



Planning Report

To: Township of Huron-Kinloss Council

From: Monica Walker-Bolton, Sr. Policy Planner

Date: January 16, 2023

Re: Zoning By-Law Amendment - Z-2022-117 (McClory)

Recommendation:

Subject to review of submissions arising from the public meeting.

That Committee approve Zoning By-law Amendment Z-2023-117 as attached and the necessary by-law be forwarded to Council for adoption.

Summary:

In relation to a severance application for a lot enlargement, a Zoning By-Law amendment is proposed to zone the severed lands as Environmental Protection (EP) and remove EP zoning from the retained lands.

The related consent application will be considered by the County of Bruce at a later date.

The subject property is in Point Clark west of Lake Range Drive. The property is surrounded by residential uses with Hazard lands on the east side of Lake Range Drive.

Airphoto



Site Plan



Bush of
175 x 230
Added to
414 Winnebago
currently
83 x 300

Planning Analysis:

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

Natural Heritage and Natural Hazards

Comments have been received from the Saugeen Valley Conservation Authority (SVCA).

Although areas of the properties are zoned Environmental Protection (EP) in the Huron-Kinloss Zoning By-law and designated Natural environment (NE) in Schedule A of the Huron-Kinloss OP, it is the opinion of SVCA staff that, based on SVCA site inspection to the properties in fall 2021, the EP zone and NE designations could be removed from the property. SVCA staff conducted a site inspection to the property in fall 2021 to confirm that no natural hazard features exist on the properties.

Due to recent changes arising from the Provincial Bill 23 conservation authorities no longer are able to comment on natural heritage issues for planning applications. However, as an interim measure for the benefit of the County / Municipality, the SVCA has provided a summary of natural heritage interests for applications received by the SVCA before January 1, 2023.

According to the comments provided by the SVCA significant natural heritage features are not present on the subject property. Natural heritage features were identified by SVCA on the east side of Lake Range Drive; however, an Environmental Impact Study (EIS) was not recommended because there was no proposed development that could impact the natural environment on the adjacent lands.

Huron-Kinloss Zoning By-Law

The Zoning By-Law amendment proposes to change the Environmental Protection (EP) zoning on the subject property. The existing EP zoning will be removed from the retained lands. The severed parcel, which will merge with the parcel on Winnebago Drive will be zoned EP. No buildings or structures are permitted in the EP zone.

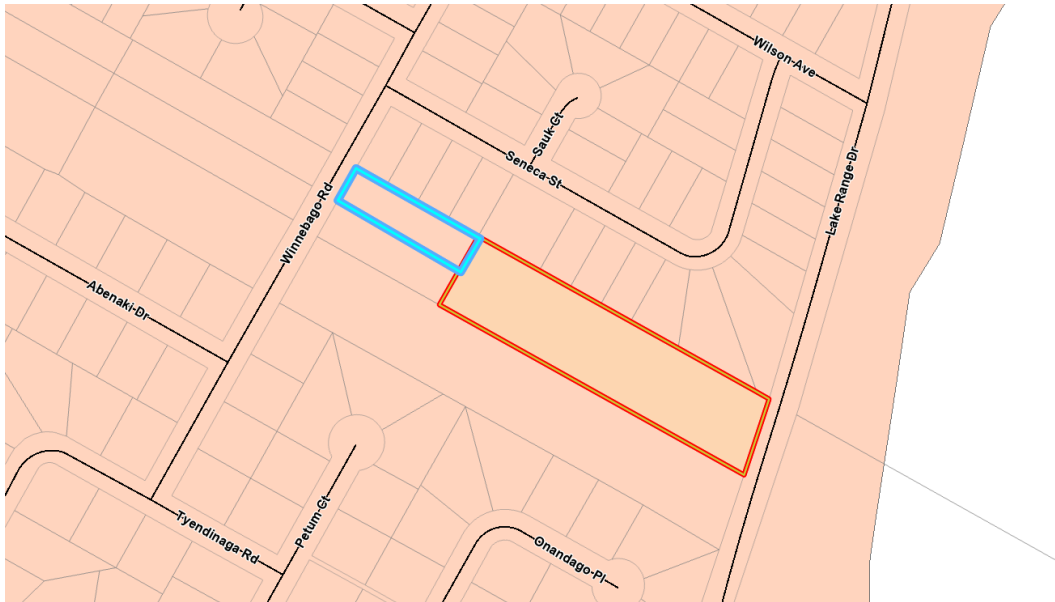
The balance of the subject property is zoned Residential One - Holding Provision. According to Section 2.12 of the Huron Kinloss Zoning By-Law, the Holding Symbol "H" shall be removed at such time in the future when plans to develop the lands have been submitted and approved by the Township or such other conditions as deemed appropriate by the Township have been met in accordance with Section 6.6 of the Bruce County Official Plan and Section 5.5 of the Huron-Kinloss Official Plan.

