



Planning Report

To: Municipality of Kincardine Council

From: Coreena Smith, Senior Development Planner

Date: July 10, 2023

Re: Draft Plan of Subdivision S-2022-015 and Zoning By-law Amendment Z-2022-084 (Tidman)

Recommendation:

That Council provide direction to the County of Bruce Approval Authority to approve Draft Plan of Subdivision S-2022-015 by JHT2INV Development Inc. c/o John Hood Tidman in accordance with the Draft Plan and Conditions of Draft Approval attached;

That Council approve Zoning By-law Amendment Z-2022-084 by JHT2INV Development Inc. c/o John Hood Tidman as attached and the necessary by-law be forwarded to Council for adoption; and

That Council resolve that no further notice is necessary with respect to the minor change in the proposed Zoning By-law Amendment in accordance with the provisions of Section 34(17) of the Planning Act.

Summary:

The applicant is proposing to develop a 4.15 ha parcel of land in Municipality of Kincardine into a subdivision consisting of:

- 12 residential dwelling lots;
- 1 mixed-use residential and commercial lot;
- 1 park lot; and
- 1 new street that will connect to Alma Street.

Up to 81 new residential units are proposed in a range of housing formats including single detached, semi-detached and apartment dwellings, as well additional residential units (secondary suites) and short-term rental units.

The applicant proposes to re-zone the lands from Residential One (R1) to Residential Three Special (R3-ae and R3-af), Residential Four Special (R4-n) and Open Space (OS). The existing Environmental Protection (EP) zone will remain but will be amended to reflect the limits of the natural features and natural hazards identified through the applicant's supporting studies.

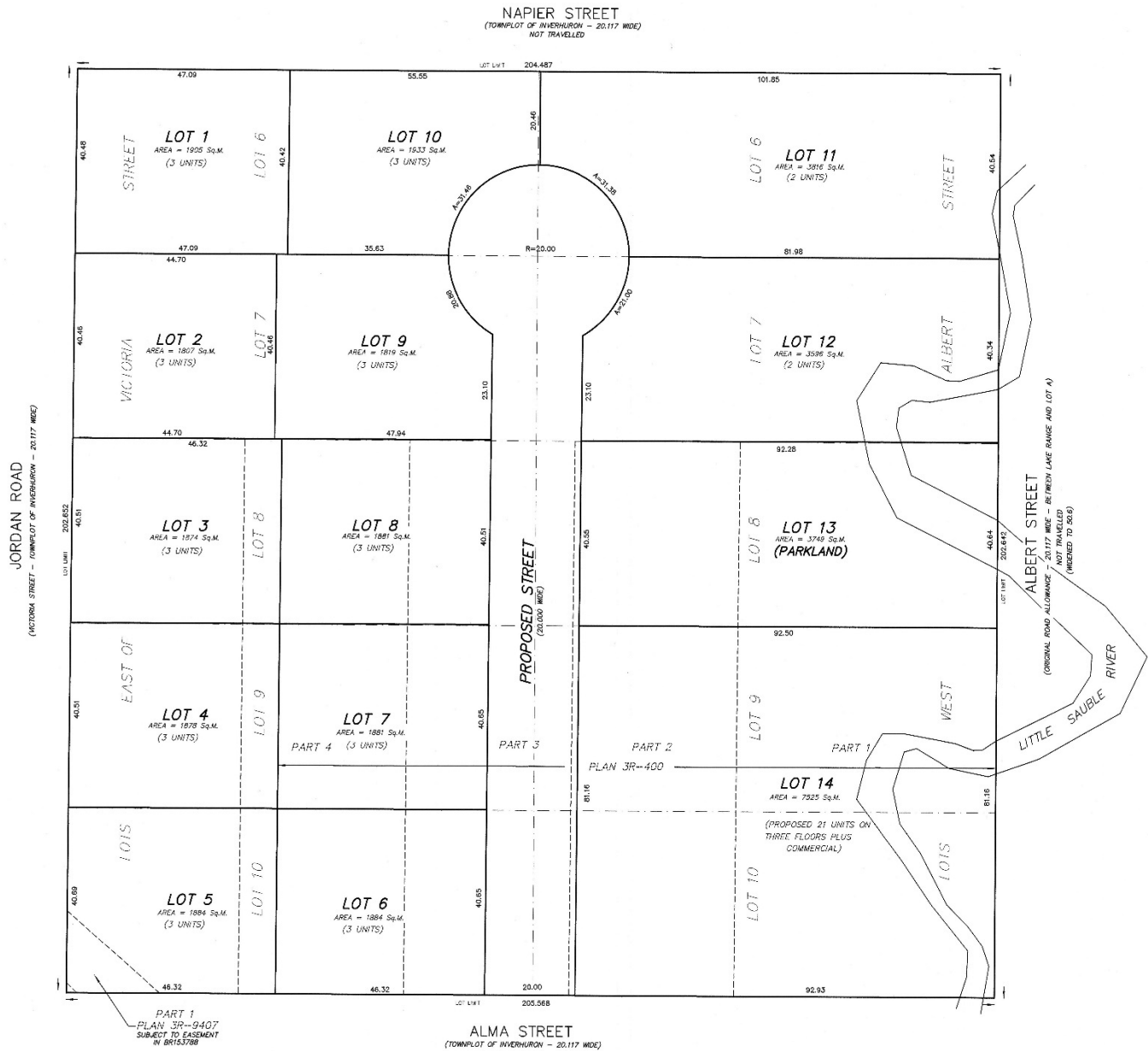
The subject lands are located in Inverhuron, northwest of Alma Street and Albert Road. The property consists of wooded areas and open fields. The Little Sauble River traverses the eastern limits of the site. There are low density residential lands to the north and south, rural lands to the east and Inverhuron Provincial Park to the west.

The applications were presented at a Public Meeting on November 14, 2022. The lot layout remains as previously proposed, but the setback from the Little Sauble River has been increased from 25 to 30 metres which will be zoned Environmental Protection (EP). The special provisions in the Residential Three Special (R3-ae and R3-af) zone have also been amended to provide greater clarity in by-law interpretation. The applicant has also provided responses to issues raised through the initial circulation of the applications.

Airphoto



Draft Plan (*For Representation Only - Full Draft Plan attached separately)



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.

Efficient Use of Land and Infrastructure

The subject lands are within the Settlement Area and partially designated Secondary Urban Communities in the Bruce County Official Plan and Shoreline Development in the Kincardine Official Plan. The goals and objectives of both the County and local Official Plans direct much of the future growth to Primary and Secondary Urban Communities to support the wise

use of land and infrastructure. The permitted uses in the Shoreline Development designation include permanent and seasonal dwellings, resort commercial uses, convenience commercial uses, institutional uses, marinas, public parks, campgrounds and other outdoor recreational uses, and natural heritage features. The predominant use of land designated Shoreline Development is for detached residential dwellings occupied on a permanent or seasonal basis.

The applicant is proposing to create a subdivision where:

- Lots 1 through 10 are proposed for semi-detached dwelling purposes with one additional residential unit per lot (30 total units);
- Lots 11 through 12 are proposed for single detached dwelling purposes with one additional residential unit per lot (4 total units);
- Lot 13 is proposed for park purposes;
- Lot 14 is proposed for a mixed-use development with between 11 to 21 apartment dwelling units and a main floor local commercial component.

The current plan shows 34 residential units on Lots 1 through 12. However, the applicant is seeking flexibility in the zoning to allow a maximum density of 23 residential dwelling units per net hectare or up to 60 dwelling units across the twelve lots (i.e., 5 units per lot). With the addition of the apartment dwelling units on Lot 14, up to 81 new residential units are proposed.

