



Planning Report

To: Municipality of Kincardine Council

From: Julie Steeper, Intermediate Planner

Date: December 13, 2023

Re: Zoning By-law Amendment Application - Z-2023-085 (Austman)

Recommendation:

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

That Council approve Zoning By-law Amendment Z-2023-085 and the necessary by-law be forwarded to Council for adoption.

Summary:

The purpose of the application is to sever a vacant residential lot with frontage along Huron Terrace. A Zoning By-law Amendment is required to rezone the lands from Residential One Special 'R1-s' to Residential One Special 'R1-cc' to address the reduced interior side yard setbacks for a proposed single detached dwelling. If approved, the application would facilitate the construction of a single detached dwelling on its own lot of record. A holding provision requiring an Archaeological Assessment for the lands containing high archaeological potential is proposed.

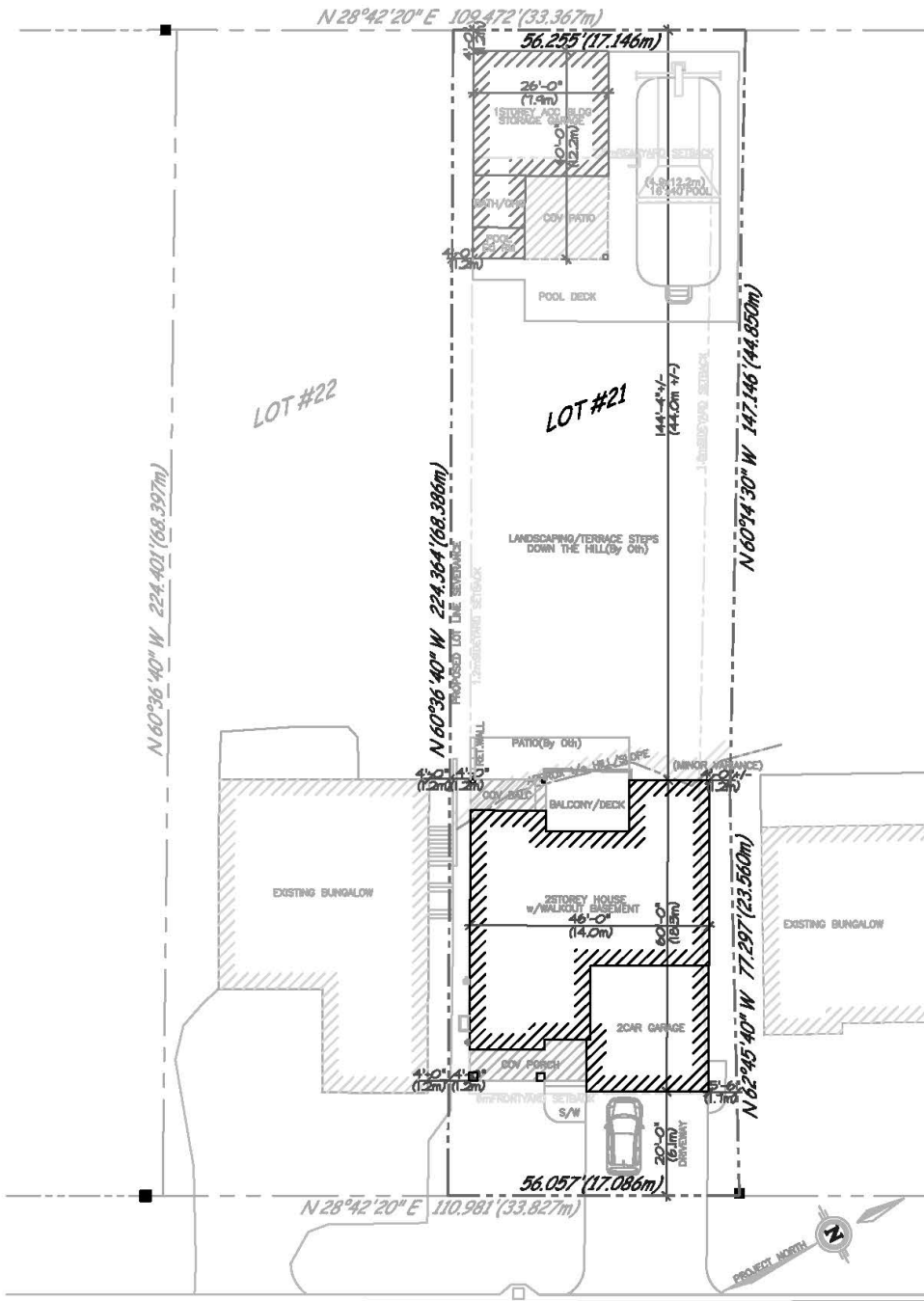
The related consent file (B-2023-083) will be considered by the County at a later date.

