



Planning Report

To: Municipality of Arran-Elderslie

From: Benito Russo, Planner

Date: April 22, 2024

Re: Zoning By-law Amendment Application - Z-2024-008 (Shaw.Christie)

Recommendation:

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

That Council approve Zoning By-law Amendment Z-2024-008 as attached and the necessary by-law be forwarded to Council for adoption.

Summary:

The purpose of this application is for a Zoning By-law Amendment. It is proposed to permit a reduced lot area of +/- 28.5-hectares (ha), prohibit residential use on the agricultural lands, and to recognize the existing buildings and structures to be in compliance with the Zoning By-law. A holding provision is also proposed in areas of high archaeological potential. If approved, this will facilitate a surplus farm dwelling severance.

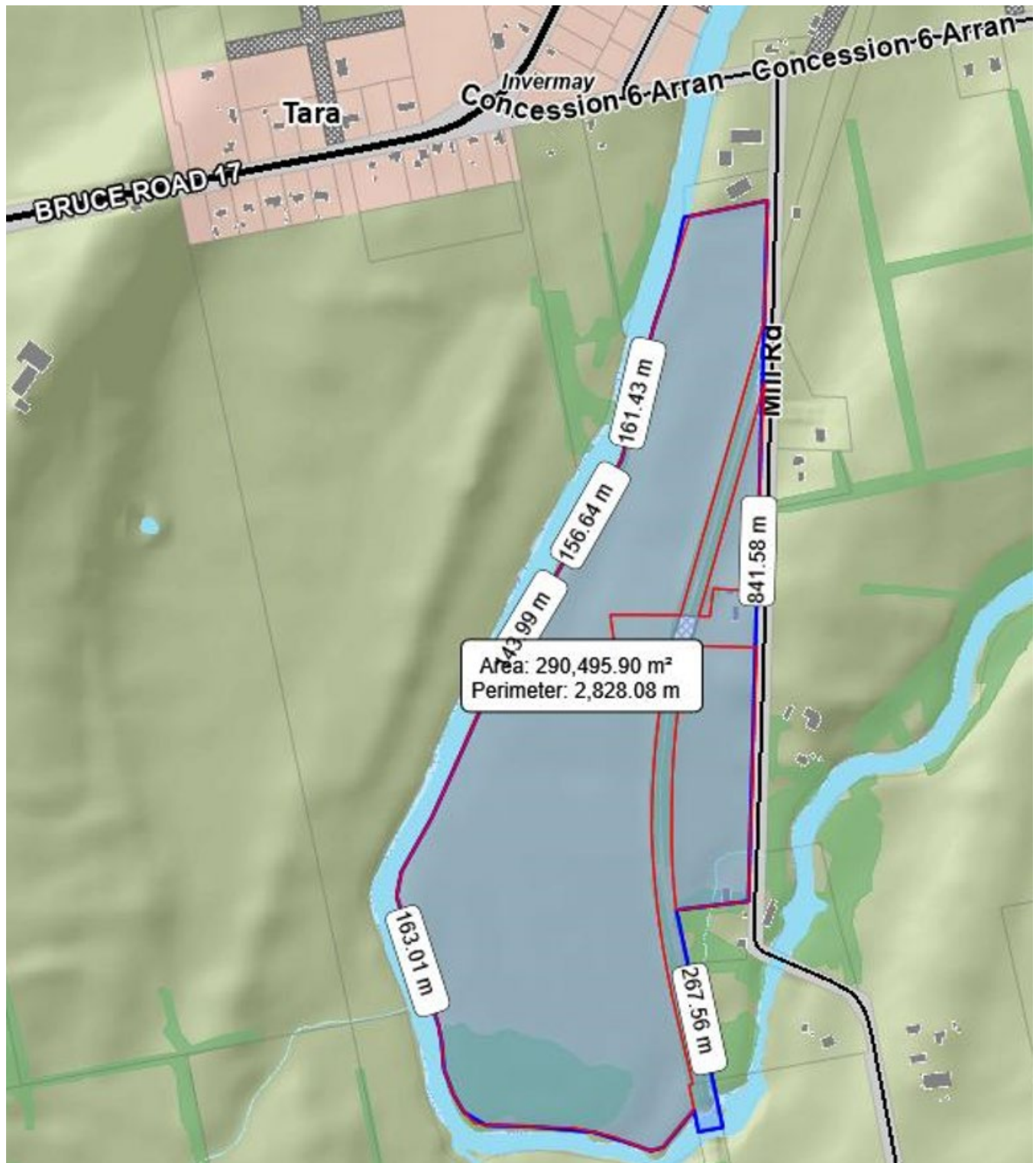
The related consent file (B-2024-011) will be considered by the County at a later date.