Among the public comments received was a concern with the density of the proposed development. Density targets are a tool to achieve the efficient use of land and infrastructure within the Settlement Area boundary. The Bruce County Official Plan and the Kincardine Official Plan require the residential portion of all multi-unit developments that will be serviced with municipal sewer and water to achieve a density of 15 units per gross developable hectare. Approval may be granted for developments that do not meet this density when justified and appropriate. For the subject proposal, a density between 15 and 26 units per gross developable hectare is proposed which is in keeping with this policy. The density is also below the maximum identified in the local Official Plan. For example, the Kincardine Official Plan permits 50 units per net hectare for medium density residential proposals. The maximum density proposed for the three-storey mixed-use apartment building is 28 units per net hectare.

Range and Mix of Housing Types

The Official Plan policies encourage a broad range and mix of housing types to meet the projected requirements of current and future residents.

In this regard, the applicant is proposing to rezone Lots 1 through 10 and portions of Lots 11 and 12 to Residential Three Special (R3-ae and R3-af) to accommodate a variety of housing formats, such as single detached, semi-detached and multi-unit dwellings. The special provisions would also permit secondary suites within the dwellings or as a stand-alone unit.

Short-term rental accommodation is also proposed on Lots 1 through 12. A maximum of one short-term rental unit would be permitted per lot within one of the proposed dwelling units. This aligns with the local Official Plan which permits housing for temporary workers involved in the expansion of the Bruce Power facilities or other large projects in the area and for seasonal purposes.

The applicant is also proposing a low-rise apartment dwelling on Lot 14 to offer an additional housing choice. The proposed Residential Four Special (R4-n) zone permits an apartment building and would include special provisions allowing a local commercial component on the main floor.

In addition, the County and Municipal Official Plans target 30% of proposed dwelling units to be medium density or higher. This is a target across all development projects. The Kincardine Official Plan specifically targets 25% of new developments to be in a medium density format. In this case, at least 24% of the dwelling units proposed will be medium density. This percentage will increase if all 81 dwelling units are built across the site. Therefore, the project contributes to both the County and Kincardine targets.

Land Use Compatibility

Compatibility of the proposed development with adjacent lands has been identified by neighbouring landowners as a concern.

The Kincardine Official Plan provides direction as it relates to compatibility. The Official Plan notes that new development taking place in greenfield areas should occur adjacent to the existing built-up area and shall have a compact form, mix of uses and densities that allow for the efficient use of land, infrastructure and public service facilities. The Official Plan also notes that where new development occurs adjacent to existing development that is at a significant lower density, the new development shall be designed to provide a transition of density and height in order to provide for compatible built form. In addition, landscape buffers for new buildings may be required in order to minimize potential impacts on existing developed areas.

The subject lands are situated within the Settlement area. The adjacent lands include low density residential lots to the north and south which are also within the Settlement area, and larger rural lots and Inverhuron Provincial Park to the east and west which are outside the Settlement area boundary. While the parcel is not adjacent to the traditional built-up area of the Kincardine core, the lands can be fully serviced with municipal water and sewer which provides an opportunity to increase the density in this area while still respecting the surrounding context.

The applicant proposes a low and medium density residential development. A low building profile is proposed across the site with buildings up to three storeys in height. Tree retention and compensation planting is proposed to maintain a more rural appearance to the development. The proposed lots are also sized to provide sufficient outdoor amenity areas and off-street parking on each of the lots. Surrounding properties are also separated from

the development by municipal roads, an unopened road allowance and/or the Environmental Protection (EP) lands associated with the Little Sauble River.

The Kincardine Official Plan also states that the Municipality shall consider the impacts of planning decisions on provincial parks. In this regard, Ontario Parks staff recommended:

- A natural, vegetated buffer along Jordan Road in order to buffer Inverhuron Provincial Park from the development footprint and to maintain a natural corridor along Jordan Road.
- Compensative native tree planting within the river buffer and open space lot to offset the negative impacts of woodlot removal elsewhere within the proposed development. This would maintain wildlife corridors around the park and retain some connectivity within the proposed development site.

In response, the applicant noted that traffic directed to Jordan Road adjacent the park will be limited to five lots. The Owner is proposing to pair the driveways to reduce hard surfacing and the number of exits/entrances to the road (see attached concept plans). Tree retention and compensation planting is also proposed along Jordan Road and throughout the development to screen the proposal from adjacent uses and maintain connectivity with the broader natural system. Ontario Parks staff advised they are satisfied with this response.

Ontario Parks staff also noted the proposed development is within 500 meters of the Bruce Energy Centre Lagoon System to the north and therefore needs to address compatibility of the proposed residential use with this nearby waste management facility. In response, the applicant advised that the development is approximately 395 metres from the sewage lagoons which complies with the Provincial 'D-2 Compatibility between Sewage Treatment and Sensitive Land Use' guide which recommends a 150-metre separation distance between lagoons of this design capacity and new residential development. Ontario Parks and Municipal staff are satisfied with this response.

Sewer and Water Services

A neighbouring landowner has expressed concerns with the capacity of the municipal services to accommodate the proposed development.

Full municipal water and sewage services are the preferred form of servicing in the Municipality. A Functional Servicing Report was prepared on behalf of the applicant which identifies that full municipal servicing can be provided. Sanitary servicing will be provided through the installation of new sanitary sewers which will discharge at the existing Bruce Energy Centre Lagoon System. Water supply will be provided through a looped connection to the existing municipal water distribution system on Alma Street. Municipal staff advised that there is existing capacity in both systems to accommodate the proposed development.

Municipal staff also advised that the servicing strategy is viable and that additional comments outlined by Municipal staff, including the need for fire flow testing, can be conducted through the preparation of the detailed servicing plans for the project as a condition of draft approval.

Stormwater Management

In order to control flooding, ponding, erosion and sedimentation, and to provide protection of water resources and natural habitat dependent upon watercourses and other water bodies for their existence, the County and local Official Plans require that stormwater management strategies be provided for new development in Settlement Areas.

The Functional Servicing Report prepared for the project detailed how stormwater is to be addressed on the site which includes measures, such as enhanced bioswales, to manage the quantity, quality and erosion potential of stormwater before it enters the natural system.

The Saugeen Valley Conservation Authority (SVCA) and Historic Saugeen Métis (HSM) Lands, Resources and Consultation Department requested further clarification and justification for the strategy proposed, particularly for the residential lots. In response, the applicant has noted that lot line swales with quality controls can be provided for those lots that outlet to the watercourse. SVCA and HSM found the response acceptable.

The detailed stormwater management strategy for the development will be prepared to the satisfaction of the SVCA and the Municipality as part of the conditions of draft approval.

Roadways and Access

One of the objectives of the local Official Plan is to ensure all land use decisions have regard to implications on the transportation network.

The site is bound by Jordon Road to the west, Alma Street to the south and Albert Road to the east. There are no sidewalks on these roads. There is an unopened road allowance to the north of the site. There is a one lane bridge on Alma Street, just west of Albert Road.

A new cul-de-sac is proposed as part of the development with an intersection at Alma Street, west of the one lane bridge. Municipal staff originally advised that the proposed road cross section did not align with Municipal standards and that a cul-de-sac design was not preferred. The preference was to run the road straight to the unopened right-of-way at the north end of the site with a connection to Jordan Road.

Based on further discussions with the applicant, Municipal staff confirmed that an amended road cross section could be considered through the detailed design of the project and that a cul-de-sac would be accepted. Looping of the municipal water system may still be required but the elimination of the road connection to Jordan Road would reduce the need for additional tree removals.

Detailed road designs for the new street and any potential upgrades to the existing road network will need to be prepared by the applicant to the satisfaction of the Municipality. This is reflected in the conditions of draft approval.

