



Planning Report

To: Municipality of Kincardine Committee of Adjustment

From: Britt Gregg-Wallace, Intermediate Planner

Date: May 14, 2025

Re: Minor Variance - A-2025-006 (Murphy)

Recommendation:

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

That the Committee approve Minor Variance - A-2025-006 (Murphy) as attached subject to the conditions on the decision sheet.

Summary:

The purpose of the application is to recognize deficient frontage on a proposed severed lot. Fronting on Sprucedale Drive, the frontage of the proposed severed parcel is under the required minimum width of 30m in the Zoning By-law. If approved, the Minor Variance would permit a reduced frontage of +/- 27.7m, bring the lot into compliance with the Zoning By-law and facilitate the severance of a +/- 0.46ha parcel with frontage on Sprucedale Drive and White Pine Avenue from an existing +/- 1.31ha parcel, leaving a +/- 0.85ha retained parcel with frontage on Sunset Drive and White Pine Avenue.

The related severance application (Consent File B-2024-023) will be considered by Bruce County at a later date.

The property is located north of Concession 10 on the east side of Sunset Drive. The surrounding properties include a mix of permanent and seasonal residences, with Lake Huron to the west and natural areas and rural properties to the east.

Airphoto



246 SUNSET DR - BRUCE RANGE LAKE PT LOT 54; PLAN 770 LOTS 1 TO 4
Municipality of Kincardine (Bruce Township)
Roll Number 410826000519800

Image of Proposed Severed Lot seen from Sprucedale Drive



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 and planning policy sections. While the application under review is for a reduction in frontage for a proposed severed lot, the comments received and analysis below also deal with other issues related to the associated land division application which will be reviewed by the County at a later date.

Natural Heritage

The subject property contains or is adjacent to several natural heritage features including Provincially Significant Wetlands and the potential for significant woodlands, significant wildlife habitat and habitat of threatened and endangered species and fish habitat. An Environmental Impact Study (EIS) was completed in July 2024 to assess the proposed lot creation. The EIS has adequately demonstrated that no negative impacts are anticipated to natural heritage features. The application is consistent with natural heritage policies of the Provincial Planning Statement (PPS) and the Bruce County Official Plan (BCOP). Several best practice recommendations have been provided for the applicant's consideration related to

construction activities, including sediment control, fueling areas and ensuring machinery and fill are free of invasive species. Additional recommendations include limiting development area to the location of the existing recreational area and avoiding the removal of plantings between April and September. No new development is proposed at this time with the exception of the proposed severance. With regards to land use planning recommendations, the proposed lot configuration will generally orient development toward the east side of the subject property in the area of an existing clearing on the proposed severed lot, which is in alignment with the recommendation of the EIS.

Natural Hazards

Saugeen Valley Conservation Authority (SVCA) conducted a site visit and identified a natural hazard related to a ponded area in the centre of the site (see attached comments). The SVCA has recommended that the area identified in their comments be zoned Environmental Protection (EP) to represent the natural hazard. When a new natural hazard is identified by the SVCA, the application of the EP zone to the area is considered a technical amendment and can be done through an interpretation clause in the Zoning By-law, subject to the approval of the SVCA and Chief Building Official. The currently in-force Comprehensive Zoning By-law lists this under section 34.3. The updated Zoning By-law (still in its appeal period) has a similar clause 40.2.3. The new Zoning By-law divides EP zones into two sections: EP 1 (Natural Hazard) and EP 2 (Natural Heritage). As the area on the subject property has been identified as natural hazard, this area would automatically be zoned EP 1 which would prohibit development in that zone without SVCA approval. While this change is based on technical mapping updates and does not require Council approval, these details are included in order to provide some clarity on the process and to address the concerns raised by both agencies and neighbours in the course of this application. The identification of the natural hazard area is reflective of the findings of the EIS and will direct development on the proposed severed lot to the area that the EIS has identified as an ideal building envelope, ensuring the proposal is consistent with the Provincial direction.

Water and Sewer Services

No municipal water or sanitary services are available on this site. As such, the proposed severed and retained lots must be of sufficient size to support private services. The Bruce County Official Plan (BCOP) requires a minimum lot size of 4000 square metres per lot as does the current Residential One (R1-r) zone. The proposed severed lot is +/-4585 square metres and the retained is +/-8453 square metres and meet both the Official Plan and the Zoning By-law minimum. The Ontario Building Code stipulates the location of wells and septic systems, including the distance from lot lines. Reviewing these distances in relation to neighbouring properties will be part of the building permit approval process.

Other Considerations

The creation of a building lot in an existing Rural Recreational area represents an efficient use of lands and resources. Both the retained and the severed parcels front onto municipally owned roads which are maintained year round. The proposed severed lot is a corner lot and the frontage that is deficient is the frontage that abuts Sprucedale Drive. Two exterior lot

lines front onto White Pine Avenue, where there is an existing entrance. Neighbours identified concerns with flooding on the proposed severed lot and White Pine Avenue. SVCAs identification of a natural hazard and the application of the EP zone to that area address concerns about developing too close to a hazard, while the impact of future development on storm water management can be addressed at the building permit stage. A hydro corridor exists on the subject property and a condition of the consent will be to address this, either by easement or re-location. There is currently a yurt on the proposed severed lot which is considered an accessory structure. The applicant has indicated that they plan to remove the yurt in order to bring the proposed severed lot into compliance with the ZBL, which does not permit accessory structures on separate lots, absent a primary dwelling. This will be a condition of the consent.

Four Tests of a Minor Variance

Section 45(1) of the Planning Act provides for the granting of minor relief from the provisions of the Zoning By-law to the Committee of Adjustment. Relief may only be granted if the Variance passes four tests (“Four Tests of a Minor Variance”). The Committee must be satisfied that the application has satisfied all four tests to approve the Minor Variance.

Does the variance maintain the intent and purpose of the Official Plans?

The parcel is Designated Rural Recreational Area in the Bruce County Official Plan (BCOP). The creation of a residential lot in this area is permitted and the use of both seasonal and permanent residential development is permitted, subject to comprehensive evaluation with respect to hazard lands and other sensitive features. An EIS and an archaeological assessment were submitted in support of this and the related consent application which were accepted by review agencies. Furthermore, the application of the EP zone to the newly identified hazard on the subject lands is in alignment with the BCOP. Requirements that the newly created lots must front onto a road that is maintained year round and near an existing school bus route have been met. The BCOP requires a minimum lot size of 4000 square metres per lot and both the severed and retained lots meet this minimum. No minimum frontage requirements are listed in the BCOP but the adequate size and additional frontage on White Pine Avenue address the adequate lot size for the proposed and provide sufficient frontage to ensure access. The proposal maintains the intent and purpose of the Official Plan.

Does the variance maintain the intent and purpose of the Zoning By-law?

