



Planning Report

To: Municipality of Arran Elderslie Council

From: Rebecca Elphick, Consultant Planner

Date: September 11, 2023

Re: Application to Amend the Zoning By-law - Z-2023-05 (Shantz)

Recommendation:

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

That Committee approve Zoning By-law Amendment Z-2023-035 as attached and the necessary by-law be forwarded to Council for adoption.

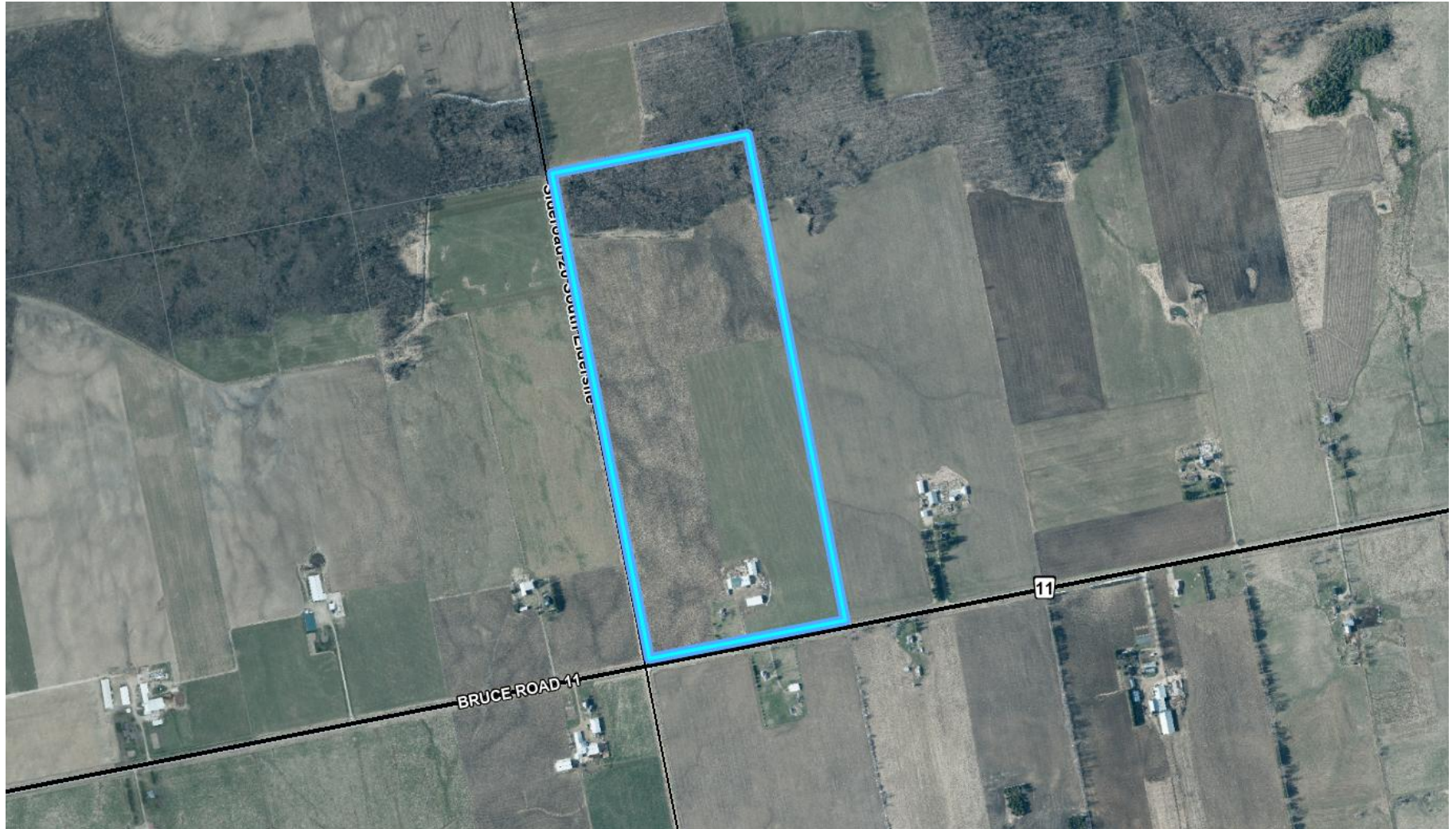
Summary:

The purpose of this application is to permit a 292.6 m² (3,150 sq. ft.) wood working shop within an existing implement shed on a 40.27 ha agricultural lot at 388 Bruce Road 11. The proposed Zoning By-law amendment will also add a holding provision in areas of high archaeological potential. The 'Environmental Protection (EP)' Zone will remain unchanged. If approved, this application will facilitate the establishment of a home industry on the subject property.