Parkland

In the case of a residential subdivision, the Official Plan requires 5% dedication of land for parkland purposes. Cash-in-lieu of parkland dedication may be accepted in whole or part if there are already parks serving the neighbourhood; the land proposed for parkland purposes is unsuitable in terms of size, shape or location; and, where the required parkland dedication would make the remaining lands unsuitable for development.

For this project, the applicant is proposing to convey Lot 13 for parkland purposes which will be zoned Open Space (OS) and Environmental Protection (EP). This lot represents approximately 9% of the total lands. The park will be used for passive purposes and will include open space, and tree protection and planting areas. The parkland may also include a playground and/or seating areas which will be determined at later stages of the development process. Municipal staff are satisfied with the proposed parkland dedication.

Natural Hazards

Provincial and Official Plan policies direct development to areas outside of hazardous lands (flooding hazards, erosion hazards, dynamic beach hazards), and hazardous sites (organic soils, leda clay, unstable bedrock).

The natural hazard features affecting the property are the flooding, erosion and valley slope hazards of the Little Sauble River, which flows along the eastern limits of the site. A portion of proposed Lots 11 through 14 are impacted by these natural hazards.

The applicant is proposing to maintain the natural hazards in the Environmental Protection (EP) zone. The area zoned Environmental Protection (EP) has increased since the original submission to reflect a 30-metre setback to the Little Sauble River based on feedback provided by the review agencies. The applicant was previously proposing a 25-metre setback. This revised setback continues to capture the floodplain of the Little Sauble River and the 14-metre erosion hazard setback recommended in the supporting Erosion Hazard Evaluation.

The applicant has also demonstrated that there is a sufficient building envelope outside of the natural hazards on each of the lots impacted by the Environmental Protection (EP) zone (see attached concept plans).

It is the opinion of SVCA staff that the applications appear consistent with the natural hazard policies of the Province and both the County and local Official Plans. The natural hazards have also been appropriately zoned.

Natural Heritage

Public comments on the proposed development also expressed concern with respect to the impact on natural heritage features. The natural heritage features identified on and adjacent to the site include fish habitat, significant woodlands, significant wildlife habitat, and the potential habitat of endangered and threatened species. The Bruce County Official Plan and Kincardine Official Plan generally prohibit development within the natural heritage

features and their adjacent lands unless it has been demonstrated that there will be no negative impacts to the natural features or their ecological functions.

An Environmental Impact Study was prepared in support of the project. The report concluded that negative impacts to the form and function of the identified natural heritage features on and adjacent lands to the subject lands will be appropriately mitigated should the proponent adhere to the development plan and follow the recommendations outlined in the report. Among the recommendations of the Environmental Impact Study is the maintenance of a no development zone adjacent to the Little Sauble River, tree protection throughout the subdivision, ecological offsetting where woodland removal is proposed, and habitat creation.

The SVCA provided natural heritage review comments on behalf of the County. While conservation authorities can no longer provide natural heritage review comments as of January 1, 2023, the SVCA has continued its review of applications that were in process as of that date. For the subject file, SVCA staff sought additional information on the proposed encroachments into the 30-metre setback from top of bank of the watercourse and amendments to the proposed ecological offsetting plan noted in the Environmental Impact Study. Ontario Parks staff and the HSM also noted concerns with the proposed encroachments into the 30-metre setback. In response, the consultant indicated that the proposed encroachments will not result in any direct or indirect negative impacts on the features or functions of the stream, but the applicant ultimately agreed to amend the proposal to increase the setback to the Little Sauble River from 25 to 30 metres. This will expand the area currently zoned Environmental Protection (EP).

The applicant will also update the ecological offsetting plan per feedback from the SVCA to exclude areas proposed for more intensive residential use or disturbance (e.g., yard areas around the proposed building footprints, boulevard planting areas, etc.). Detailed tree retention and ecological offsetting plans will be prepared to the satisfaction of the County and Municipality as a condition of draft approval.

The applicant's consultant also looked at opportunities to relocate the parkland block, at the request of the County, to see if it would be more ecologically beneficial in the northern portion of the site. The consultant concluded that the opportunities for protection and enhancement are best achieved through the current lot configuration.

In response to public comments, the applicant's consultant also confirmed that the significant wildlife habitat was assessed following the criteria and thresholds outlined by the Province. The consultant noted that not all identified wildlife habitats will prove to be significant. As an example, the listed habitat criteria for Migratory Butterfly Stopover Areas specifically was not met for the subject property.

Based on the responses provided, SVCA staff noted that the applications are generally acceptable provided the recommendations of the Environmental Impact Study are addressed as part of draft plan approval. Conditions of draft approval have been included to reflect this request. Given the amended role of the SVCA in the review process, the applicant must

now satisfy the Municipality and County on matters related to natural heritage, which may include consultation with SVCA, Ontario Parks and other agencies as required.

The Saugeen Ojibway Nation Environmental Office (SON EO) also requested a condition of draft approval relating to natural heritage which will need to be addressed by the applicant prior to final approval of the plan. The HSM reviewed the list of conditions and are satisfied their initial concerns with the overall impact of the project can be addressed.

Archaeology

The County and local Official Plans identify that development on lands containing possible archaeological resources or areas of archaeological potential, should occur in such a manner as to avoid destruction or alteration of these resources. Where this is not possible, the development proponent shall conserve the resources through removal and documentation in accordance with the Ontario Heritage Act.

For this project, a Stage 1 and 2 Archaeological Assessment was prepared in support of the subject applications as the lands fall within an area of moderate to high archaeological potential. No archaeological resources were identified in the study area during the Stage 2 assessment. The report concluded that no further assessment was required.

The report further noted that there is a 25-metre environmental setback proposed on either side of the Little Sauble River (since increased to 30 metres) that was not assessed as no soil disturbance is anticipated in this area. The consultants recommended that a Stage 2 assessment be completed should site alteration ever be proposed in this setback. This requirement has been included as part of the conditions of draft approval.

The SON EO had a monitor on-site during the archaeological field work. The SON EO and HSM also reviewed the Archaeological Assessment. Both asked to be consulted if further assessments are undertaken and to be notified if archaeological resources are revealed through the development process. The applicant acknowledged these requests.

The County also requires the applicant provide correspondence from the Province confirming that the Archaeological Assessment has been accepted into the Ontario Public Register of Archaeological Reports. This correspondence can be provided as a condition of draft approval.

Zoning By-law Amendments and Conditions of Draft Approval

The applicant proposes to re-zone the lands from Residential One (R1) to:

- Residential Three Special (R3-ae and R3-af) on Lots 1 through 10 and portions of Lots 11 and 12 with special provisions allowing a secondary suite to exist outside the principal dwelling unit as a stand-alone unit; permitting the secondary suite to be in any yard; allowing a secondary suite on Lots 11 and 12 to be accessed from a second driveway; and, permitting a maximum of one short term rental accommodation unit per lot;

- Residential Four Special (R4-n) on Lot 14 for the apartment dwelling with special provisions permitting a limited selection of main floor commercial uses; allowing a maximum gross commercial floor area of 185 square metres conforming with the Official Plan policies for local commercial uses; and, removing the minimum floor area requirement per residential unit to allow flexibility in design. Minimum floor areas would be addressed through the Ontario Building Code instead.
- Open Space (OS) on a portion of Lot 13 for park purposes.