The proposed reduced frontage on Sprucedale Road is 27.7m, when the Residential One (R1-r) zone in the Kincardine Zoning By-law requires 30m for parcels that do not have access to full municipal services. The purpose of this minimum is to ensure there is an appropriate amount of space on the property to ensure an access point. There is currently an access to the property on White Pine Avenue which Municipal staff have indicated is an appropriate route for accessing the proposed severed lot. The Zoning By-law, however, considers the shorter lot line abutting a street on a corner lot to be the front lot line. In this case, Sprucedale Road is considered the front lot line, not White Pine Avenue. The reduction of

2.3m is not considered significant and the variance maintains the intent and purpose of the Zoning By-law.

Is the application desirable for the appropriate development of the land, building or structure?

The applicant wishes to sever a portion of land from his parcel in order for someone else to develop it. The proposed severed and retained parcels are appropriately sized and neighbouring uses are residential. The proposed reduction in lot frontage is considered to be desirable for the appropriate development of the land as it will facilitate a residential severance in an area that has been Designated and Zoned for residential use. The variance represents an appropriate form of development for the use of the land.

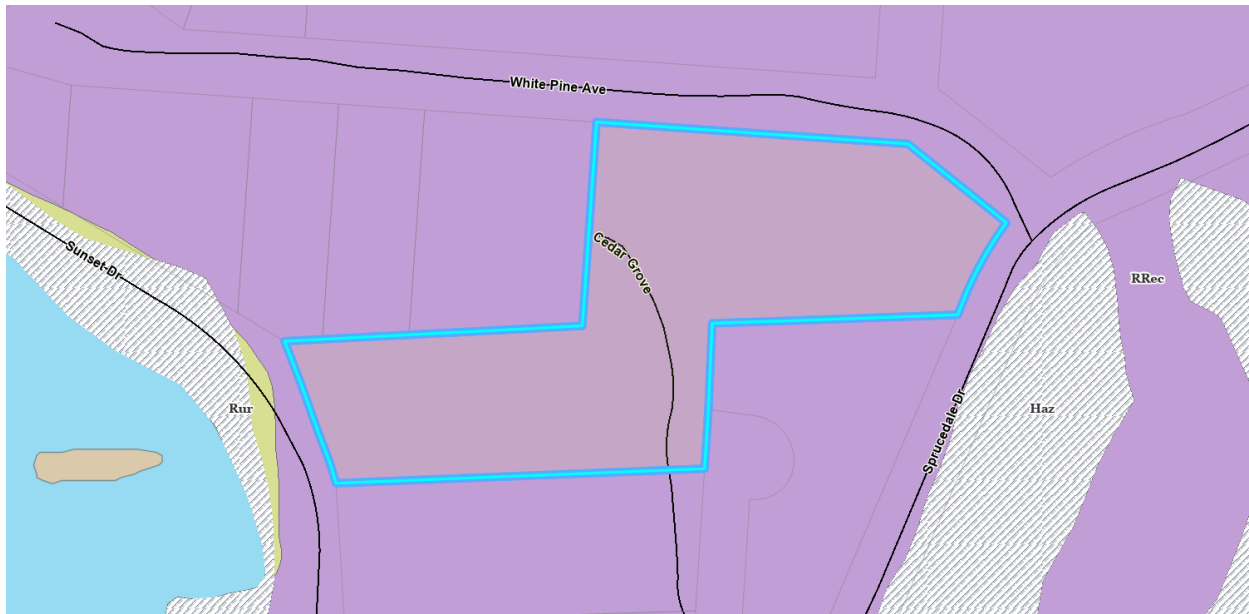
Is the application minor in nature?

The proposal to reduce the frontage to 27.7m from 30m is considered minor in both size and impact. Whether a variance is minor is evaluated in terms of the impact the proposed development is expected to have on the surrounding neighbourhood. It is not expected that permitting the variance will have any impact on the character of the area or impact the ability of adjacent property owners to use their property for permitted uses.

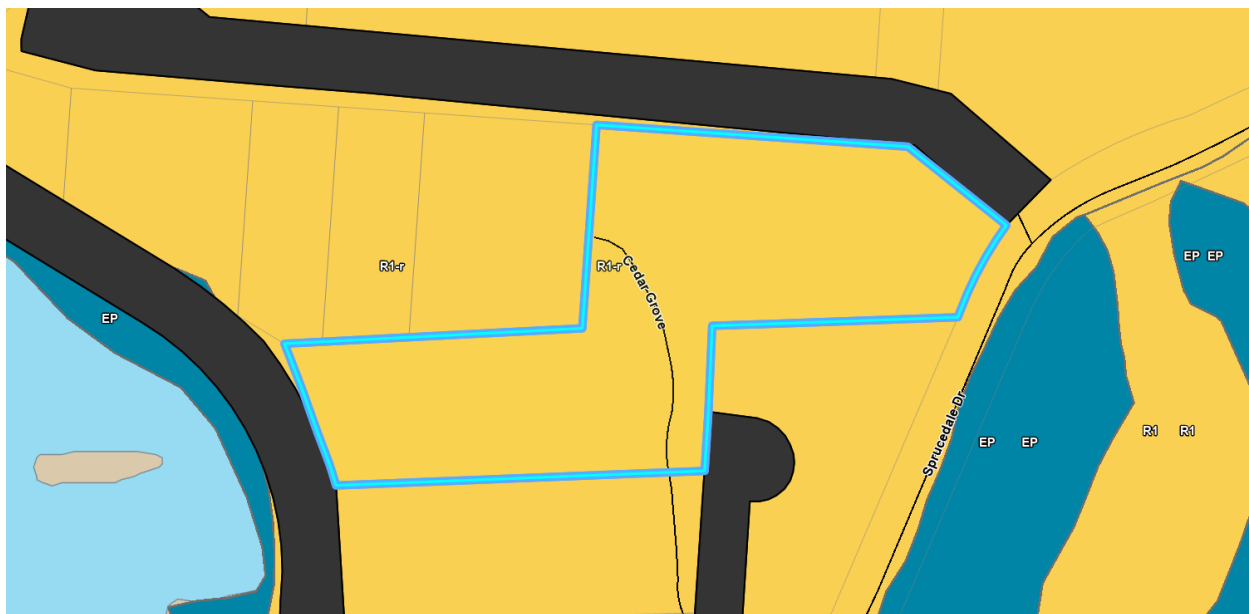
Appendices

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

County Official Plan Map (Designated Rural Recreational Area)



Local Zoning Map (Zoned R1-r - Residential One)



List of Supporting Documents and Studies

The following documents can be viewed in full at [Planning Kincardine | Bruce County](#).

- Application
- Public Notices
- Site plan

- Archaeological Assessment
- Record of Indigenous Engagement
- Ministry Letter
- Environmental Impact Study

Agency Comments

Bluewater District School Board: No objections. Confirmed that the parcel is within close proximity to an existing bus route.