The subject property has a civic address of 115 & 147 Mill Road, located South of Tara and Invermay, and on the West side of Mill Rd. It is surrounded by residential, agricultural, natural areas, and rural commercial industrial land uses.

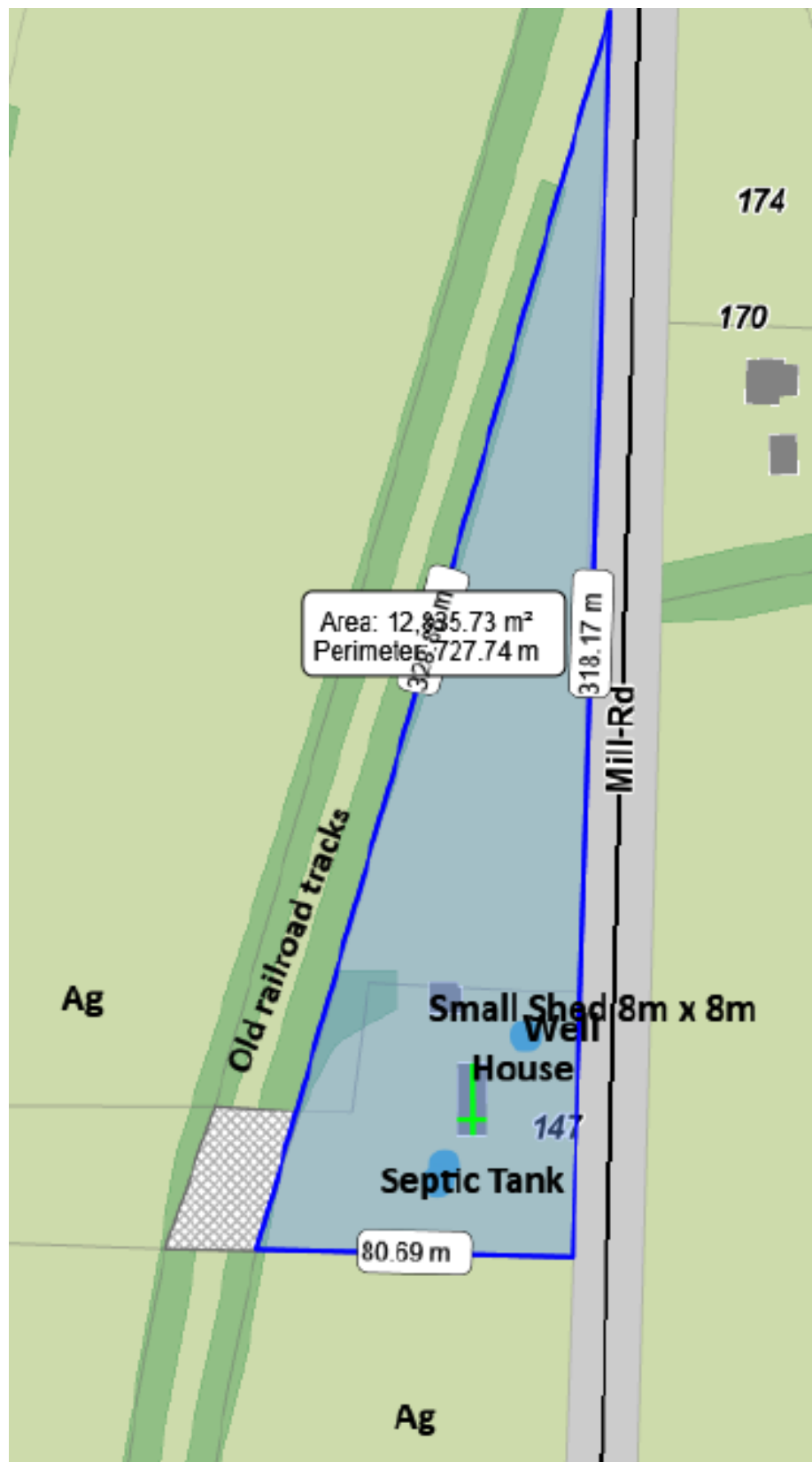
Airphoto



Site Plan - Entire Property



Site Plan - Proposed Severed Lot



Site plan showing property boundaries and structures:

- Small Shed 8m x 8m**: Dimensions 25.82 m (horizontal), 11.12 m (diagonal), Total: 25.82 m.
- House**: Dimensions 10.13 m (vertical), 7.54 m (horizontal), Total: 7.54 m.
- Well**: Dimensions 11.12 m (diagonal), Total: 11.12 m.
- Septic Tank**: Dimensions 11.56 m (diagonal), 30.63 m (vertical), Total: 11.56 m.
- Old railroad tracks**: Located between the shed and the house.
- Property Boundary**: Total: 30.63 m (bottom horizontal), 80.69 m (bottom horizontal), Total: 23.02 m (right vertical), Total: 147 (bottom right).
- Adjacent Areas**: Ag (Agriculture) to the west, Hwy Rd (Highway Road) to the east.

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.

The subject lands are designated Agricultural Area, and Hazard Area in the Bruce County Official Plan. The Official Plan sets out the following policies that must be satisfied for surplus farm dwelling severances:

- The owner of the agricultural lands is a bona fide farmer. The proposed lands to be severed is approximately +/-1.27 hectares in size, accommodating the existing dwelling, shed, septic and well. The existing dwelling is habitable. The zoning by-law amendment, as proposed, will also prohibit the future construction of residential dwellings on the remnant agricultural lands.

The proposal conforms to the County Official Plan policies for surplus farm dwelling severances.

Archaeological Resources

Portions of the subject lands are identified within the Bruce County screening maps as containing high archaeological potential. These areas are consistent with the Ontario Ministry of Tourism and Culture Criteria for Evaluating Archaeological Potential.

The provincial requirements under the Planning Act require the protection archaeological resources that may be present as part of an application.

A holding provision is proposed in areas of high archeological potential, lot grading; excavation; and/or construction shall not be permitted unless the Holding (H1) zone provision is removed. The holding provision fulfills the provincial requirements for the protection of any potential archaeological resources that may be present on the subject property.

Natural Heritage and Hazards

The subject lands are identified on Bruce County maps as being adjacent to the Sauble River. Areas designated as Hazard and Zoned Environmental Protection on the subject lands are currently utilized for agrarian purposes, namely agricultural cropping, or natural areas. The existing residence and surplus farm dwelling severance is located entirely outside of the Hazard Designation and Environmental Protection Zone. No change to these uses is proposed through this application.

As these areas are zoned Environmental Protection, which does not permit the as of right construction of new buildings or structures, and there are no proposed changes to the current use, it can be anticipated that any impacts resulting from the proposed Consent and Zoning By-law Amendment are negligible.

Required Zoning By-Law Amendments

An amendment to the Zoning By-law is required in order to facilitate the severance.

The remnant farm parcel will be rezoned from General Agriculture (A1), and Environmental Protection (EP) to General Agricultural Special Holding (A1-XX-H1) and Environmental Protection (EP) with the following provisions:

- Notwithstanding their 'A1' Zoning designation, those lands delineated as 'A1-XX-H1' on Schedule 'A' to this By-Law, shall be used in accordance with the 'A1' Zone provisions contained in this By-Law excepting however that:
 - i) Residential uses shall be prohibited.
 - ii) The lot area shall be +/-28 hectares for an Agriculture Lot.
 - iii) Minimum required interior side yard for accessory structure existing as of the date of this by-law shall be 0.0 metres. The housing of livestock shall be prohibited in this structure.