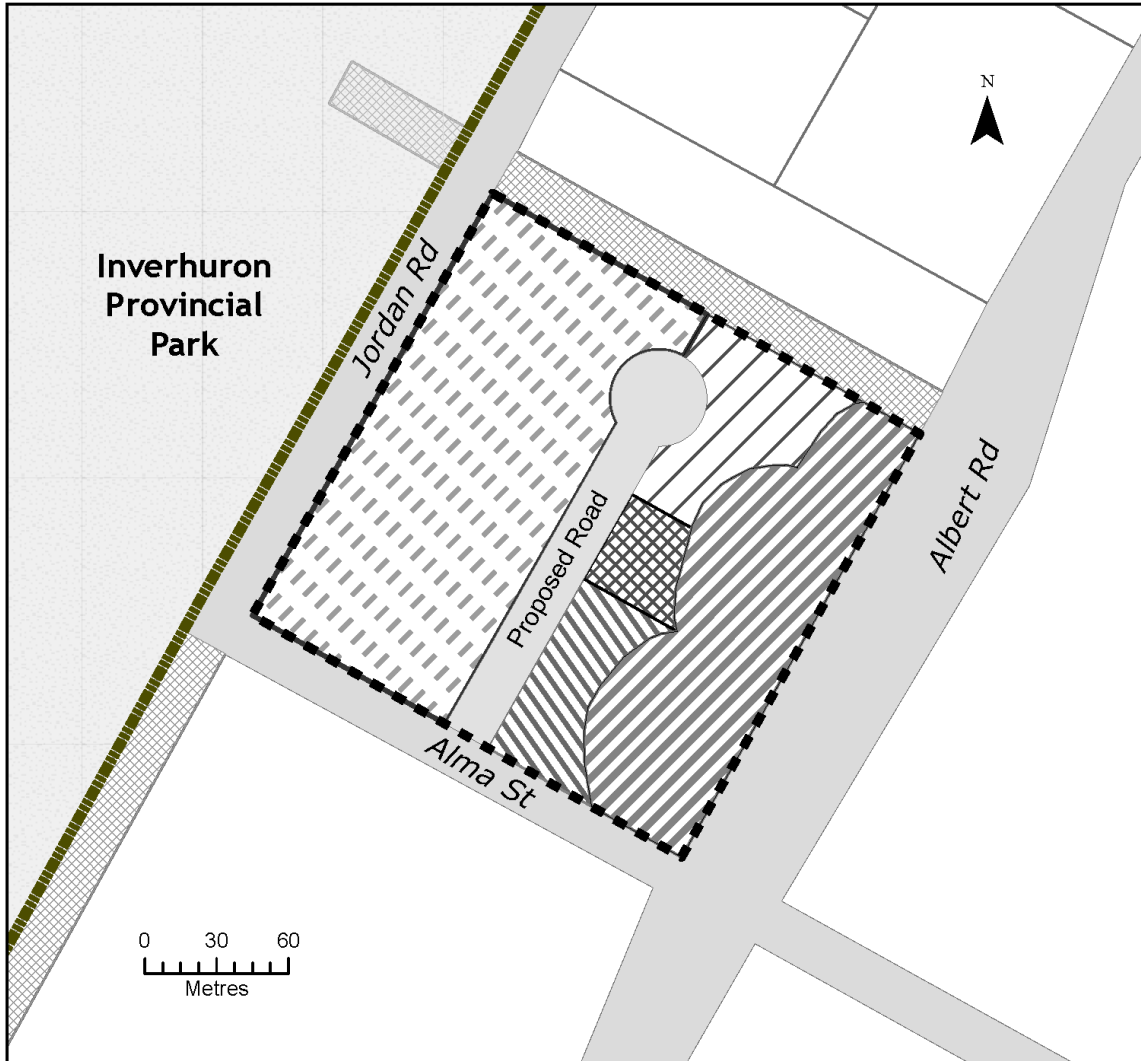
The applicant had originally proposed a maximum density provision as part of the Zoning By-law Amendment. County staff noted that the maximum number of units across the site is already regulated based on the dwelling types permitted in each respective zone and the areas of each lot. County staff instead recommended minimum unit counts in each of the zones to ensure the minimum density requirements of the Official Plans for fully serviced lands are satisfied. The draft Zoning By-law Amendment was revised to identify a minimum unit count on each of the lots. The maximum number of secondary suites was also capped at three per lot. These revisions do not change the original intent of the Zoning By-law Amendment. As such, staff are of the opinion that an additional notice to the public is not required.

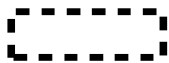





Furthermore, the existing Environmental Protection (EP) zone will remain but will be amended to reflect the limits of the natural features and natural hazards identified through the applicant's supporting studies. The EP zone has also increased from the original proposal to reflect a 30-metre setback from the top of bank of the Little Sauble River, instead of 25 metres. This is an overall improvement to the plan.

The proposed zoning is shown in the figure below, and the full draft amending by-law is included later in the Council agenda. The Municipality is the Approval Authority for the Zoning By-law Amendment. Staff are recommending that Council approve the application.

Conditions of draft approval for the Plan of Subdivision are also attached to this report. The draft conditions have incorporated comments provided by Municipal departments and review agencies specific for this project. The County is the Approval Authority for Draft Plans of Subdivision. The County is seeking Council's endorsement of the subdivision in accordance with the Draft Plan and Conditions of Draft Approval attached.

Proposed Zoning Plan

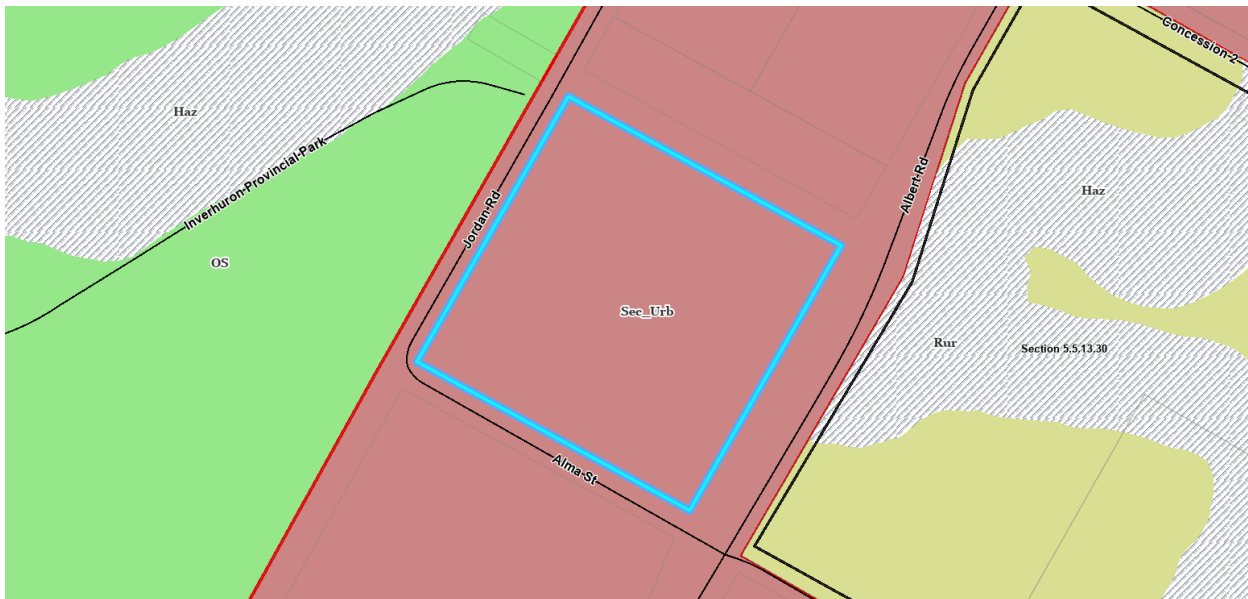


-  Subject Property
-  Lands to be zoned R3-ae - Residential Three Special
-  Lands to be zoned R3-af - Residential Three Special
-  Lands to be zoned R4-n - Residential Four Special
-  Lands to be zoned OS - Open Space
-  Lands to be zoned EP - Environmental Protection