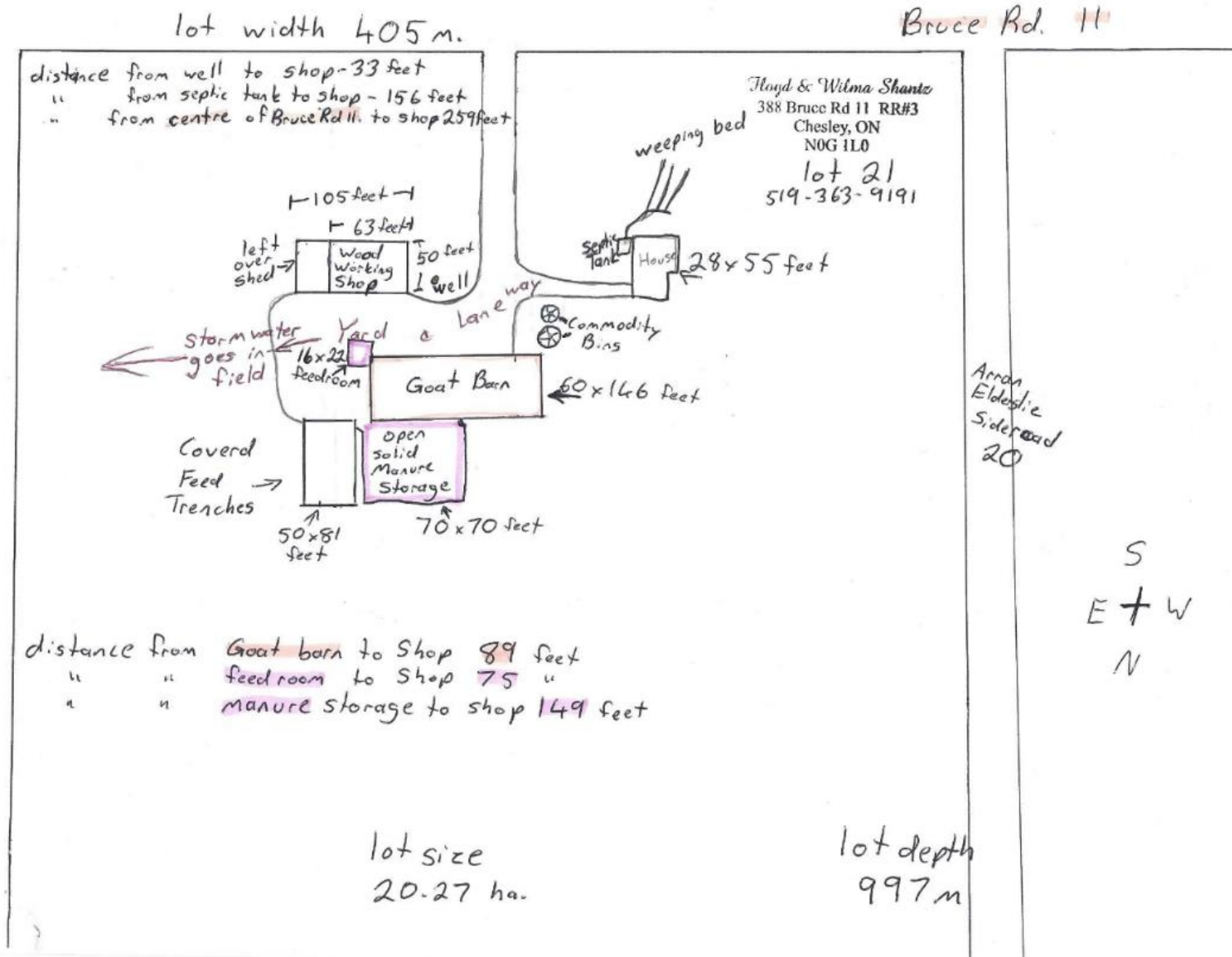
The subject property is located at the northeast corner of Bruce Road 11 and Sideroad 20 South Elderslie. Surrounding land uses include agricultural uses in all directions, a low-density residential use to the south, as well as the Elderslie Swamp Wetland Complex along the subject property's northern border and extending further west.

The proposed use is compatible with the surrounding residential and agricultural lands, the subject property is adequately sized for the use proposed, and there is adequate infrastructure to accommodate this use.

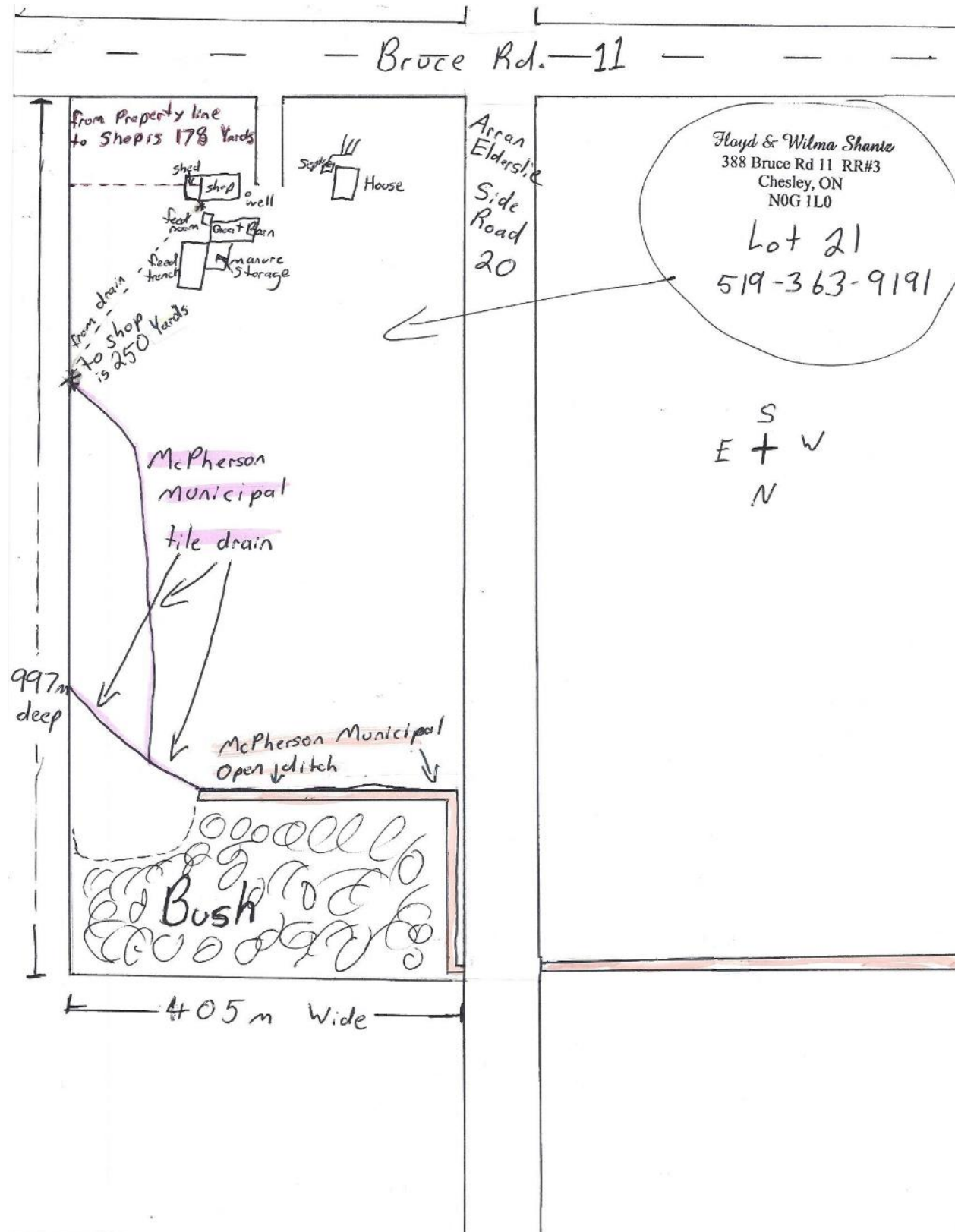
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Site Plan (Proposed Development)



