



Committee Report

To: Warden Mitch Twolan
Members of the Planning and Development Committee

From: Kara Van Myall
Director of Planning and Development

Date: September 19, 2019

Re: Bruce County Official Plan Amendment 244

Recommendation:

That the Planning and Development Committee approve application Bruce County OPA 244.

Executive Summary:

The subject lands are a 100-acre farm located at 401 Statters Lake Avenue in the former Township of Kinloss. The lands are 90% designated Rural and Hazard with the remaining 10% designated Agriculture.

The applicant has submitted an Official Plan Amendment, a Zoning By-law Amendment and a Consent to facilitate a severance of a +/- 4 ha (9.88 ac) farm lot from an existing 40 ha (100 ac.) farm.

The application will facilitate the construction of a new residence, greenhouse and shed. Due to the configuration of the Kinloss Creek Wetland on the property, the proposed dwelling will not meet Minimum Distance Separation (MDS I) setbacks to the retained lands or the farm across the road. These proposed reductions will be permitted in this Official Plan Amendment and written into the Zoning By-law.

This report and recommendation deals with the Official Plan Amendment application.

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

Background:

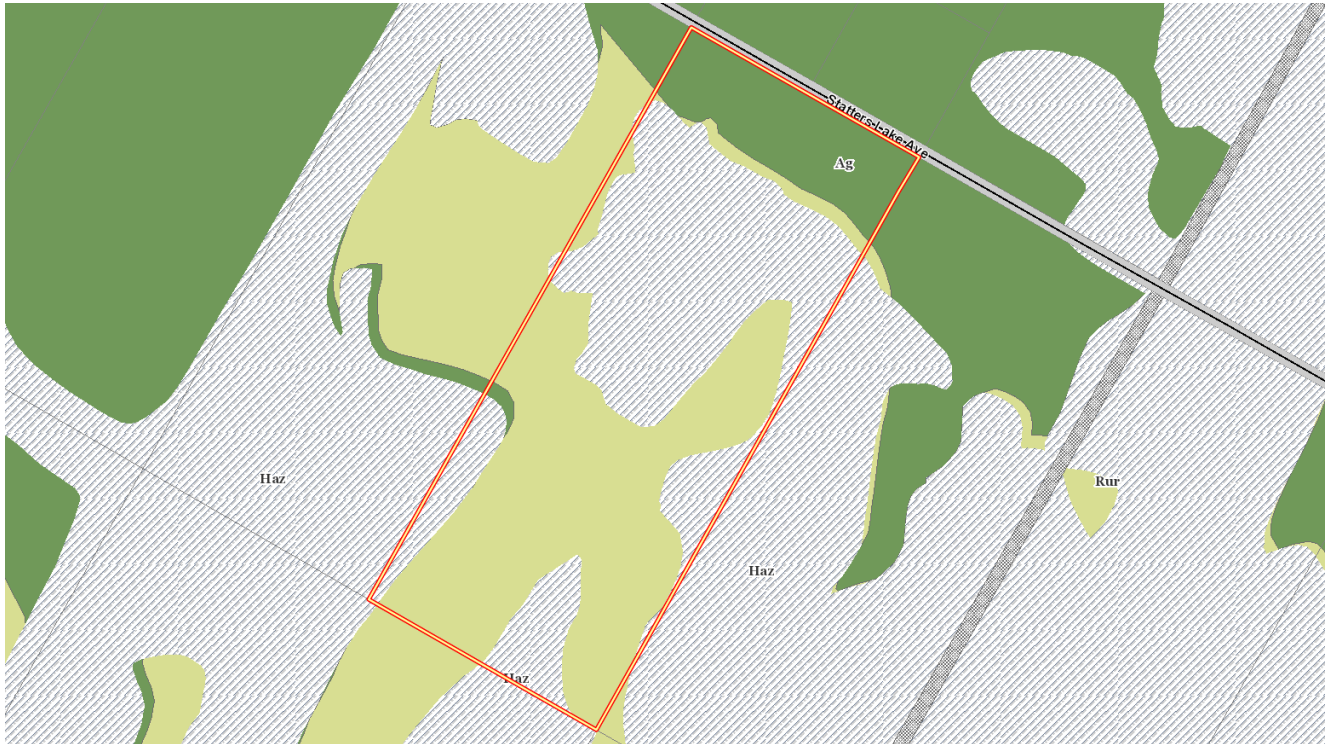
The Bruce County Official Plan permits a greater range of severance options in the Rural designation as opposed to the Agriculture designation including the ability to split a 100-acre farm into:

1. Two 50-acre farms or
2. Two ten-acre residential lots, with an 80-acre retained farm lot.

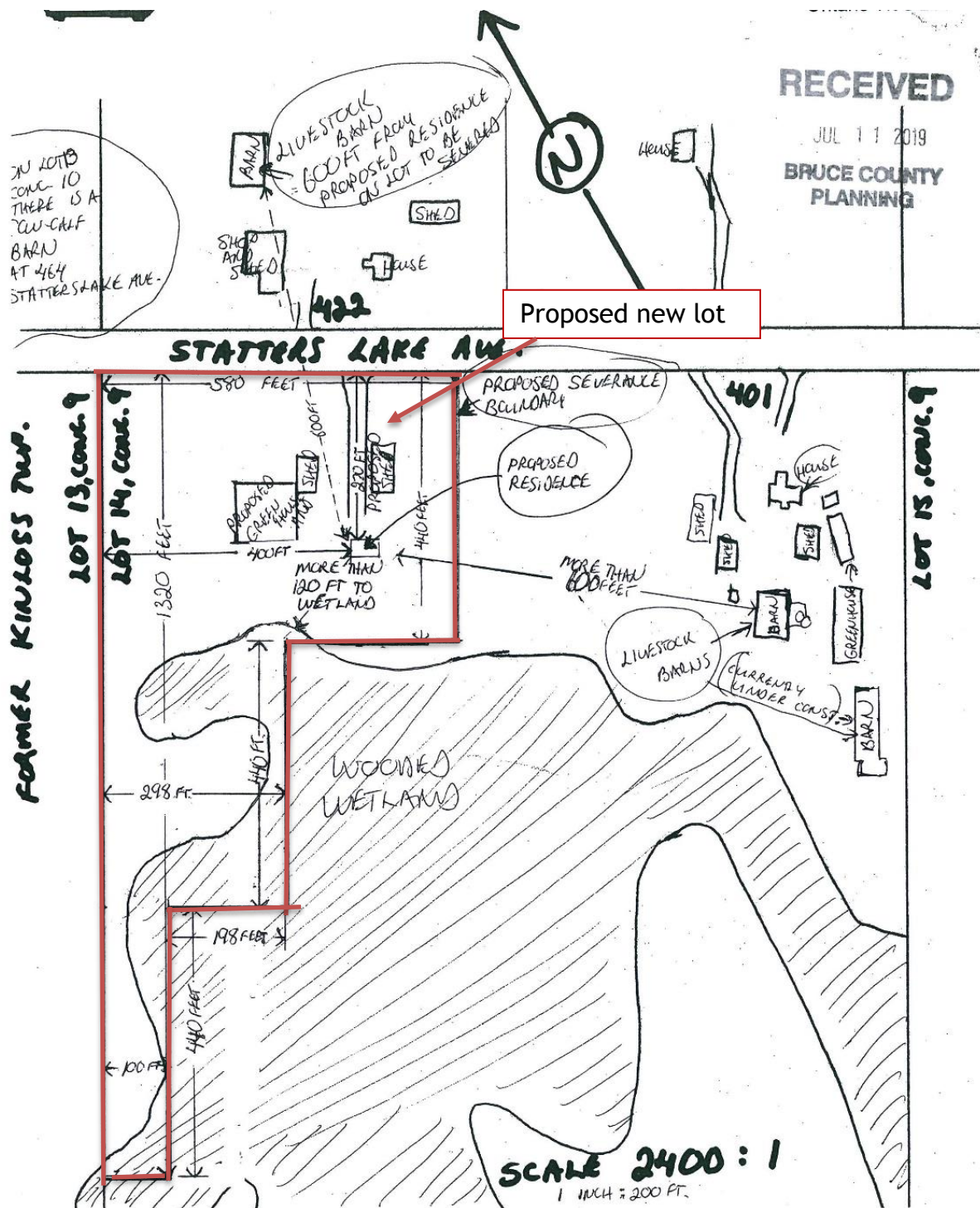
The Bruce County Official Plan would allow the subject lands (which as noted above are 90% in the Rural designation) to be divided into two 50-acre farm lots without an amendment to

the Plan. This proposal is to create a 90-acre farm lot and a 10-acre farm lot which is not contemplated by the Official Plan. Therefore, an amendment to the Official Plan is required.

