



Planning Report

To: Municipality of Kincardine Council

From: Jake Bousfield-Bastedo, Intermediate Planner

Date: October 9, 2024

Re: Zoning By-law Amendment Z-2024-051 (Brucelea)

Recommendation:

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

That Council approve Zoning By-law Amendment Application Z-2024-051 for Brucelea Poultry Farm Ltd. c/o Blair Scott and the necessary by-law be forwarded to Council for adoption.

Summary:

This application proposes to amend the Municipality of Kincardine Zoning By-law to facilitate consent application B-2024-052, which is being considered separately at a later date by the County of Bruce. The proposal would sever a +/- 0.6 ha surplus farm dwelling lot with an existing dwelling from an existing +/- 80.9 ha parcel at 728 North Line. The proposed amendments would place a holding provision on lands having high archaeological potential and prohibit residential uses on the retained lot. Portions of the severed and retained lots will continue to be zoned Environmental Protection.

Airphoto



Image of Existing Structure



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 and planning policy sections.

Surplus Farm Dwelling Severance

The only type of residential severance permitted on agricultural lands in the Provincial Policy Statement (PPS) is for a residence surplus to a farming operation as a result of farm consolidation.

The Bruce County Official Plan (BCOP) includes the following criteria for assessing surplus farm dwelling severances:

1. The owner of the lands to be severed is a 'bona fide farmer' and must:

- a. Own land and farm the lands on which the surplus dwelling is proposed to be severed from;
 - b. Own and farm other lands; and,
 - c. Own a residence elsewhere, or reside as a tenant elsewhere, therefore rendering the residence on the subject farm surplus to their needs;
2. The lot proposed for the surplus residence must be limited in area (i.e., of sufficient size to accommodate the surplus residence and any accessory buildings);
 3. The remnant agricultural lands shall be rezoned to prohibit the future residential development of any type on the agricultural lands;
 4. Minimum Distance Separation (MDS I) formula requirements are to be met for the proposed severed lot if livestock facilities or anaerobic digesters exist on the retained farmlands; and,
 5. The existing surplus dwelling/residence is habitable at the time of application.

The owner is a bona fide farmer who currently owns and farms the subject lands along with over 1200 ha within the County of Bruce.

The severed lot will be limited to a size of 0.6 hectares to accommodate the existing dwelling, hydro, sewage and water services. A condition of consent has been drafted to ensure the existing septic system is captured within the parcel fabric through a survey.

The remnant agricultural lands are proposed to be rezoned to prohibit future residential development through this proposal.

The existing dwelling is currently habitable.

Given the above, staff are of the opinion that the proposal is consistent with the Surplus Farm Dwelling Severance policies of the BCOP and the PPS.

Natural Hazards

The natural hazard features of concern on the property include an unnamed tributary of the Penetangore River, floodplain, and valley slope.

The proposed application is consistent with the natural hazard policies of the PPS and conform to those of the BCOP, as no new development is proposed. Those portions of the retained lot impacted by natural hazards will continue to be designated Hazard Land Area and zoned Environmental Protection (EP).

Natural Heritage

The natural heritage features include potential fish habitat associated with the unnamed tributary on site and woodlands and wetland areas in the north west corner of the parcel. No new site alteration or construction is proposed with this application. As such, no impacts are anticipated to natural heritage features.

Cultural Heritage

The subject property is noted as having high archaeological potential given the proximity to a watercourse. The policies within the PPS and the BCOP prohibit development and site alteration on lands containing archaeological resources or areas of archaeological potential unless significant archaeological resources have been conserved. As this proposal does not involve the construction of new structures or site alteration, an archaeological assessment is not recommended at this time. The Zoning By-law amendment includes a holding provision to ensure that future development is required to meet relevant policies for archaeology.

Zoning By-law

The subject lands are zoned General Agricultural (A1) and Environmental Protection (EP) in the Zoning By-law for the Municipality of Kincardine. The proposed retained and severed lots meet the frontage and area requirements for a farm lot and non-farm lot, respectively. Areas of high archaeological potential are proposed to be amended to include a holding provision to ensure any future development is subject to archaeological review. The proposed zoning for the retained lot would prohibit residential development. The Environmental Protection (EP) zone has not changed.