Municipality of Kincardine: Supportive. Parkland fees will be required. Hydro easement will need to be shown on the reference plan. Entrance for proposed severed lot from White Pine Avenue is permitted.

Historic Saugeen Métis (HSM): No concerns. HSM requested that the recommendations from the EIS be followed. Staff shared SVCA comments that identified hazard lands on the site and explained the planning tools available for enforcement. This satisfied the concerns of HSM.

Saugeen Valley Conservation Authority (SVCA): SVCA identified a hazard area in the rear of the proposed severed lot which had not previously been identified in their hazard mapping. This finding has been added to the SVCA regulatory area and will be applicable law at the time of issuing a building permit. As this hazard falls under a minor boundary adjustment covered by the Kincardine Zoning By-law, an EP zoning will be applied to the area specified by SVCA in a future consolidation. Considering the above, SVCA are supportive of the application. Comments provided in full below.

Public Comments

Comments were received from two individuals, one of whom owns the property adjacent to the proposed severed lot. Concerns include the size of the proposed severance, the reduced frontage, proximity of the neighbour's well to a future septic system, seasonal flooding on the property and White Pine Avenue, existing hydro line and access to the proposed severed lot by way of a seasonally maintained road. Planning staff have addressed these concerns in the body of this report.

From: [Britt Gregg-Wallace](#)
To: [Klarika Hamer](#)
Subject: FW: Township of Kincardine - 246 Sunset D - B23
Date: Thursday, May 1, 2025 10:35:32 AM
Attachments: [image001.png](#)

They didn't cc you.

Can you save this to the file?

From: LANDUSEPLANNING <LandUsePlanning@HydroOne.com>
Sent: Wednesday, April 30, 2025 9:18 AM
To: Britt Gregg-Wallace <BGreggWallace@brucecounty.on.ca>
Subject: Township of Kincardine - 246 Sunset D - B23

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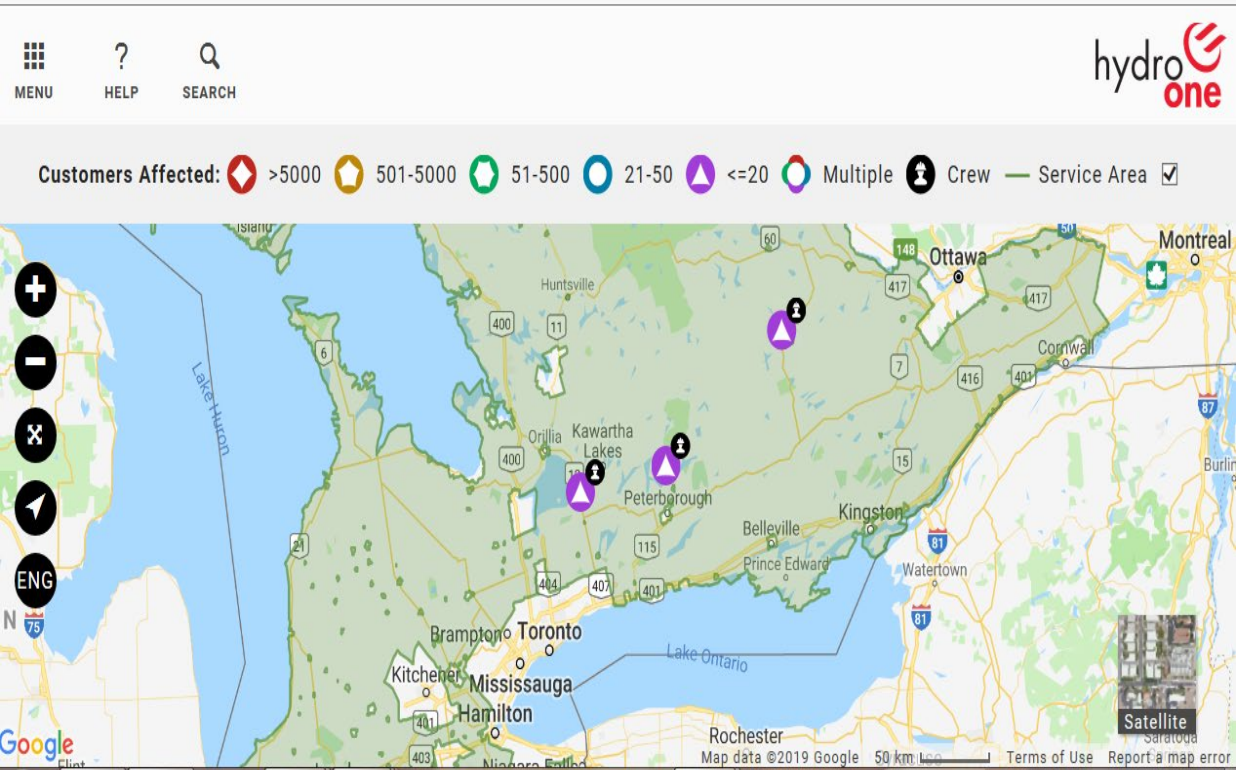
Hello,

We are in receipt of your Application for Consent, B23 dated 2025-03-20. We have reviewed the documents concerning the noted Plan and have no comments or concerns at this time. Our preliminary review considers issues affecting Hydro One's 'High Voltage Facilities and Corridor Lands' only.

For proposals affecting 'Low Voltage Distribution Facilities' the Owner/Applicant should consult their local area Distribution Supplier. Where Hydro One is the local supplier the Owner/Applicant must contact the Hydro subdivision group at subdivision@Hydroone.com or 1-866-272-3330.

To confirm if Hydro One is your local distributor please follow the following link: [Stormcentre \(hydroone.com\)](https://stormcentre.hydroone.com)

Please select "Search" and locate the address in question by entering the address or by zooming in and out of the map.



If you have any further questions or inquiries, please contact Customer Service at 1-888-664-9376 or e-mail CustomerCommunications@HydroOne.com to be connected to your Local Operations Centre

If you have any questions please feel free to contact myself.

Thank you,

Land Use Planning Department
 Hydro One Networks Inc.
 Email: LandUsePlanning@HydroOne.com

From: [Adam Brutto](#)
To: [Britt Gregg-Wallace](#)
Subject: RE: Bus Route Inquiry 246 SUNSET DR, Kincardine B23 A6 Murphy
Date: Wednesday, March 19, 2025 12:47:28 PM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)

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Britt,

Just an FYI I am running an identical clearance letter by the Catholic Board, who is also our client, and hope to send that back to you this week as well.

Regards,

Adam Brutto, BURPI, (he/him)
Senior Consultant

Watson & Associates Economists Ltd.
brutto@watsonecon.ca
Office: 905-272-3600 x. 278
Mobile: 905-967-4775
Fax: 905-272-3602

watsonecon.ca



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From: Adam Brutto
Sent: March 19, 2025 12:44 PM
To: BGreggWallace@brucecounty.on.ca
Cc: Shelley Crummer <shelley_crummer@bwdsb.on.ca>; Dylan Birley <Dylan@shareschoolservices.ca>
Subject: RE: Bus Route Inquiry 246 SUNSET DR, Kincardine B23 A6 Murphy

Hi Britt,

Thank you for your email. After following up with the transportation consortium, I can confirm clearance of conditions.

