



Planning Report

To: Municipality of Arran-Elderslie Council

From: Rebecca Elphick, Consultant Planner

Date: September 25, 2023

Re: Zoning By-law Amendment Application- Z-2023-067 (Patchell.Kuntz)

Recommendation:

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

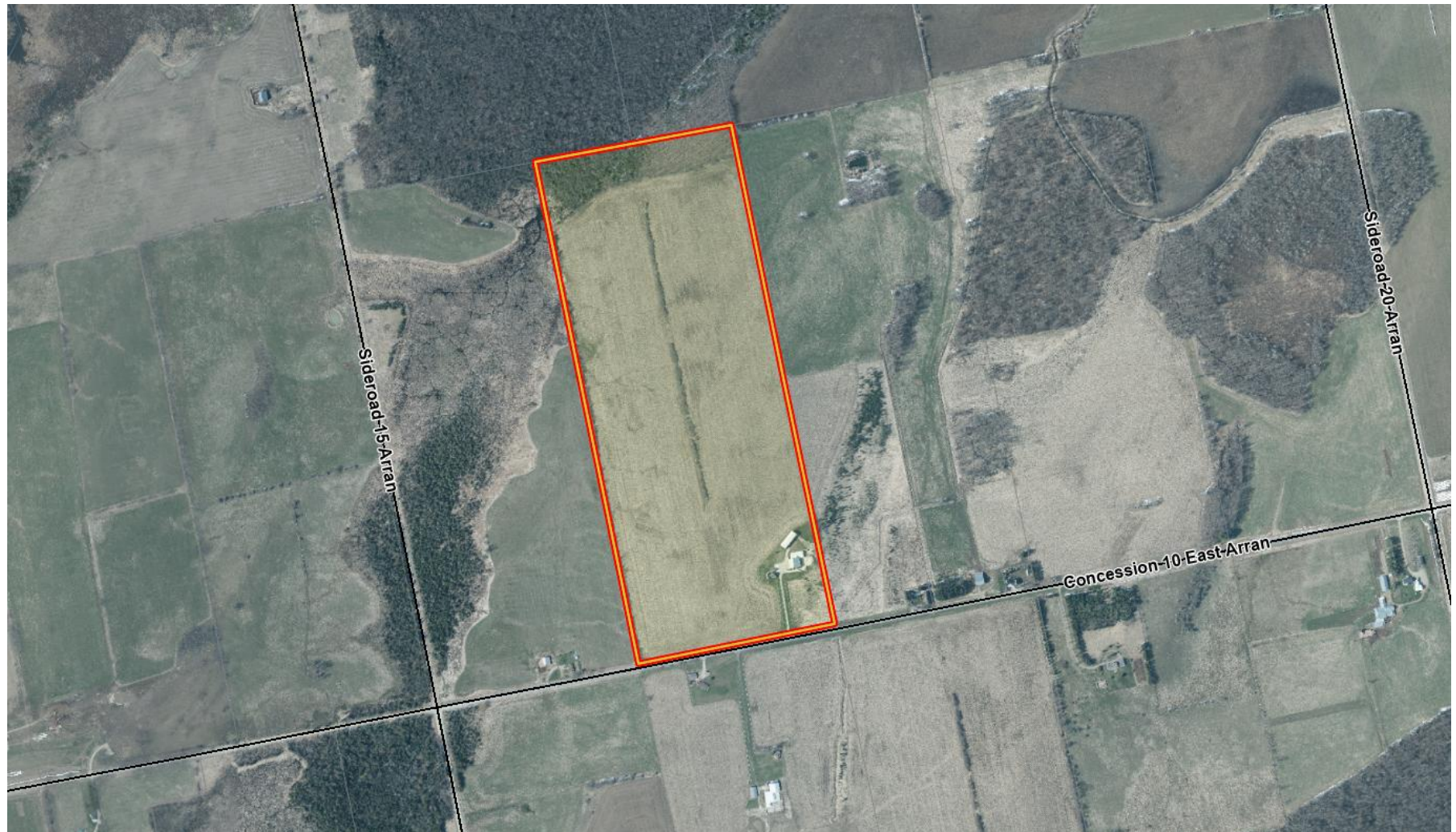
That Council approve Zoning By-law Amendment Z-2023-067 as attached and the necessary by-law be forwarded to Council for adoption.

Summary:

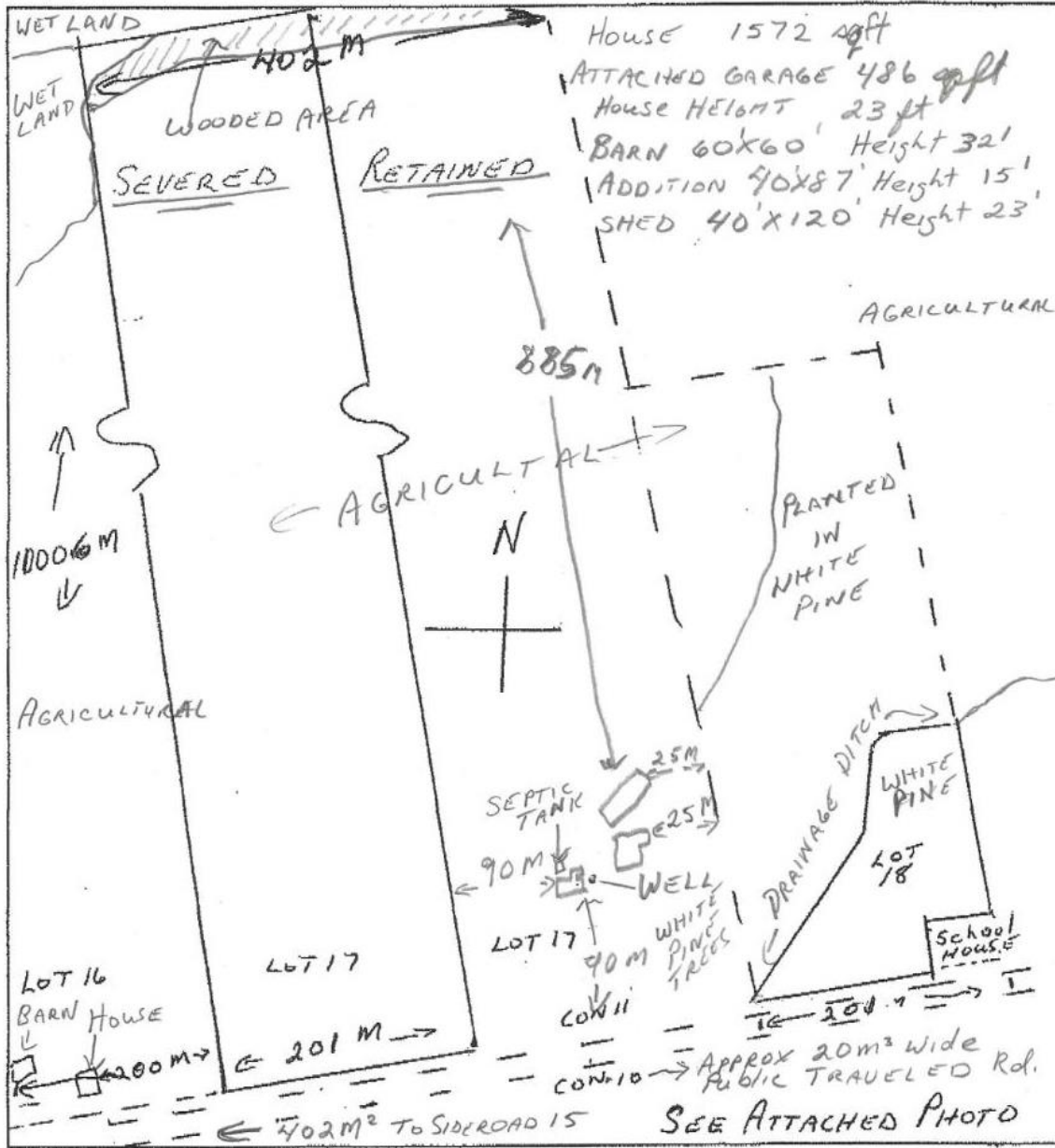
The subject land is located at 816 Concession 10 East Arran in the Township of Arran. The application for a Zoning By-law Amendment includes a proposed severed parcel and a retained parcel, as proposed by Application B-2023-063. The parcel to be severed has an area of +/- 20 hectares with a frontage of +/- 201 metres along Concession 10 East and is proposed to be used for agricultural purposes. If approved, the retained parcel will have an area of +/- 30 hectares with a frontage of approximately 350 metres along Concession 10 East. The proposed severed lands are vacant and the proposed retained lands contain an existing dwelling, barn, and accessory structures. This Zoning By-law Amendment is required to re-zone the subject lands to a special provision of the A1 Zone to recognize the reduced minimum lot area for a farm lot. The draft Zoning By-law amendment will also add a holding provision in areas of high archaeological potential.

The subject property is located east of the intersection of Concession 10 East Arran and Sideroad 15 Arran. Surrounding land uses include agricultural uses in all directions, as well as low-density residential uses to the east, west, and south. The subject property abuts the Arran Lake Wetland Complex, which covers a portion of the property at its northwest corner and extends further northeast towards Concession 13 West Arran and further southwest beyond Concession 10 East Arran. The applicant proposes no new buildings or structures as part of this applications. Existing agricultural and residential uses on the subject property will continue and are compatible with surrounding land uses. The severed and retained parcels are adequately sized for the residential and agricultural uses, respectively, including existing private, individual on-site water and sewer services on the retained lands.

Airphoto



Site Plan



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.

Land Division Policy

The Provincial Policy Statement (PPS) gives direction to lot creation in prime agricultural areas, permitting the creation of new lots for agricultural uses, provided the lots are of a size appropriate for the type of agricultural use(s) common in the area and are sufficiently large to maintain flexibility for future changes in the type or size of agricultural operations.

The majority of the subject property is designated 'Rural Area' in the Bruce County Official Plan (BCOP) with a portion designated 'Hazard Land Area' at the northwest corner of the property in line with the boundaries of the Arran Lake Wetland Complex. The BCOP contains general criteria by which applications for land division are assessed, as well as criteria specific to lands within the 'Rural Area' designation, the following of which are relevant to the subject application:

1. The severed and retained lots shall front on an existing road allowance which is opened and maintained on a year-round basis.
2. The consent shall only be granted if in conformity with the land use designations and policies of the BCOP, and local Official Plan and Zoning By-law.
3. The severed and retained lot(s) shall:
 - a. be of acceptable size and dimension for the intended use;
 - b. have regard for the proper treatment and disposal of stormwater and proper lot grading;
 - c. have safe and adequate access to the highway system;
 - d. be consistent with the sewage and water servicing policies of the BCOP;
 - e. not be premature in regard to the public interest; and,
 - f. have regard to the natural environment.
4. The application represents an orderly and efficient use of land, and its approval would not hinder development of the retained lands.
5. Original Crown-surveyed lot may be subdivided into either:
 - a. Two (2) Farm Lots, including the retained lot, each generally 20 hectares in total lot area in accordance with BCOP policies regarding Farm Lots; or,
 - b. Three (3) Non-Farm Lots or Non-Farm Residential Lots, including the retained lot, in accordance with BCOP policies regarding Non-Farm Lots/Non-Farm Residential Lots.