In terms of the merits of permitting the 10 acre farm lot, as opposed to 50 acres, staff note that, if the property were divided in half, the location of the wetland in the middle of the property would isolate the cultivated lands at the rear of the property from the front. In the opinion of staff this would not be in the best interest of farming or protecting the natural environment as the owner would be forced to construct a lane through the wetlands to access the rear of the property. With the proposed 90-acre lot, most of the cultivated lands behind the wetland will be kept with the main farm and are easily accessible.



Bruce County Official Plan (tan represents Rural, green represents Agriculture and hatched area represents Hazard).



RECEIVED

**BRUCE COUNTY
PLANNING**

Proposed new lot

STATTERS LAKE AWA.

FORMER KINLOSS TWP.

LOT 13, cont. 9

LOT 14, Cont. 9

LOT 13, cont.

SCALE 2400 : 1
1 INCH = 200 FT.

Applicant supplied drawing

Airphoto



Provincial Interests

See Appendix 1.

The application is consistent with the Provincial Policy Statement.

County Official Plan

Rural Areas include those areas of Class 4, 5, 6 and 7 soils as defined by the Canada Land Inventory Soil Capability Classification for Agricultural Capability that are greater than 80 hectares in size and pockets of Class 1, 2 or 3 soils that are smaller than 80 hectares in size. As a result, this designation will include a combination of higher capability and lower capability soils. The designation has been determined based upon the 80 hectare majority of the predominant soil type.

Policy	Comment
5.6.4.1 Farm Size In the Rural designation newly created farm lots should generally be 20 hectares (50 acres). It is not intended to prevent the creation of smaller farm parcels where they are of a size appropriate for the type of agricultural use(s) common in the area and are sufficiently large to maintain for future changes in the type or size of the agricultural operation	<p>Due to the configuration of the wetland on the property, and the proposed use of fruit and vegetable production, a smaller more intensive agricultural lot is appropriate.</p> <p>A larger, 50 acre lot would make accessing the western side rear of the lot difficult.</p>
6.5.3.4.3 i & ii) Consents- Rural Areas Farm Lots i) In order to promote and maintain viable farming operations and generally minimize potential impacts on the farming community, the minimum lot area of farming lands	<p>The lot is 90% Rural however an Official Plan Amendment is required to reduce the minimum size from 50 ac. to 10 ac.</p>

<p>within the Rural designation shall generally be 20 hectares.</p> <p>ii) In order to be eligible for a 20 hectare severance as permitted in clause (i) above, a lot of record must have a minimum of 90% of its land area within the 'R - Rural' designation.</p>	
<p>5.5.11 Provincial Minimum Distance Separation</p> <p>A Minor Variance or Zoning Amendment to allow for a reduction in the Provincial Minimum Distance Separation requirements shall consider at a minimum the following: (i) does the reduction have regard for the intent of the Official Plan; (ii) does the reduction have regard for the intent of the Zoning By-Law; (iii) is the reduction minor in nature; (iv) is the reduction desirable and appropriate for the area; and (v) can any potential environmental impacts be appropriately mitigated.</p>	<p>The reduction in MDS I would permit a house to be built out of the Evaluated wetland which would appropriately mitigate environmental impacts.</p>

The proposed amendment is consistent with the intent and purpose of the County Official Plan.

Zoning by-law

The applicant has also submitted a joint Zoning By-law Amendment that will reduce the MDS I setbacks and reduce the permitted lot size.

Agency Comments

Conservation Authority:

- Locally significant wetlands plus 30 metres from the boundary of the wetland; and provincially significant wetlands plus 120 meters from the boundary of the wetland, are MVCA regulated lands, pursuant to *Ontario Regulation 164/06* made under the *Conservation Authorities Act (R.S.O., 1990, chapter C.27)*. Subject to the Regulation, development (construction, reconstruction, filling, grading) interference, and alteration within Authority regulated lands requires permission from MVCA, prior to undertaking the work.
- Permit from MVCA will be required for any works taking place within the regulation limit, this includes all the proposed structures. MVCA does not support new development within a wetland, or within 30 meters of the boundary of a wetland, where there is room to locate beyond 30 meters.
- Based upon the site plan submitted with this application the closest building to the wetland will be the residence, being approximately 36 meters away. MVCA

understands that there are other restrictions at play when placing such a building that might prohibit a greater setback from the wetland, such as MDS.

- MVCA is satisfied with the site plan as submitted, though it should be noted that the site plan does not show a septic system location; the septic system must also be 30 meters or more from the wetland.
- The application is in general conformance with Section 3.1, Natural Hazard Policies of the PPS, 2014, as such MVCA has no objections.