The property is located at 554 Huron Terrace, west of Highway 21, north of Kincardine Avenue, south of Durham Street, and east of Lake Huron. The property is surrounded by residential uses. There is an existing single detached dwelling on the lands to be retained.

Airphoto



Site Plan



HURON TERRACE

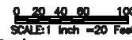
REF SITE PLAN of LOT #21/22
 554 HURON TERRACE, KINCARDINE, ONT
 REGISTERED PLAN No. _____
 MUNICIPALITY of KINCARDINE
 COUNTY of BRUCE, 2023

NOTE: REFERENCE SITE PLAN SHOWS APPROX HOUSE LOCATION
 ALONG WITH FUTURE POOL & ACCESSORY BUILDING
 -CONFORM TO MUNICIPAL BYLAWS & SPCA REGULATIONS
 -SURVEY & SITE GRADING BY/ODUS CLIBERT SURVEYING

REFERENCE SITE PLAN(D)

Gross Area = 12844sqft(1177sqm Site)/2552sqft(235sqm Res)
 =1040sqft(96.6sqm Accessory Building)
 Lot Coverage = 28.9%(40%max)

Residential R1e Zoning
 Building Lot Setback(Min)
 Front Yard= 19.7(6.0m)
 Rear Yard= 24.6(7.5m)
 Int Side Yard= 3.9(1.2m)+5.9(1.8m)
 (Minor Variance reducing
 5.9(1.8m) to 3.9(1.2m))



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.

The Bruce County Official Plan designates the property Primary Urban Communities. The Municipality of Kincardine Official Plan designates the lands Residential and Natural Environment. The proposed single detached dwelling is a residential use and permitted within the residential designations of both the County and local Official Plans.

The R1 Zone requires minimum side yard setbacks of 2.4 m and 1.8 m and the proposed side yard setbacks are 1.2 m. The zoning bylaw allows for 1.2m side yard setback but it must be increased by 0.6 for each additional or partial storey. The purpose of the side yard setback is to ensure there will be enough permeable surfaces maintained to allow for drainage, amenity space and green landscaping. The side yard setback also permits access to the rear yard and for maintenance of buildings and structures. The applicant has requested relief in order to facilitate the development of a master bedroom on the ground floor for accessibility purposes. The centre of the property is designated natural hazard which impacts the proposed placement of the dwelling. The rear yard setback on this property is larger than required and the proposed side yard setbacks would still fulfil their required purpose and is considered adequate.

Natural Hazards

As noted above, a portion of the site is designated Environmental Hazard. The applicant submitted a Geotechnical Slope Assessment that the Saugeen Valley Conservation Authority (SVCA) has accepted. The assessment considers the development feasible and the proposed development is not expected to negatively impact the slope following the recommendation of the report. The applicant has sited the proposed residential dwelling outside the Environmental Hazard area. The existing residential special provision that requires the SVCA review of the development will remain on both the proposed severed and retained lots.

Archaeological Potential

The lot is considered to have high archeological potential due to the proximity of Lake Huron to the property. A holding provision requiring an Archaeological Assessment for the lands containing high archaeological potential is proposed. 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.

