



Planning Report

To: Municipality of Kincardine Council

From: Julie Steeper, Intermediate Planner

Date: December 13, 2023

Re: Zoning By-law Amendment Application - Z-2023-073 (Finnie)

Recommendation:

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

That Committee approve Zoning By-law Amendment Z-2023-073 and the necessary by-law be forwarded to Council for adoption.

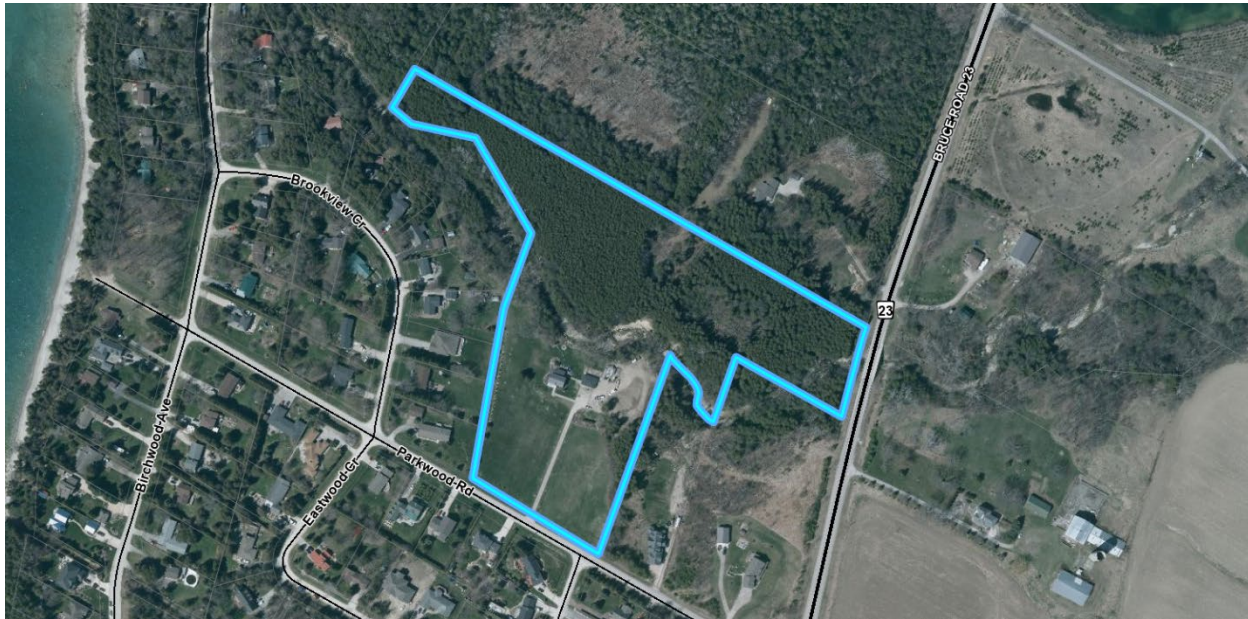
Summary:

The purpose of the application is to sever four residential lots (Parts 1-4) from a larger retained parcel (Part 5) with frontages along Parkwood Road. A Zoning By-law Amendment is required to rezone the lands from Residential One to Residential One Special to address the reduced lot frontages for Parts 1-5 and the lot size for Part 2. If approved, the application would facilitate the creation of 4 new residential lots. A holding provision requiring an Archaeological Assessment for the retained lands containing high archaeological potential is proposed.