Prior to development on the retained lands the Township can require any outstanding issues such as connection to water services to be addressed, before the Holding symbol (-H) is removed.

Appendices

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

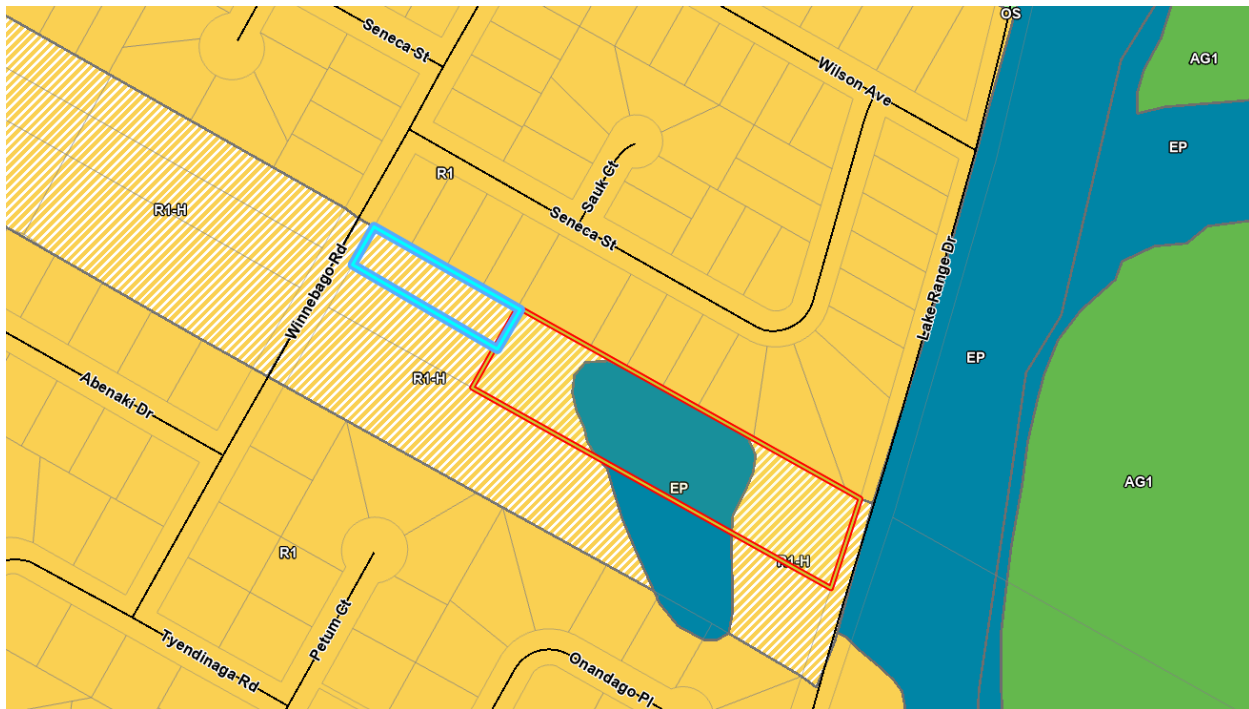
County Official Plan Map (Designated Secondary Urban Community)



Local Official Plan Map (Designated Lakeshore Residential and Environmental Protection)



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



Agency Comments

Historic Saugeen Métis: No objection or opposition.