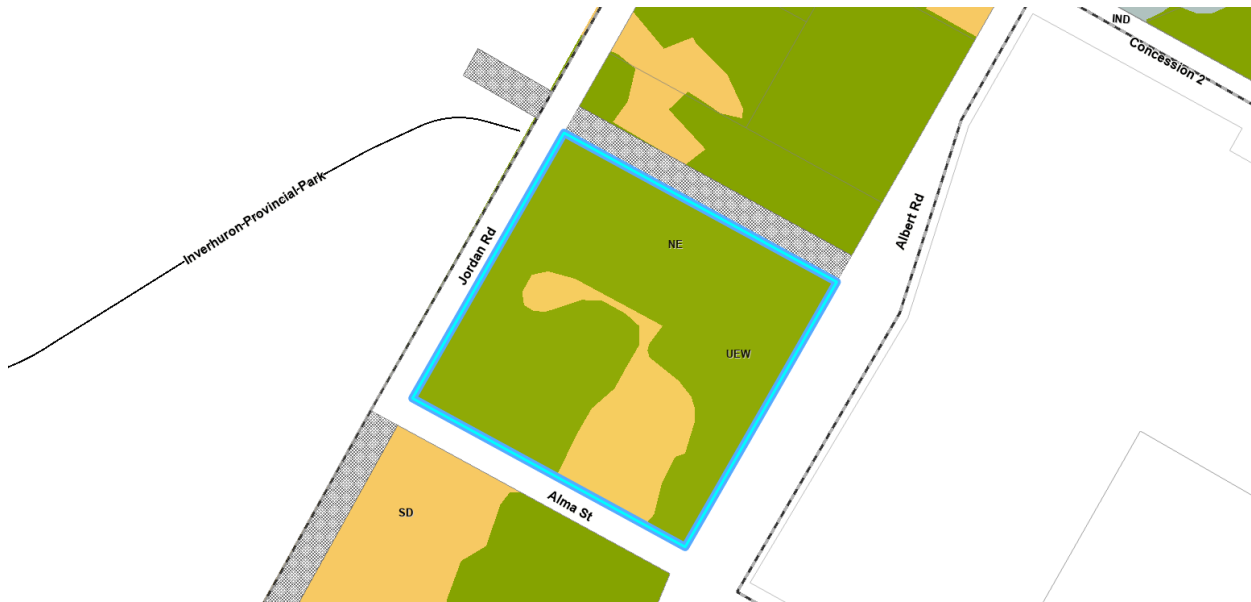
Appendices

- County Official Plan Map
- Local Official Plan Map
- Local Zoning Map
- Images of the Site
- List of Supporting Documents and Studies
- Agency Comments
- Public Notice
- Public Comments
- Public Meeting Minutes ([Public Meeting - November 14, 2022](#))
- Applicant Responses
- Concept Plans
- Draft Plan of Subdivision
- Conditions of Draft Approval (Draft)

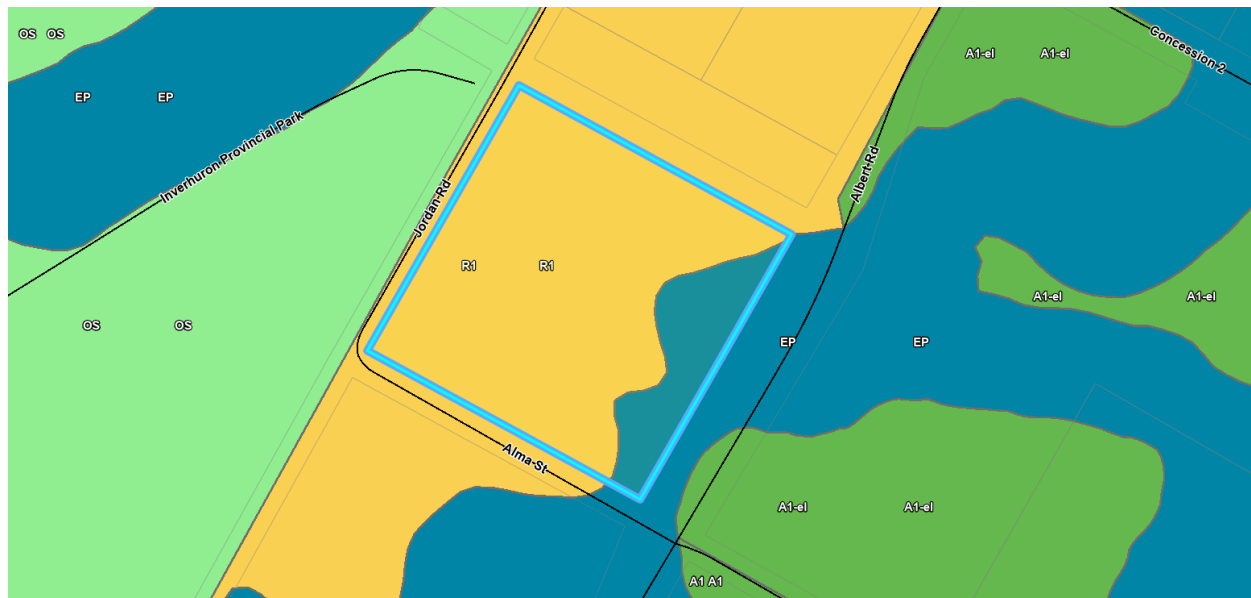
County Official Plan Map (Designated Secondary Urban Communities and Hazard Land Area)



Local Official Plan Map (Designated Shoreline Development and Natural Environment)



Local Zoning Map (Zoned R1 - Residential One and EP - Environmental Protection)



Images of the Site



Looking northeast from Alma Street and Jordan Road



Looking north from Alma Street



Looking north to the Little Sauble River



Looking north along Albert Road

List of Supporting Documents and Studies

Initial Submission

- Draft Plan of Subdivision - D. Culbert Ltd. (May 2022)
- Planning Justification Report - Baker Planning Group (June 2022)
- Functional Servicing Report - GRIT Engineering Inc. (June 2022)
- Environmental Impact Study - Sumac Environmental Consulting Ltd. (May 2022)
- Stage 1-2 Archaeological Assessment - Ground Truth Archaeology Limited (May 2022)

Additional Materials

- Presentation - Baker Planning Group (November 2022)
- Erosion Hazard Evaluation - GRIT Engineering Inc. (March 2022)
- Response to Comments - Baker Planning Group (December 2022 and March 2023)
- Revised Lot 14 Conceptual Layout - JHT2INV Development Inc. (June 2023)



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



October 21, 2022

File Numbers: S-2022-015, Z-2022-084

Public Meeting Notice

**You're invited to a Hybrid Public Meeting to consider
Draft Plan of Subdivision file S-2022-015 and
Zoning By-law Amendment file Z-2022-084
November 14, 2022 at 5:00 p.m.**

A change is proposed in your neighbourhood: A Draft Plan of Subdivision application has been submitted to create a subdivision consisting of 12 residential dwelling lots, 1 mixed-use residential and commercial lot, 1 park lot, and 1 new street. Up to 81 new residential units are proposed in a range of housing formats. A Zoning By-law Amendment application has been submitted to facilitate the development.



PLAN INVERHURON LOTS 6 TO 10; E VICTORIA ST W ALBERT ST
Municipality of Kincardine (Bruce Township)
Roll Number 410826000411900

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 bcplpe@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: Coreena Smith

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 November 2, 2022 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.

Section 51(39) of the of the [Planning Act](#) outlines rights of appeal for Plan of Subdivision/Condominium applications. Only the applicant, a public body, various utility company (or their representative), the Minister and the Municipality can appeal the approval or refusal of draft plan of subdivision, lapsing provisions or any condition of draft plan approval.