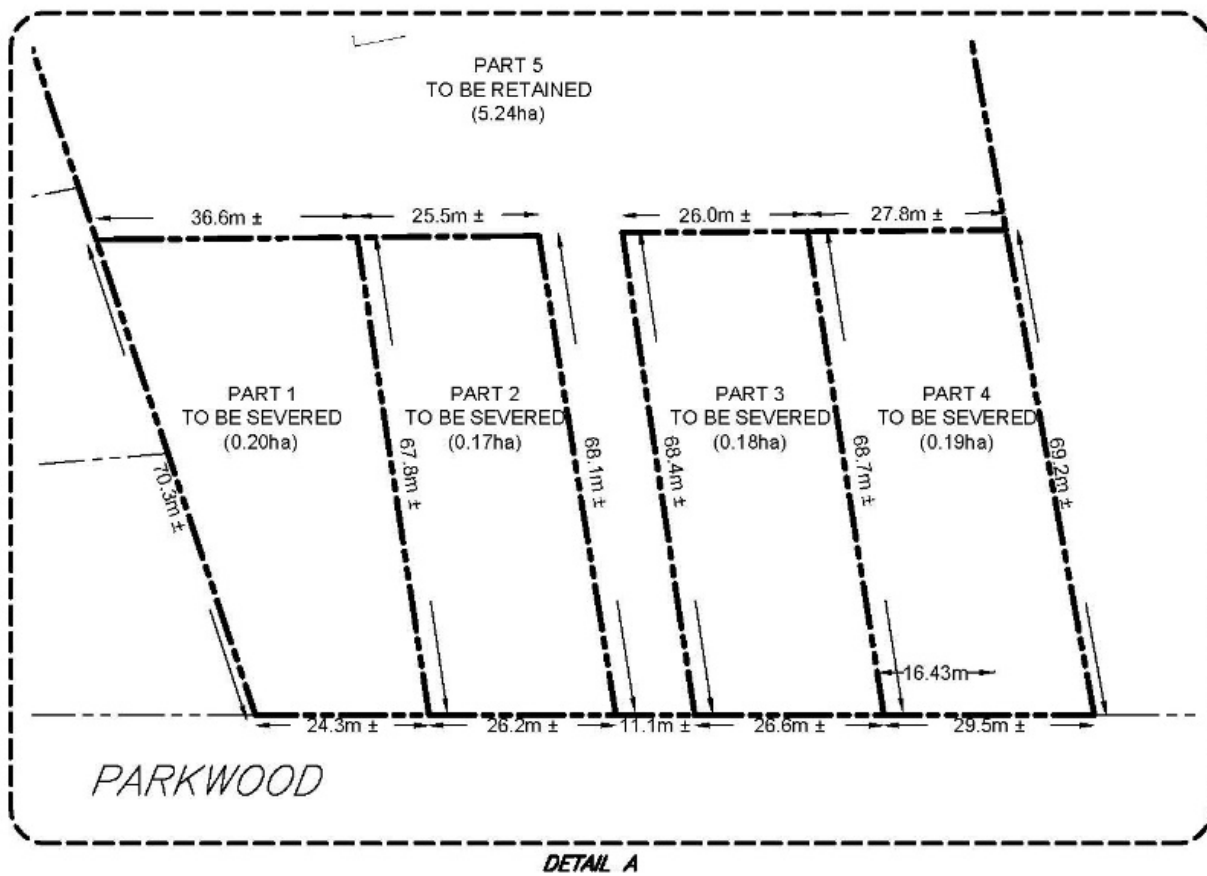
The related consent files (B-2023-071, B-2023-072, B-2023-073, and B-2023-074) will be considered by the County at a later date.