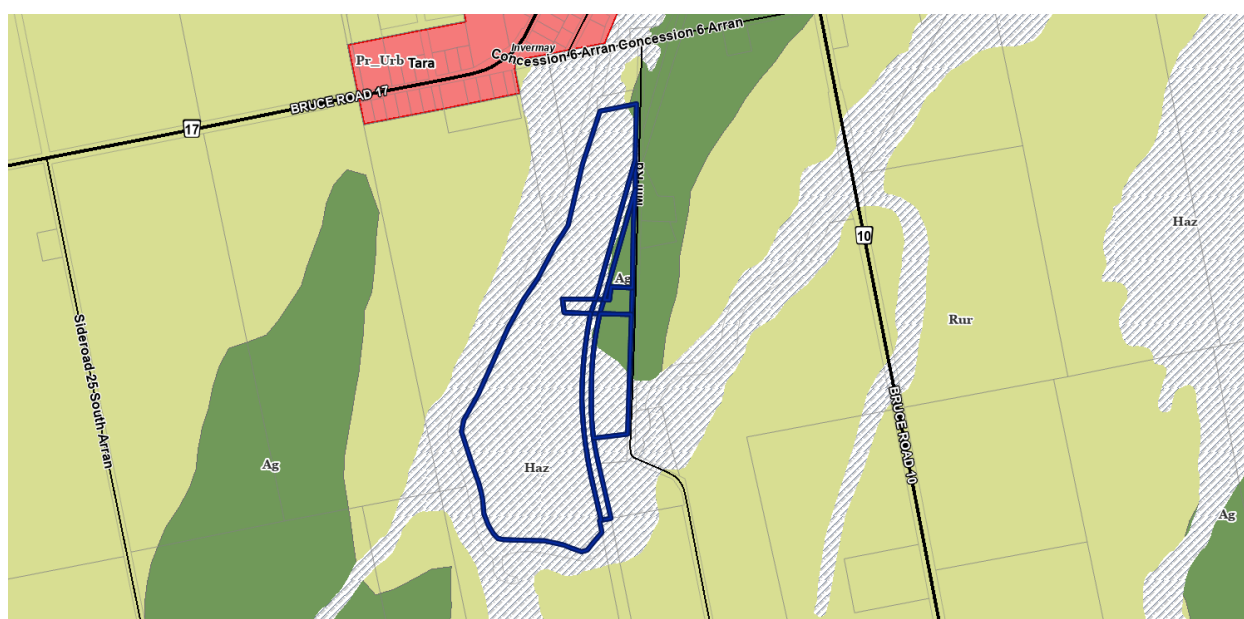
Note: On those lands identified as being subject to the 'H1' Holding Zone provisions, lot grading, excavation; and, or construction shall not be permitted unless the Holding (H1) zone provision is removed.

A Holding (H1) provision will also be applied to undisturbed areas of high archaeological potential on the severed surplus farm dwelling lands.

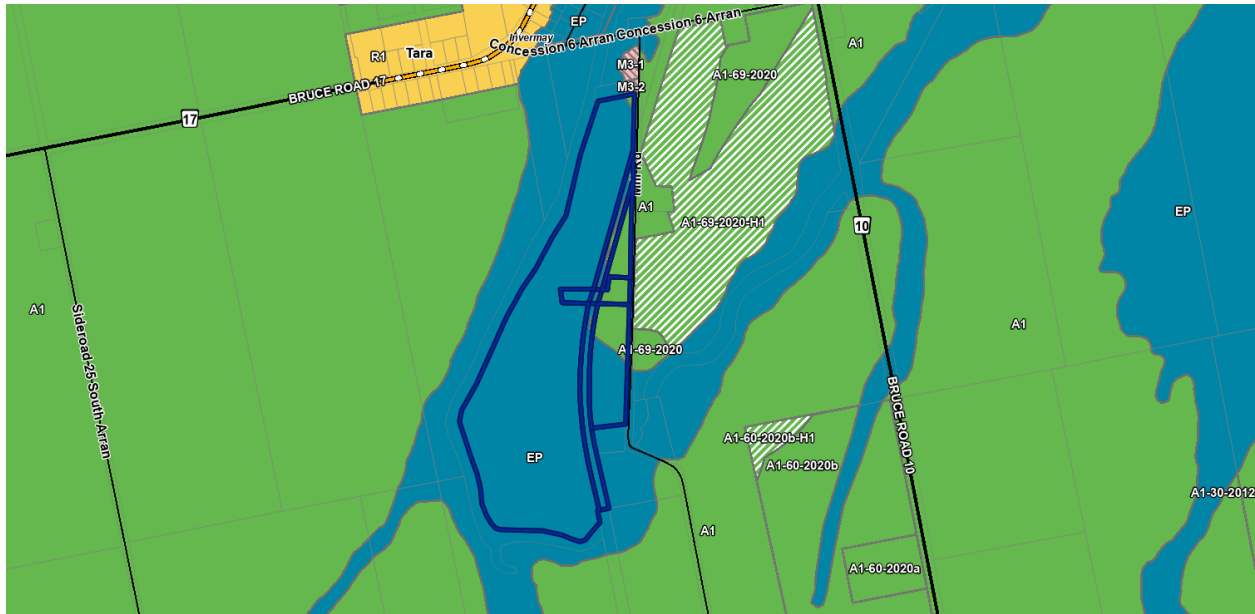
Appendices

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

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



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



Agency Comments

The Corporation of the Municipality of Arran-Elderslie: No comments received.