Site Plan (Full Extent of Property)



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), public comments (attached) and planning policy sections.

Home Industry

The County's Official Plan permits small-scale home industries in the Agricultural designation as accessory uses where they are located on the same property as the principal use. The proposed wood-working shop can be considered a home industry, as it is small in scale, industrial in nature, and conducted within an accessory building (i.e., the existing implement shed) located on the same property as the owner's principal residence. The proposed wood-working shop does not conflict with surrounding agricultural and residential uses and does not remove any farmland from production.

The Zoning By-Law for the Municipality of Arran-Elderslie contains provisions related to the establishment of a home industry use, which permits 'dry industrial use' as a home industry in the A1 Zone on an agriculture lot. The proposed wood working shop can be considered a dry industrial use, as it does not utilize process waters, produce waste waters from the industrial process, nor utilize a closed loop/recycled water system, and is similar to use to welding shops, blacksmith shops, and wood fabricating defined in the zoning by-law as dry industrial uses. The zoning by-law establishes several criteria which must be met to establish a home industry:

1. The Home Industry shall be clearly secondary to the main use of the lot and shall not change the character of the lot;
2. The lot and/or dwelling is the primary place of residence by the individual operating the Home Industry;
3. The Home Industry shall be conducted only by those residing on the lot except for the employment of one assistant;
4. Total gross floor area utilized shall not exceed 30% of the dwelling or a maximum of 28 sq. metres (301 sq. ft.), whichever is the lesser;
5. One off-street parking space shall be provided for every 19 sq. metres (205 sq. ft.) of floor space occupied by the Home Industry in a dwelling or accessory building; and,
6. Home Industry shall not include the retail sales of building or construction supplies nor any 'Motor Vehicle' or 'Commercial Motor Vehicle' related use.

Principal uses of the property include general agriculture and residential uses, including several existing barns, and an existing single detached dwelling, which is the owner's primary place of residence. The proposed wood working shop is located within an existing implement shed accessory to the existing single detached dwelling. At this time, the owner will be the sole person operating the proposed wood working shop, though he may opt to hire one assistant in the future. Off-street parking will be provided in accordance with the requirements of the zoning by-law in close proximity to the existing implement shed, including one barrier free parking space near the building's entrance.

The applicant proposes to dedicate an area of approximately 292.6 m² (+/- 3,150 sq. ft.) within the existing implement shed for the proposed wood working shop, in excess of that permitted as-of-right in the zoning by-law. The existing dwelling has a gross floor area of approximately 145 m² (+/- 1,560 sq. ft.). The applicant is requesting a site-specific amendment to the zoning by-law to increase the maximum gross floor area permitted for a home industry use (i.e., the proposed wood working shop) to 292.6 m² where the zoning by-law permits a maximum of 28 m² or 30% of the dwelling, whichever is the lesser. The proposed wood working shop will be secondary to the principal agricultural use of the property and will not change the character of the lot, as no new buildings or structures are proposed.

The Provincial Policy Statement (PPS) gives direction to local planning authorities with respect to land use planning and matters of provincial interests. The PPS permits uses that are secondary to the primary agricultural use of the property and are limited in area on rural lands located in municipalities and in prime agricultural areas (i.e., on-farm diversified uses). On-farm diversified use provisions are designed to provide farmers with alternative income sources to support and maintain the viability of their farm operation over time. Home industry uses are one of several on-farm diversified uses permitted in prime agricultural areas where the property is actively in agricultural use and where the use is compatible with, and does not hinder, surrounding agricultural uses. Provincial guidelines for implementing the PPS recommend municipalities establish a maximum lot coverage ratio for on-farm diversified uses in prime agricultural areas; the County of Bruce Official Plan requires that on-farm diversified uses are limited in area to a maximum of two percent of the property up to one hectare. The proposed woodworking shop will occupy approximately 0.07% of the total area of the subject property. As such, the proposed amendment to increase the maximum total gross floor area permitted for a home industry use is consistent with provincial direction for on-farm diversified uses.

