



Planning Report

To: Municipality of Kincardine Council

From: Jake Bousfield-Bastedo, Intermediate Planner

Date: September 11, 2024

Re: Zoning By-law Amendment Z-2024-007 (Voskamp)

Recommendation:

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

That Council approve Zoning By-law Amendment Z-2024-007 and the necessary by-law be forwarded to Council for adoption.

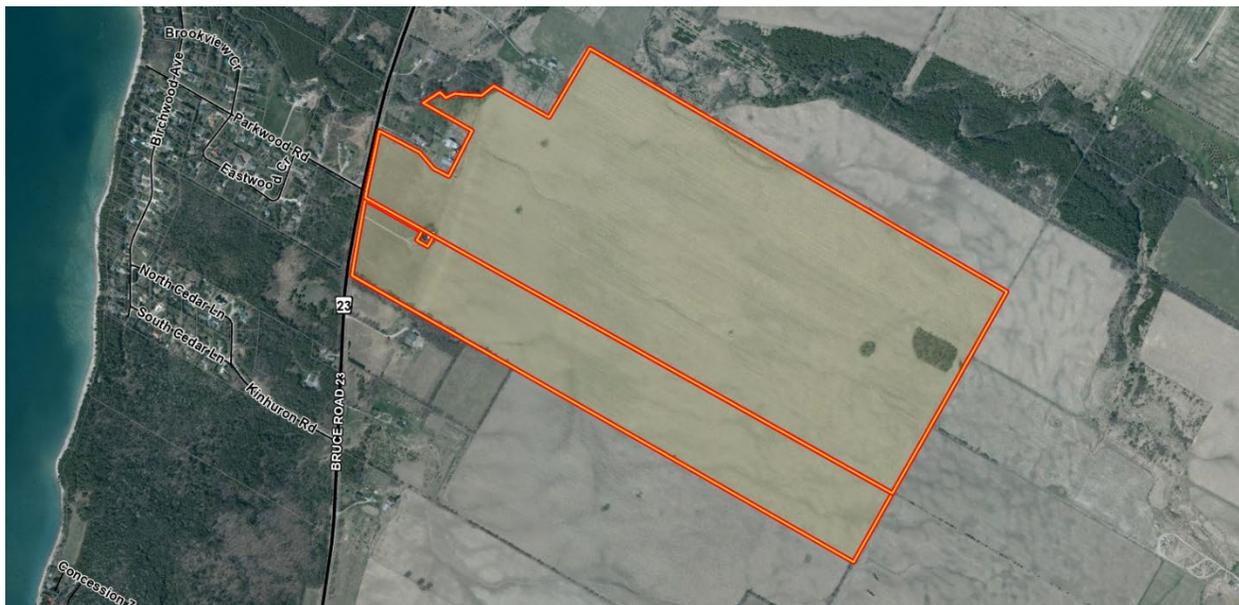
Summary:

The purpose of this application is to facilitate the severance of a portion of the subject property to be added to the neighbouring property (644 Bruce Road 23, the “receiving property”). This lot addition would have the effect of remedying frontage and minimum lot area deficiencies for the receiving property. The subject lands are comprised of two parcels (see air photo below), which have been confirmed to have merged on title. The area of the retained agricultural lands will be +/- 113.3 ha with frontage on Bruce Road 23. Following the severance and lot addition, the area of the receiving property will be +/- 1.2 ha.

Portions of the subject property have high archaeological potential. The Zoning By-law Amendment would apply a holding provision to these areas to ensure future development is subject to appropriate review for archaeological resources.

The related consent file (B-2023-091) will be considered by the County at a later date.

Airphoto (subject property)