Saugeen Ojibway Nation: Had questions about the proposed change to the Environmental Protection zone. In response, the planning department provided a brief explanation and a copy of the pre-consultation comments from the Saugeen Valley Conservation Authority. Final comments were as follows:

“Thank you for this explanation and at this time the Environment Office does not have any further comments. It is nice to know that the property owner is going to protect the forested lot”.

Saugeen Valley Conservation Authority: Provided in full below.

Township of Huron-Kinloss: Section 65 of the Drainage Act to be met to the satisfaction of the Township for the severance. No record of an existing water service at 219 Lake Range Dr., improvements required to existing services for further development.

Public Comments

Letters of objection to the proposed severance have been received from the households of three neighbouring properties. Concerns were raised with tree removal, future use of the property and drainage. A fourth neighbour asked for more information and to be kept informed of the decision. All letters are provided in full at the end of this report.

SENT ELECTRONICALLY ONLY: MWalkerBolton@brucecounty.on.ca and bcplwa@brucecounty.on.ca

January 9, 2023

County of Bruce Planning & Development Department
30 Park Street
Walkerton, Ontario NOG 2V0

ATTENTION: Monica Walker Bolton, Planner

Dear Ms. Walker Bolton,

RE: Z-2022-117 and B-2022-115 (McClory)
219 Lake Range Drive; and 414 Winnebago Road
Part 1 Plan 3R9664, Part Lot 7 Con A; and Part 1 Plan 3R10132, Part Lot 7 Con A
Roll Nos.: 410716000506940; and 410716000506942
Geographic Township of Huron
Township of Huron-Kinloss

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, natural heritage, and water resources; and the applications have also been reviewed through our role as a public body under the *Planning Act* as per our Conservation Authority Member approved Environmental Planning and Regulations Policies Manual, amended October 16, 2018.

In accordance with the More Homes Built Faster Act, 2022, which was passed last fall, amendments were made to the Conservation Authorities Act in support of Ontario's Housing Supply Action Plan, which came into effect January 1, 2023. Following the passing of these legislative amendments, a new Ontario Regulation 596/22 was made under the Conservation Authorities Act which also became effective January 1, 2023. Under this new regulation, conservation authorities are no longer able to review and provide commenting services on natural heritage for proposals under the Planning Act. However, as an interim measure for the benefit of the County / Municipality, the SVCA has provided a summary of natural heritage interests for applications received by the SVCA before January 1, 2023.

Purpose

The purpose of the application is for a consent for a lot addition. If approved, the application will facilitate the severance of forested lands from the subject property to merge with an abutting property so the forest can be preserved if the subject property is sold to a new owner. A Zoning By-Law amendment is also proposed to zone the severed lands as Environmental Protection (EP) and remove EP zoning from the retained lands.

Background

As part of the pre-submission consultation process for a planning application for severance, the owner/applicant contacted the SVCA on July 26, 2022 at the request of the County planning staff. SVCA provided comments, dated September 12, 2022, with copy sent to Bruce County planning staff.

Recommendation

The applications are acceptable to SVCA staff.

Delegated Responsibility and Advisory Comments

SVCA staff has reviewed the applications through 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). We have also reviewed the applications through our responsibilities as a service provider to the County of Bruce in that we provide expert advice and technical clearance on *Planning Act* applications with regards to natural hazards, natural heritage, and water resources as set out in the PPS, 2020, County Official Plan (OP) and/or local official plans. Comments below only include features/technical requirements affecting the property.

Natural Hazards:

Although areas of the properties are zoned Environmental Protection (EP) in the Huron-Kinloss Zoning By-law and designated Natural environment (NE) in Schedule A of the Huron-Kinloss OP, it is the opinion of SVCA staff that, based on SVCA site inspection to the properties in fall 2021, the EP zone and NE designations could be removed from the properties, as part of these applications. SVCA staff conducted a site inspection to the property in fall 2021 to confirm that no natural hazard features exist on the properties.

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 are consistent with Section 3.1. of the PPS, 2020.

Huron-Kinloss OP Policies

Section 2.7 of the Huron-Kinloss OP generally directs development to be located outside of hazardous areas. It is the opinion of SVCA staff that the applications are consistent with the natural hazard policies of the Huron-Kinloss OP.