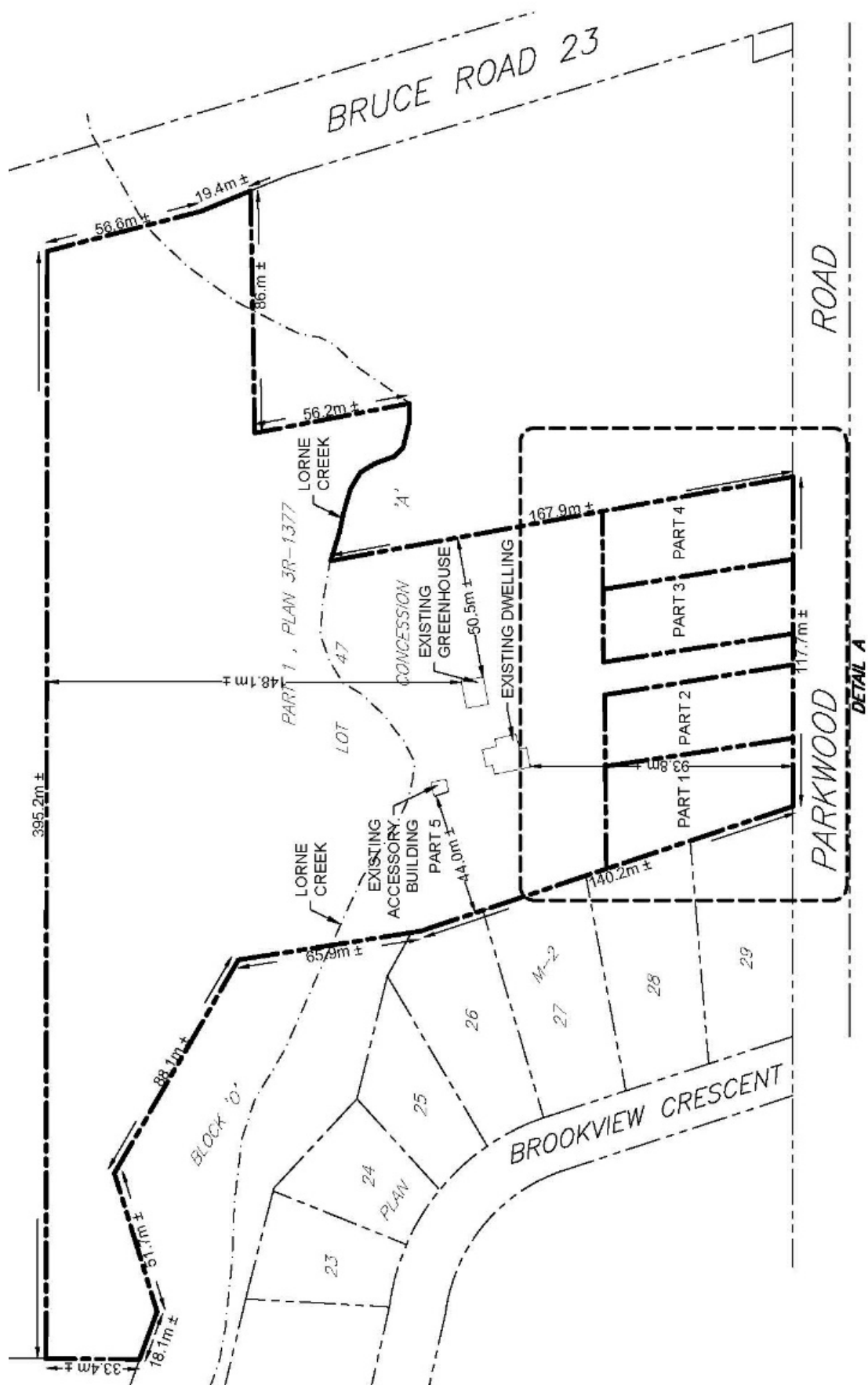
The property is located at 26 Parkwood Road, west of Bruce Road 23, north of Concession 7, and south of Lorne Beach Road. The site is surrounded by residential and agricultural lands.

Airphoto



Site Plans





Images of Existing Site





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.

Lot Size and Septic Servicing

The subject lands are designated Secondary Urban Community in the Bruce County Official Plan and designated Shoreline Development and Natural Environment in the Municipality of Kincardine Official Plan. Both Official Plans allow for lot creation on private septic with proposed lot areas of less than 4047 square meters and 1,800 square meters respectively but require submission of a nitrate study. The purpose is to ensure that no development proposal shall result in a nitrate concentration of more than 10mg/L of nitrate at each new property boundary. A Sewage System Impact Assessment was submitted with the subject application and addressed the matters as prescribed in the *D-5-4 Technical Guideline for Individual On-Site Sewage Systems: Water Quality Impact Risk Assessment of the Ministry of Environment*. All the proposed severed lots meet the policy requirements with a tertiary septic system.

The lands to be severed are zoned Residential (R1), and the Municipality of Kincardine Zoning By-law identifies a minimum lot area of 1,800 square meters. Three of the lots meet the minimum lot size except for Part 2 which is 1,700 square metres. The intent of the minimum lot area is to ensure there is a large enough building envelope on the site to accommodate a residential dwelling and septic system. The minimum lot size also helps to ensure that the sizes of lots are similar and conform to area. In this case, there are lots in this area that are smaller or similar in size to the proposed lot area of Part 2.