If a person or public body does not make oral submissions at a public meeting, if one is held, or make written submissions to the County of Bruce in respect of the proposed plan of subdivision/condominium before the County of Bruce gives or refuses to give approval to the draft plan of subdivision, the person or public body is not entitled to appeal the decision of County of Bruce to the Ontario Land Tribunal.

If a person or public body does not make oral submissions at a public meeting, if one is held, or make written submissions to County of Bruce in respect of the proposed plan of subdivision/condominium before the County of Bruce gives or refuses to give approval to the draft plan of subdivision, 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/>.

December 16th, 2022

File No.: 2022-01

Coreena Smith, Senior Planner
Planning and Development
Corporation of the County of Bruce
30 Park St.
Walkerton ON N0G2V0

- And -

Amy Rogers, Planning Coordinator
Municipality of Kincardine
1475 Concession 5, R. R. 5
Kincardine ON, N2Z 2X6

**RE: Draft Plan of Subdivision and Zoning By-law Amendment (Municipal File Number S15 Z84)
Albert Street, Alma Street and Jordan Street, Municipality of Kincardine
JHT2INV Development Inc.**

On behalf of JHT2INV Development Inc. ("Owner"), we are pleased to provide a comprehensive response to the comments received on the above-noted application through the formal circulation and the Statutory Public Meeting (November 14th, 2022). The comments received are summarized as:

1. Ontario Parks (Inverhuron Provincial Park)
2. Consultation with SON
3. Proposed New Municipal Road Design
4. Proposed Road Design
5. Loss of Land Zoned "Environmental Protection"
6. Required setbacks to the Little Sauble River
7. Presence of Monarch Butterflies
8. Use of Proposed Park Block (Lot 13)
9. Fire Flow Testing
10. Clarification on the Ecological Off-Setting Plan

Ontario Parks (Inverhuron Provincial Park)

We have reviewed the comments from Ontario Parks (Inverhuron Provincial Park) and subsequently coordinated a meeting with their staff. Identified concerns included the interface on Jordon Road (land use compatibility and traffic), the setbacks to the Little Sauble River, consultations with SON and the distance to the sewage lagoons.

Based on the foregoing, we confirmed by way of a meeting and in writing (December 7th, 2022) that:

1. Traffic directed to Jordan Road will be limited to the proposed five (5) lots and the Owner is proposing to pair the driveways to reduce the hard surfacing as well as entrance/exits to the road
2. The Owner is proposing low rise development on large lots, along with compensation tree planting to maintain a more rural appearance to the development, along with screening from Jordan Road to the new dwellings. The Owner prefers the use of trees and the compensation planting over the use of hedge rows for buffering and screening
3. We clarified on the call the setbacks to the Little Sauble River and the conclusions of the EIS, which I believe addressed your comments
4. We consulted with SON during the preparation of the Archaeological Assessment and have sent follow-up correspondence to confirm if they have any further comments
5. As noted on the call, the sewage lagoons, under the D2 Guidelines from MECP require a 150-metre separate buffer. The development site is approximately 395 metres from the sewage lagoons

It is our understanding that the above-noted clarifications addressed their comments, confirmed via e-mail on December 13th, 2022.

Consultations with Saugeen Ojibway Nation (SON)

As part of the Archaeological Assessment, SON was on-site as the work was being completed. We understand through the post-circulation comments that they would like the opportunity to review the other technical studies submitted as part of the applications. We have reached out to SON to share the report and discuss any questions, and continue to look forward to their response.

Proposed Municipal Road Design

The post-circulation comments from Town staff identified a preference to extend the new municipal road westerly from the cul-de-sac to connect to Jordan Road. Subsequent to the Public Meeting, we met with County and Town staff and based on the long-term maintenance requirements, the additional removal of trees and Jordan Road being utilized for those attending the park, it was agreed upon that the cul-de-sac is the preferred road pattern for the development. Confirmation was received from Town staff on November 22, 2022.

Proposed Road Design

Following a meeting with Town staff, it has been determined that a rural road-cross section will be considered for the new municipal road, as it will be in keeping with the current road network and is in keeping with the required municipal maintenance program.

Loss of Land Zoned “Environmental Protection”

It is confirmed through this letter that there is no loss of any that is currently zoned “Environmental Protection (EP)” on the Site.

Required Setbacks to the Little Sauble River

Through the detailed technical studies submitted as part of the Applications, four (4) distinct setbacks were identified to the Little Sauble River:

1. Archaeological Assessment - 25 metre setback as a “no touch” area
2. Floodplain – No development is proposed within the delineated floodplain
3. Slope Stability – GRIT Engineering prepared an Erosion Hazard Evaluation and concluded that the appropriate erosion hazard setback is 14.0 metres
4. Environmental Impact Study – Notes that a minimum 30 metre setback is typically required to a cold-water stream (Little Sauble River); however, the minor encroachments into the 30 metres, as detailed on the Concept Plan does not result in any direct or indirect negative impact on the features or functions of the stream

Together, all four required setbacks have been provided on the Draft Plan of Subdivision and there are no development encroachments into the recommended setbacks.

Presence of Monarch Butterflies

Sumac Environmental Consulting Ltd. has reviewed these comments and has confirmed as follows:

Significant Wildlife Habitat (SWH) was assessed following criteria and thresholds outlined in the Significant Wildlife Habitat Criteria Schedules for Ecoregion 6E (MNRF, 2015). The listed habitat criteria under the column 'Candidate SWH' for Migratory Butterfly Stopover Areas in the Significant Wildlife Habitat Criteria Schedules for Ecoregion 6E (MNRF, 2015) was not met for the subject property. It should be noted that not all identified wildlife habitats will prove to be significant.

Use and zoning for the proposed park block (Lot 13)

It is proposed that Lot 13 be zoned to “Open Space” to reflect the intended use as a park space for area residents. The land will include tree plantings and open areas, where seating could also be provided. The land would be transferred to the ownership of the Town.

Fire Flow Testing

We have received comments regarding the need for fire flow tests and understand that current data is not available for this area. It is anticipated that fire flow testing will be a condition of Draft Plan of Subdivision Approval if the applications are approved.

Clarification on the Ecological Off-Setting Plan

The proposed offsetting area as described in the Ecological Offsetting Plan will be updated to no longer include non-natural areas (e.g., future yard/lawn areas, boulevard planting areas, etc.) and only reflect areas to be protected in the long-term. It should be noted that the vision of the parkland area is to be a naturalized system with a low-impact trail and signage throughout describing some of the ecological highlights of the portion of the subject property being preserved and to encourage public affection for the natural surroundings. As such, parkland will continue to be included as part of the proposed offsetting area, where applicable.

Summary

We trust the request can be accepted and a staff recommendation report could be prepared for consideration by Council. Should you have any questions or comments, please let us know and we would be happy to discuss further.

Kind regards,



Caroline Baker, MCIP, RPP
Principal

c.c. John Hood Tidman, JHT2INV Development Inc.

From: [Caroline Baker](#)
To: [Coreena Smith](#); [Amy Rogers](#); [Klarika Hamer](#)
Cc: [John Hood Tidman](#)
Subject: Inverhuron (S15 Z84 Tidman)
Date: Thursday, March 9, 2023 11:40:49 AM
Attachments: [image001.png](#)
[RG2305_REV2\[19\].pdf](#)

**** [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.**

Good morning,

Thank you for the conference call to discuss the comments received on the revised submission for Inverhuron. We have had a chance to review the comments in detail and have consulted with GRIT Engineering and Sumac Environmental. The comments are addressed as follows:

HSM Comments

1. With respect to the intensity on the Site, it is directed by the PPS and the OP and there are minimum density targets to be met.
2. While a 25m buffer is supported by the EIS for the development, the Owner is agreeable to providing the 30m setback from the Top of Bank. For Reference, the 30m buffer is shown on Figure 3 to the EIS and is the dotted yellow line. This modification does not require an update to the Draft Plan, but does impact the proposed area being rezoned. In this regard, please find attached an updated draft amending zoning schedule to delineate the boundaries of the EP, R3-____ and R4-____ zones.
3. The Owner will include lot line swales with quality controls for those lots that outlet to the creek
4. The comment related to notification is received.

