



Corporation of the County of Bruce

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Planning and Development

Planning Report

To: Township of Huron Kinloss Committee of Adjustment

From: Julie Steeper, Planner

Date: April 12, 2021

Re: Minor Variance Application - A-2020-079 (Pilon)

Recommendation:

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

That Committee approve Minor Variance A-2020-079 as attached subject to the conditions on the decision sheet.

Summary:

The purpose of the application is to allow relief from the minimum lot area. The applicant is proposing a lot size of 1,383.5 square meters whereas the minimum lot area required in the zoning by-law is 1,850 square meters. The applicant is requesting relief for 466.5 square meters. If approved, the application would facilitate the creation of a new lot at 100 McCormick Drive, in the Township of Huron-Kinloss.

The property is south west of Kincardine and is west of Highway 21 and North Baseline, and south west of Concession 12. The property is surrounded by residential uses. The new lot would front onto Boiler Beach Road, while the retained lot would continue to front onto McCormick Drive.

[illegible]

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.

Four Tests of a Minor Variance

Section 45(1) of the *Planning Act* gives the authority of granting minor relief from the provisions of the Zoning By-law to the Committee of Adjustment. Such relief can only be granted if the Minor Variance passes four tests. If the Committee is not satisfied on all four tests, then the Minor Variance cannot be approved.

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

The Bruce County Official Plan designates the property Secondary Urban Communities and allows for lot creation on private septic with a proposed lot area of less than 4047 square meters but requires submission of a nitrate study. The purpose is to ensure that no development proposal shall result in a nitrate concentration of more than 10mg/L of nitrate at each new property boundary. A Nitrate Study was submitted with the subject application and addressed the matters as prescribed in the D-5-4 Technical Guideline for Individual On-Site Sewage Systems: Water Quality Impact Risk Assessment of the Ministry of Environment. The lot can meet the policy requirement with a tertiary septic system.

The property is designated as Lakeshore Residential and Environmental Protection in the Township of Huron Kinloss Official Plan. Similar to the County Plan, a smaller minimum lot size may be approved without amendment to the local Plan provided a study is prepared by a qualified professional that demonstrates that the concentration of nitrate nitrogen (NO₃-N) in the groundwater will be 10 mg/L or less. This has been demonstrated in the Nitrate Study submitted by the applicant and can be achieved through the use of tertiary septic system.

The application maintains the intent and purpose of the Official Plans.

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

The subject lands are zoned Residential (R1), and the by-law identifies a minimum lot area of 1,850 square meters whereas the applicant is proposing a lot size of 1,383.5 square meters. The intent of the minimum lot area is to ensure there is a large enough building envelope on the site to accommodate a residential dwelling and septic system. The minimum lot size also helps to ensure that the sizes of lots are similar and conform to area. There are lots in this area that are smaller and have similar nature to proposed lot size. The applicant has also demonstrated that a residence and tertiary septic system can be accommodated on the property.

The subject lands are also partially zoned Environmental Protection (EP). The proposed building envelope is sited outside the setbacks/hazards lands.

The variance does maintain the intent and purpose of the zoning by-law.

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

Over time, it can be expected that a property owner will grow add to or divide their property which allows them to maximize the benefit, value and use of their property. The variance also facilitates the creation of a new infill lot that is similar in nature to the surrounding neighbourhood, while increasing the supply of housing and supporting the efficient use of existing municipal water services in the area. The variance does represent an appropriate form of development for the use of the land.