Historic Saugeen Métis: No comments received.

Hydro One: No comments or concerns at this time.

Saugeen Ojibway Nation Environment Office: No comments received.

Grey Sauble Conservation Authority: GSCA generally has no objections to the proposing Zoning By-law Amendment and Consent application. GSCA recommends that if any future development is proposed to be located outside of the natural hazard area. Full comments provided below.

Public Comments

No comments received at the time of this report's submission.

March 26, 2024

GSCA File: P24096

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

Sent via email: bcplwa@brucecounty.on.ca

Re: Consent B-2024-011 & Zoning Z-2024-008 Application
Address: 115 & 147 Mill Road
Roll No: 41-03-490-003-113-00 & 41-03-490-003-112-01
Municipality of Arran-Elderslie, formerly Arran Township
Applicant: 1111310 Ontario Inc. o/a Christhill Farms

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

The consent application proposes to sever a +/- 1.27-hectare parcel with a frontage of +/- 317-metres. The retained parcel will have an area of +/- 25.5 hectare with a frontage of +/- 523-metres on Mill Road. The severed parcel will be a non-farm lot. The retained parcel will continue to be used for agriculture. The Zoning By-Law Amendment application proposed to permit a reduced lot area of +/- 28.5 hectares, prohibit residential use on the agricultural lands, and to recognize the existing buildings and structures to be in compliance with the Zoning By-Law. A holding provision is also proposed in areas of high archaeological potential. If approved, this will facilitate a surplus farm dwelling severance.

Site Description

The subject properties are located on the west side of Mill Road, just south of the Village of Tara. The properties are relatively flat with a slight elevation increase from west to east. 115 Mill Road is currently used for agricultural purposes, and 147 Mill Road features a single-family dwelling, with a portion of field used for agricultural purposes.

GSCA Regulations

A portion of the subject property is regulated under Ontario Regulation 151/06: Regulation of Development, Interference with Wetlands and Alterations to Shorelines and Watercourses. The regulated area is associated with the meander belt of the Sauble River, and its related setbacks.

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

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 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 development is directly proposed at this time associated with the consent and zoning application.

It is noted that the Province recently announced a new Conservation Authority regulation effective April 1st, 2024. Under the new regulation Ontario Regulation 41/24: Prohibited Activities, Exemptions and Permits the subject properties will continue to be regulated under Ontario Regulation 41/24.

Provincial Policy Statement 2020

3.1 Natural Hazards

Natural hazards have been identified on the subject properties and area associated with the flood and erosion potential of the Sauble River. The hazard area is zoned "Ep- Environmental Protection", in the Municipality of Arran-Elderslie Comprehensive Zoning By-Law. As such, any future development is to be directed outside of the areas zoned EP. GSCA is of the opinion that it is consistent with the Section 3.1 PPS policies.

Saugeen, Grey Sauble, Northern Bruce Peninsula Source Protection Plan

The subject property is located within an area that is subject to the Source Protection Plan.

Recommendations

GSCA generally has no objections to the proposing zoning by-law amendment and consent application. GSCA recommends that if any future development is proposed to be located outside of the natural hazard area.

We respectfully request to be notified of any decisions made by the Municipality of Arran-Elderslie related to this file and notice of any appeals filed.

Should you have any questions, please contact the undersigned.