6. Both the severed and retained parcels shall be generally 20 hectares in size, in order to promote and maintain viable farming operations and generally minimize potential impacts on the farming community.

Both the severed and retained parcels will continue to have frontage along Concession 10 East Arran, an existing opened and year-round maintained road allowance. Both parcels have a lot area greater than 20 hectares and are sufficiently sized to accommodate existing residential and agricultural uses, as well as existing private, individual on-site water and septic services on the proposed retained lands. The applicants are not currently proposing servicing for the lands to be severed, as they will continue to be used for agricultural purposes. However, if a farm-related residential use was proposed in the future, the lands are sufficient in size to accommodate a future well and septic system. The proposed severance represents an orderly and efficient use of land, promotes viable farming operations on the severed parcel, and does not negatively impact adjacent agricultural uses.

The Zoning By-law Amendment is required to permit a reduced minimum lot area of 20 hectares for the proposed severed lot and 30 hectares for the proposed retained lot, in line with the minimum size requirements for agriculture lots in the BCOP. The proposal is consistent with the land division policies contained within the PPS and conforms to the BCOP criteria for consents in the 'Rural Area' designation.

Minimum Distance Separation (MDS)

New development shall comply with the Minimum Distance Separation (MDS) formulae, as amended from time to time. Lands adjacent to the subject property to the west contain an existing livestock facility, which is sited approximately 175 metres from the western boundary of the proposed severed lot. With respect to new land uses in prime agricultural areas, policies within the PPS and the BCOP require that lot creation shall comply with the MDS 1 so as to avoid and/or minimize the potential for land use conflicts between existing agricultural uses and future sensitive uses (e.g., residential use). The Ontario Ministry of Agriculture, Food, and Rural Affairs (OMAFRA)'s Minimum Distance Separation (MDS) Document (Publication 853) provides formulae and guidance for the siting of livestock facilities and anaerobic digesters.

MDS I calculations for the proposed severed lot require a minimum separation distance of 130 metres from the livestock facilities on the adjacent lot. Given that the existing livestock facilities are located more than 130 metres from the proposed severed lot, the lot creation as proposed complies with the minimum separation distance required. Per OMAFRA Guideline #8, an MDS I setback is not required for a severed or retained lot for an agricultural use when the lot is already developed within an existing dwelling.

The proposed lot creation is therefore consistent with policies in the PPS and conforms to those in the BCOP with respect to minimum separation distance from existing agricultural facilities.

Natural Heritage & Natural Hazards

Natural heritage features and natural hazards on the subject property include the Arran Lake Wetland Complex at the property's northwest corner and its associated flooding potential. The Arran Lake Wetland Complex is identified as a Provincially Significant Wetland. This portion of the subject property and its adjacent lands are designated 'Hazard Land Area' in the BCOP and are zoned 'Environmental Protection (EP)' in the Zoning By-law for the Municipality of Arran Elderslie. Natural hazard policies within the PPS and the BCOP direct development away from lands containing natural hazards. Natural heritage policies within the PPS and the BCOP similarly prohibit development or site alteration in significant wetlands or their adjacent lands, unless the ecological function of the adjacent lands has been evaluated and it has been demonstrated that there will be no negative impacts on the natural features or their ecological functions.

The applicants propose no new buildings or structures as part of this application and no changes to the boundaries of the EP Zone are proposed. Impacts to natural heritage features will be negligible given that no new construction or site alteration is proposed, and therefore an Environmental Impact Study (EIS) is not recommended. In correspondence dated September 12, 2023, Grey Sauble Conservation Authority (GSCA) staff advise that the proposed severed lot contains sufficient land outside of the hazard area to accommodate any future development, as permitted in the A1 Zone.

Areas of the property are within the GSCA Approximate Screening Area association with Ontario Regulation 151/06 (Regulation of Development, Interference with Wetlands and Alterations to Shorelines and Watercourses). The applicant is advised that future development and/or site alteration within the GSCA Approximate Screening Area may require permission from GSCA prior to carrying out any work on the subject lands. At this time, given that no new development or site alteration is proposed, a permit from GSCA is not required. Based on the above, the proposal is consistent with the natural heritage and natural hazard policies of the PPS and conforms to those of the BCOP.

Archaeological Potential

The subject property contains areas of high archaeological potential given the presence of the Arran Lake Wetland Complex at the property's northwest corner.

The policies within the PPS and BCOP prohibit development and site alteration on lands containing archaeological resources or areas of archaeological potential unless significant archaeological resources have been conserved. The BCOP 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.

It is therefore recommended that a holding provision be applied to the property in areas of high archaeological potential which would prevent any lot grading, excavation, and/or construction until an archaeological assessment is completed to the satisfaction of the County and the Saugeen Ojibway Nation and the recommendations, if any, are implemented.

As this proposal does not involve the construction of new buildings or structures or any site alteration on the subject property, an archaeological assessment is not recommended at this time. The proposed Zoning By-law amendment will add a holding provision in areas of high archaeological potential.

Zoning By-law

The subject property contains an existing dwelling, barn, and accessory structures, as permitted in the 'General Agriculture (A1)' Zone where they are sited. All existing structures are compliant with the zone requirements of the A1 Zone for principal and accessory structures.