Based on the above, the proposed amendment is consistent with the relevant policies of the PPS, conforms to the County's Official Plan and generally maintains the intent and purpose of the Municipal Zoning By-law with respect to home industry uses.

Natural Heritage Features and Natural Hazards

Areas of the subject property are zoned as Environmental Protection and designated Hazard Lands in Schedule A to the County Official Plan. The existing implement shed is sited more than 200 metres away from locally significant wetlands near the property's northern boundary (Elderslie Swamp Wetland Complex) and an intermittent stream at the property's northwest corner. At this time, no physical development is occurring in these areas, and the proposed EP zone will remain unchanged.

Saugeen Valley Conservation Authority (SVCA) staff note that small areas of the property are within the SVCA Approximate Screening Area associated with O.Reg 169/06 (Regulation of Development, Interference with Wetlands and Alterations to Shorelines and Watercourses). SVCA staff note that the proposed development is not within the SVCA Approximate Screening Area and therefore a permit is not required. Overall, SVCA staff find the

application to be acceptable. Full comments from SVCA staff are provided as an appendix to this report.

The proposed amendment is consistent with the natural heritage and natural hazard policies of the PPS and conforms to the natural heritage and natural hazard policies of the County Official Plan.

Archaeological Potential

Portions of the subject property are considered areas of high archaeological potential given the presence of locally significant wetlands near the property's northern boundary (Elderslie Swamp Wetland Complex) and an intermittent stream at the subject property's northwest corner. The policies within the PPS and the County Official Plan prohibit development and site alteration on lands containing archaeological resources or areas of archaeological potential unless significant archaeological resources have been conserved. The County Official Plan encourages consultation with First Nation communities, including the Saugeen Ojibway Nation, on areas of concern related to new development proposals that include the proper identification of archaeological resources.

As this proposal does not involve the construction of new buildings/structures or site alteration, an archaeological assessment is not recommended at this time. The Saugeen Ojibway Nation has advised that it concurs with this approach.

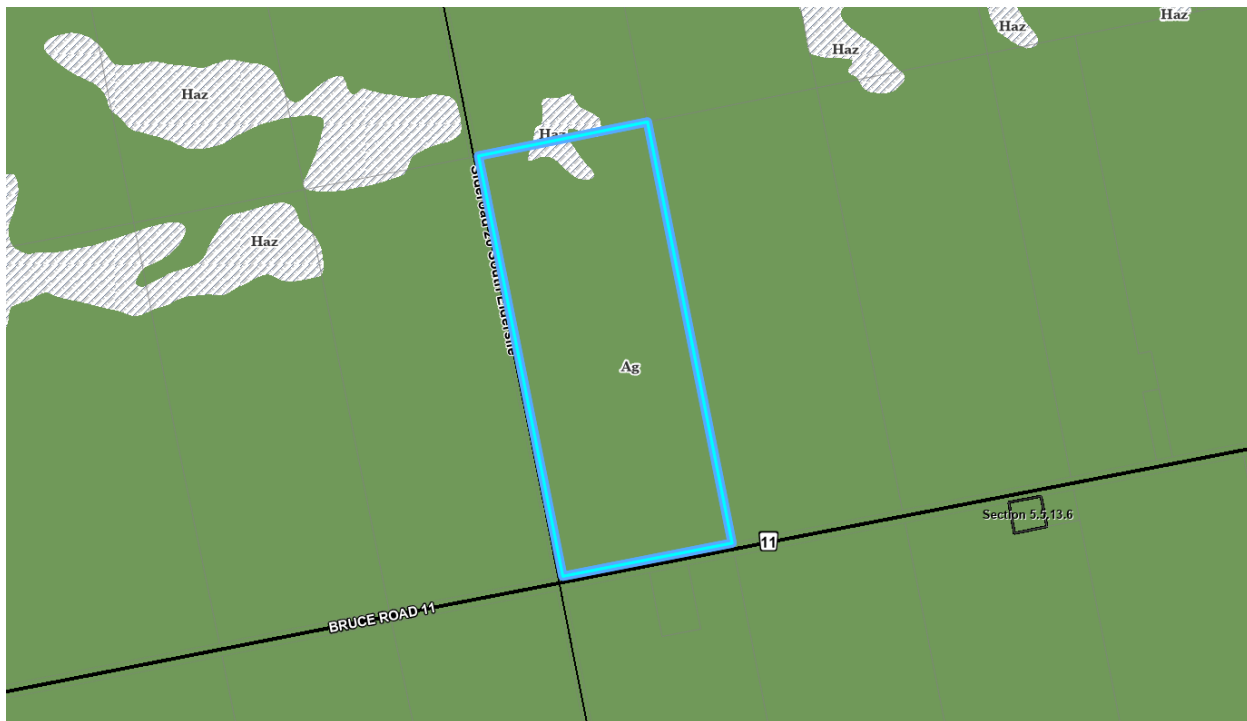
Financial/Staffing/Legal/IT Considerations:

Potential appeal to the Ontario Land Tribunal (OLT).