Lot Frontage

The applicant is requesting a reduction to lot frontage for all lots with the proposal. The minimum lot frontage in the Zoning By-law is 30 m. The proposed frontages for the lots to be severed are +/- 24.3 m, 26.2 m, 26.6 m and 29.5 m. The proposed frontage for the retained lot is +/- 11.1 m. Lot frontage helps ensure there is suitable access and a reasonable space for a buildable area. The applicant has indicated that there is adequate room on the lots to site private infrastructure and have adequate room to construct buildings, while respecting the side yard setbacks. It is not anticipated that the reduction to lot frontages will impact the existing entrance or proposed access to the retained and severed lots. The frontage would still fulfil this purpose and is considered adequate.

Natural Hazards

As noted above, a portion of the site is designated Environmental Hazard and zoned 'Environmental Protection (EP)'. However, the Saugeen Valley Conservation Authority (SVCA) has updated its hazard mapping based on the latest floodplain information. A copy of the revised hazard mapping is attached to SVCA's correspondence (see appendix). SVCA staff recommended the proposed zoning for the property be updated as result of this information, which is reflected in the draft amending by-law. This will result in a larger building envelope for the proposed severed lot Part 4.

Archaeological Potential

The subject property is considered to have high archeological potential due a watercourse that runs on the property. In review it was determined that an Archaeological Assessment was required to facilitate the application.

The County and Kincardine Official Plan 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.

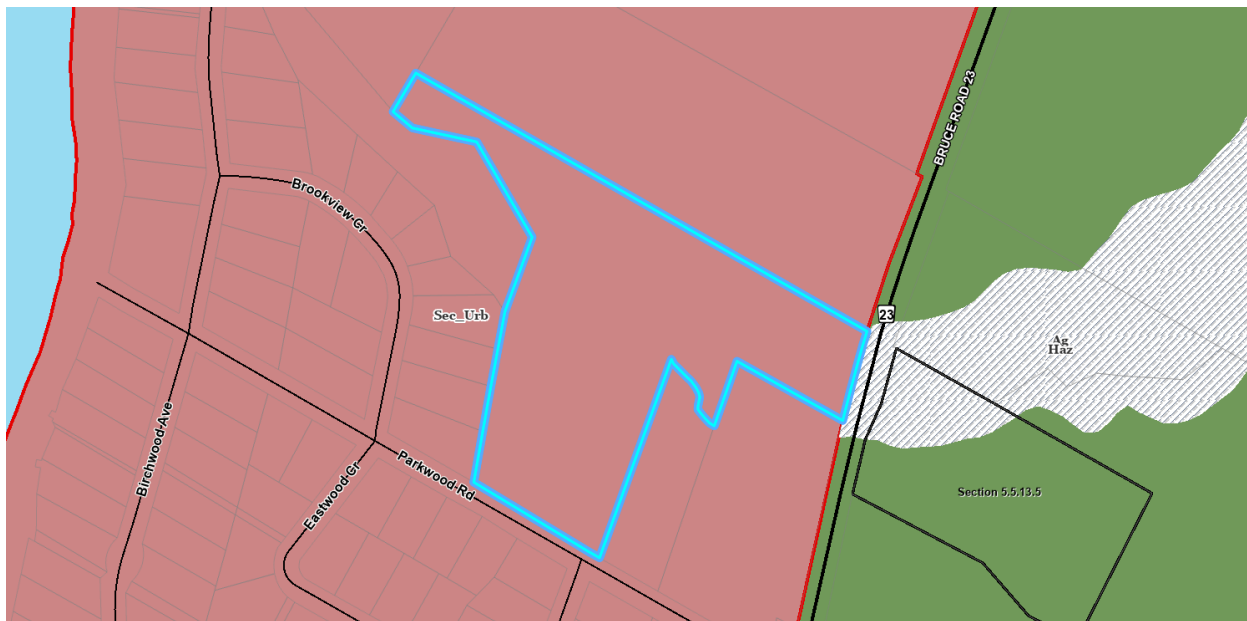
For this project, a Stage 1 and 2 Archaeological Assessment was prepared in support of the subject applications as the lands fall within an area of high archaeological potential. No archaeological resources were identified in the study area during the Stage 2 assessment. The report concluded that no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

A holding provision requiring an Archaeological Assessment for the lands containing high archaeological potential is proposed for the retained lot. The holding provision will not allow site alteration or development until an archaeological assessment has been provided by a qualified individual; the appropriate Ministry has accepted and registered the assessment, if required; and the recommendations of the archaeological assessment (if any) have been implemented. This approach would implement Provincial and Official Plan policies.