Efficient use of Lands and Resources

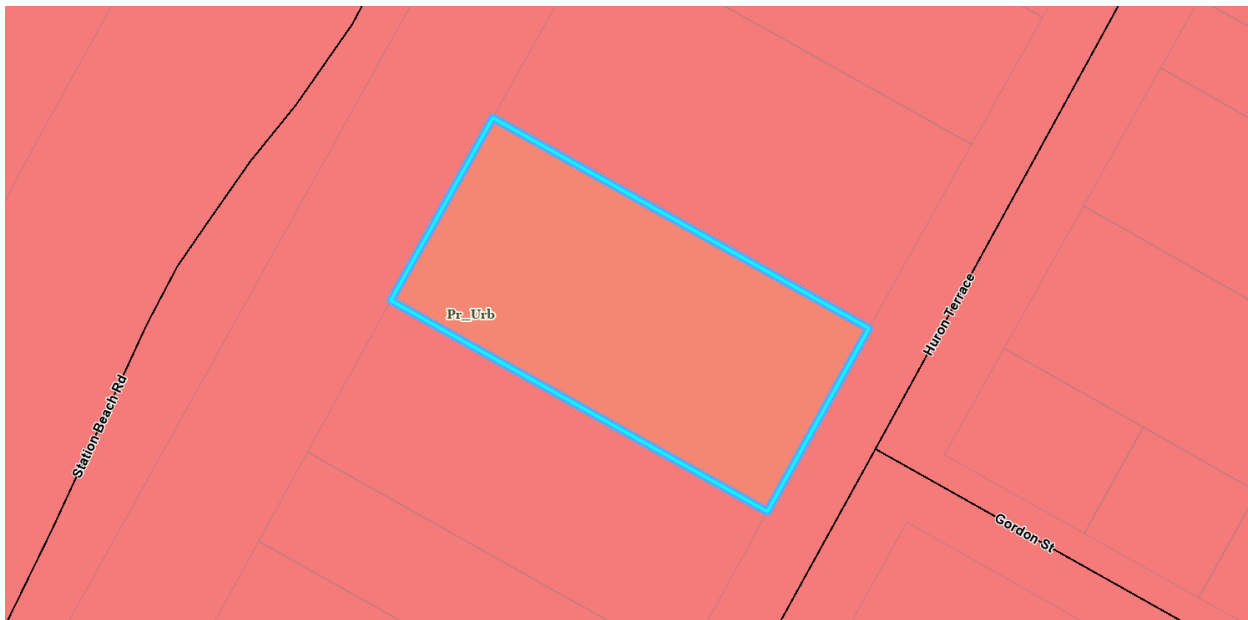
The application will facilitate the creation of a new infill residential lot that is similar to the surrounding neighborhood while increasing the supply of residential land within the Primary Urban Communities designation. The proposal will make efficient use of land and

infrastructure as these lands will be connected to municipal water and sewer. The new lot will have access onto a municipal road and the proposed building on the severed lands is sited in an appropriate location. Both the severed and retained lots will continue to be used for residential purposes. The proposal represents an appropriate form of development for the use of the land.