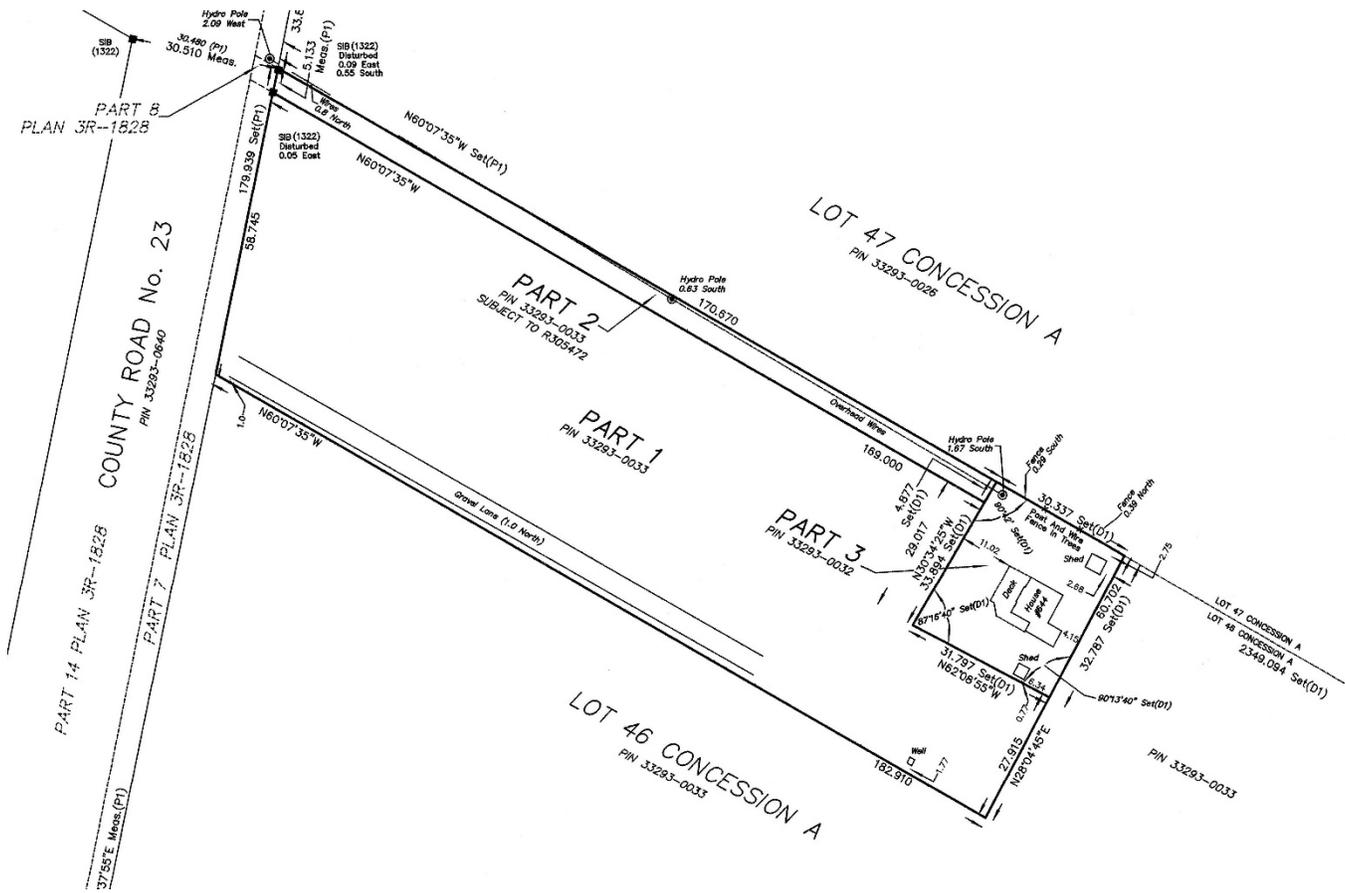
CON A PT LOT 46
Municipality of Kincardine (Kincardine Township)
Roll Number 410821000501400

CON A PT LOTS 47 TO 49 AND;RP 3R6716 PART 1
Municipality of Kincardine (Kincardine Township)
Roll Number 410821000501600

Air Photo (receiving property)



Site Plan (close-up)



Planning Analysis:

The following section provides an overview of the planning considerations that were factored into the staff recommendation for this application, including relevant agency comments (attached) and planning policy sections.

Land Division Policies

Policy 6.5.3.3.4 and 6.5.3.3.5 of the Bruce County Official Plan (BCOP) provide direction on lot additions for expansion of Non-Farm Residential lots within Agricultural Areas. The proposal is consistent with 6.5.3.3.4 as it is for a minor boundary adjustment and does not result in the creation of a new lot. 6.5.3.3.5 directs that the lot enlargement should be limited in size to minimize the loss of agricultural land. While the proposed resultant lot size (+/- 1.2 ha) exceeds the general maximum outlined in 6.5.3.3.5, the configuration is due the placement of an existing driveway and hydro lines and maintains the intent of the policy by removing as little acreage as possible.

We note that the draft site plan shows the hydro line falling slightly north of the proposed lot boundary at Bruce Road 23. The applicant's surveyor has confirmed that no monuments have yet been planted, and that the final survey will show the northern property line offset appropriately from the hydro line to ensure it is captured on the resultant parcel.

Efficient use of Lands and Resources

Currently, 644 Bruce Road 23 is undersized as per the municipality of Kincardine's Zoning By-law and relies on a shared offsite well. Expanding the lot size will facilitate the creation of an on-site well. The parcel currently does not front on Bruce Road 23 and relies on an easement across the subject property to gain access. The proposed lot addition will eliminate the need for the easement as the lot will have frontage onto a Class 1 Street, bringing it into greater conformity with the Zoning By-law. Given the above, the proposal will remedy existing constraints on Bruce Road 23 and facilitate the orderly and efficient use of the lands.