Kind regards,



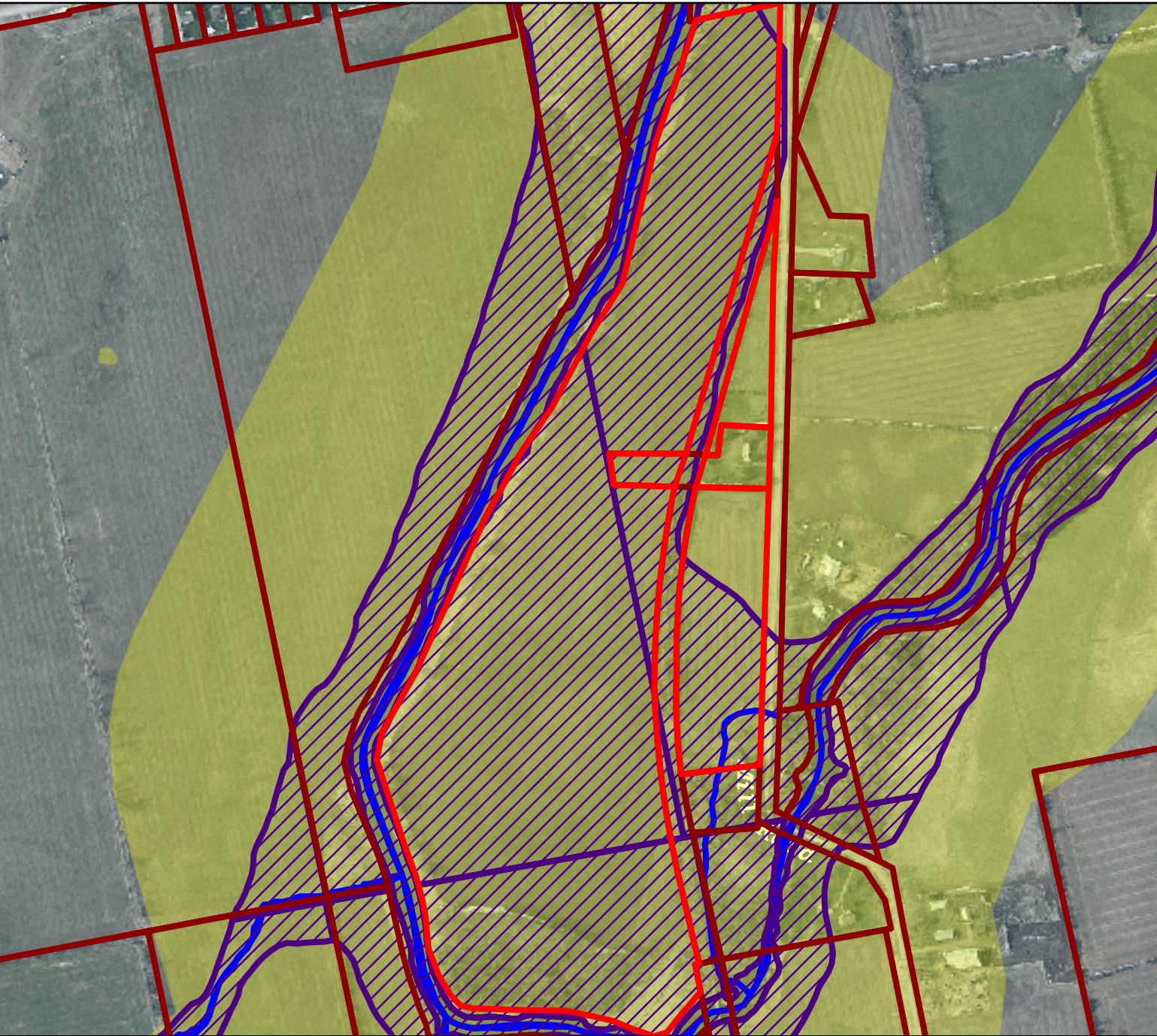
Nicole McArthur






Planning Technician, Environmental Planning & Regulations Department

c.c. Jennifer Shaw, GSCA Director, Municipality of Arran-Elderslie
Christine Fraser-McDonald, Clerk, Municipality of Arran-Elderslie

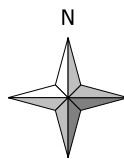
Encl.; GSCA Regulation Map

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



-  Subject Parcel (Approx.)
-  ON Parcels (Approx.)
-  Natural Hazard (Approx.)
-  ON. Regulation 151/06 (Approx.)
-  Watercourse (Approx.)