Application B-2023-063 proposes a lot area of 20 hectares for the severed parcel and 30 hectares for the retained parcel, less than that required by the Zoning By-law for the Municipality of Arran-Elderslie for an agriculture lot in the A1 Zone. The Zoning By-law Amendment is required to reduce the minimum lot area for an agriculture lot in the A1 Zone from 39 hectares to 20 hectares to facilitate the lot creation as proposed. Both the proposed severed and retained lands meet the minimum lot frontage requirement for an agriculture lot in the A1 Zone. Existing buildings and structures on the proposed retained lands, including a single-detached dwelling with attached garage and a barn, are permitted uses on an agriculture lot in the A1 Zone and comply with all requirements of the A1 Zone (i.e., front, side, and rear yards greater than 20 metres, ground floor area for the detached dwelling greater than 70 m², and lot coverage less than 15%).

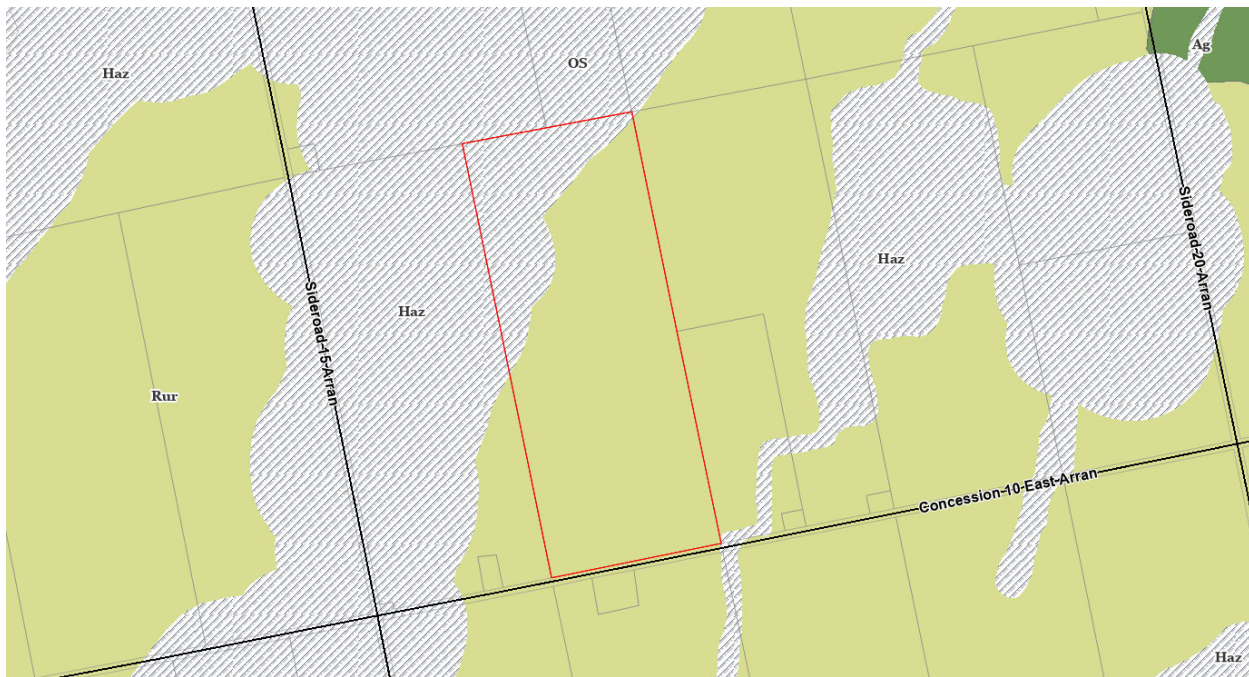
The proposed lot area is sufficient to accommodate continued agricultural use of the severed and retained parcels, to accommodate existing private individual on-site water and sewer systems with no negative impact anticipated, and conforms to the minimum lot area requirements of the BCOP with respect to land division in the 'Rural Area' designation.

Based on the above, the proposed amendment generally maintains the intent and purpose of the Zoning By-law for the Municipality of Arran-Elderslie.

Appendices

- County Official Plan Map
- Local Official Plan Map
- Local Zoning Map
- Conservation Authority Jurisdiction
- Archaeological Potential
- Arran Lake Wetland Complex
- Agency Comments
- Minimum Distance Separation (MDS) Report
- Public Notice