Appendices

- County Official Plan Map
- Local Official Plan Map
- Local Zoning Map
- List of Supporting Documents and Studies
- Agency Comments
- Public Comments
- Public Notice

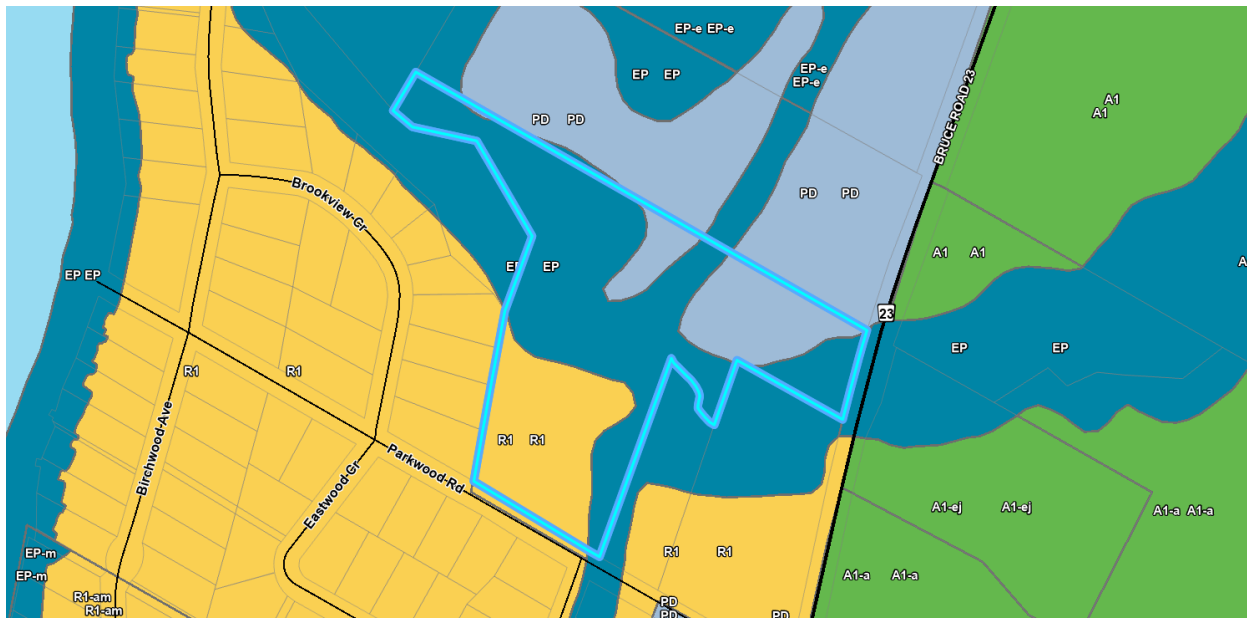
County Official Plan Map (Designated Secondary Urban Communities)



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



Local Zoning Map (Zoned Residential One 'R1', Planned Development 'PD', and Environmental Protection 'EP')



List of Supporting Documents and Studies

- Planning Brief, prepared by Cobide Engineering Inc
- Sewage System Impact Assessment, prepared by Cobide Engineering Inc, dated August 2023
- Stage 1 and 2 Archaeological Assessment for the proposed severed lots, prepared by Archaeological Research Associates Ltd., dated February 15, 2023

Agency Comments

Municipality of Kincardine, Chief Building Official:

1. Lot 4 has a significant portion zoned "EP". The building envelope appears to be quite small and location of the septic system (Tertiary system ONLY) will need to encroach into this EP zone. As per our ZBL, relief will need to be recognized for this lot from section 6.2.5 of the ZBL to permit a new septic system within an "EP" zone and be accompanied with approval from SVCA.
2. Provide Engineering/ Municipal Works approvals for all entrance locations within the lots including culvert requirements.
3. Abandoned well records indicate that the wells have not been decommissioned. These wells should be decommissioned and reports filed with the Ministry. This will also restrict the location of the tertiary septic system locations if wells are identified within 15-30m.
4. Cobide's Sewage Disposal Suitability Report (SDSR) indicates a daily design flow @ 1000L/day/ residence (1 bedroom). A reasonable assumption would be that a household is based on 3 bedrooms (1600L/d) or 4 bedrooms (2000L/d) and a minimum fixture count of 20. Have the SDSR adjusted to reflect.