Appendices

- County Official Plan Map
- Local Official Plan Map
- Local Zoning Map
- Conservation Authority Jurisdiction
- Natural Heritage Features
- Archaeological Potential
- List of Supporting Documents and Studies
- Agency Comments
- Public Comments
- Public Notice

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



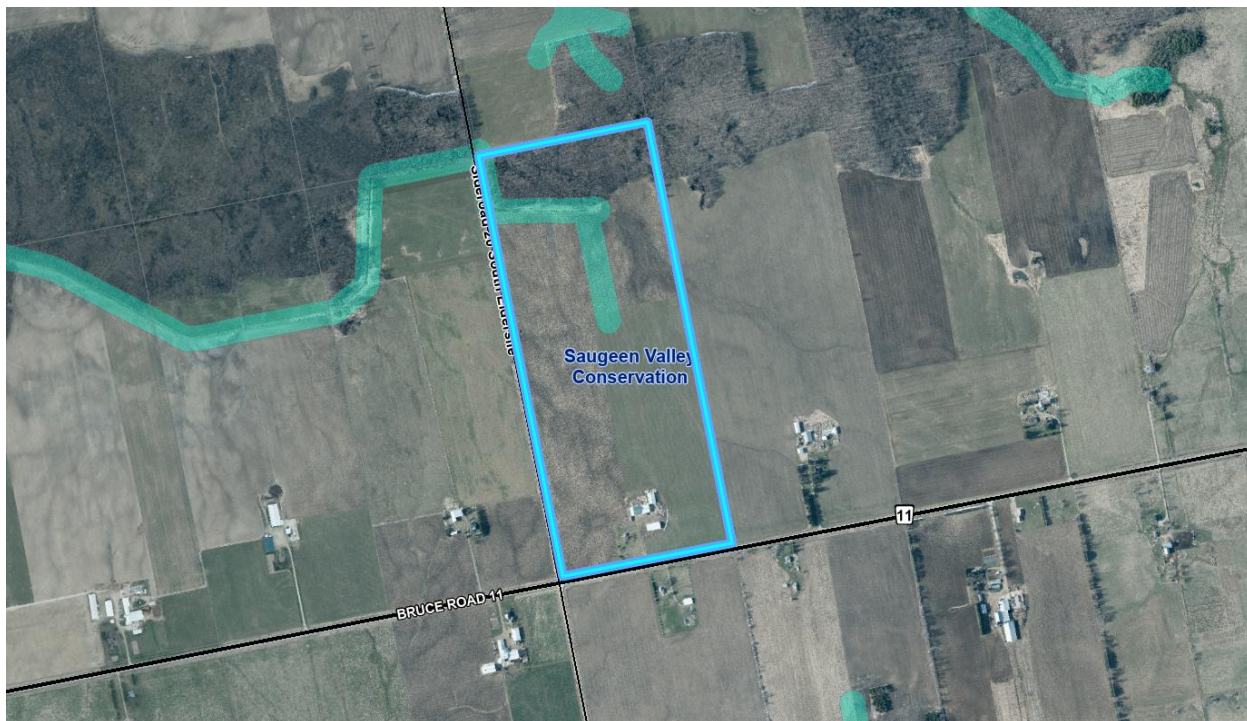
Local Official Plan Map (Outside of Local Official Plan Area)



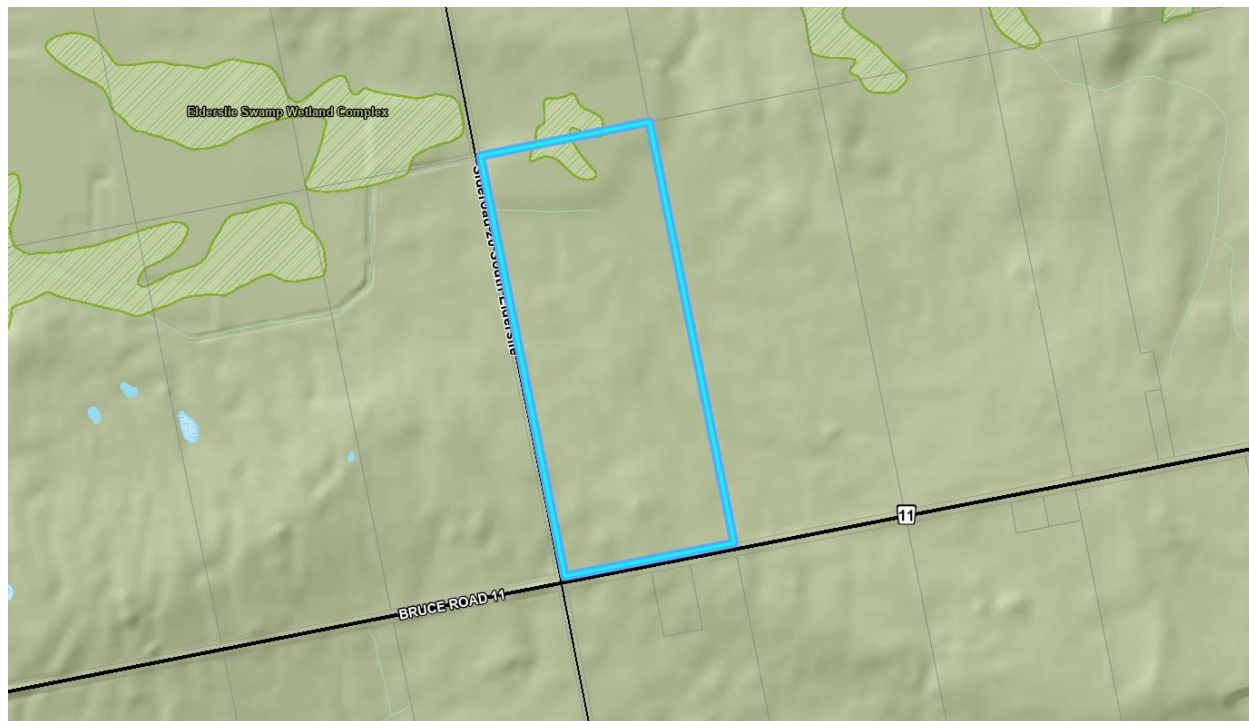
Local Zoning Map (Zoned A1 - General Agriculture, EP - Environmental Protection)