On behalf of BWDSB, please find the attached clearance letter for your records. If you have any questions, please do not hesitate to reach out to bwdsb.planning@watsonecon.ca.

Kind regards,

Adam Brutto, BURPI, (he/him)
Senior Consultant

Watson & Associates Economists Ltd.

brutto@watsonecon.ca

Office: 905-272-3600 x. 278

Mobile: 905-967-4775

Fax: 905-272-3602

watsonecon.ca



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From: Britt Gregg-Wallace <

Sent: March 12, 2025 3:38 PM

To: Shelley Crummer <shelley_crummer@bwdsb.on.ca>; bwdsb.planning@watsonecon.ca <bwdsb.planning@watsonecon.ca>; chad.aitken@bgcdsb.org <chad.aitken@bgcdsb.org>; al_hastie@bgcdsb.org <al_hastie@bgcdsb.org>

Cc: Bruce County Planning - Lakeshore Hub <bcplpe@brucecounty.on.ca>

Subject: Bus Route Inquiry 246 SUNSET DR, Kincardine B23 A6 Murphy

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Good afternoon,

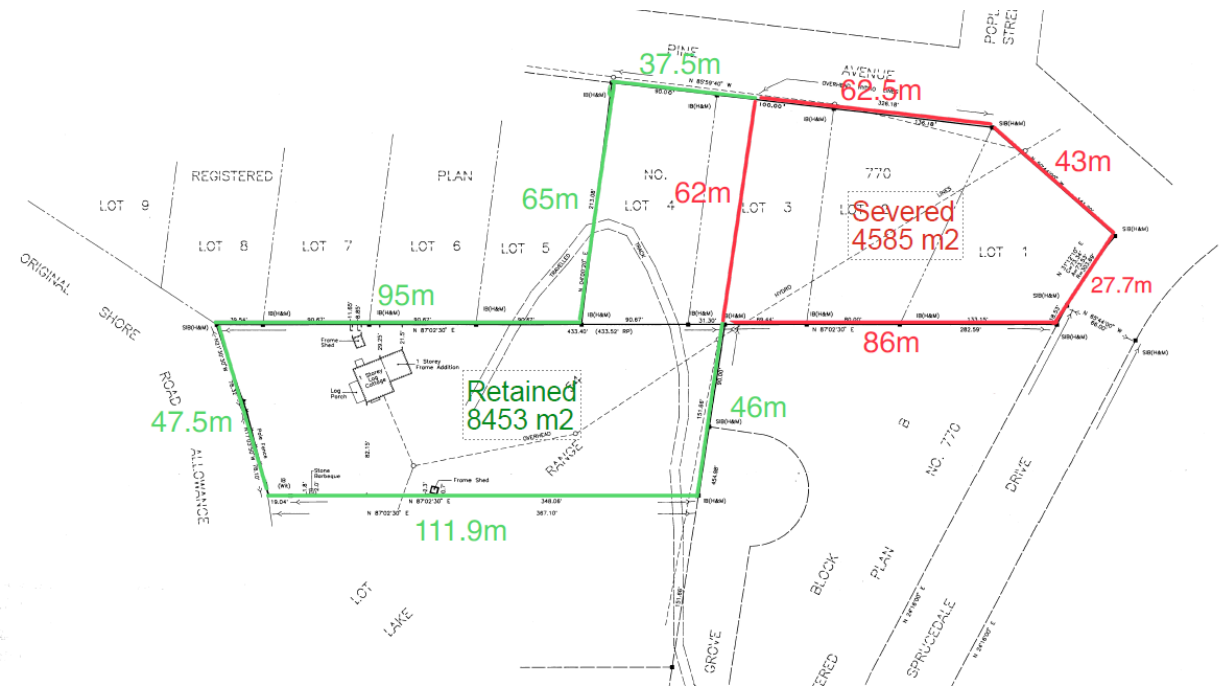
I am a planner with Bruce County and am reviewing a severance application at the above noted address. This application has not yet been deemed complete and, before it is, I would like to confirm whether the property (with frontage on Sunset Drive and Sprucedale Drive) is located within a reasonable distance to an existing school bus route. One of the County Official Plan policies requires that this be determined by the appropriate school board before we can determine whether an Official Plan Amendment would also be required.

The OP policy text and a severance sketch have been pasted below.

Please let me know if you have any questions. The school boards will be included in the circulation when the application is deemed complete.

Thank you,
Britt

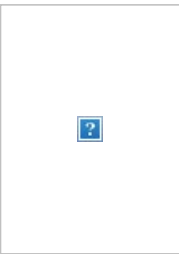
BCOP Section 5.3.5.2.4: A new lot(s) shall be limited to, regardless of the type of construction of the building or structure, a seasonal use when any of the following municipal services are not currently provided on the roadway to which the lot(s) will access: year round road maintenance, roadside garbage and recycling pick up. An existing school bus route must be within reasonable distance as determined by the appropriate school board(s).



Britt Gregg-Wallace
 Intermediate Planner
 Planning and Development
 Corporation of the County of Bruce

Office: 226-909-2673

www.brucecounty.on.ca



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From: [Amberly Weber](#)
To: [Klarika Hamer](#); [Bruce County Planning - Lakeshore Hub](#)
Cc: [Britt Gregg-Wallace](#)
Subject: RE: Request for Agency Comments B23 A6 Murphy
Date: Wednesday, April 16, 2025 9:09:29 AM
Attachments: [image001.png](#)

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Good Morning,

The municipality has the following comments to report regarding B23, A6 Murphy joint consent and minor variance application.

Request for comments for B23 and A6 were circulated to municipal staff including:

Manager of Development Services/ Chief Building Official

- 1 - Obtain land appraisal for the severed parcel and submit Parkland Fees (50% of assessed value x 5%)
- 2 - For the severed Parcel, confirm "White Pine Ave" will be considered the Front lot line
- 3 - For the retained Parcel, confirm that Sunset Dr will be the Front lot line
- 4 - Show the Hydro Easement on the reference plan
- 5 - Complete Archaeological Assessment (if required)

Director of Infrastructure and Development

No comment.

Director of Community Services

No comment.

Acting Fire Chief

No Comment received.

Manager Environmental Services

No comment received.