0 200 m



Scale = 1:6300

GSCA Regulations Map
115 & 147 Mill Road
Roll No.41-03-490-003-113-00
& 41-03-490-003-112-01
Municipality of Arran-Elderslie
Formerly Arran Township
GSCA File: P24096

March 21, 2024



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



March 20, 2024

File Number: Z-2024-008

Public Meeting Notice

**You're invited to participate in a Public Meeting
to consider Zoning By-Law Amendment File No. Z-2024-008
April 22, 2024 at 9:00 am**

A change is proposed in your neighbourhood: The purpose of this application is for a Zoning By-law Amendment. It is proposed to permit a reduced lot area of +/- 28.5-hectares (ha), prohibit residential use on the agricultural lands, and to recognize the existing buildings and structures to be in compliance with the Zoning By-law. A holding provision is also proposed in areas of high archaeological potential. If approved, this will facilitate a surplus farm dwelling severance. The related Consent Application is File No. B-2024-011.



115 and 147 Mill Road

PLAN 205 LOT 236 PT LOTS 224;226 TO 230 AND 232 TO 235 RP;3R8044 PARTS 1 TO 6
(Formerly Arran) and PLAN 205 PT LOT 227 (Formerly Arran)

Municipality of Arran-Elderslie

Roll Numbers 410349000311300 and 410349000311201

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: Benito Russo

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 **April 10, 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.

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

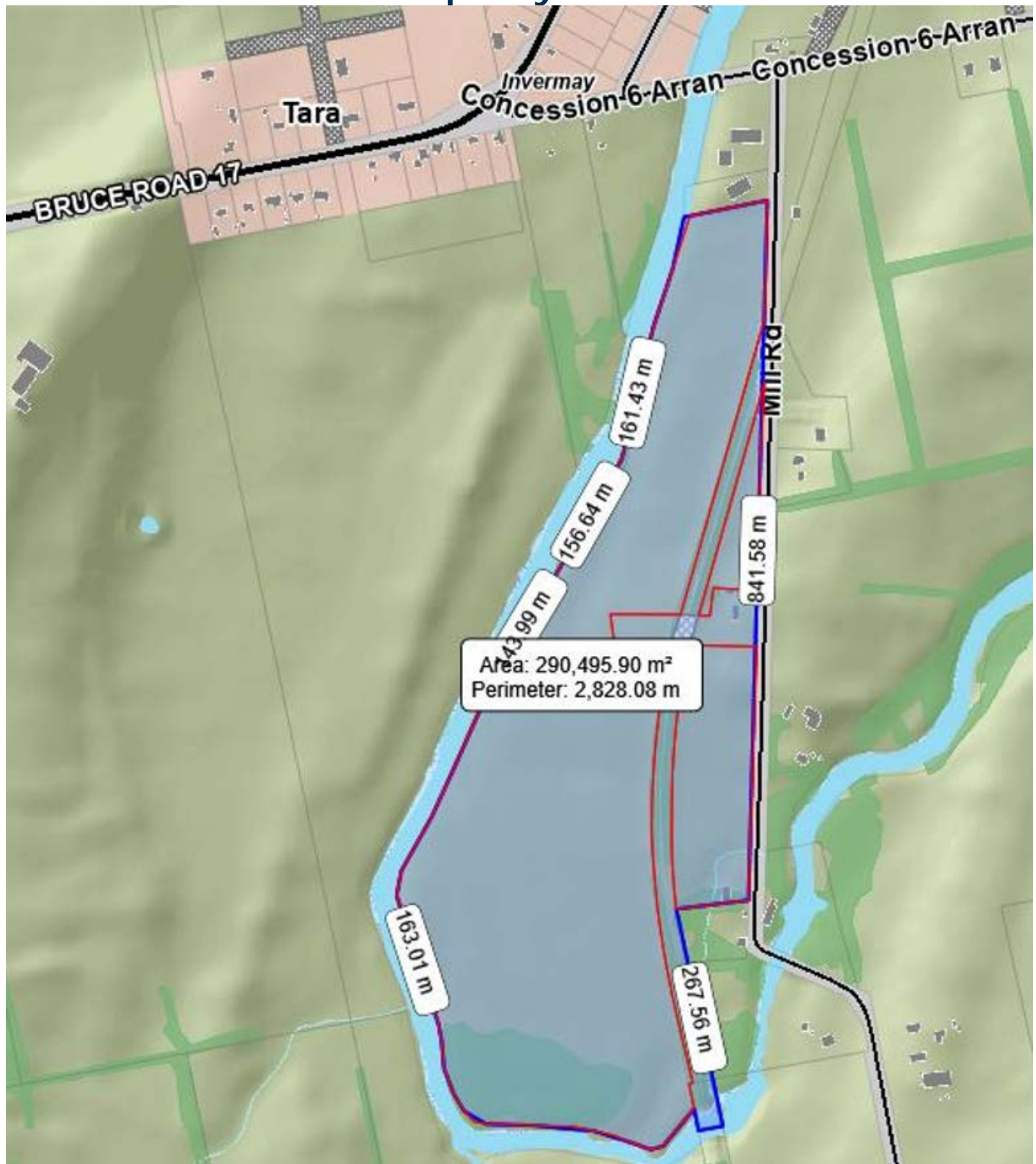
Section 34(11) of the [Planning Act](#) outlines rights of appeal for Zoning By-law Amendment applications.