Cultural Heritage

The subject property is noted as having high archaeological potential given the proximity to a watercourse. The policies within the Provincial Policy Statement and the BCOP prohibit development and site alteration on lands containing archaeological resources or areas of archaeological potential unless significant archaeological resources have been conserved. The BCOP encourages consultation with First Nation communities, including the Saugeen Ojibway Nation, on areas of concern related to new development proposals that include the proper identification of archaeological resources.

As this proposal does not involve the construction of new structures or site alteration, an archaeological assessment is not recommended at this time. The proposed Zoning By-law amendment would place a holding provision to ensure that future development is required to meet relevant policies for archaeology.

Appendices

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

Agency Comments

1. Municipality of Kincardine: Ensure Hydro service is contained within the Lot parcel subject to the lot addition - easement appears to be in place to capture the hydro service, however the service does not appear to be fully captured within the easement and may require further adjustment or a private agreement with adjacent landowner(s).

Saugeen Valley Conservation Authority: Provided in full below.

Bruce County Transportation and Environmental Services: No comment.

Public Comments

No comments were received from the public at the time of writing this report.

SENT ELECTRONICALLY ONLY: JBousfield-Bastedo@brucecounty.on.ca and bcplpe@brucecounty.on.ca

August 28, 2024

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

ATTENTION: Jake Bousfield-Bastedo, Planner

Dear Mr. Bousfield-Bastedo,

RE: Application for Consent B-2024-091 and Zoning By-Law Amendment Z-2024-007 (Volskamp)
Roll Nos.: 410821000501400 and 410821000501600
Part Lot 46 and Part Lot 47 to 49 Concession A
Geographic Township of Kincardine
Municipality of Kincardine

Saugeen Valley Conservation Authority (SVCA) staff has reviewed the above-noted proposals as per our delegated responsibility from the Province to represent provincial interests regarding natural hazards identified in Section 3 of the Provincial Policy Statement (PPS, 2020) and as a regulatory authority under Ontario Regulation 41/24 (SVCA's Prohibited Activities, Exemptions and Permits Regulation). SVCA staff has also provided comments as per our Memorandum of Agreement (MOA) with the County of Bruce representing natural hazards. 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. Finally, we have 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.

Purpose

The purpose of the consent application is to sever +/- 1.2 ha from the subject lands for the purposes of a lot addition to the land locked parcel referred to as 644 Bruce Road 23. The retained lands would have an area of +/- 113.3 ha and the resultant area of 644 Bruce Road 23 would be +/- 1.3 ha. The lot addition would bring 644 Bruce Road 23 into conformity with the zoning by-law frontage and minimum lot area requirements. A Zoning By-law Amendment is required to add a holding provision to areas with high archaeological potential.

Recommendation

The proposed application for consent and zoning by-law amendment application are generally acceptable to SVCA staff.

Natural Hazards

The natural hazard features of concern on the properties include Lorne Creek and its floodplain and valley slope. It is SVCA staff's opinion that the Municipality of Kincardine Zoning By-law 2003-25 Environmental Protection (EP) zone and Environmental Hazard designation in the County of Bruce Official Plan (OP) are consistent with SVCA hazard mapping for the property.

Provincial Policy Statement – Section 3.1

Section 3.1.1 of the PPS, 2020 states in part that development shall generally be directed to areas outside of hazardous lands and hazardous sites. Based on the plan submitted with the proposal, the proposal would be consistent with Section 3.1.1 of the PPS, 2020.

County of Bruce OP Policies

Section 5.8 of the County of Bruce OP generally directs development to be located outside of the Hazard Land designated area. It is the opinion of SVCA staff that the applications comply with the County of Bruce OP.

Drinking Water Source Protection

The properties appears to SVCA staff to not be located within an area that is subject to the local Drinking Water Source Protection Plan.

SVCA Regulation 41/24

SVCA staff has reviewed the proposal as per our responsibilities as a regulatory authority under Ontario Regulation 41/24 (SVCA's Prohibited Activities, Exemptions and Permits 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, or unstable soil or bedrock are not affected. SVCA also regulates the alteration to or interference in any way with a watercourse or wetland.

Portions of the properties are within the Approximate Screening Area associated with the SVCA's Prohibited Activities, Exemptions and Permits Regulation (Ontario Regulation 41/24). This Regulation is in accordance with Section 28 of the *Conservation Authorities Act* R.S.O, 1990, Chap. C. 27, and requires that a person obtain the written permission of the SVCA prior to any "development" within a Regulated Area or alteration to a wetland or watercourse.

For this property, the SVCA Approximate Screening Area includes Lorne Creek its related floodplain and valley slope, and an offset distance from these features.