Thank you,

Amberly Weber BBA

Planning Coordinator
519-396-3468 x 7129

Municipal Administration Centre
1495 Concession 5, R.R. 5
Kincardine, Ontario N2Z 2X6



From: [hsmrcc](#)
To: [Britt Gregg-Wallace](#)
Cc: [Bruce County Planning - Lakeshore Hub](#); [Jake Bousfield-Bastedo](#)
Subject: Re: Request for Comments - Municipality of Kincardine (Murphy) - Proposed Consent
Date: Wednesday, April 30, 2025 9:11:07 AM
Attachments: [PastedGraphic-5.png](#)

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Good morning,

Thank you for following up and for the additional information, HSM does not have any further concerns.

Best,

Neala

Neala MacLeod Farley
Coordinator, Lands, Waters & Consultation

Historic Saugeen Métis
204 High Street
Southampton, ON
saugeenmetis.com
519-483-4000



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On Apr 29, 2025, at 4:17 PM, Britt Gregg-Wallace
<BGreggWallace@brucecounty.on.ca> wrote:

Good afternoon,

I am reaching out again to see if the below comments satisfy your concerns with this application. Further communication with the conservation authority has revealed that there is an area at the rear of the severed lot that is identified as hazard and subject to regulation. This change will effectively limit the developable

area to that which was identified in the EIS.

Please let me know if the above satisfies your concerns.

Thank you,

Britt

From: Britt Gregg-Wallace

Sent: Friday, April 25, 2025 2:45 PM

To: hsmlrcc <hsmlrcc@bmts.com>; Bruce County Planning - Lakeshore Hub <bcplpe@brucecounty.on.ca>

Cc: Jake Bousfield-Bastedo <JBousfield-Bastedo@brucecounty.on.ca>

Subject: RE: Request for Comments - Municipality of Kincardine (Murphy) - Proposed Consent

Good afternoon,

Thank you for taking the time to review this application and the EIS. The County's Natural Heritage specialist (Jake Bousfield-Bastedo, cc'd here) has also reviewed the application against the Provincial Planning Statement and the County Official Plan and found the EIS adequately demonstrated that no negative impacts are anticipated to natural heritage features. The other recommendations made in the EIS that you mention in your comments below fall outside of what can be addressed or enforced using planning tools. The applicant is aware of the recommendations and will be encouraged, through the planning recommendation report, to adhere to the advice in the EIS.

Please let me know if the above addresses your concerns or if you would like to further discuss the application.

Thank you,

Britt

From: hsmlrcc <hsmlrcc@bmts.com>

Sent: Friday, March 28, 2025 10:19 AM

To: Bruce County Planning - Lakeshore Hub <bcplpe@brucecounty.on.ca>

Subject: Re: Request for Comments - Municipality of Kincardine (Murphy) - Proposed Consent

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Municipality of Kincardine

Re: File number B-2024-023 & A-2025-006

The Historic Saugeen Métis (HSM) Lands, Waters and Consultation Department has reviewed the relevant documents and has no objections to the proposed Consent as presented, provided that the recommendations outlined in the EIS by Aster Environmental Services Ltd (copied below) are implemented and enforced by the county.

Wetlands

"• Implement sediment and erosion control measures as per applicable best management practices to isolate the development footprints, generally including the following measures.

o Sediment fencing must be constructed of heavy material and solid posts and be properly installed (trenched in) to maintain its integrity during inclement weather events.

o Additional sediment fencing and appropriate control measures must be available on site so that any breach can be immediately repaired.

o Regular inspection and monitoring will be necessary to ensure that the structural integrity and continued functioning of the sediment control measures is maintained (i.e., proper installation is not the only action necessary to satisfy the mitigation requirements).

o An on-site supervisor should be responsible for daily inspections of the sediment and erosion control measures and record the time and date of inspections, the status of the mitigation measures, and any repairs undertaken.

o Removal of non-biodegradable erosion and sediment control materials should occur once construction is complete, and the site is stabilized.

• Best Management practices should be utilized with all machinery and fill being imported to the subject property to ensure that material and tracks are free from invasive species (*Phragmites australis*, etc.).

• Machinery should arrive on site in clean condition and be checked and maintained free of fluid leaks.

• Machinery must be refueled, washed, and serviced within the area isolated by sediment fencing.

• Locate all fuel and other potentially deleterious substances within the area isolated by sediment fencing, a minimum of 30 m from drainage features.

• Temporary storage locations of aggregate/fill material (where required) should be located within the area isolated by sediment fencing. This material is to be contained by heavy-duty sediment fencing, a minimum of 30 m from drainage features.

• Offloading of construction and aggregate/fill materials (where required) should be completed during fair weather conditions, a minimum of 30 m from drainage features.

• All stockpiled topsoil/overburden (where required) should be piled in low piles and stabilized as quickly as possible (e.g., erosion-prone areas covered with textile) to minimize the potential for runoff and wind erosion."

Woodlands

"• As shown on Figure 3, it is recommended that any future dwelling on the created lot be centered on the area where an existing recreational camp is established, and trees are already absent or sparse. This will reduce the requirement for tree removals.

• The grading limit for future development should be staked in the field prior to tree clearing, and protective fencing should be installed to avoid incidental

removals through the future development process. Trees to be retained along the boundary of the development envelope should be clearly marked.

- Post-construction landscaping utilize native, site-appropriate species only in order to avoid incidental introduction on non-native species to retained woodlands.
- Avoid any removal of vegetation, including residential/ornamental plantings, between April – August of any given year. If vegetation removals must occur during this period, a nest survey should be conducted by a qualified avian biologist prior to commencement of construction activities to identify and locate active nests of migratory bird species covered by the MBCA or FWCA. If a nest is located or evidence of breeding noted, then a mitigation plan should be developed to address any potential impacts on migratory birds or their active nests. Mitigation may require establishing appropriate buffers around active nests or delaying construction activities until the conclusion of the nesting season."

Habitat of Endangered & Threatened Species

"• Tree clearing for the purposes of development only occur in the fall, winter, and early spring (from October 15 to April 15). This timeframe is outside of the maternal roosting period.

- If tree clearing must occur between April 15 and October 15, additional studies may need to be completed to confirm the presence or absence of SAR bats. These studies may include assessments of trees on an individual basis to determine if bats may be present. Should bat habitat features be detected in trees that are proposed to be removed during the active season, the MECP should be contacted to determine if a permit would be required to proceed."

Thank you for the opportunity to review this matter.