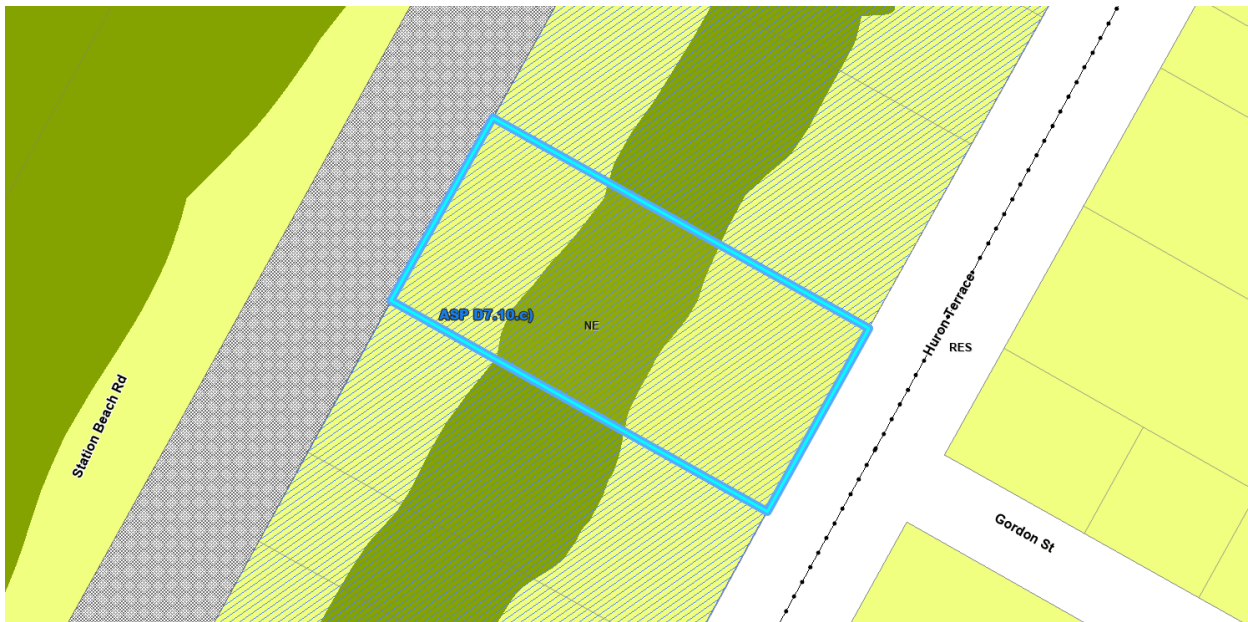
Appendices

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

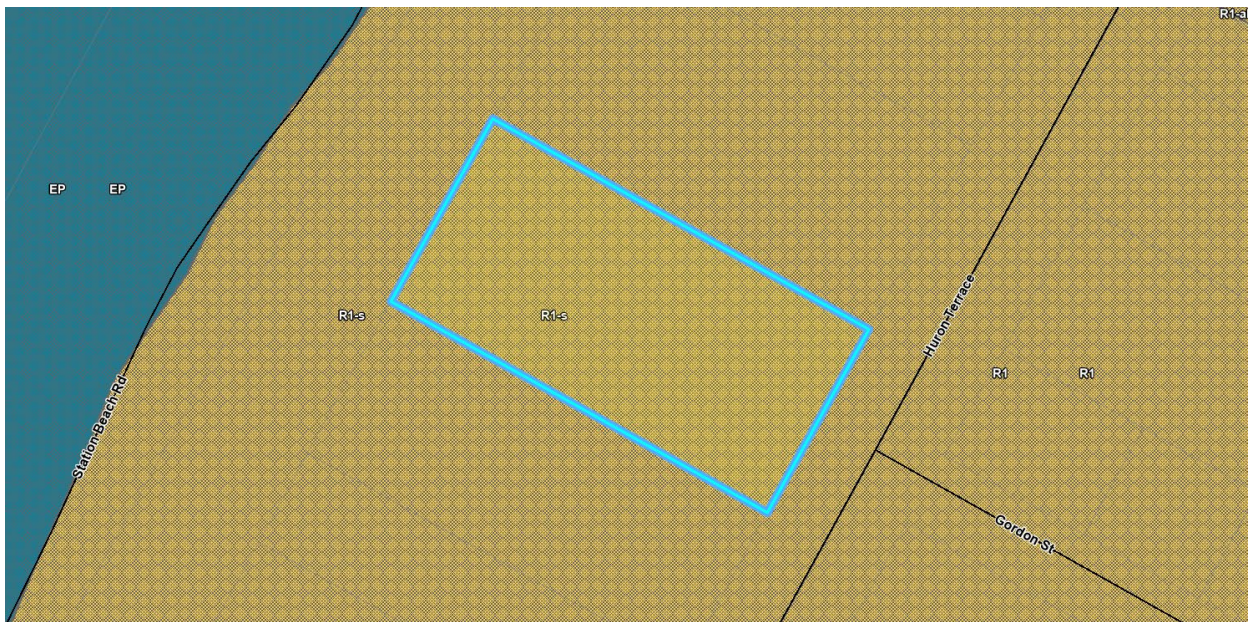
County Official Plan Map (Designated Primary Urban Communities)



Local Official Plan Map (Designated Residential, and Natural Environment, Area Specific Policy ASP D7.10.c)



Local Zoning Map (Zoned Residential One Special 'R1-s')



List of Supporting Documents and Studies

- Geotechnical Slope Assessment prepared by WSP dated August 2, 2023

Agency Comments

Municipality of Kincardine, Chief Building Official: SVCA permit required.