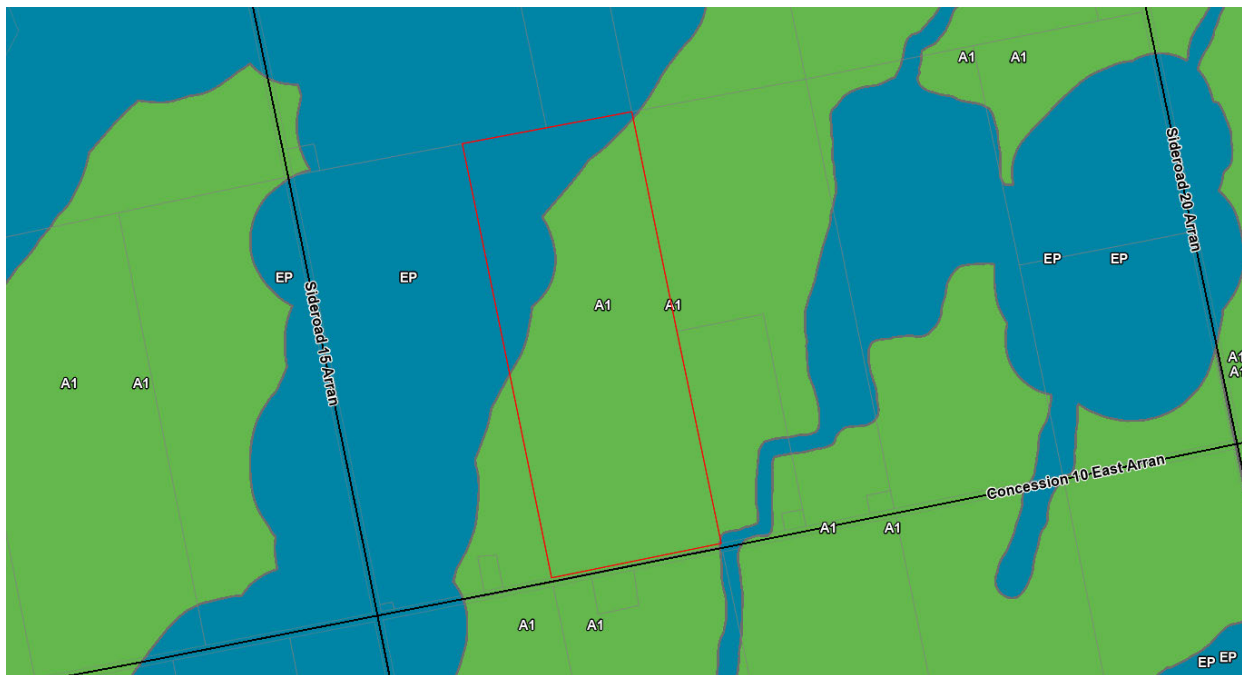
County Official Plan Map (Designated Rural Areas, Hazard Land Area)



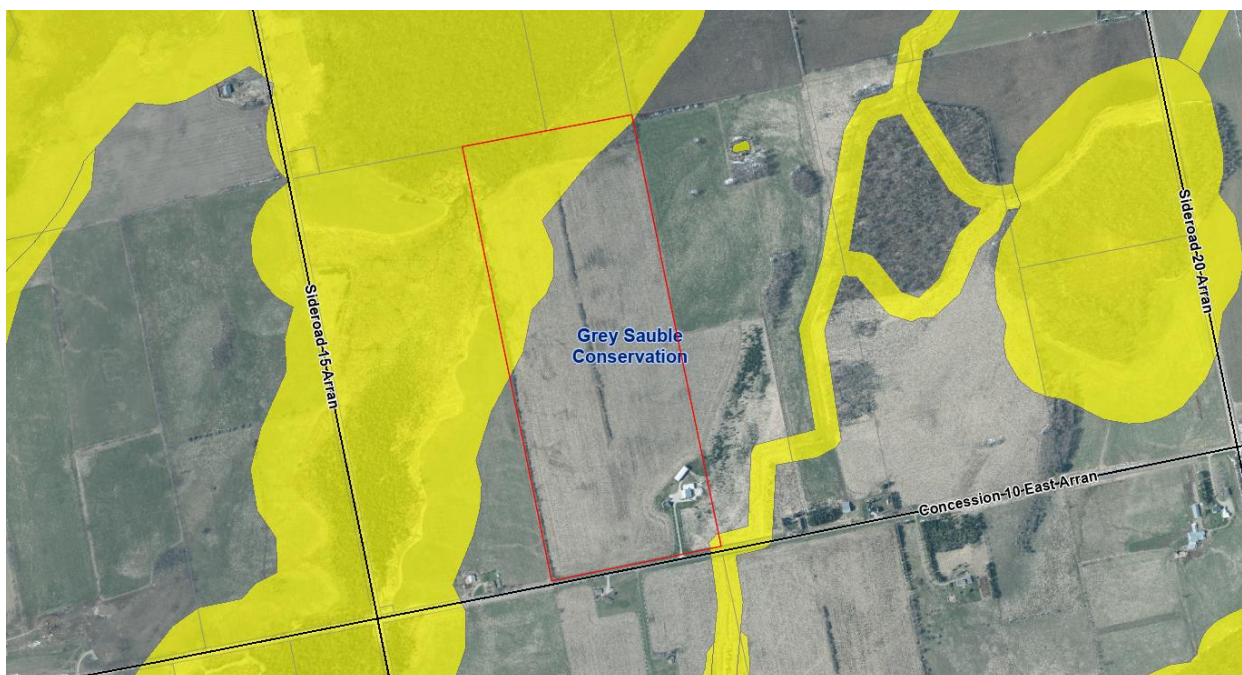
Local Official Plan Map (Outside of Local Official Plan)