Regards,

Neala

Neala MacLeod Farley
Coordinator, Lands, Waters & Consultation

Historic Saugeen Métis
204 High Street
Southampton, ON
saugeenmetis.com
519-483-4000

<image001.png>

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SENT ELECTRONICALLY: BGreggWallace@brucecounty.on.ca and bcplpe@brucecounty.on.ca

April 9, 2025

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

ATTENTION: Britt Gregg-Wallace, Planner

Dear Britt Gregg-Wallace,

RE: B-2024-023 and A-2025-006
246 Sunset Drive
Roll No. 410826000519800
Part Lot 54 Lake Range; Lots 1-4 Plan 770
Municipality of Kincardine

The above-noted applications have been received by the Saugeen Valley Conservation Authority (SVCA) in accordance with the Mandatory Programs and Services Regulation (Ontario Regulation 686/21) made under the *Conservation Authorities Act* (CA Act). SVCA staff have reviewed the proposal for consistency with SVCA's environmental planning and regulation policies (<https://www.saugeenconservation.ca/en/permits-and-planning/resources/Environmental-Regulations/January-2019-Consolidated-Manual-Interim.pdf>) made in conformance with the Provincial Planning Statement, CA Act, O. Regulation 41/24, and associated provincial guidelines. Where a Memorandum of Agreement (MOA) exists between a planning partner and the SVCA, staff have reviewed the applications for conformity with the natural hazard policies of the applicable Municipality or County.

Purpose

The purpose of the applications are: to sever a +/- 0.46 ha parcel with frontage on Sprucedale Drive and White Pine Avenue from an existing +/- 1.31 ha parcel, leaving a +/- 0.85 ha retained parcel with frontage on Sunset Drive and White Pine Avenue. The frontage of the severed parcel onto Sprucedale Drive is under the required minimum width of 30 m in the Zoning By-law and a minor variance application is required to permit the reduced frontage of +/- 27.7 m.

Recommendation

The applications are generally acceptable to SVCA staff, provided the Environmental Protection-EP zone is implemented as recommended by the SVCA.

Documents Reviewed by Staff

Staff have received and reviewed the following documents submitted with this application:

- 1) Request for Agency Comments, dated March 20, 2025;
- 2) Application with dated of May 27, 2024;
- 3) Scoped Environmental Impact Study, dated July 2024.; and
- 4) Site plan (mark-up of plan of survey).

Site Characteristics

SVCA staff conducted a site inspection to the property on April 8, 2025. SVCA has updated our hazardous lands mapping accordingly to identify the hazardous site area of the property, being the ponded water in the central portion of the property. SVCA recommends the SVCA hazardous site be identified as Environmental Protection-EP zone on the property to best represent site conditions. SVCA mapping is attached for reference.

Currently, no part of the property is mapped as Hazard Lands designation in Schedule A of the Bruce County OP and no part of the property is mapped as Environmental Protection (EP) Zone in the Municipality of Kincardine Zoning By-law. However, as mentioned above, SVCA recommends an addition of EP zone to the property to better represent the natural hazard feature.

Provincial Planning Statement (PPS, 2024)

In accordance with s. 7 of O. Regulation 686/21, SVCA shall act on behalf of the Province or as a public body under the *Planning Act* (PA) to ensure municipal decisions made under the PA are consistent with the natural hazards policies of the PPS, Chapter 5.

Section 5.1 of the PPS, 2024 states in part that development shall be directed away from areas of natural or human-made hazards where there is an unacceptable risk and not create new or aggravate existing hazards. Furthermore, section 5.2 states in part that development shall generally be directed to areas outside of hazardous lands and hazardous sites.

The conceptual building envelope as shown in Figure 3 of the EIS does not include any SVCA recommended EP zone.

Provided the above recommendation of the addition of EP zoning to the property is followed, it is the opinion of SVCA staff that the proposal would be consistent with Chapter 5 of the PPS, 2024. It is also the opinion of SVCA staff that safe access to the parcel to be severed and the parcel to be retained is available.

Bruce County Official Plan Policies

The following comments are made in accordance with the MOA with the County of Bruce.

Section 5.8 of the Bruce County OP states in part that development should not be located within the Hazard Lands designation. Provided development occurs outside the SVCA recommended EP zone, it

is the opinion of SVCA staff that the applications would be consistent with section 5.8 of the Bruce County OP.

Conservation Authorities Act and O. Regulation 41/24

Within SVCA's regulated areas and in accordance with the CA Act and O. Regulation 41/24, a permit from the SVCA is required to change or interfere with watercourses or wetlands and for development activities in or adjacent to hazardous lands, wetlands, river or stream valleys, Great Lakes and inland lake shorelines. When reviewing an application, SVCA staff must assess the proposal for impacts to the control of flooding, erosion, dynamic beaches, or unstable soil or bedrock, and ensure the activity will not create conditions or circumstances that, in the event of a natural hazard, might jeopardize the health or safety of persons or result in the damage or destruction of property. Provided staff are satisfied the proposal is consistent with SVCA's policies, designed to mitigate these risks, a permit can be issued.

For the property, the SVCA Approximate Screening Area includes the natural hazard features located on or adjacent to the property and an offset distance from those features. As mentioned above, the natural hazard features located on the property are hazardous sites in the central portion of the property, and the flood and erosion hazard and wetlands of Lake Huron, located to the west of the property.

To determine the SVCA Approximate Regulated Area/SVCA Approximate Screening Area on the property, please refer to the SVCA's online mapping, available via SVCA's website (<https://camaps.maps.arcgis.com/apps/webappviewer/index.html?id=f0ec744c8d6d4e499895aaaab3d83761>.) Should you require assistance, please contact our office directly.

SVCA Permit

In accordance with SVCA's policies made under the CA Act and O. Regulation 41/24, any new buildings or structures, including site grading within the SVCA Approximate Regulated Area/Approximate Screening Area will require an SVCA permit.

SVCA experienced a high groundwater table on site, and therefore SVCA staff recommend that no basement or a basement raised above the existing grade be proposed for future development.

SVCA staff also note that during our site inspection, we identified an existing yurt on the property. The yurt is within the SVCA Approximate Screening Area. However, as it is located outside the SVCA hazard lands, the existing yurt is exempt from needing a SVCA permit.

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.

Summary

SVCA staff have reviewed the proposal for consistency with SVCA's policies made in conformance with the Provincial Planning Statement, CA Act, O. Regulation 41/24, and associated provincial guidelines. Where a Memorandum of Agreement (MOA) exists between a planning partner and the SVCA, staff

April 9, 2025

Page 4 of 4

have reviewed the application for conformity with the natural hazard policies of the County of Bruce OP.

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

- 1) Consistency with the Natural Hazard policies of the PPS, Chapter 5 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 County of Bruce regarding the applications. We respectfully request to receive a copy of the decisions and notice of any appeals filed.

Should you have any questions, or require this information in an accessible format, please contact the undersigned.