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.

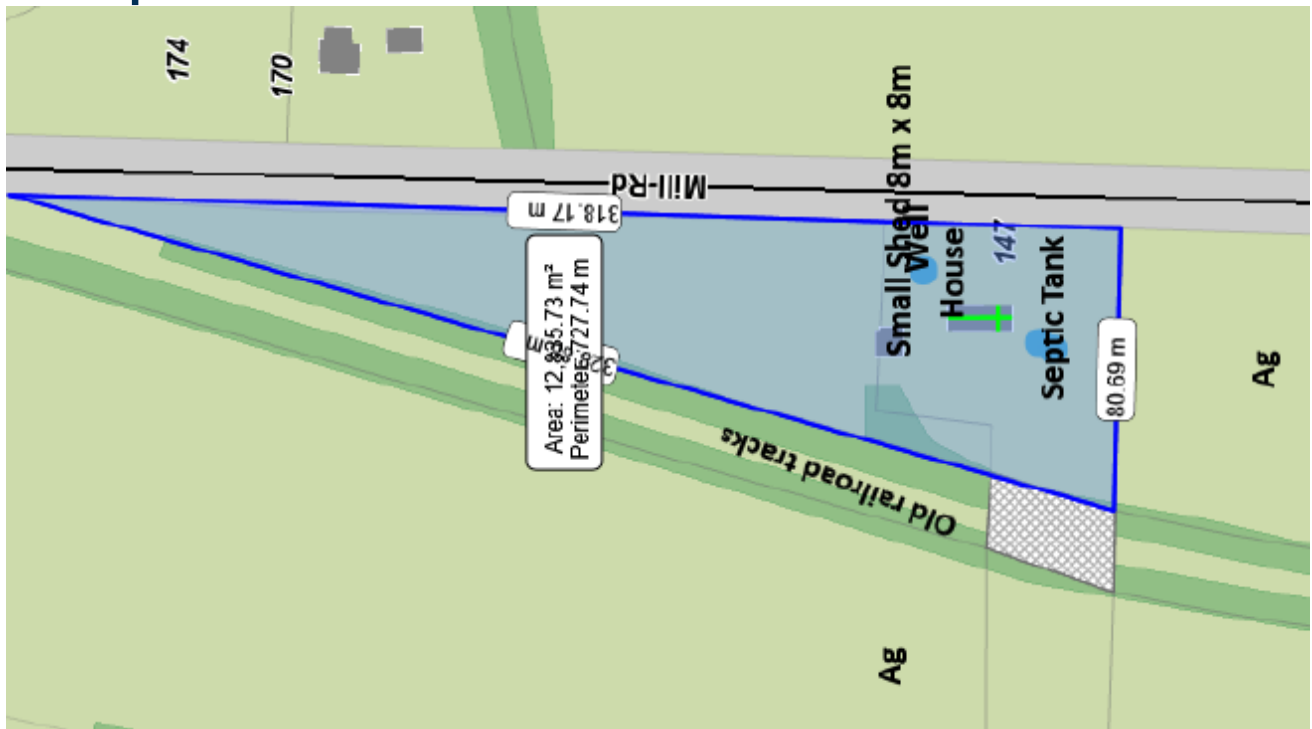
If a person or public body does not make oral submissions at a public meeting, or make written submissions to the Municipality of Arran-Eldersli before the by-law is passed, the person or public body may not be added as a party to the hearing of an appeal before the Ontario Land Tribunal unless, in the 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 - Entire Property



Site plan - Severed Parcel



Site plan - House and Shed with Setbacks