Note: Comment 1 has been addressed through review and refinement of the EP zone by SVCA. Comments 2 and 3 will be addressed as conditions on the associated consent applications. For Comment 4, the flow rate is determined by the *D-5-4 Technical Guideline for Individual On-Site Sewage Systems: Water Quality Impact Risk Assessment of the Ministry of Environment*.

Municipality of Kincardine, Director of Infrastructure and Development: No concerns. Each lot will require servicing. 26 Parkwood existing water service is at the east end of the property. It will need to be left for one of the severed parcels and a new service installed on the retained land for 26 Parkwood.

The Philosopher's Wool Environmental Preserve: Thank you for circulating this notification. We have reviewed the information and PWEP does not have any comments or concerns at this time.

Source Water (Risk Management Office): This property is not located within a vulnerable source water protection area where policies apply under the Clean Water Act, therefore we have no comments on this application.

Historic Saugeen Metis (HSM): The Lands, Waters and Consultation Department has reviewed the relevant documents and has no objection or opposition to the proposed Consent Applications and Zoning By-Law Amendment as presented. HSM supports the proposed holding provision requiring an archaeological assessment.

Hydro One: We have reviewed the documents concerning the noted Application and have no comments or concerns at this time.

Bruce County Transportation: No comments.

Saugeen Valley Conservation Authority: The applications are generally acceptable to SVCA staff and their comments are provided in full below.

Public Comments

No comments were received from the public at the time of writing this report but one member of the public did request to be notified as the file progresses. That person has been added to the notification list.

SENT ELECTRONICALLY ONLY: jsteeper@brucecounty.on.ca and bcplpe@brucecounty.on.ca

November 25, 2023

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

ATTENTION: Julie Steeper, Planner

Dear Ms. Steeper,

RE: Z-2023-073, B-2023-071-B-2023-074 (Finnie)
26 Parkwood Road
Roll No.: 410821000501500
Part Lots 47 and 48 Concession A, Part Parts 2 and 3 Plan 3R1377
Geographic Township of Kincardine
Municipality of Kincardine

Saugeen Valley Conservation Authority (SVCA) staff has reviewed the above-noted applications as per our delegated responsibility from the Province to represent provincial interests regarding natural hazards identified in Section 3.1 of the Provincial Policy Statement (PPS, 2020) and as a regulatory authority under Ontario Regulation 169/06 (SVCA's Development, Interference with Wetlands, and Alterations to Shorelines and Watercourses Regulation). SVCA staff has also provided comments as per our Memorandum of Agreement (MOA), dated September 2019, with the County of Bruce representing natural hazards, and water resources; and the applications have also been reviewed through our role as a public body under the *Planning Act* as per our CA Member approved Environmental Planning and Regulations Policies Manual, amended October 16, 2018.

Purpose

The purpose of the application is to sever four residential lots (Parts 1-4) from a larger retained parcel (Part 5) with frontages along Parkwood Road. A Zoning By-law Amendment is required to rezone the lands from Residential One to Residential One Special to address the reduced lot frontages for Parts 1-5 and the lot size for Part 2. If approved, the application would facilitate the creation of 4 new residential lots. A holding provision requiring an Archaeological Assessment for the retained lands containing high archaeological potential is proposed.

Recommendation

The applications are generally acceptable to SVCA staff.

Background

As part of a similar proposal, SVCA provided pre-submission consultation comments (attached for reference) dated December 16, 2021. As part of the current proposal, SVCA staff conducted a site inspection of the property on November 22, 2023, and met with Sam Finnie, the father of the owner.

Delegated Responsibility and Advisory Comments - Natural Hazards

The natural hazard features affecting the property are Lorne Creek and its related floodplain and erosion hazard and valley slope, the shoreline bluff/slope, as well as any wetlands/swamps located within the floodplain. The natural hazard features are generally represented as EP zone in the Municipality of Kincardine zoning by-law. However, based on SVCA site inspection, the EP zone could be revised along the east property line to better reflect site conditions, and allow a more suitable building envelope for the Part 4 to be severed. Therefore, SVCA staff recommend a revision to the EP zone. Please find attached SVCA hazard mapping with recommended revision to the EP zone.