Sincerely,

Michael Oberle
Environmental Planning Technician
Saugeen Conservation
MO/
Enclosure: SVCA map

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

SVCA recommended
EP zone

Legend

-  SVCA Hazard Lands/recommended EP zone
-  Watercourse
-  subject property
-  Parcel Fabric



UTM Zone 17N, NAD 83

1:1000

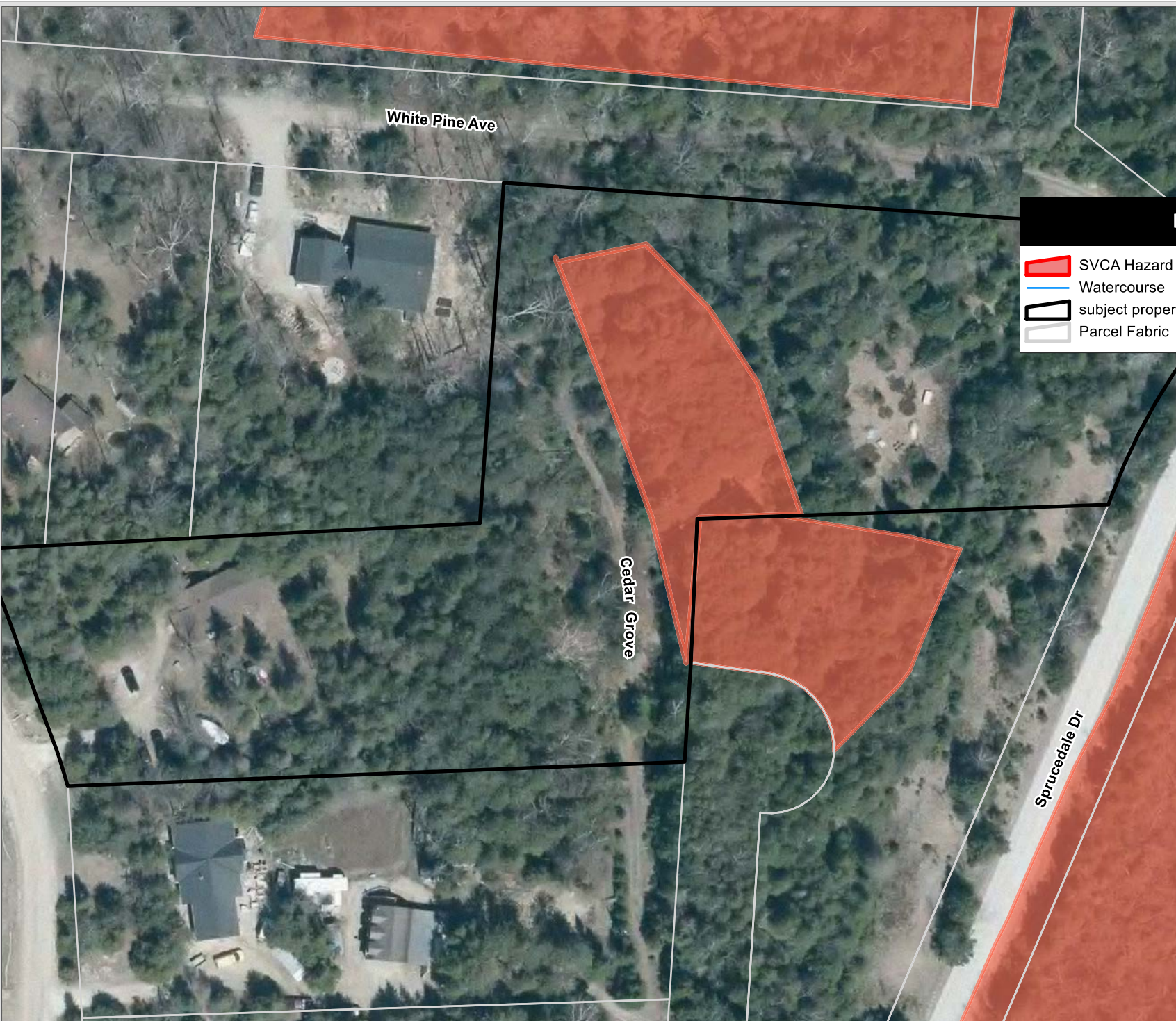
The included mapping has been compiled from various sources and is for information purposes only. Saugeen Valley Conservation Authority (SVCA) is not responsible for, and cannot guarantee, the accuracy of all the information contained within the map.

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.



April 9, 2025



From: [REDACTED]
To: [Britt Gregg-Wallace](#); [Bruce County Planning - Lakeshore Hub](#)
Cc: [REDACTED]
Subject: RE: B-2024-023 A-2025-006 Murphy Concerns
Date: Wednesday, April 9, 2025 8:55:22 PM

**** [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.

Also, please add us to the notification list for this severance application

Thanks,

Bryan

From: [REDACTED]
Sent: April 9, 2025 8:54 PM
To: BGreggWallace@brucecounty.on.ca; bcplpe@brucecounty.on.ca
Cc: [REDACTED]
Subject: B-2024-023 A-2025-006 Murphy Concerns

Hello,

Please see attached word document with our concerns about the proposed severance of 246 Sunset Drive Kincardine. My dad has previously reached out with some initial concerns, but this is a more detailed and comprehensive list. We own the property which borders the proposed severed lot to the south (81 Sprucedale Drive)

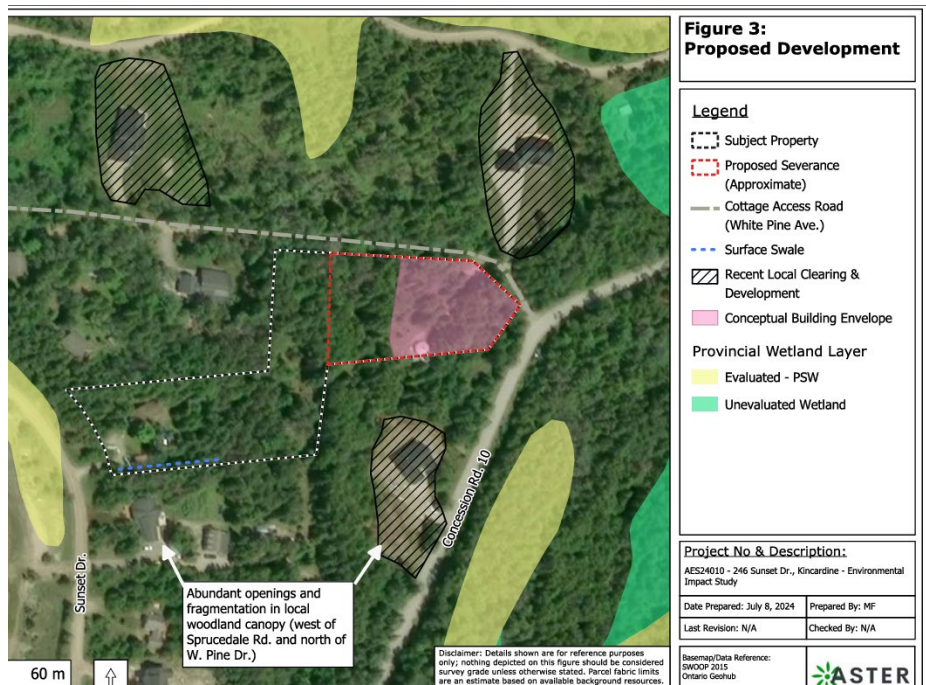
Let me know if there are any questions on these concerns

Thanks,

Bryan and Sarah Holbrook

This document outlines concerns related to minor variance application A-2025-006 and severance application B-2024-023 for 246 Sunset Drive.