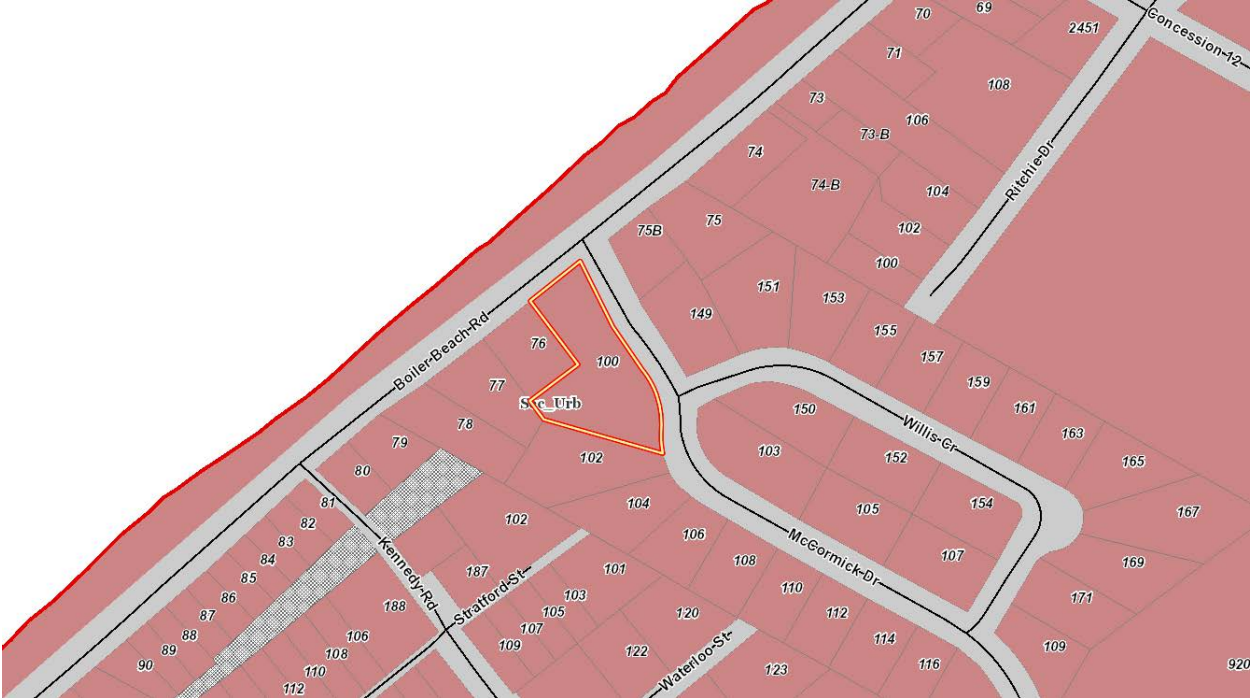
Is the application minor in nature?

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. The proposed lot size is in keeping with other similar lots in the neighbourhood. The variance is considered minor.

Appendices

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

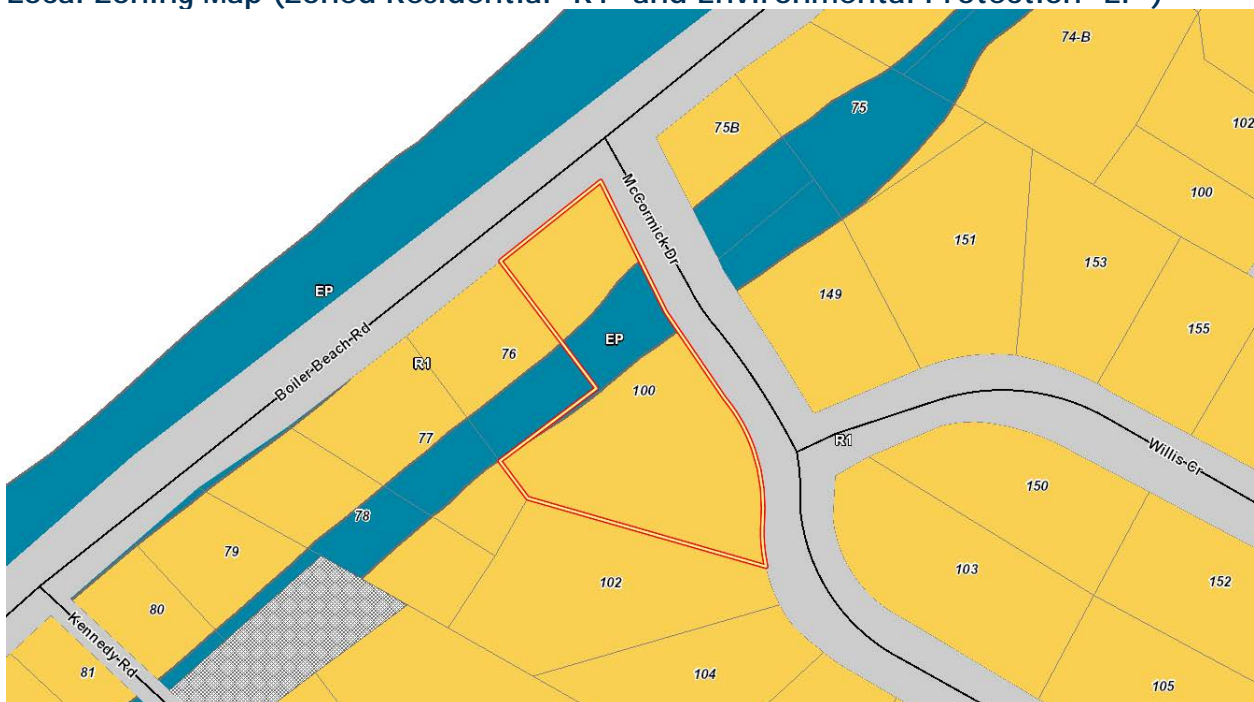
County Official Plan Map (Designated Secondary Urban Communities)