Natural Heritage:

As part of SVCA staff's desktop review, it is our opinion that the significant natural heritage features affecting the properties is: significant woodlands.

Provincial Policy Statement – Section 2.1

Section 2.1 of the PPS, 2020 states in part that development shall not be permitted in: significant woodlands, and its adjacent lands, except in accordance with the specified policies found in Section 2.1.

Huron-Kinloss OP

The entirety of the properties is mapped as woodlands, though not significant woodlands as per Schedule B of the Huron-Kinloss OP. Significant woodlands have been identified on lands to the east of the 219 Lake Range Drive property. Section 2.6.4 of the Huron-Kinloss OP states in part that development shall not occur within significant woodlands. Based on the site plan submitted with the applications, development is not proposed within significant woodlands or their adjacent lands. Therefore, SVCA is not recommending an Environmental Impact Study to address significant woodlands policy at this time.

Statutory Comments

SVCA staff has reviewed the application 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.

Although a small area in the southern part of the properties includes SVCA Approximate Screening Area, as mentioned above, based on SVCA site inspection to the properties, there are no natural hazard features affecting the properties. Therefore, the properties are not subject to the SVCA Regulation 169/06. A permit from the SVCA will not be required for development on the properties.

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 acceptable to SVCA staff.

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;
- 2) Consistency with Section 2.1, Natural Heritage policies of the PPS, 2020 has been demonstrated; and
- 3) Consistency with local planning policies for natural hazards and natural heritage has been demonstrated.

Please inform this office of any decision made by the Township of Huron-Kinloss and/or the County of Bruce with regards 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
Environmental Planning Coordinator
Saugeen Conservation
MO/

cc: Jennifer White, Clerk, Township of Huron-Kinloss (via email)
Larry Allison, SVCA member representing the Township of Huron-Kinloss (via email)

From: Kent Lowry [redacted]

Sent: Wednesday, December 21, 2022 3:43 PM

To: Bruce County Planning - Inland Hub <bcplwa@brucecounty.on.ca>

Subject: File B-2022-115

** [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 Monica. I'm Kent Lowry and received a letter about 219 Lake Range Drive and 414 Winnebago Rd.

We live at 213 Petum Court. My number is [redacted]

Could you please send me the additional information you have about this proposal? I'll look online at the material too.

I would also like to be notified of the decision by the Land Decision Committee please.

Thank you for the help,

Kent

Sent from my iPhone

Individuals who submit letters and other information to Council and its Committees should be aware that any personal information contained within their communications may become part of the public record and may be made available through the agenda process which includes publication on the County's website.

If you have received this communication in error, please notify the sender immediately and delete all copies (electronic or otherwise). Thank you for your cooperation.

From: Tim Palmer

Sent: Tuesday, January 3, 2023 3:39 PM

To: Bruce County Planning - Inland Hub <bcplwa@brucecounty.on.ca>; jwhite@huronkinloss.com

Subject: B-2022-115 and Z-2022-117

** [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.

Received the consent application notice and public meeting notice. This application is "so the forest can be preserved". I laughed out loud. The real reason is for personal enjoyment and economic gain. I have lived here for over 25 years. This property was once owned by a local farm family. In the late 1990's it was logged. Over 200 stumps still exist on the combined lots which were covered by reclaimed soil during a road reconstruction.

The owner of 414 Winnebago bought the lot consisting of 414 Winnebago, 412 Winnebago and 219 Lake Range. He applied and received the severance into those three properties. He then clear cut 414 and 412 Winnebago. He also removed the majority of trees on 219 Lake Range. He wasn't preserving any forest.

The "EP" designation which is proposed might only be there for a short term. Spoke to the planner Monica today, she agreed that the conservation group could remove the "EP" zoning subject to council agreement. Once that step is completed some small buildings could be added to hold tractors and vehicles. Perhaps under bill 23 some small houses could be added. Should there be any need for fire service protection, guess they could get there through other neighbours' lots! At least if the property remains as present, fire protection services could be accessed by the owner's property. Please see the forest for the trees. The property zoning change should not be allowed. I am willing to attend the council meeting on the 16th to answer any questions.

