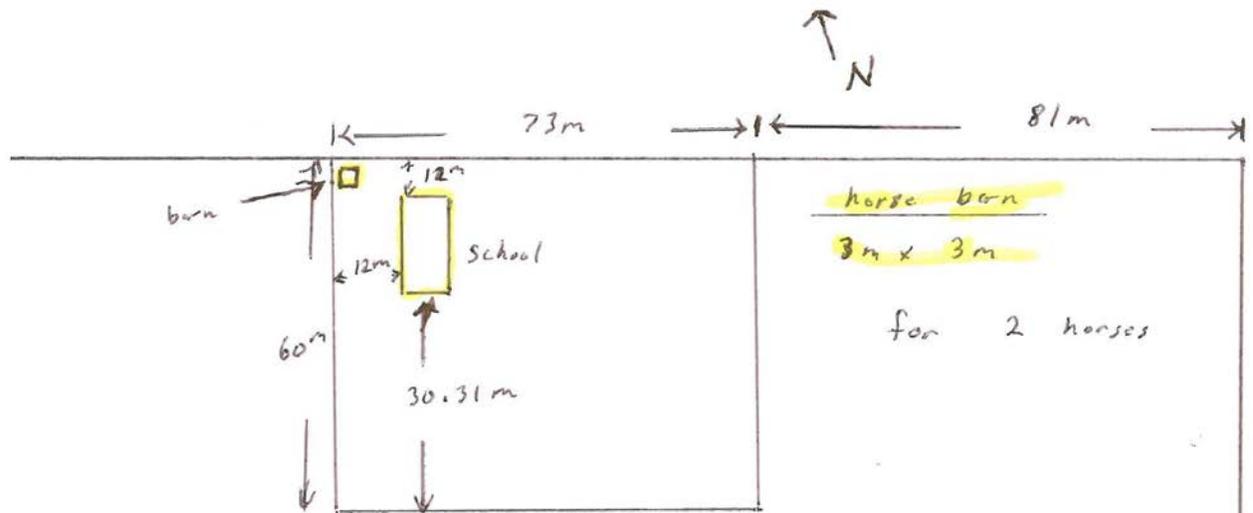
If a person or public body would otherwise have an ability to appeal the decision of the Council of the Township of Huron-Kinloss to the Ontario Land Tribunal but the person or public body does not make oral submissions at a public meeting or make written submissions to the Bruce County Planning Department 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 plans





portable school

7.3 m wide x 9.76 m long
 + 7.3 m wide x 7.93 m long woodshed

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