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



Local Zoning Map (Zoned Residential 'R1' and Environmental Protection 'EP')



Agency Comments

Township of Huron Kinloss: That the applicant enter into an agreement regarding the requirement to install the Class 5 system on the property.

Note: This has been added as a condition on the consent application and the agreement will be registered on title.

BM Ross: No concerns.

Historic Saugeen Metis: No concerns.

Saugeen Valley Conservation Authority: That a condition of severance and/or minor variance be that no development or site grading be permitted on the severed parcel until a geotechnical assessment demonstrates the proposal will not increase slope instability and that future development will not be impacted by unstable soils and groundwater flooding. Provided in full below.

Note: This has been added as a condition on the consent application.

Risk Management (Source water): No concerns.

Public Comments

Alain Lafond's property is located directly adjacent, to the west, of the applicant's property and he had concerns with the proposed development. His comments are provided in full below. The topics of concern brought forward are as follows:

Issue: Integrity of the hill.

Response: A lot grading and drainage plan will be reviewed by the municipality and will be addressed at the building permit stage. The geotechnical assessment requested by SVCA will also need to demonstrate no impacts to the slope or the future development.

Issue: The size of the lot in the proposal is out of character from the existing lots.

Response: Many of the lots along Boiler Beach Road are of similar size or smaller than the proposed lot.

Issue: The proposed building of a home will be too close to my home and this will cause flooding of my property and drainage issues.

Response: Any future buildings would need to meet the required setbacks in the zoning by-law. The lot would have to have its own drainage path on its own lot, and it cannot be draining on neighbouring properties. This would be addressed at the building permit stage.



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SENT ELECTRONICALLY(email@address.ca)

April 6, 2021

County of Bruce
Planning and Development Department
30 Park Street, P.O. Box 848
Walkerton, ON N0G 2V0

ATTENTION: Candace Hamm, Applications Technician

Dear Mrs. Hamm,

RE: Application for Consent: B-2020-099
Application for Minor Variance: A-2020-079
100 McCormick Drive
Roll No. 410716000910546
Plan M37, Lot 23 SEC M-37 PCL 23-1
Geographic Township of Huron
Township of Huron-Kinloss

[Pilon]

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) with the County of Bruce representing natural hazards, natural heritage, and water resources; and the application has 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.

The purpose of the application is to allow relief from the minimum lot area. The applicant is proposing a lot size of 1383.5 sq m whereas the minimum lot area required in the zoning by-law is 1850 sq m. The applicant is requesting relief for 466.5 sq m. If approved, the application would facilitate the creation of a new lot.

