



Planning Report

To: Township of Huron Kinloss Council

From: Monica Walker-Bolton, Sr. Policy Planner

Date: June 13, 2022

Re: Zoning By-Law Amendment - Z-2022-045 (Hoover)

Recommendation:

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

That Council approve Zoning By-law Amendment Z-2022-045 above as attached and the necessary by-law be forwarded to Council for adoption.

Summary:

The application proposes to permit a minimum a lot area of 21 hectares for the proposed specialized farm lot of an associated severance application. If approved, the proposed amendment would facilitate an application to sever a 21 hectare property from a 61 hectare farm.

The County of Bruce will consider the severance application at a later date.

The subject property is located west of Kinlough at 25 Huron-Kincardine East. The subject property is surrounded by agricultural land, with some hazard land (wetland) to the east.

At the time of writing this report no comments have been received from members of the public. Comments may arise at the public meeting.

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

Airphoto:



Site Plan:

25 HURON-KINCARDINE EAST
DAVID HOOVER.



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.

Natural Heritage and Natural Hazards

Comments have been received from the Saugeen Valley Conservation Authority (SVCA). The SVCA confirms that the application is in consistent with the natural hazard and natural heritage policies. The SVCA notes that although the woodlot on the proposed severed property may not be identified as a significant woodland it is recommended that the proposed building location for the severed lot not encroach into the woodlot.

Bruce County Official Plan

The proposed Zoning By-Law Amendment would recognize a 21 hectare lot to be created by severance. The retained lot meets the minimum lot area requirement of 40 hectares and is not subject to the policy requirements outlined below. Section 5.5.6 of the Bruce County Official Plan recognizes that notwithstanding the minimum lot area requirement of 40 hectares, there may be instances where smaller specialized farm lots may be created. The Official Plan sets out the following policy criteria that must be met:

- Agriculture shall be the primary use of both the proposed severed and retained lots, and lots of similar size to those proposed for the severed and retained lots are not available within a 25 km radius of the subject property suitable for the intended use;
- the size of both the parcel to be severed as well as the parcel to be retained is appropriate and typically associated with the type of agriculture proposed for each parcel, and;
- the proposed retained and severed lots are of a size appropriate for the types of agricultural uses common in the area and are sufficiently large enough to maintain flexibility for future changes in the type or size of agricultural operations.

The applicant has provided a letter that addresses policy requirements outlined above, including discussion of the proposed agriculture uses for both the severed and retained lots of beef farming and an alternative of pork farming.

The applicant notes that other lots of a similar size are not available for sale within a reasonable travelling radius. The applicant relies on horse and buggy for transportation. A search of the website Realtor.ca on the date of writing this report confirms that farms of a similar size to the proposed 21 hectare severed lot are not available for sale within a 25 km radius of the subject property.

Appendices

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

County Official Plan Map (Designated Agriculture)



Local Zoning Map (Zoned General Agriculture 'AG1')



Agency Comments

Saugeen Valley Conservation Authority: Provided in full below.

Huron-Kinloss: Recommended conditions for the proposed severance and has not identified any concerns with the proposed Zoning By-Law Amendment.

BM Ross for Huron-Kinloss: No concerns with existing grey water system on the retained property. No objections to the severance.

Historic Saugeen Métis: No objection or opposition.

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

May 31, 2022

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

ATTENTION: Monica Walker Bolton, Planner

Dear Ms. Walker Bolton,

RE: Proposed Zoning By-law Amendment Z-2022-045 and Consent B-2022-026 (Hoover)
25 Huron-Kincardine East
Lot 1 Concession 12
Roll No.: 410716000316600
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 severance application is to sever a property 21 hectares in area from a 61-hectare farm. An associated Zoning By-Law Amendment is proposed to recognize a lot area of 21 hectares for the severed lot. If successful, the applications will facilitate the creation of a 21-acre specialized farm lot and leave a 40-hectare farm on the retained land.

Recommendation

The proposed applications are generally acceptable to SVCA staff, provided the proposed building location on the parcel to be severed does not encroach into the woodlands.

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:

SVCA staff note that the request for agency comments indicates that some of the property is mapped as EP. However, based on information available to the SVCA, there does not appear to be any natural hazard features located on the property, therefore a revision to the EP zone on the property may be warranted.

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 are: significant woodlands, 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 woodlands, 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

Significant Woodlands

Although there is no County-wide mapping for significant woodlands, SVCA staff is of the opinion that some of 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 Huron. 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.

SVCA staff note that the site plan submitted with the applications shows that the proposed building location on the parcel to be severed possibly encroaching into woodlands, though the woodlands in the parcel to be severed may not be considered significant woodlands according to the Bruce County OP. Nevertheless, for the benefit of the woodlands, SVCA staff recommend that the proposed building location on the parcel to be severed does not encroach into the woodlands.

Wetlands

Part of the West Kinlough Complex Locally Significant Wetlands (LSW) is located on lands adjacent to the east of the property and is shown on Schedule C: Constraints of the County of Bruce OP. However, as the LSW is not a provincially significant wetland (PSW), there is no requirement for the preparation of an EIS to address potential impacts to the LSW. Regardless, 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 Royal Oak Creek Drain Branch K, and part of Scott Drain municipal drains (MD), both closed/tiled drains), and an offset distance of 30 metres/100 feet outwards from the drain; and the adjacent lands to any wetlands/swamps that are located on lands adjacent to 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/or re-routing of a 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



May 17, 2022

File Number: Z-2022-045

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 this application is to sever a property 21 hectares in area from a 61-hectare farm. An associated Zoning By-Law Amendment is proposed to recognize a lot area of 21 hectares for the severed lot. If successful, the applications will facilitate the creation of a 21-acre specialized farm lot and leave a 40-hectare farm on the retained land. The related consent file is B-2022-026.



25 HURON-KINCARDINE EAST – CON 12 LOT 1 (Huron)
Township of Huron-Kinloss, Roll Number 410716000316600

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

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 will be 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 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 plan

25 HURON-KINCARDINE EAST
DAVID HOOVER.