Municipality of Kincardine, Director of Infrastructure and Development: No Comments. Will need to connect water and sanitary sewer to the new lot and apply for an entrance permit. Water service may be existing, will need to confirm with water department. Sewer lateral required.

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

The Philosopher's Wool Environmental Preserve: We have reviewed the information and PWEF does not have any comments or concerns at this time.

Source Water (Risk Management Office): No policies apply to the activities identified in the application, under the approved Source Protection Plan for the Saugeen, Grey Sauble, Northern Bruce Peninsula Source Protection Region (effective July 1, 2016). However, it is important to note that the above property is located within the Events-based Area for the Kincardine Drinking Water System, whereby the future storage of fuel greater than 3,000 litres is prohibited. If fuel storage activities are planned for this property, please contact this office.

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

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

November 29, 2023

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

ATTENTION: Julie Steeper, Planner

Dear Ms. Steeper,

RE: Z-2023-085, B-2023-083 (Austman)
554 Huron Terrace
S Part Lot 21 N Part Lot 22 TP W/S Huron Terrace
Roll No.: 410822000618900
Geographic Town 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 a vacant residential lot with frontage along Huron Terrace. A Zoning By-law Amendment is required to rezone the lands from Residential One Special 'R1-s' to Residential One Special 'R1-xx' to address the reduced interior side yard setbacks for a proposed single detached dwelling. If approved, the application would facilitate the construction of a single detached dwelling on its own lot of record. A holding provision requiring an Archaeological Assessment for the lands containing high archaeological potential is proposed.

Recommendation

The applications are generally acceptable to SVCA staff.

Background

As part of the pre-submission consultation process for severance and proposed additional residential dwelling, on the recommendation from Bruce County planning, dated April 6, 2023, the landowner contacted the SVCA on April 14, 2023. SVCA provided pre-submission consultation comments dated April 27, 2023, which noted the requirement of a geotechnical/slope study that would address the slope concerns and support the severance with additional residential development. A geotechnical/slope report titled Geotechnical Slope Assessment dated August 2, 2023 was prepared by WSP. SVCA staff found the report to be acceptable.

Delegated Responsibility and Advisory Comments - Natural Hazards

The natural hazard feature affecting the property is the shoreline bluff/slope. This natural hazard feature is generally identified by the R1-s zone in the Municipality of Kincardine zoning by-law.

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, and have addressed the policies of the Bruce County OP and Municipality of Kincardine OP.

Drinking Water Source Protection (DWSP)

SVCA staff has screened the applications to determine the applicability of the Saugeen, Grey Sauble, Northern Bruce Peninsula Source Protection Plan, prepared under the Clean Water Act, 2006. The Source Protection Plan came into effect on July 1st, 2016 and contains policies to protect sources of municipal drinking water from existing and future land use activities. The subject property appears to SVCA staff to be located within Intake Protection Zone (IPZ), an area that is subject to the local Source Protection Plan where applicable policies may apply. A separate Notice from the local Risk Management Official may be required as specified under the Clean Water Act, 2006 to allow your project to proceed. SVCA staff have forwarded these comments to the Risk DWSP staff for their information. Please contact DWSP staff at rmo@greysauble.on.ca, directly for more information on the Source Protection Plan policies that may affect your application.

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.

Almost the entirety of the property is within the SVCA Approximate Regulated Area because of shoreline bluff/slope. The SVCA Approximate Regulated Area is associated with Ontario Regulation 169/06. As such, development and/or site alteration within the SVCA Approximate Regulated Area requires 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 Regulated 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 Regulated Area includes the shoreline bluff/slope, and an offset distance outwards from both the top and bottom of the bluff/slope.

Once development is proposed, the landowner should continue to be in contact with SVCA staff, Michael Oberle (m.oberle@svca.on.ca) to continue with the SVCA permit process. Proposed development will need to be in accordance with the Geotechnical Slope Assessment dated August 2, 2023 prepared by WSP.

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.

County of Bruce Planning and Development
Z-2023-085, B-2023-083 (Austman)
November 29, 2023
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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,

A handwritten signature in blue ink that reads "Michael Oberle".