Municipality:

- No comments

BM Ross

- The application has been reviewed by OBC Part 8 Inspector Dave Bell (BCIN# 34600). There is an existing on-site sewage system at 401 Statters Lake Ave. This system was previously inspected under the first cycle of the Township of Huron-Kinloss Community Septic Inspection (HKCSI) Program on October 31, 2012. At that time, the existing system required a repair the outflow baffle. The repair was made and the current risk assessment is 'High-Age'. This system is due for a reinspection under cycle 2 of the HKCSI Program in 2020.
- If a residence is approved for the severed lot, any proposed on-site sewage system will require submission of an *Application for Permit to Construct or Demolish* under the OBC and payment of the associated fee prior to construction of an onsite sewage system.

Historic Saugeen Metis

- The Historic Saugeen Metis (HSM) Lands, Resources, and Consultation Department has reviewed the relevant documents and have no objection or opposition to the proposed development, land re-designation, rezoning, land severance, Official Plan and/or Zoning By-law Amendments.

Bruce Grey Catholic District School Board

- No comments

Risk Management Official- Ausable Bayfield Conservation Authority

- I have reviewed the proposed application as it relates to drinking water source protection and the Clean Water Act. The subject property is located within zone D of the Wellhead Protection Area (WHPA-D) for the Ripley Municipal Drinking Water Supply, as identified in the Maitland Valley Source Protection Plan (SPP). Zone D is the 25 year time-of-travel delineated for the Ripley wells. There are no binding SPP policies or restriction related to properties in WHPA-D; the subject land is not identified as 'Restricted Land Use' so a Notice under section 59 of the Clean Water Act is not required for this application.
- The policies of the SPP regulate activities in order to protect sources of municipal drinking water. While the local Source Protection Plan does not contain binding policies that address activities in WHPA Zone D, these areas are still considered vulnerable, and it is important to protect them. This can be accomplished using best management practices.

Public Comments

The Planner received one letter of support from Enos and Lydia Martin, the neighbour across the road, to whom the MDS I will be reduced. This is attached as an Appendix.

Planning Analysis and Comments:

Due to the proposed use, and the configuration of the natural features on the property, a lot size of 4 ha (9.8 ac) makes sense. The proposed lot shape makes use of the small pocket of workable land that would otherwise be inaccessible.

In the opinion of Planning staff, this proposal would represent good planning.

Financial/Staffing/Legal/IT Considerations:

Potential Appeal to Local Planning Appeals Tribunal

Written by:

Dana Kieffer, M.Sc.,

Planner, Planning and Development

Appendix 1 - Provincial Policy Statement 2014

Applies?	Section	Policy	Comment
	1.0	Building Strong Communities	
	1.1	Managing & Directing Land Use To Achieve Efficient Development & Land Use Patterns	
	1.1.3	Settlement Areas	
x	1.1.4	Rural Areas in Municipalities	
	1.2	Coordination	
	1.3	Employment Areas	
	1.4	Housing	
	1.5	Public Spaces, Parks and Open Space	
	1.6	Infrastructure and Public Service Facilities	
	1.6.4	Sewage and Water	
	1.6.5	Transportation Systems	
	1.6.6	Transportation and Infrastructure Corridors	
	1.6.7	Airports	
	1.6.8	Waste Management	
	1.7	Long-Term Economic Prosperity	
	1.8	Energy and Air Quality	
	2.0	Wise Use and Management of Resources	
	2.1	Natural Heritage	
	2.2	Water	
x	2.3	Agriculture	
	2.3.3	Permitted Uses	
x	2.3.4	Lot Creation and Lot Adjustments	
	2.3.5	Removal of Land from Prime Agricultural Areas	
	2.4	Minerals and Petroleum	
	2.4.2	Protection of Long-Term Resource Supply	
	2.4.3	Rehabilitation	
	2.4.4	Extraction in Prime Agricultural Areas	
	2.5	Mineral Aggregate Resources	
	2.5.2	Protection of Long-Term Resource Supply	
	2.5.3	Rehabilitation	
	2.5.4	Extraction in Prime Agricultural Areas	
	2.5.5	Wayside Pits/Quarries, Portable Asphalt Plants / Concrete Plants	
	2.6	Cultural Heritage and Archaeology	
	3.0	Protecting Public Health and Safety	
x	3.1	Natural Hazards	
	3.2	Human-made Hazards	