Provincial Policy Statement – Section 3.1

Section 3.1 of the PPS, 2020 states in part that development shall generally be directed to areas outside of: b) hazardous lands adjacent to river, stream and small inland lake systems which are impacted by flooding and erosion hazards; and c) hazardous sites. It is the opinion of SVCA staff that the applications generally comply with Section 3.1. of the PPS, 2020.

County of Bruce OP Policies

Section 5.8 of the County of Bruce OP and section D7 of the Municipality of Kincardine OP generally directs development to be located outside of Hazardous Land Area and/or NE designation. It is the opinion of SVCA staff that the applications appear to be consistent with the policies of the Bruce County OP and Municipality of Kincardine OP.

Drinking Water Source Protection

The subject property appears to SVCA staff to not be located within an area that is subject to the local Drinking Water Source Protection Plan. To confirm, please contact the Drinking Water Source Protection Risk Management Official.

SVCA Regulation 169/06

SVCA staff has reviewed the applications as per our responsibilities as a regulatory authority under Ontario Regulation 169/06 (SVCA's Development, Interference with Wetlands, and Alterations to Shorelines and Watercourses Regulation). This regulation, made under Section 28 of the *Conservation Authorities Act*, enables SVCA to regulate development in or adjacent to river or stream valleys, Great Lakes and inland lake shorelines, watercourses, hazardous lands and wetlands. Subject to the CA Act, development taking place on or adjacent to these lands may require permission from SVCA to confirm that the control of flooding, erosion, dynamic beaches, pollution or the conservation of land are not affected. SVCA also regulates the alteration to or interference in any way with a watercourse or wetland.

A large portion of the property is within the SVCA Approximate Screening Area because of Lorne Creek and its related floodplain and erosion hazard and valley slope, the shoreline bluff/slope, as well as any

wetlands/swamps located within the floodplain. The SVCA Approximate Screening Area is associated with Ontario Regulation 169/06. As such, development and/or site alteration within the SVCA Approximate Screening Area may require permission from SVCA, prior to carrying out the work.

“Development” as defined under the *Conservation Authorities Act* means:

- a) the construction, reconstruction, erection or placing of a building or structure of any kind;
- b) any change to a building or structure that would have the effect of altering the use or potential use of the building or structure, increasing the size of the building or structure or increasing the number of dwelling units in the building or structure;
- c) site grading; or,
- d) the temporary or permanent placing, dumping or removal of any material, originating on the site or elsewhere.

And;

“Alteration” as per Section 5 of Ontario Regulation 169/06 generally includes the straightening, diverting or interference in any way with a river, creek, stream or watercourse, or the changing or interfering in any way with a wetland.

To determine where the SVCA Approximate Screening Area is located associated with our Regulation on the property, please refer to the SVCA’s online mapping program, available via the SVCA’s website at <http://eprweb.svca.on.ca>. As mentioned above, the SVCA Approximate Screening Area includes Lorne Creek and its related floodplain and erosion hazard and valley slope, the shoreline bluff/slope, as well as any wetlands/swamps located within the floodplain, and an offset distance from those features.

Summary

SVCA staff has reviewed the applications in accordance with our MOA with the County of Bruce, and as per our mandated responsibilities for natural hazard management, including our regulatory role under the *Conservation Authorities Act*.

The applications are generally acceptable to the SVCA.

Given the above comments, it is the opinion of the SVCA staff that:

- 1) Consistency with Section 3.1, Natural Hazard policies of the PPS, 2020 has been demonstrated; and
- 2) Consistency with local planning policies for natural hazards has been demonstrated.

Please inform this office of any decision made by the Municipality of Kincardine and/or the County of Bruce with regard to the applications. We respectfully request to receive a copy of the decisions and notices of any appeals filed. Should you have any questions, please contact the undersigned.

Sincerely,



Michael Oberle

County of Bruce Planning and Development
Z-2023-073, B-2023-071-B-2023-074 (Finnie)
November 25, 2023
Page 4 of 4




Environmental Planning Coordinator
Saugeen Conservation
MO/

Enclosure: SVCA map

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

Z-2023-073, B-2023-071
to B-2023-074 (Finnie)
26 Parkwood Rd
Roll No.: 410821000501
Municipality of Kincardine

Legend

-  Hazard Land/ recommended EP zone
-  Watercourse
-  Parcel Fabric



UTM Zone 17N, NAD 83

1:2000

The included mapping has been compiled from various sources and is for information purposes only. Saugeen Valley Conservation Authority (SVCA) is not responsible for, and cannot guarantee, the accuracy of all the information contained within the map.