Appendices

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

County Official Plan Map (Designated Agricultural Areas and Hazard Land Area)



Local Zoning Map (Zoned A1 - General Agriculture and EP - Environmental Protection)



Agency Comments

Historic Saugeen Métis: The Historic Saugeen Métis (HSM) Lands, Waters and Consultation Department has reviewed the relevant documents and has no objection or opposition to the proposed Consent Application for Severance and Zoning By-Law Amendment as presented.

Saugeen Valley Conservation Authority: Provided in full below.

Municipality of Kincardine:

There appears to be adequate area for a replacement septic system. Have the current system verified and dimensioned off the lot line to ensure the entire system is within the parcel fabric (min 3m from any newly created lot line).

Hydro One: Upon review by our design team, it was found that Hydro One has no concerns with the severance at 728 North Line.

Public Comments

No comments were received from the public at the time of writing this report.

SENT ELECTRONICALLY ONLY: JBousfield-Bastedo@brucecounty.on.ca and bcplpe@brucecounty.on.ca

September 6, 2024

County of Bruce Planning & Development Department
1243 Mackenzie Road
Port Elgin, Ontario N0H 2C6

ATTENTION: Jake Bousfield-Bastedo, Planner

Dear Mr. Bousfield-Bastedo,

RE: Application for Consent B-2024-052 and Zoning By-Law Amendment Z-2024-051 (Brucelea)
728 North Line
Roll No.: 410821000207500
Lots 43 to 46 Concession 3 NDR
Geographic Township of Kincardine
Municipality of Kincardine

Saugeen Valley Conservation Authority (SVCA) staff has reviewed the above-noted proposals as per our delegated responsibility from the Province to represent provincial interests regarding natural hazards identified in Section 3 of the Provincial Policy Statement (PPS, 2020) and as a regulatory authority under Ontario Regulation 41/24 (SVCA's Prohibited Activities, Exemptions and Permits Regulation). SVCA staff has also provided comments as per our Memorandum of Agreement (MOA) with the County of Bruce representing natural hazards. The applications have also been reviewed through our role as a public body under the Planning Act as per our CA Member approved Environmental Planning and Regulations Policies Manual, amended October 16, 2018. Finally, we have screened the applications to determine the applicability of the Saugeen, Grey Sauble, Northern Bruce Peninsula Source Protection Plan, prepared under the Clean Water Act, 2006.

Purpose

The applications propose to sever a +/- 0.6 ha parcel of land with lot frontage of +/- 40 m along North Line for the purpose of a surplus farm dwelling severance. The proposed retained agricultural parcel has a lot area of +/- 80.3 ha and frontage of +/- 770 m. The Zoning By-law Amendment would place a Holding provision on lands having high archaeological potential and prohibit residential uses on the retained farm lot.

Recommendation

The proposed application for consent and zoning by-law amendment application are generally acceptable to SVCA staff.

Delegated Responsibility and Advisory Comments-Natural Hazards

The natural hazard features of concern on the property include a tributary of the Penetangore River, and its floodplain and valley slope associated watercourse.

It is SVCA staff's opinion that the Municipality of Kincardine Zoning By-law 2003-25 Environmental Protection (EP) zone and Environmental Hazard designation in the County of Bruce Official Plan (OP) are consistent with SVCA hazard mapping for the property to represent the natural hazard feature of the tributary of the Penetangore River, and its floodplain and valley slope associated watercourse.

Provincial Policy Statement – Section 3.1

Section 3.1.1 of the PPS, 2020 states in part that development shall generally be directed to areas outside of hazardous lands and hazardous sites. Based on the plan submitted with the proposal, the proposal would be consistent with Section 3.1.1 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 the Hazard Land designated area. It is the opinion of SVCA staff that the applications comply with the County of Bruce OP.

Drinking Water Source Protection

The property appears to SVCA staff to not be located within an area that is subject to the local Drinking Water Source Protection Plan.