Michael Oberle
Environmental Planning Coordinator
Saugeen Conservation
MO/

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)
DWSP (via email)



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



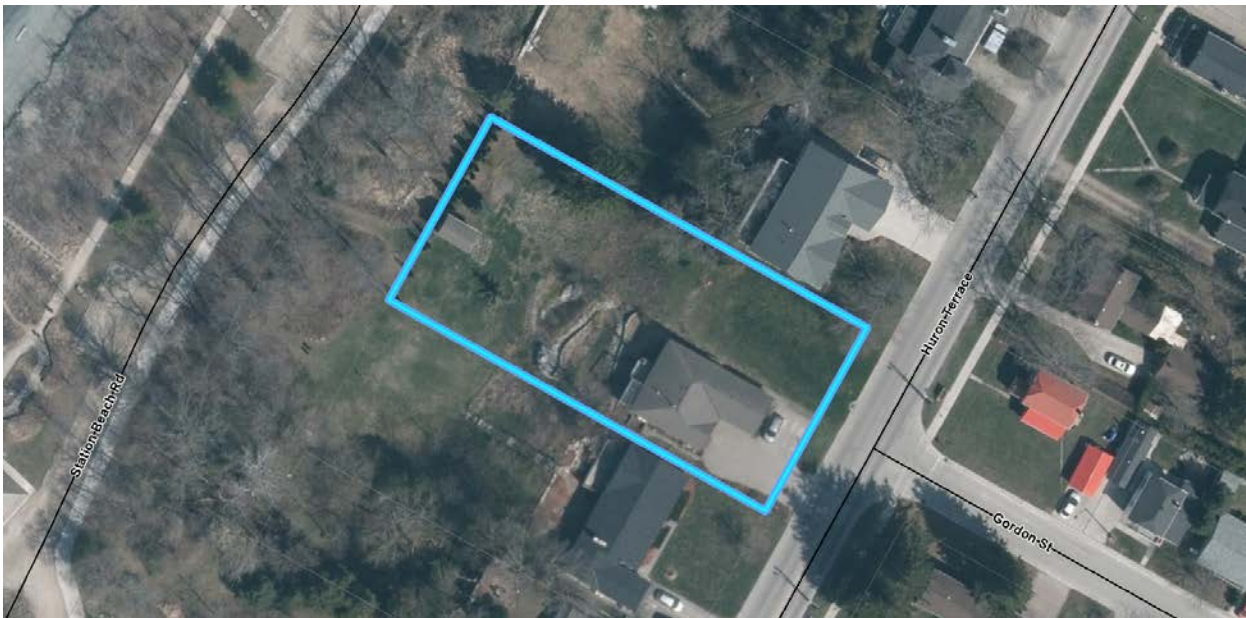
November 15, 2023

File Number: Z-2023-085

Public Meeting Notice

**You're invited to a Public Meeting to consider
Zoning By-law Amendment File Z-2023-085
December 13, 2023 at 5:00 p.m.**

A change is proposed in your neighbourhood: The purpose of the application is to sever a vacant residential lot with frontage along Huron Terrace. A Zoning By-law Amendment is required to rezone the lands from Residential One Special 'R1-s' to Residential One Special 'R1-xx' to address the reduced interior side yard setbacks for a proposed single detached dwelling. If approved, the application would facilitate the construction of a single detached dwelling on its own lot of record. A holding provision requiring an Archaeological Assessment for the lands containing high archaeological potential is proposed. The related consent file is B-2023-083.