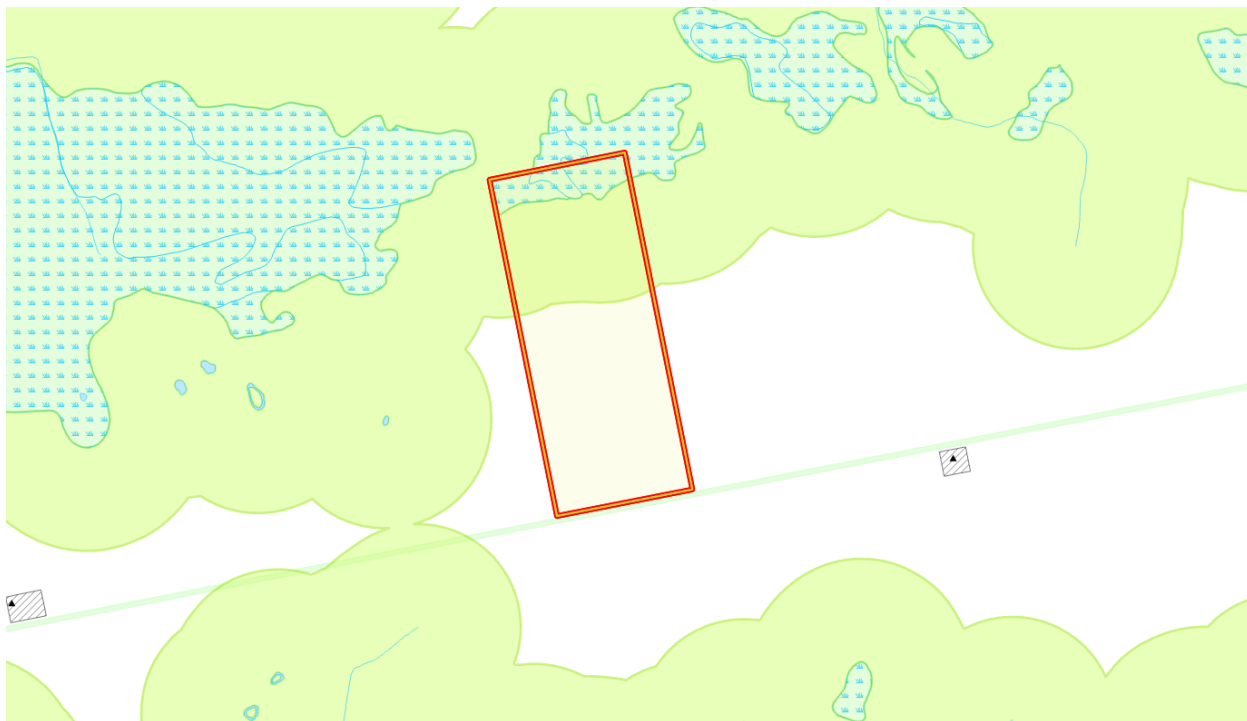
Conservation Authority Jurisdiction (SVCA - O.Reg. 169/06 Approx. Screening Area)



Natural Heritage Features (Elderslie Swamp Wetland Complex)



Archaeological Potential



Agency Comments

A Request for Agency Comments was circulated to the relevant public agencies on August 4, 2023. The following comments were received by the report submission deadline:

Saugeen Valley Conservation Authority (SVCA): In correspondence dated August 24, 2023, SVCA staff note that they find the application to be acceptable and ask that the SVCA office be informed of any decision by the Municipality with regard to the application (i.e., a copy of the decision and notice of any appeals filed).

Saugeen Ojibway Nation (SON): In correspondence dated July 18, 2023, SON advised that an archaeological assessment will not be necessary if no ground disturbance or development will occur.

SENT ELECTRONICALLY ONLY: relphick@brucecounty.on.ca, bcplwi@brucecounty.on.ca

August 24, 2023

County of Bruce
Planning & Development Department
268 Berford Street, PO Box 129
Wiarton, Ontario N0H 2T0

Attention: Rebecca Elphick, Planner

Dear Ms. Elphick,

RE: Application for Zoning By-Law Amendment Z-2023-035 (Shantz)
388 Bruce Road 11
Part Lot 21 Concession 5
Roll No.: 410338000306800
Geographic Township of Elderslie
Municipality of Arran-Elderslie

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 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). Staff has also provided comments as per our Memorandum of Agreement (MOA) representing natural hazards. The application has also been reviewed through our role as a public body under the Planning Act as per our Conservation Authority (CA) Member approved Environmental Planning and Regulations Policies Manual, amended October 16, 2018. Finally, we have screened the application to determine the applicability of the Saugeen, Grey Sauble, Northern Bruce Peninsula Source Protection Plan, prepared under the Clean Water Act, 2006.

Purpose

The application proposes to permit the use of a wood working shop using 292.65 m² of an existing implement shed. The proposed wood working shop will be used for a home industry use accessory to an existing residential dwelling.

Recommendation

SVCA staff find the application to be acceptable. We elaborate in the following paragraphs.

Delegated Responsibility and Advisory Comments - Natural Hazards

Small areas of the property are affected by potential flooding from the watercourse, which is part of McPherson municipal drain, also part of the woodlands are mapped as part of Elderslie Wetland Complex/swamp locally significant wetlands. It is the opinion of SVCA staff that the Municipality of Arran-Elderslie Zoning By-Law Environmental Protection (EP) zone and Bruce County OP Hazard Land designation generally represents the natural features.