SVCA Regulation 41/24

SVCA staff has reviewed the proposal as per our responsibilities as a regulatory authority under Ontario Regulation 41/24 (SVCA's Prohibited Activities, Exemptions and Permits 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, or unstable soil or bedrock are not affected. SVCA also regulates the alteration to or interference in any way with a watercourse or wetland.

The parcel to be severed is not within the SVCA Approximate Screening Area, however a portion of the parcel to be retained is within the Approximate Screening Area associated with the SVCA's Prohibited Activities, Exemptions and Permits Regulation (Ontario Regulation 41/24). This Regulation is in accordance with Section 28 of the *Conservation Authorities Act* R.S.O, 1990, Chap. C. 27, and requires that a person obtain the written permission of the SVCA prior to any "development" within a Regulated Area or alteration to a wetland or watercourse.

For the parcel to be retained, the SVCA Approximate Screening Area includes the watercourse and its adjacent floodplain and valley slope, and an offset distance from these features.

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>. Should you require assistance, please contact our office directly.

Permission for Development or Alteration

If development or alteration including construction, reconstruction, conversion, grading, filling or excavation, including agricultural tile drainage, is proposed within the SVCA Approximate Screening Area, associated with our Regulation on the parcel to be retained, the SVCA should be contacted, as permission may be required.

Summary

SVCA staff has reviewed this proposal 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*.

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 has been demonstrated.
- 2) Consistency with local planning policies for natural hazards has been demonstrated.

Please inform this office of any decision made by the Municipality of Kincardine and/or County of Bruce with regard to the proposal. Should you have any questions, please contact the undersigned.

Sincerely,

Michael Oberle
Environmental Planning Coordinator
Saugeen Conservation
MO/

cc: Jennifer Lawrie, Clerk, Municipality of Kincardine (via email)
Jennifer Prenger, Authority Member, SVCA (via email)
Bill Stewart, Authority Member, SVCA (via email)



County of Bruce
Planning & Development Department
1243 MacKenzie Road
Port Elgin, ON N0H 2C6
brucecounty.on.ca
226-909-5515



September 16, 2024

File Number: Z-2024-051

Public Meeting Notice

**You're invited: Public Meeting to consider
Zoning By-law Amendment File Z-2024-051
October 9, 2024 at 5:00 p.m.
Municipal Administration Centre**

A change is proposed in your neighbourhood: The applications propose to sever a +/- 0.6 ha parcel of land with lot frontage of +/- 40 m along North Line for the purpose of a surplus farm dwelling severance. The proposed retained agricultural parcel has a lot area of +/- 80.3 ha and frontage of +/- 770 m. The Zoning By-law Amendment would place a Holding provision on lands having high archaeological potential and prohibit residential uses on the retained farm lot. The related Consent file is B-2024-052.



728 NORTH LINE - CON 3 NDR LOT 43 TO 46
Municipality of Kincardine (Kincardine Township)
Roll Number 410821000207500

Learn more

Additional information about the application is available online at <https://www.brucecounty.on.ca/active-planning-applications>. 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: Jake Bousfield Bastedo

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 **September 26, 2024** 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.

Before the meeting: You can submit comments by email bcplpe@brucecounty.on.ca, mail, or phone (226-909-5515) if you have any questions, concerns or objections about the application. Comments will be provided to the Committee for its consideration.

How to access the public meeting

The Public Meeting will be held in a hybrid format (virtual or in-person) at the Municipal Administration Centre located at 1475 Concession 5, Kincardine.

For information on how to participate in the public meeting, please visit the municipal website at www.kincardine.ca/en/municipal-office/agendas-and-minutes.aspx under "Agendas and Minutes." Please contact the Municipality of Kincardine at clerk@kincardine.ca or 519-396-3468 if you have any questions about how to participate in the meeting.

Stay in the loop

If you'd like to be notified of the decision of the approval authority on the proposed application(s), 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 municipality 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 municipality 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 municipality 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.

Please note that third parties (anyone who is not a specified person or public body) do not have the right to appeal a decision to the Ontario Land Tribunal.

For more information please visit the Ontario Land Tribunal website at <https://olt.gov.on.ca/appeals-process/>.