Produced by SVCA and includes material ©[2021] of the Queen's Printer for Ontario. All Rights Reserved. [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 2020 (SWOOP2020). These images were taken in 2020 at 16cm resolution by Mapcon Mapping Ltd. They are the property of Saugeen Valley Conservation Authority ©2021.



November 24, 2023





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



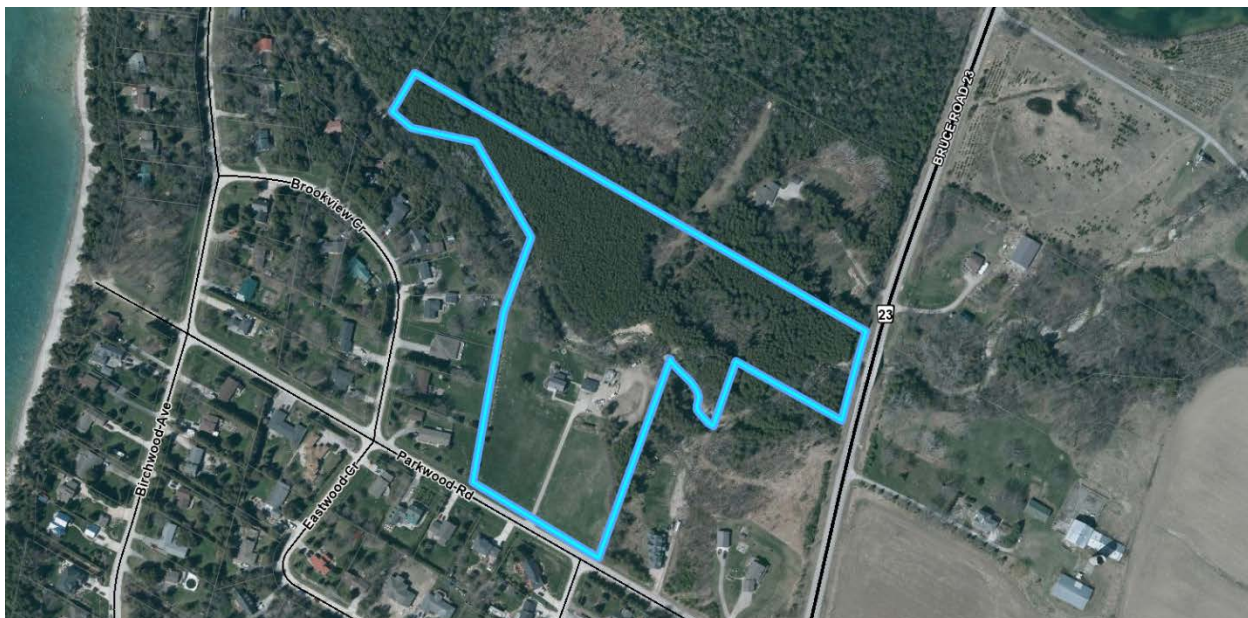
November 15, 2023

File Number: Z-2023-073

Public Meeting Notice

**You're invited to a Public Meeting to consider
Zoning By-law Amendment File Z-2023-073
December 13, 2023 at 5:00 p.m.**

A change is proposed in your neighbourhood: The purpose of the application is to sever four residential lots (Parts 1-4) from a larger retained parcel (Part 5) with frontages along Parkwood Road. A Zoning By-law Amendment is required to rezone the lands from Residential One to Residential One Special to address the reduced lot frontages for Parts 1-5 and the lot size for Part 2. If approved, the application would facilitate the creation of 4 new residential lots. A holding provision requiring an Archaeological Assessment for the retained lands containing high archaeological potential is proposed. The related consent files are B-2023-071, B-2023-072, B-2023-073 and B-2023-074.



26 PARKWOOD RD - CON A PT LOTS 47 AND 48 RP;3R1377 PT PARTS 2 AND 3
Municipality of Kincardine (Kincardine Township)
Roll Number 410821000501500

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: Julie Steeper

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 **December 1, 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.

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.

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

Site plan