SVCA Comments

- Stormwater quality has been detailed in the FSR and further detailed design will occur through the Draft Plan of Subdivision Conditions – it is noted that the Owner is agreeable to adding lot line swales with quality controls for stormwater that is to outlet to the stream
- The plans in the FSR and PJR align; however, see note about regarding the revised proposed 30m setback from the top of bank
- Ecological off-setting will be completed as part of detailed design

County Comments

- It was requested that the proposed parkland block be located on the “more” ecologically importation portion of the Site and a suggestion was made to move the parkland to the northern property boundary.
- Sumac Environmental has reviewed this request and has confirmed the following “Lot 13 contains a relatively large reach of the Little Sauble River that would greatly benefit from being on parkland as opposed to backyard space. Unlike Lot 11, Lot 13 is already in a state of regeneration towards a diverse deciduous forest evident by the young sugar maple, elm and ash throughout. With the removal of non-native shrub species, Tatarian honeysuckle, on Lot 13 as proposed in the Ecological Offsetting Plan, this area is well on its way to becoming an integral

component of the overall form and function of significant woodland. The deciduous forested community (FOD5-1) is being preserved at the rear of Lots 11, 12 and 13 and will be enlarged through the undertaking of restoration plantings in the proposed parkland area and remaining unforested areas of the Little Sauble River buffer area. For these reasons, Sumac Environmental Consulting Ltd. (Sumac) is of the opinion that Lot 13 should remain as parkland.”

We trust the above is sufficient to proceed with a Staff Recommendation Report.

If you have any questions, please let us know.