554 HURON TERRACE - TP S PT LOT 21 N PT LOT 22; HURON TERRACE W/S
Municipality of Kincardine (Kincardine Town)
Roll Number 410822000618900

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

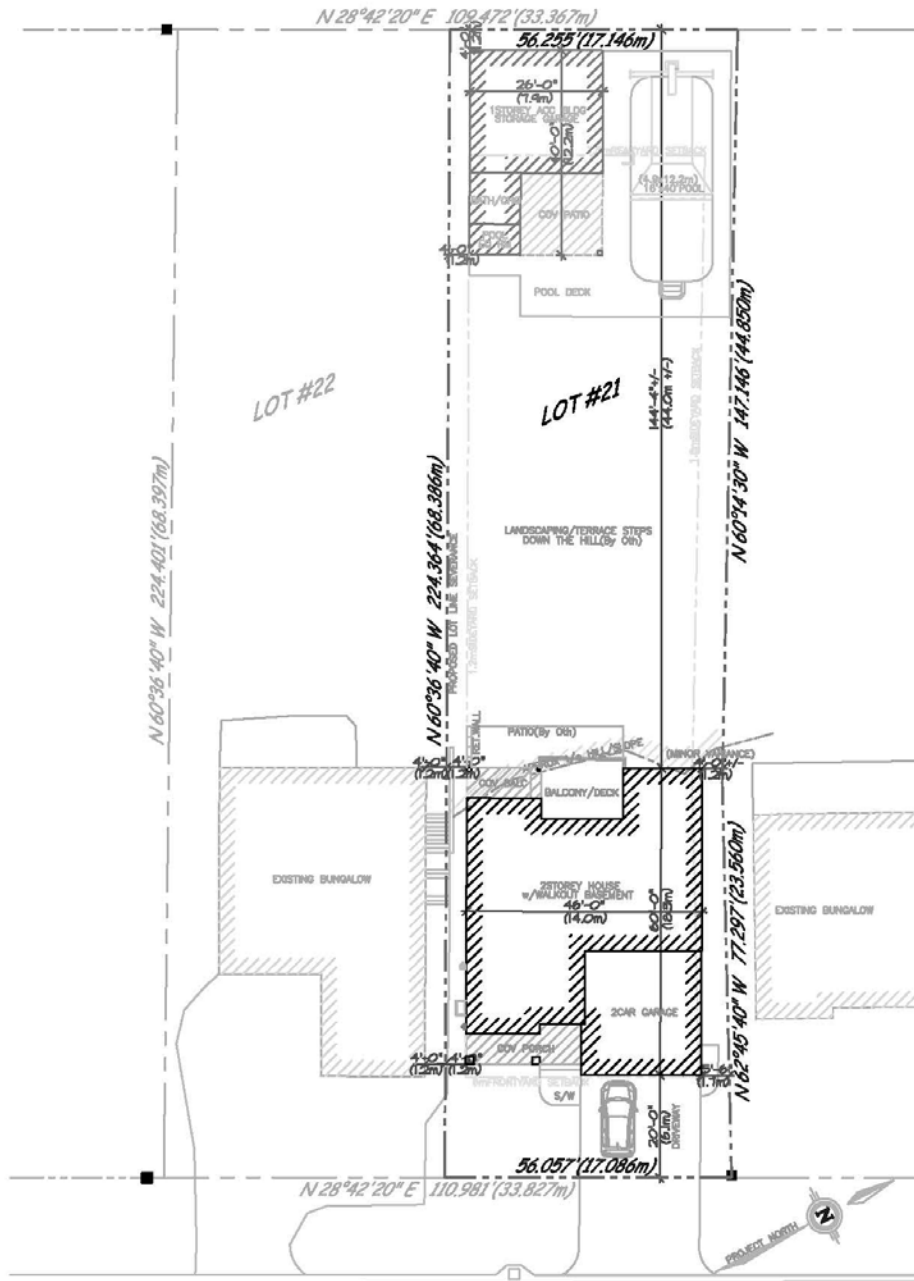
Section 34(11) of the [Planning Act](#) outlines rights of appeal for Zoning By-law Amendment applications.

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



HURON TERRACE

REF SITE PLAN of LOT #21/22
 554 HURON TERRACE, KINCARDINE, ONT
 REGISTERED PLAN No.
 MUNICIPALITY of KINCARDINE
 COUNTY of BRUCE, 2023

NOTE: REFERENCE SITE PLAN SHOWS APPROX HOUSE LOCATION
 ALONG WITH TYPICAL POOL & ACCESSORY BUILDING
 COORDINATE TO MUNICIPALITY BY-LAW & LOCAL REGULATIONS
 - SURVEY & SITE GRADING as/OLD CLIENT SURVEYS

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