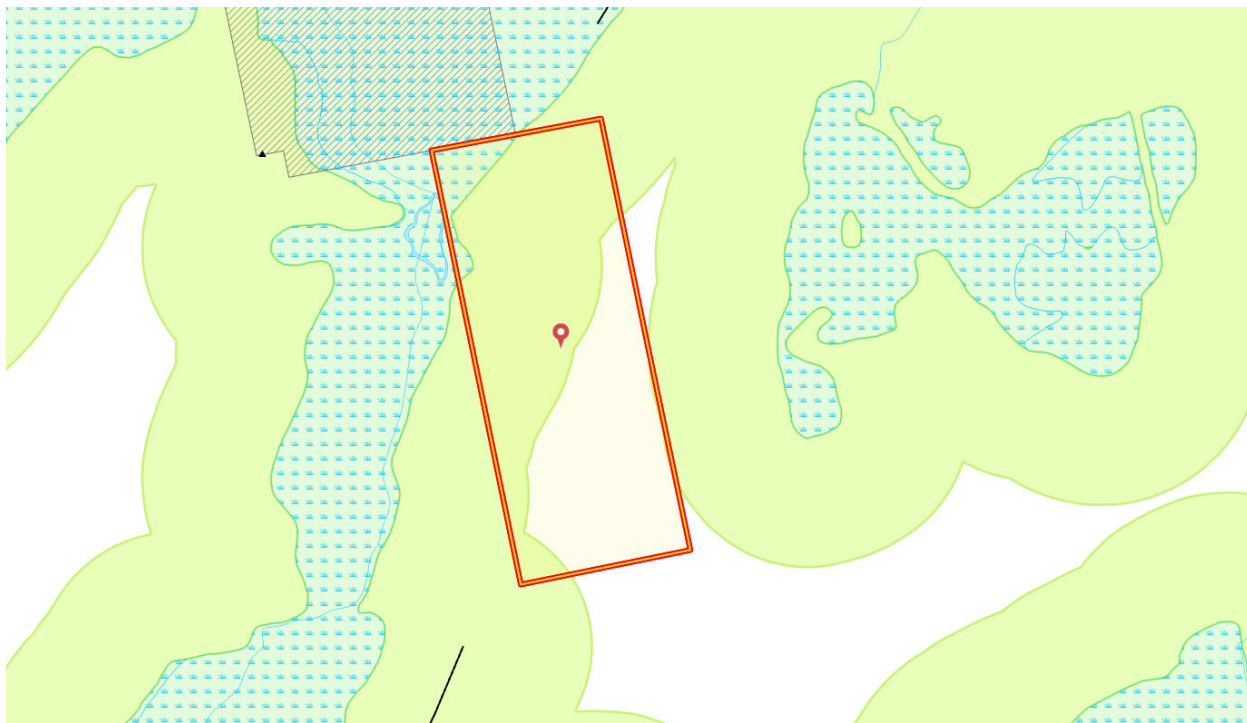
Local Zoning Map (Zoned A1 - General Agriculture, EP - Environmental Hazard)



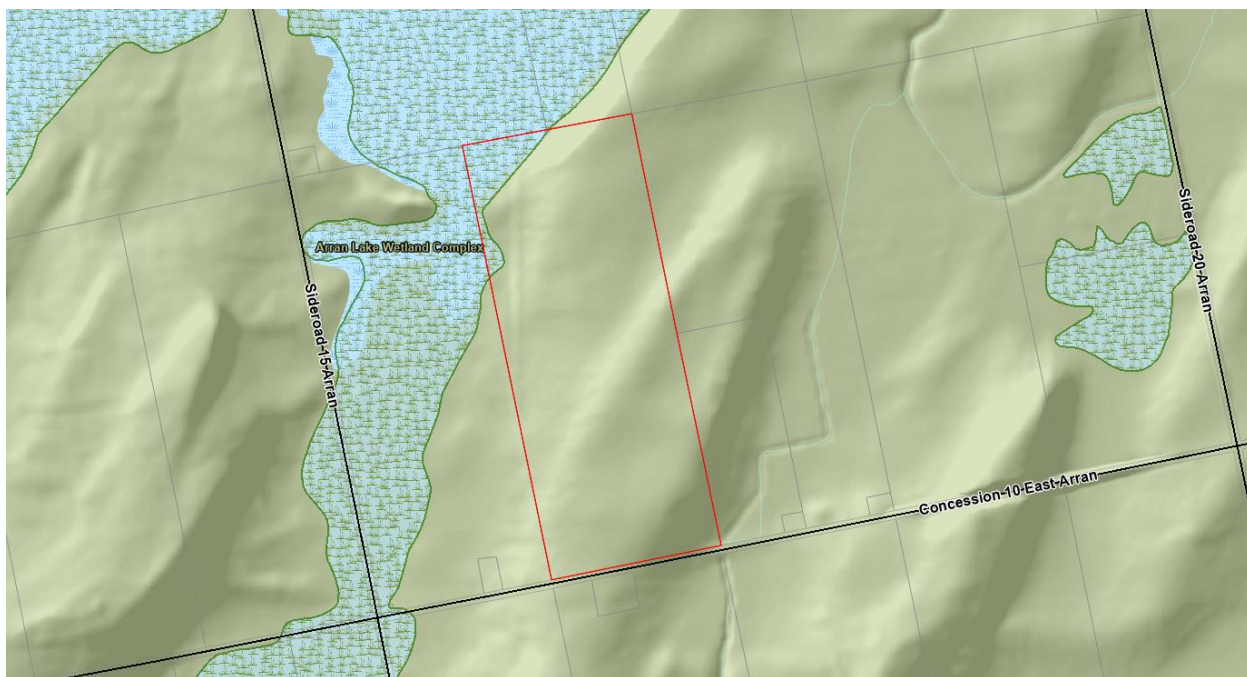
Conservation Authority Jurisdiction (GSCA)



Archaeological Potential (Indigenous Potential, Wetland)



Bruce County Official Plan - Constraints (Arran Lake Wetland Complex)



Agency Comments

A Request for Agency Comments was circulated to the relevant public agencies on August 18, 2023. The following comments were received by the report submission deadline:

Historic Saugeen Metis (HSM) Lands, Resources and Consultation Department: In correspondence dated August 21, 2023, HSM staff noted no objection or opposition to the proposed Consent and Zoning By-law Amendment as presented.