Thanks for the consideration

Tim Palmer

404 Winnebago

-----Original Message-----

From: Lisa Hauley [redacted]

Sent: Friday, January 6, 2023 2:23 PM

To: Bruce County Planning - Inland Hub <bcplwa@brucecounty.on.ca>

Subject: Consent file B-2022-115

** [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.

I'm writing to object the decision to allow severance to the proposed property of 219 Lake Range and 414 Winnebago, Point Clark.

I strongly object for the purpose of environment protection and disruption of wildlife of the forested lands As I live very close to the above property , I regularly see wildlife living in and near the proposed property .

I find it very concerning that when trees are cleared near, it drives away wildlife and causes for flooding in the near by properties. As in the time that we have lived here, we've noticed much more water and flooding in the property between us and the proposed property.

Sincerely

Lisa Hauley

Scott Sanvido

406 Winnebago Road

The following is information and our concerns to share at the public meeting:

We are the land owner of four acres that runs adjacent to the McClory property on the south side. Our property is a 4 acre treed lot, that runs from Winnebago through to Lake Range.

The development on the McClory property has been causing drainage issues to neighboring properties, including ours! Mr McClory clear -cut his property, removing 100's of trees.

Those trees were assisting with the drainage for the area, during that process, he trespassed onto our property, and cut down 53 of our trees, changing the entire ecosystem in that area.

After the tree devastation, while removing debris from his property, he once again trespassed onto our lands, where he dug a large hole that is six feet deep, and has never had the decency to fix it. The water pools in that hole now.

He has been bringing in dump truck loads of fill, attempting to build up his lot, which of course pushes any water onto neighboring properties. This has never been addressed in the way of a drainage plan.

We respectfully request that as part of this application, and any future applications for his property - a plan for drainage be required, so that he does not continue to flood the neighborhood, as is the current situation.

Regards,

Barb & Bruce Fletcher



County of Bruce
Planning & Development Department
30 Park St. Box 848
Walkerton, ON N0G 2V0
brucecounty.on.ca
226-909-5515



December 13, 2022

File Number: Z-2022-117

Public Meeting Notice

You're invited

**Monday, January 16, 2023 at 2:00 pm, Council Chambers,
Township of Huron-Kinloss, 21 Queen Street, Ripley, ON**

A change is proposed in your neighbourhood: The purpose of the application is for a consent for a lot addition. If approved, the application will facilitate the severance of forested lands from the subject property to merge with an abutting property so the forest can be preserved if the subject property is sold to a new owner. A Zoning By-Law amendment is also proposed to zone the severed lands as Environmental Protection (EP) and remove EP zoning from the retained lands. The related consent file is B-2022-115.



219 LAKE RANGE DR – HURON CON A PT LOT 7 RP;3R9664 PT PART 1 (Huron),
Township of Huron-Kinloss Roll Number 410716000506940;
414 WINNEBAGO RD – HURON CON A PT LOT 7 RP;3R10132 PART 1 (Huron), Township
of Huron-Kinloss Roll Number 410716000506942

Learn more

You can view limited information about the application at <https://brucecounty.on.ca/living/land-use>. Additional information, including the supporting materials, can be provided upon request by e-mailing bcplwa@brucecounty.on.ca or calling 226-909-5515. Information can also be viewed in person at the County of Bruce Planning Office noted above, between 8:30 a.m. and 4:30 p.m. (Monday to Friday).

The Planner on the file is: Monica Walker Bolton

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 January 9, 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.

1. Please contact us by mail (address above) or bcplwa@brucecounty.on.ca if you have any questions, concerns or objections about the application.
2. You can speak at the Public Meeting.

For information on how to participate in the Public Meeting, please visit the Township of Huron-Kinloss website at: <https://calendar.huronkinloss.com/meetings>, or contact the Township by 4:30 pm on January 13, 2023 (jwhite@huronkinloss.com or 519-395-3735 ext. 123) if you have any questions regarding how to participate in the hearing.

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 the Township of Huron-Kinloss 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 the Bruce County Planning Department 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 Bruce County Planning Department 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



Bush of
175 x 230
Added to
414 Winnebago
Currently
83 x 300