The following is a summary of Provincial, County and Municipal natural hazard policies that affect the subject property.

Provincial Policy Statement – Section 3.1

Section 3.1.1 of the PPS, 2020 states, in general, that development shall be directed to areas outside of hazardous lands. It is the opinion of SVCA staff that the application is consistent with the PPS.

Bruce County Official Plan Policies

Section 5.8.1 of the Bruce County Official Plan states in part that buildings and structures are generally not permitted within Hazard Lands. It is the opinion of SVCA staff that the application is consistent with the Bruce County OP.

Drinking Water Source Protection / Water resources

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

Statutory Comments

SVCA staff has reviewed the application 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 (CA 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. For the property the SVCA Approximate Screening Area is representing the natural hazards features of watercourse/municipal drain, and the wetlands/swamps. As such, development and/or site alteration within this area may require the permission from SVCA, prior to carrying out the work.

"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 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.

SVCA Permission for Development or Alteration

Based on the plan submitted with the application, development is not within the SVCA Approximate Screening Area, and therefore an SVCA permit is not required.

Summary

SVCA staff have reviewed the application in accordance with our MOA and as per our mandated responsibilities for natural hazard management, including our regulatory role under the *Conservation Authorities Act*. SVCA staff find the application to be acceptable.

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/County with regard to the application. We respectfully request a copy of the decision and notice of any appeals filed. Should you have any questions, please contact the undersigned at m.oberle@svca.on.ca.

Sincerely,

Michael Oberle
Environmental Planning Technician,
Environmental Planning and Regulations Department
Saugeen Valley Conservation Authority
MO/

cc: clerk, Municipality of Arran-Elderslie (via email)
Moiken Penner, SVCA Authority Member representing Arran-Elderslie (via email)

Rebecca Elphick

From: Robert Martin [REDACTED]
Sent: July 18, 2023 11:58 AM
To: Rebecca Elphick
Cc: David Welwood
Subject: Re: Archaeological Potential - Application Z35 (Shantz)

**** [CAUTION]:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi there,
If no ground disturbance or development will occurs, then an arch assessment should not be necessary.
Miigwetch
Robert

On Jul 18, 2023, at 11:15 AM, Rebecca Elphick [REDACTED] wrote:

Hi Dr. Martin,

I hope your week is going well.

I'm reviewing a re-zoning application in Bruce County (Z35 – Shantz) which proposes to establish a woodworking shop within an existing implement shed accessory to an existing residential use (i.e., a home industry use).

The property is located at 388 Bruce Road 11 (Con 5 Pt Lot 21) in Arran-Elderslie (ARN: 410338000306800).

County mapping shows the presence of archaeological potential on the property. However, the applicant is not proposing any new buildings or structures. Do you concur that no archaeological assessment would be required, given that the application is for a change in use and no new buildings or structures are proposed?

If there is any additional information you would like to inform your recommendation, please don't hesitate to contact myself.

Thanks,

Rebecca

Rebecca Elphick
Planning Consultant
Planning and Development
Corporation of the County of Bruce



County of Bruce
Planning & Development Department
268 Berford Street, PO Box 129
Warton, ON N0H 2T0
brucecounty.on.ca
226-909-5515



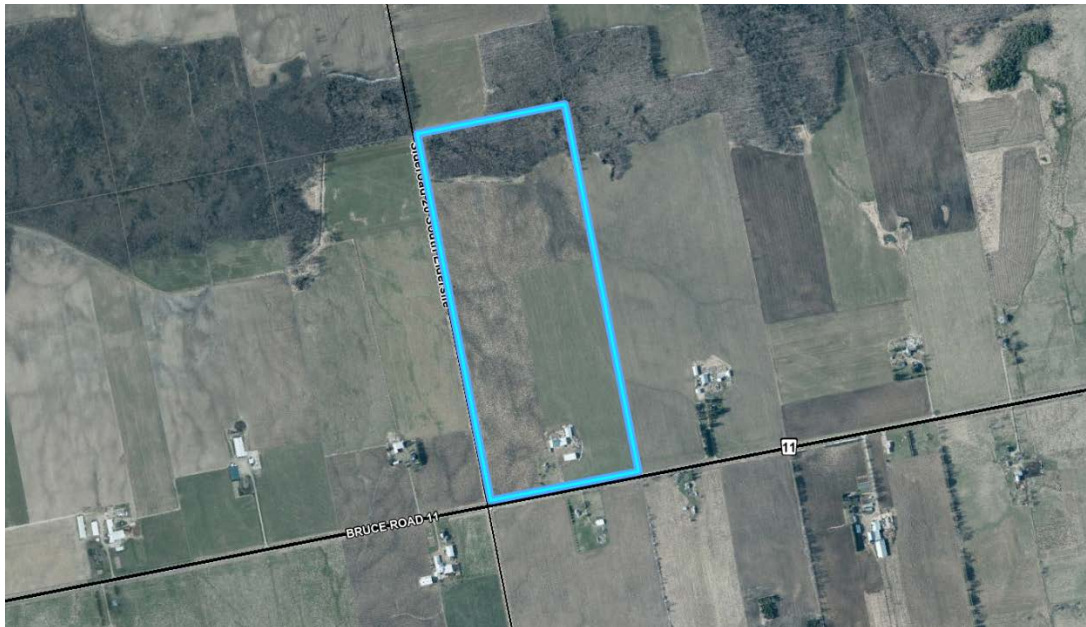
August 4, 2023

File Number: Z-2023-035

Public Meeting Notice

**You're invited to participate in a Public Meeting
to consider Zoning By-Law Amendment File No. Z-2023-035
September 11, 2023 at 9:00 am**

A change is proposed in your neighbourhood: This application proposes to permit the use of a wood working shop using 292.65 m² of an existing implement shed. The proposed wood working shop will be used for a home industry use accessory to an existing residential dwelling.