Hydro One: In correspondence dated August 23, 2023, Hydro One staff noted no comments or concerns related to the subject applications.

Grey Sauble Conservation Authority (GSCA): In correspondence dated September 12, 2023, GSCA staff note that portions of the subject property are located within the 120-metre area of interference from the Arran Lake Provincially Significant Wetland, as well as within the allowance from a drainage feature to the east of the property along Concession 10. GSCA staff advise that these areas are regulated under O. Reg 151/06 (Regulation of Development, Interference with Wetlands and Alterations to Shorelines and Watercourses), but that no permits would be required to facilitate the subject applications, as no new development is proposed. Staff note that GSCA generally has no objections to the proposed severance and zoning amendment.

Rebecca Elphick

From: Coordinator LRC HSM [REDACTED]
Sent: August 21, 2023 11:30 AM
To: Bruce County Planning - Peninsula Hub
Subject: Request for Comments - Arran-Elderslie (Patchell/Kuntz) - proposed Zoning By-law Amendment & Consent

**** [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.

Arran-Elderslie Municipality

RE: Z-2023-063 / Z-2023-067

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 Amendment and Consent as presented.

Thank you for the opportunity to review this matter.

Regards,

Chris Hachey

Coordinator, Lands, Resources & Consultation
Historic Saugeen Métis
204 High Street
Southampton, ON
saugeenmetis.com



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From: [ARABIA Gabriel](#)
To: [Bruce County Planning - Peninsula Hub](#)
Subject: Bruce County - 816 Concession 10 E - B-2023-063
Date: Wednesday, August 23, 2023 3:13:52 PM
Attachments: [image001.png](#)

You don't often get email from gabriel.arabia@hydroone.com. [Learn why this is important](#)

**** [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.**

Hello,

We are in receipt of your Application for Consent, B-2023-063 dated August 18th, 2023. We have reviewed the documents concerning the noted Application and have no comments or concerns at this time. **Our preliminary review considers issues affecting Hydro One's 'High Voltage Facilities and Corridor Lands' only.**

For proposals affecting 'Low Voltage Distribution Facilities' please consult your local area Distribution Supplier.

To confirm if Hydro One is your local distributor please follow the following link:

[HydroOne Map](#)

Please select " Search" and locate address in question by entering the address or by zooming in and out of the map

hydro one

Customers Affected: >5000 501-5000 51-500 21-50 <=20 Multiple Crew Service Area

Map data ©2019 Google 50 km

If Hydro One is your local area Distribution Supplier, please contact Customer Service at 1-888-664-9376 or e-mail CustomerCommunications@HydroOne.com to be connected to your Local Operations Centre

Please let me know if you have any questions or concerns.

Thank you,

Dennis De Rango

Specialized Services Team Lead, Real Estate Department

Hydro One Networks Inc.

Tel: [REDACTED]

Email: [REDACTED]

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September 12, 2023

GSCA File: P23300

County of Bruce
Planning and Economic Development Department
268 Berford Street, Box 129
Warton, ON
N0H 2T0

Sent via email: [REDACTED]

Re: Application: Severance B-2023-063 and Zoning Amendment Z-2023-067
Address: 816 Concession 10 East
Roll No: 410349000219600
Municipality of Arran-Elderslie
Applicant: Patchell & Kuntz

Grey Sauble Conservation Authority (GSCA) has reviewed the subject application in accordance with our mandate and policies for Natural Hazards and relative to our policies for the implementation of Ontario Regulation 151/06. We offer the following comments.

Subject Proposal

This application proposes to sever a +/- 20.25 ha parcel with a frontage of +/- 201 m on Concession 10 East Arran. The severed parcel will be used for agricultural purposes. No new buildings are currently proposed.

Site Description

The existing lot is primarily cleared and in active agricultural use. The north west corner of the parcel is a low wet wooded area within the Arran Lake Provincially Significant Wetland complex. A dwelling and agricultural buildings are in the south east corner of the property which would be contained within the proposed retained parcel.

GSCA Regulations

Portions of the subject property are regulated under Ontario Regulation 151/06: Regulation of Development, Interference with Wetlands and Alterations to Shorelines and Watercourses. The regulated areas are associated with the 120m area of interference from the Arran Lake Provincially Significant Wetland, as well as with the allowance from a drainage feature to the east of the property along Concession 10.

Under this regulation a permit is required from this office prior to the construction, reconstruction, erection or placing of a building or structure of any kind; any change to a building or structure that would have the effect of altering the use or potential use of the building or structures, increasing

Member Municipalities

Municipality of Arran-Elderslie, Town of the Blue Mountains, Township of Chatsworth, Township of Georgian Bluffs, Municipality of Grey Highlands, Municipality of Meaford, City of Owen Sound, Town of South Bruce Peninsula

the size of the building or structure, or increasing the number of dwelling units in the building or structure; site grading; or, the temporary or permanent placing, dumping or removal of any material originating on the site or elsewhere, if occurring within the regulated area. Also, a permit is required for interference with a wetland, and/or the straightening, changing, diverting or in any way interfering with an existing channel of a river, lake, creek stream or watercourse.

No permits would be required to facilitate the proposal in question as no new development is proposed.

Provincial Policy Statement 2020

3.1 Natural Hazards

Natural hazards currently identified on the property include the flooding potential of the wetland in the north west of the property. Development should generally be directed away from these areas. No development is proposed within the identified hazards, and the proposed severed parcel contains sufficient land outside of the hazard area to accommodate any potential development permitted within the A1 Zone. As such, the proposal is consistent with section 3.1 policies of the PPS.