1. The size of the building envelope is limited, and I'm concerned it may need additional minor variances for a house, driveway and septic to be built. The back half is very wet and hazardous lands. A hydro line runs diagonally through the middle of the Conceptual Building Envelope (Hydro lines have a setback of 4.8m on either side). This leaves an irregular, limited and almost unusable building lot when factoring in this and the required setbacks from the roads and property line.



2. The following errors on the application form should be noted:

Page 6, Question 10 indicates the retained parcel has Year-Round Municipal Access, however, it does not. The access to the retained parcel would only be from Sunset Drive which is a Seasonal Municipal Road (No winter Maintenance). The house on the retained parcel is the owner's permanent residence so will the township need to plow Sunset Drive in the winter?

Page 7 Question 14 was checked No when it should be checked Yes. There are wetlands within 100 meters of the subject land (directly across Sprucedale drive is year-round swamp).

Page 8, Question 23. No one spoke to us about this proposed severance to clarify concerns. We own the adjacent property to the south of the proposed severed lot.

3. Given the small and irregular size of the proposed lot it is likely the septic system will need to be installed on the south border of the property, which is in the vicinity of my drilled well. My well is roughly 30m to the property line
4. Minor variance for frontage; there are rules for a reason and people move to this area not to have neighbours right up against their property. The proper road access and spacing should be maintained instead of trying to shoehorn in a small almost unusable lot
5. White Pine Ave flooding/water flow. If a laneway/house were to be added I'm concerned it would make the flooding on White Pine Ave worse and would affect water flow from my property as it flows to the north. White pine would likely need a culvert installed and possibly to be raised

Pictures of the corner of the proposed lot at White Pine Ave and Sprucedale Drive:





From: [REDACTED]
To: [Klarika Hamer](#)
Subject: RE: Subdivision of lot
Date: Monday, April 7, 2025 9:31:29 AM

**** [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.**

Hi, Thank you,- Yes that is the file. My Son Bryan will be replying also.
Thanks
Lloyd Holbrook

From: Klarika Hamer <KHamer@brucecounty.on.ca>
Sent: April 7, 2025 8:45 AM
To: [REDACTED]
Subject: RE: Subdivision of lot
Importance: High

Good morning Lloyd,

Further to my email below, I have not received a response from you to date.

Please let me know if the attached is the file you are referring to and I will then be able to add you to the list to receive future notices on the file. Once confirmed, I will also be able to connect you with the Planner on the file.

Kind regards,

From: Klarika Hamer
Sent: Monday, March 31, 2025 1:09 PM
To: [REDACTED]
Subject: RE: Subdivision of lot

Good afternoon Lloyd,

Further to the email below, in order to process your comments, I will need to know what file you are referring to.

Is the attached Notice what file you are referring to?

Kind regards,

From: Jack Van Dorp <JVanDorp@brucecounty.on.ca>

Sent: Monday, March 31, 2025 8:46 AM

To: [REDACTED]

Cc: Bruce County Planning - Lakeshore Hub <bcplpe@brucecounty.on.ca>

Subject: RE: Subdivision of lot

Hi Lloyd,

Thank you for reaching out and for expressing your concerns.

I am sending your message on to the team from our Lakeshore Hub that are processing this application, who can connect you with more information.

Jack.

From: [REDACTED]

Sent: Friday, March 28, 2025 9:29 PM

To: Jack Van Dorp <JVanDorp@brucecounty.on.ca>

Subject: Subdivision of lot

[REDACTED]

**** [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.**

Hi Jack,- A next door neighbor has notice on his lot that he plans to subdivide it. (It is on Sprucedale drive between Conc. 10 and 12 ,one road in from lake Huron, bruce twp.)

-One concern is the distance from our well to possible new septic,-and not sure there is room.

- It has a minor variation being 27 M frontage which makes it even tighter for space
- It is partly wetland and for Environmental reasons, we have concerns
- lots of people in that area are subdividing and building with septic systems into sand. This has been a disaster for dug wells or sand points in other areas where too many septic systems were too close together. Most lots were 2-5 acres and maybe should be left that way to preserve the wetlands and the beeches from e-coli and other peoples wells in that area. We are also worried about having houses on all small lots,- which cuts down the bush, fills in the wetlands, has too many septic systems,-(polluting and destroying the natural environment)
- So that is some concerns,-we want to know how to find out more about this proposed lot severence and if we decide,-how to protest it.
- Thanks
Lloyd Holbrook



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



April 30, 2025

File Number: A-2025-006

Public Hearing Notice

**You're invited to participate in a Public Hearing
to consider Minor Variance File A-2025-006**

May 14, 2025 at 5:00 p.m.

Municipal Administration Building

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.

A change is proposed in your neighbourhood: The purpose of the application is to sever a +/- 0.46 ha parcel with frontage on Sprucedale Drive and White Pine Avenue from an existing +/- 1.31 ha parcel, leaving a +/- 0.85 ha retained parcel with frontage on Sunset Drive and White Pine Avenue. The frontage of the severed parcel onto Sprucedale Drive is under the required minimum width of 30 m in the Zoning By-law and a minor variance application is required to permit the reduced frontage of +/- 27.7 m. The related Consent file is B-2024-023.



246 SUNSET DR - BRUCE RANGE LAKE PT LOT 54; PLAN 770 LOTS 1 TO 4
Municipality of Kincardine (Bruce Township)
Roll Number 410826000519800

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: Britt Gregg-Wallace

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 **May 5, 2025** 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.

1. Please contact us by email bcplpe@brucecounty.on.ca, mail, or phone (226-909-5515) if you have any questions, concerns or objections about the application.
2. You can participate in the public hearing. For information on how to participate in the public meeting, please contact the Municipality of Kincardine at clerk@kincardine.ca or 519-396-3468.

Stay in the loop

If you'd like to be notified of the decision of the Committee of Adjustment on the proposed application(s), you must make a written request to the Bruce County Planning Department on behalf of the Secretary-Treasurer for the Committee of Adjustment.

Notice to Landlords

If you are a landlord of lands containing seven (7) or more residential units, please post a copy of this notice in a location that is visible to all the residents.

Know your rights

Only the applicant, the Minister, a specified person (being a utility and transportation company) or public body that has an interest in the matter may within 20 days of the making of the decision appeal to the Tribunal against the decision of the Committee by filing with the Secretary-Treasurer of the Committee a notice of appeal setting out the objection to the decision and the reasons in support of the objection. Appeals must be accompanied by payment of the fee charged by the Tribunal as payable on an appeal from a Committee of Adjustment decision to the Tribunal. For more information, please visit the Ontario Land Tribunal website at <https://olt.gov.on.ca/appeals-process/>.