388 Bruce Road 11, CON 5 PT LOT 21 (Elderslie)
Municipality of Arran-Elderslie, Roll No. 410338000306800

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 bcplwi@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: Rebecca Elphick

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 August 25, 2023 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.

Please contact us by email at bcplwi@brucecounty.on.ca, mail, or phone (226-909-5515) if you have any questions, concerns or objections about the application.

How to access the public meeting

The public meeting will be held in person, in the municipal Council Chambers located at 1925 Bruce Road 10, Chesley, ON, N0H 1L0. Seating may be limited and you may be required to wait outside until called upon to speak. As an alternative, you may submit written comments to the Bruce County Planning Department which will be considered at the meeting.

Please contact Clerk Christine Fraser-McDonald at cfraser@arran-elderslie.ca or 519-363-3039, ext. 101 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 approval authority on the proposed application(s), you must make a written request to the Bruce County Planning Department.

Know your rights

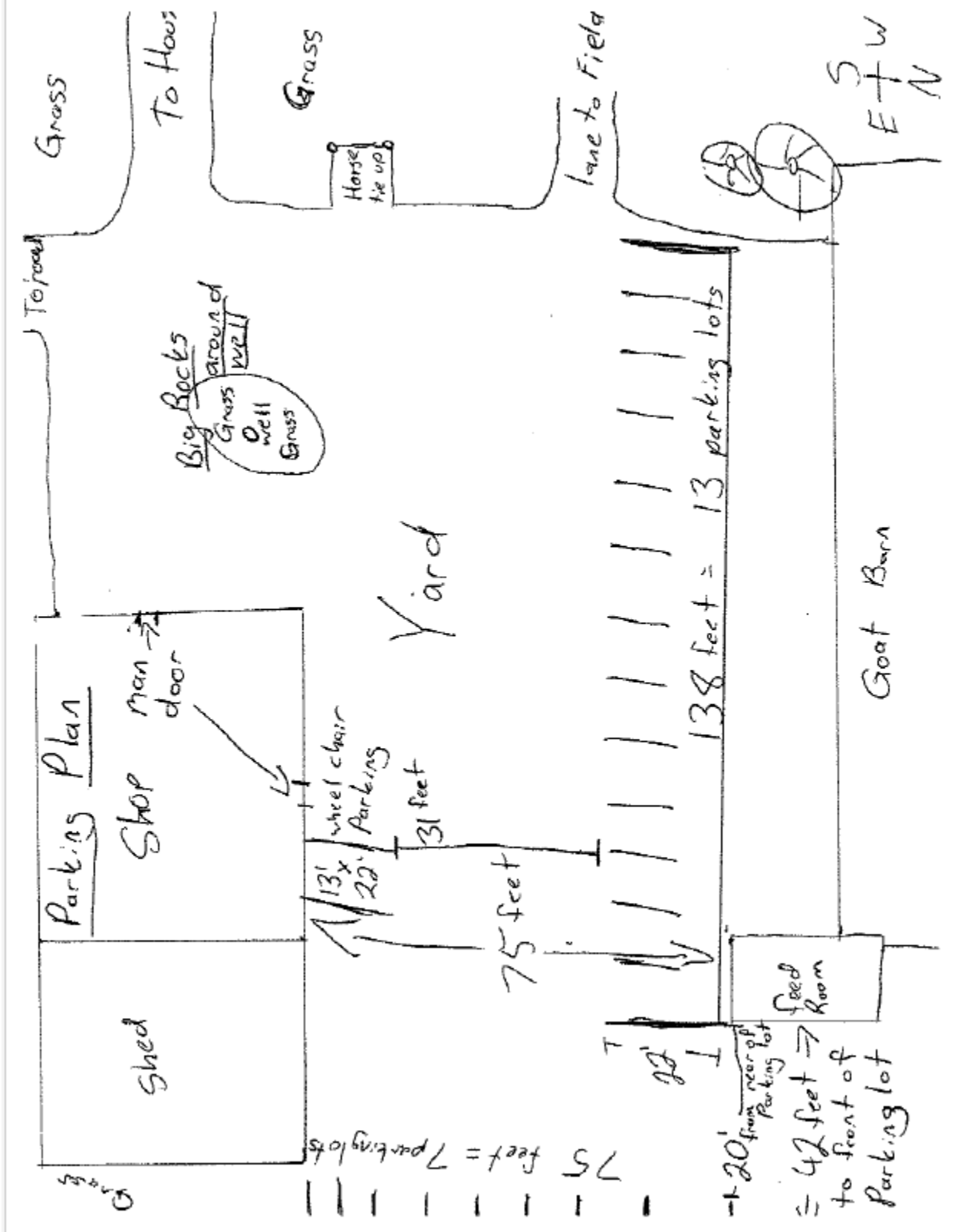
Section 34(11) of the [Planning Act](#) outlines rights of appeal for Zoning By-law Amendment applications.

If a person or public body would otherwise have an ability to appeal the decision of the Council of the Municipality of Arran-Elderslie 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 Municipality of Arran-Elderslie 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 of Arran-Eldersli 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



— Bruce Rd. — 11