Thank you,
Caroline

Caroline Baker, MCIP, RPP
PRINCIPAL

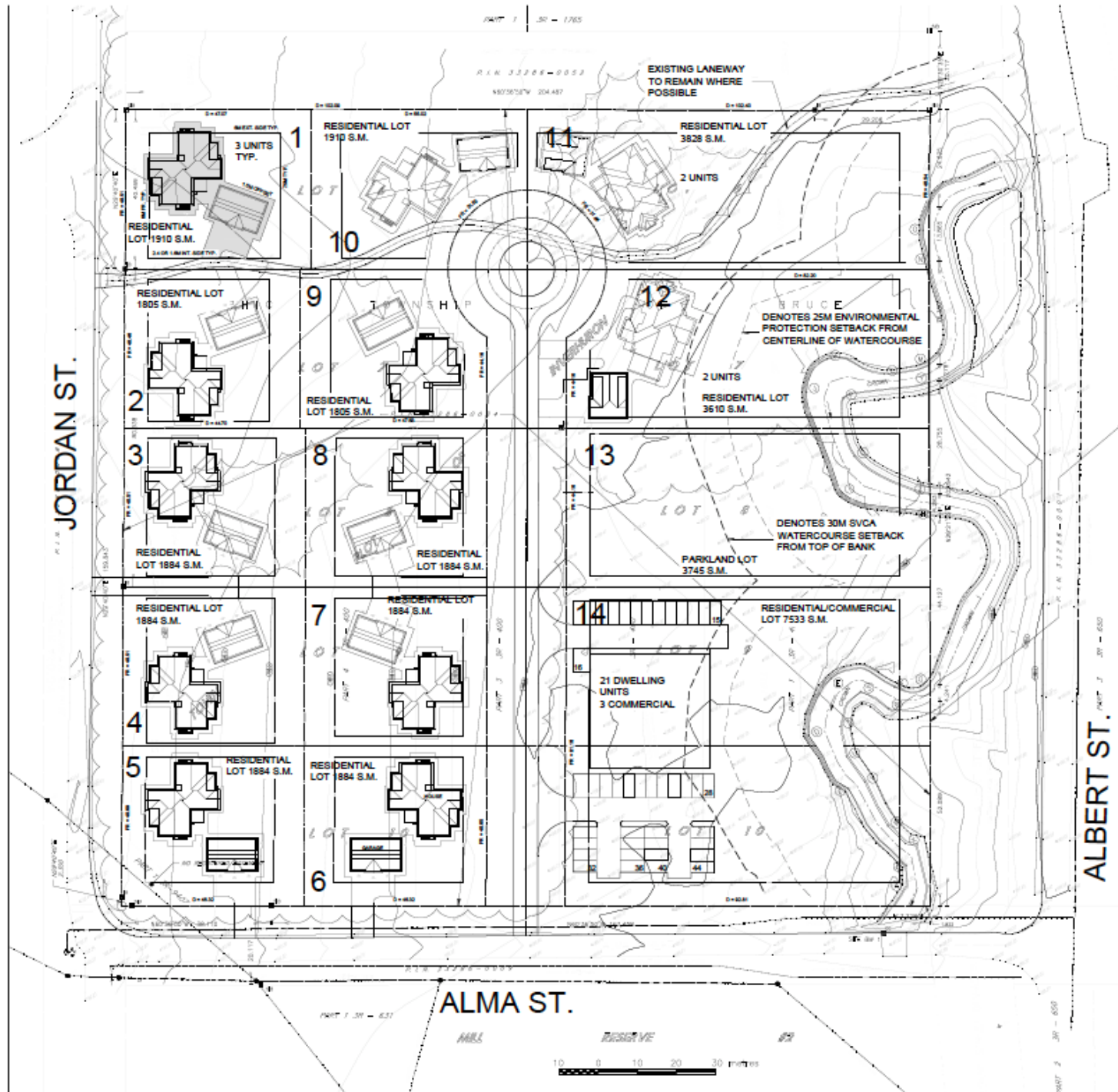
PHONE: 226-921-1130

EMAIL: caroline@bakerpg.com

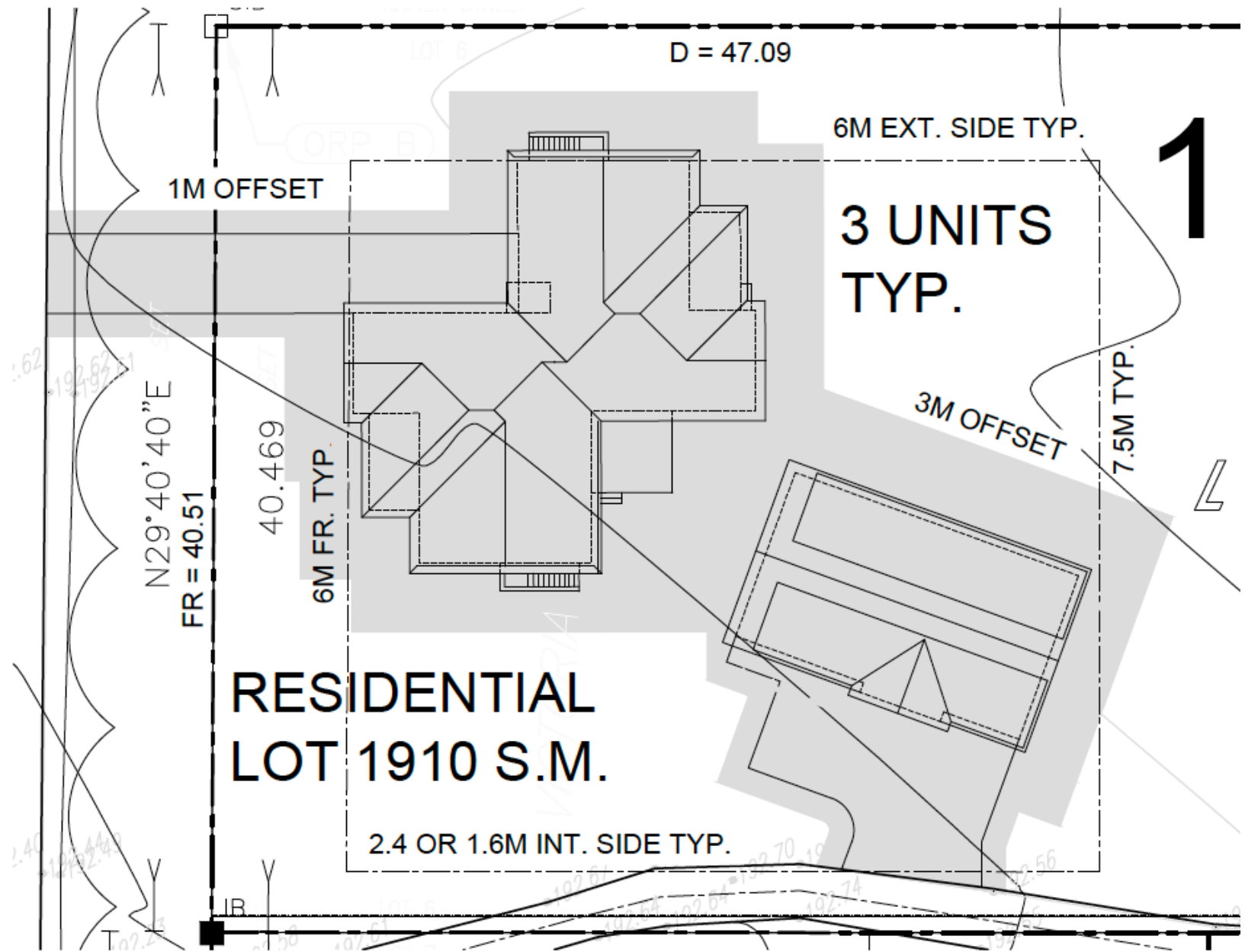
WEB: www.bakerpg.com

BAKER
Planning Group

Concept Plan

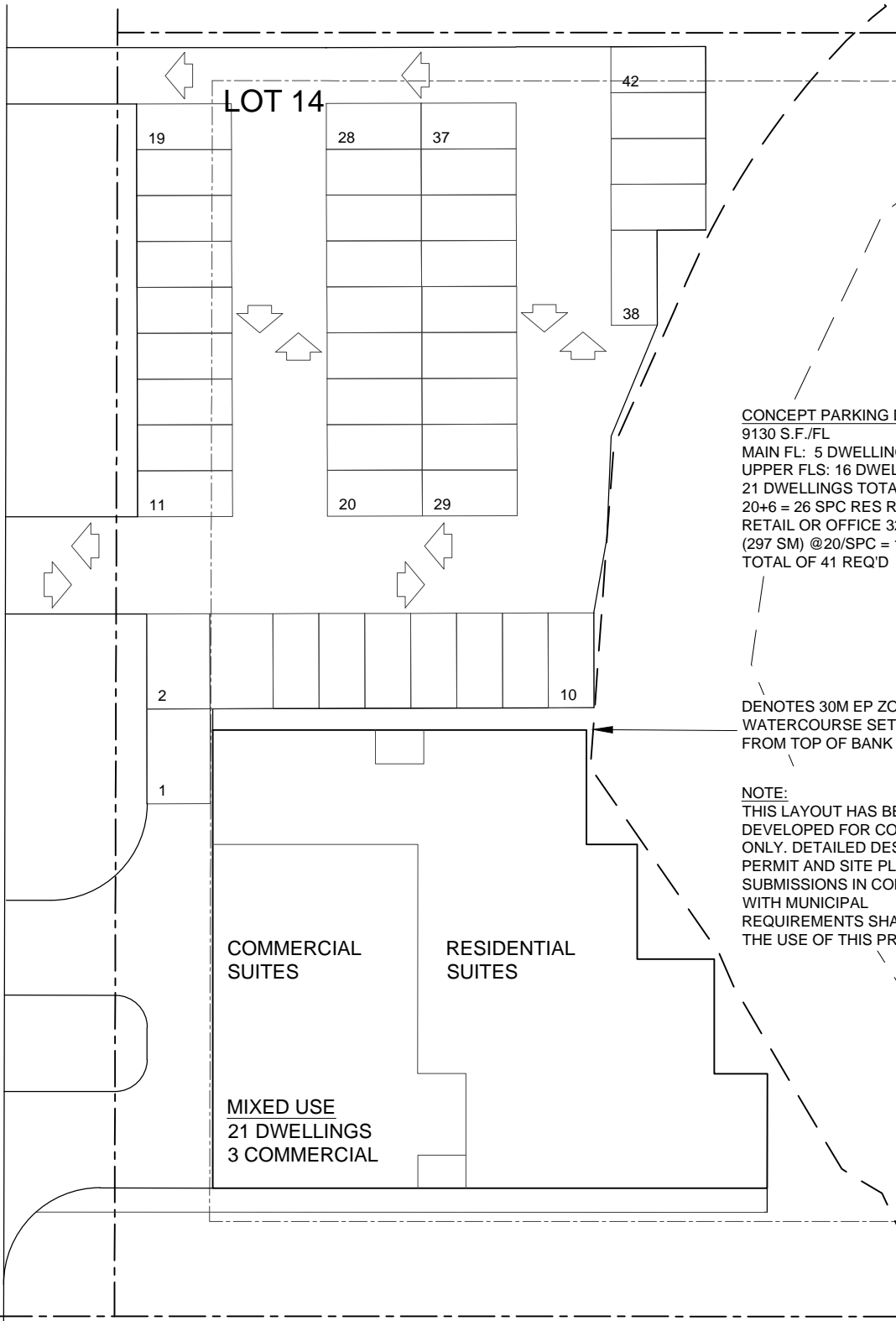


Typical Lot Layout



Typical Elevations





CONCEPT PARKING DESIGN
 9130 S.F./FL
 MAIN FL: 5 DWELLINGS
 UPPER FLS: 16 DWELLINGS
 21 DWELLINGS TOTAL
 20+6 = 26 SPC RES REQ'D
 RETAIL OR OFFICE 3200 S.F.
 (297 SM) @20/SPC = 15 SPC
 TOTAL OF 41 REQ'D

DENOTES 30M EP ZONE
 WATERCOURSE SETBACK
 FROM TOP OF BANK

NOTE:
 THIS LAYOUT HAS BEEN
 DEVELOPED FOR CONCEPT
 ONLY. DETAILED DESIGN FOR
 PERMIT AND SITE PLAN
 SUBMISSIONS IN COMPLIANCE
 WITH MUNICIPAL
 REQUIREMENTS SHALL GOVERN
 THE USE OF THIS PROPERTY

COMMERCIAL SUITES RESIDENTIAL SUITES

MIXED USE
 21 DWELLINGS
 3 COMMERCIAL

| | | | | |
|--|--|---|---------------------------|--------------------------|
| | CUSTOM BUILDING DESIGN <small>JHT DESIGN IS A REGISTERED TRADE NAME OF JHT2INV DEVELOPMENTS INC</small> | PROJECT JHT2INV DEVELOPMENT INC COMMERCIAL/RESIDENTIAL DEVELOPMENT | PROJECT NO. INV | DATE: 01/06/23 |
| | <small>145 NORMAN STREET STRATFORD, ONTARIO, N5A 5S1 PH. (519) 301-2062 EMAIL: INFO@JHT2.CA WWW.JHT2.CA</small> | TITLE LOT 14 CONCEPTUAL LAYOUT | DRAWN JHT | DWG NO. C104 |