Saugeen, Grey Sauble, Northern Bruce Peninsula Source Protection Plan

The subject property is not located within an area that is subject to the Source Protection Plan.

Recommendations & Conclusions

The GSCA generally has no objections to the proposed severance and zoning amendment.

Regards,








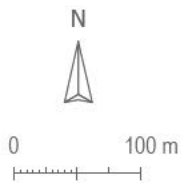
Jake Bousfield-Bastedo, Watershed Planner, RPP

c.c. Angie Cathrae, Director of Legislative Services/Clerk, Town of South Bruce Peninsula
Jay Kirkland, GSCA Director, Town of South Bruce Peninsula

**Regulation of Development, Interference with Wetlands
and Alterations to Shorelines and Watercourses
(Ontario Regulation 151/06)**



-  Watercourses (Approx.)
-  Natural Hazard (Approx.)
-  O. Reg 151/06 (Approx.)
-  Subject Parcel (Approx.)
-  Other Parcels (Approx.)



GSCA Regulations Map
B-2023-063 and Z-2023-067
Municipality of Arran-Elderslie
Roll No: 410349000219600
GSCA File: P23300

September 12, 2023

The included mapping has been compiled from various sources and is for information purposes only. By accepting this map you agree not to edit the map or disclaimer without the exclusive written permission of Grey Sauble Conservation. Produced by GSC with Data supplied under Licence by Members of the Ontario Geospatial Data Exchange. © King's Printer for Ontario and its licensors. [2021] May Not be Reproduced without Permission. THIS IS NOT A PLAN OF SURVEY. This mapping contains products of the South Western Ontario Orthophotography Project (SWOOP). They are the property of Grey Sauble Conservation Authority © 2021.

Projection: Universal Transverse Mercator - Zone 17 (N)
Datum: North American 1983 (mean for Canada)

MDS I

General information

Application date Sep 13, 2023	Municipal file number B-2023-063 / Z-2023-067	Proposed application Lot creation for a maximum of three non-agricultural use lots
Applicant contact information Christine Patchell 816 Concession 10 East Arran Arran-Elderslie, ON N0H 2N0 [REDACTED]	Location of subject lands County of Bruce Municipality of Arran-Elderslie ARRAN Concession 11 , Lot 17 Roll number: 410349000219600	

Calculations

Lot Creation

Farm contact information ⓘ ON	Location of existing livestock facility or anaerobic digester County of Bruce Municipality of Arran-Elderslie ARRAN Concession 11 , Lot 16 Roll number: 410349000219500	Total lot size 99.14 ac
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Livestock/manure summary

Manure Form	Type of livestock/manure	Existing maximum number	Existing maximum number (NU)	Estimated livestock barn area
Liquid	Beef, Shortkeepers (12.5 - 17.5 months)	15	7.5 NU	975 ft²

⚠ Confirm Livestock/Manure Information (Lot Creation)
The livestock/manure information has not been confirmed with the property owner and/or farm operator.

Setback summary

Existing manure storage	No storage required (manure is stored for less than 14 days)		
Design capacity	7.5 NU		
Potential design capacity	15 NU		
Factor A (odour potential)	0.8	Factor B (design capacity)	183.33
Factor D (manure type)	0.8	Factor E (encroaching land use)	1.1
Building base distance 'F' (A x B x D x E) (minimum distance from livestock barn)			130 m (427 ft)
Actual distance from livestock barn			NA
Storage base distance 'S' (minimum distance from manure storage)			No existing manure storage
Actual distance from manure storage			NA

Preparer signoff & disclaimer**Preparer contact information**

Rebecca Elphick
 J.L. Richards & Associates
 450 Speedvale Avenue West
 Suite 107
 Guelph, ON
 N1H 7Y6

Signature of preparer


Rebecca Elphick, Planner

Sept 13, 2023

Date (mmm-dd-yyyy)

Note to the user

The Ontario Ministry of Agriculture, Food and Rural Affairs (OMAFRA) has developed this software program for distribution and use with the Minimum Distance Separation (MDS) Formulae as a public service to assist farmers, consultants, and the general public. This version of the software distributed by OMAFRA will be considered to be the official version for purposes of calculating MDS. OMAFRA is not responsible for errors due to inaccurate or incorrect data or information; mistakes in calculation; errors arising out of modification of the software, or errors arising out of incorrect inputting of data. All data and calculations should be verified before acting on them.



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



August 18, 2023

File Number: Z-2023-067

Public Meeting Notice

**You're invited to participate in a Public Meeting
to consider Zoning By-Law Amendment File No. Z-2023-067
September 25, 2023 at 9:00 am**

A change is proposed in your neighbourhood: This application proposes to sever a +/- 20.25 ha parcel with a frontage of +/- 201 m on Concession 10 East Arran. The retained parcel will have an area of +/- 30.16 ha with a frontage of +/- 353 m on Concession 10 East Arran. The severed parcel will be used for agricultural purposes. The retained parcel will continue to be used for agricultural and residential purposes. A Zoning By-Law Amendment is proposed to recognize a reduced minimum lot area of +/- 20.25 ha for an agriculture lot in the A1 Zone, where 39 hectares is required by Section 6.3 of the Zoning By-law for the Municipality of Arran-Elderslie. The related Consent file is B-2023-063.



816 Concession 10 East, CON 11 LOT 17 (Arran)
Municipality of Arran-Elderslie, Roll Number 410349000219600

Learn more

Additional information about the application is available at <https://brucecounty.on.ca/living/land-use>. 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 September 8, 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