To determine where the SVCA Approximate Screening Area is located associated with our Regulation on the properties, please refer to the SVCA's online mapping program, available via the SVCA's website at <http://eprweb.svca.on.ca>. Should you require assistance, please contact our office directly.

Permission for Development or Alteration

County of Bruce Planning and Development

Application for Consent B-2024-091 and Zoning By-Law Amendment Z-2024-007 (Volskamp)

August 28, 2024

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If development or alteration including construction, reconstruction, conversion, grading, filling or excavation, including agricultural tile drainage, is proposed within the SVCA Approximate Screening Area, associated with our Regulation on the properties, the SVCA should be contacted, as permission may be required.

Summary

SVCA staff has reviewed this proposal 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*.

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 has been demonstrated.
- 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 County of Bruce with regard to the proposal. Should you have any questions, please contact the undersigned.

Sincerely,

Michael Oberle
Environmental Planning Coordinator
Saugeen Conservation
MO/

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



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



August 16, 2024

File Number: Z-2024-007

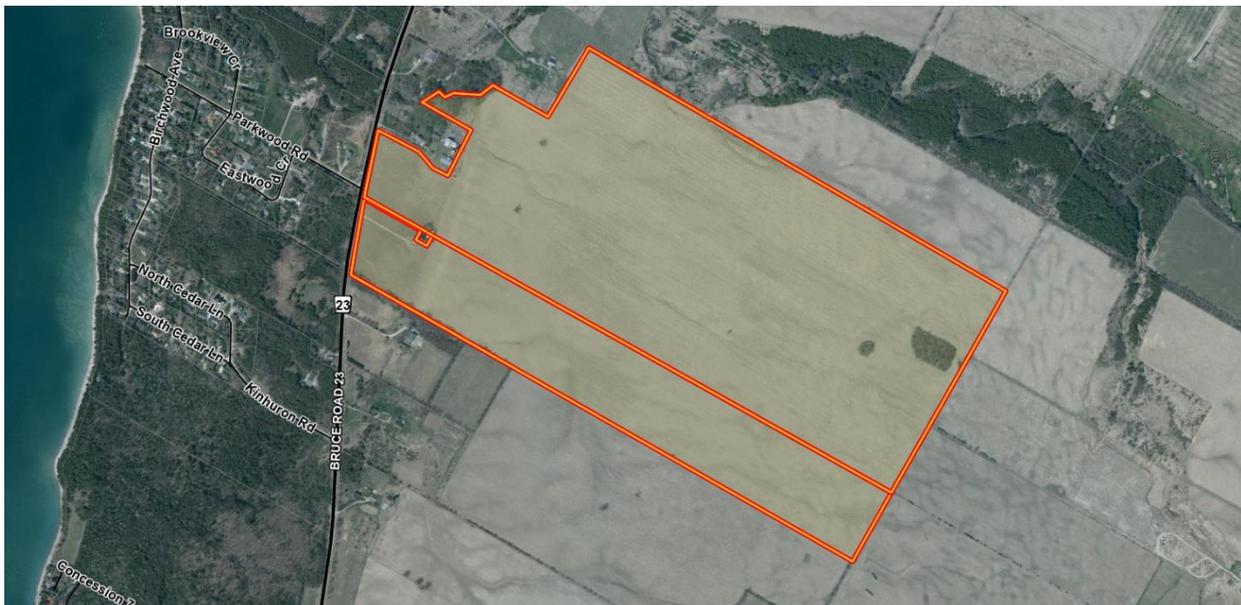
Public Meeting Notice

**You're invited to a Public Meeting to consider
Zoning By-law Amendment File Z-2024-007**

September 11, 2024 at 5:00 p.m.

Municipal Administration Centre

A change is proposed in your neighbourhood: To sever +/- 1.2 ha from the subject lands for the purposes of a lot addition to the land locked parcel referred to as 644 Bruce Road 23. The retained lands would have an area of +/- 113.3 ha and the resultant area of 644 Bruce Road 23 would be +/- 1.3 ha. The lot addition would bring 644 Bruce Road 23 into conformity with the zoning by-law frontage and minimum lot area requirements. A Zoning By-law Amendment is required to add a holding provision to areas with high archaeological potential. The related consent file is B-2023-091.



CON A PT LOT 46

Municipality of Kincardine (Kincardine Township)

Roll Number 410821000501400

CON A PT LOTS 47 TO 49 AND;RP 3R6716 PART 1

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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: Jake Bousfield-Bastedo

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 **August 28, 2024** may not be included in the Planning Report, but will be considered if received prior to a decision being made, and included in the official record on file.

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.

Please note that third parties (anyone who is not a specified person or public body) do not have the right to appeal a decision to the Ontario Land Tribunal.

For more information please visit the Ontario Land Tribunal website at

<https://olt.gov.on.ca/appeals-process/>.

Site plan