SVCA staff have reviewed the following documents submitted with this application. Items 2 to 4 were reviewed for information purposes only:

- 1) Request for Agency Comments, dated March 15, 2021, and associated application, dated March 10, 2021.;
- 2) Pilon Sewage System Impact Assessment, Cobide Engineering, November 11, 2020;
- 3) Response letter to Bruce County comments, Gaman Consultants, Inc., January 14, 2021; and,
- 4) Surveyor's Real Property Report, Part A, D. Culbert Ltd., September 8, 2020.



Watershed Member Municipalities
Municipality of Arran-Elderslie, Municipality of Brockton, Township of Chatsworth, Municipality of Grey Highlands,
Town of Hanover, Township of Howick, Municipality of Morris-Turnberry, Municipality of South Bruce,
Township of Huron-Kinloss, Municipality of Kincardine, Town of Minto, Township of Wellington North,
Town of Saugeen Shores, Township of Southgate, Municipality of West Grey

SVCA staff provided the attached pre-submission comments for the proposed severance in 2017. At that time, staff found the proposed acceptable. SVCA staff were later contacted in 2020 and copy of correspondence is attached.

RECOMMENDATION

SVCA staff find the applications acceptable, subject to the following condition:

1. That a condition of severance and/or minor variance be that no development or site grading be permitted on the severed parcel until a geotechnical assessment demonstrates the proposed will not increase slope instability and that future development will not be impacted by unstable soils and groundwater flooding.

SITE CHARACTERISTICS

The subject property features an existing residence and is approximately 4266 sq metres in size and located along the Lake Huron shoreline southeast of Boiler Beach Road. The ancient glacial Lake Algonquin shoreline bluff is located mid property. The southeast half of property containing the residence is cleared and is located upslope of the bluff. The proposed severed parcel contains the majority of the bluff and is currently well vegetated. There are seeps at the toe of bluff and the proposed severed parcel features organic soils and a high groundwater table.

DELEGATED RESPONSIBILITY AND ADVISORY COMMENTS

SVCA staff has reviewed the application 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 application 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 and/or local official plans. Comments below only include features/technical requirements affecting the property.

Natural Hazards

The subject property is bisected by the ancient glacial Lake Algonquin shoreline bluff, which is a constraint to development proposed on the north half of the property. The proposed severed parcel also features organic soils and a high groundwater table and is also affected by the dynamic beach hazard limit associated with the Lake Huron Shoreline. Both the bluff erosion hazard and dynamic beach hazard are mapped by the SVCA as hazard lands. It is SVCA staff's opinion both the Township of Huron-Kinloss's Official Plan (OP) and Zoning By-law hazard mapping conforms to SVCA's hazard land mapping, with the exception of the dynamic beach hazard, which is not identified on the Township's EP zoning for the property. SVCA staff recommends this be corrected in the next zoning by-law update.

The proposed building envelope is sited outside the setbacks/hazards lands as recommended by SVCA staff in pre-consultation, which is southeast of the dynamic beach hazard limit and 6 metres from the toe of slope. However, SVCA staff review of the above-noted Sewage System Impact Assessment indicates the site is subject to 1.0m to 2.2 m of organic soils and a high groundwater table. Lands affected by organic soils are defined by

the PPS, 2020 as hazardous sites. As such, proposed development on the property could be subject to instability from organic soils and basement flooding. Additionally, given the extent of organic soils on the property, SVCA cannot conclude proposed development would not have an impact on slope stability.

Therefore, in order to ensure new development on the proposed severed parcel would not have an impact on slope instability; and to ensure development could be mitigated from the impacts of organic soils and a high groundwater table, SVCA staff recommends that a geotechnical assessment be undertaken. The purpose of a geotechnical assessment would be to delineate the extent of organic soils and seepage on-site and to provide recommendations for mitigating the impacts of these hazards to both development and slope instability, including recommendations for appropriate site grading and drainage.

The following is a summary of Provincial, County, and Municipal natural hazard policies affecting the property.

Provincial Policy Statement (PPS, 2020) – Section 3.1

Section 3.1.1 of the PPS, 2020 states, in general, that development shall be directed to areas outside of hazardous lands (flooding hazards, erosion hazards, dynamic beach hazards), and hazardous sites (organic soils, leda clay, unstable bedrock.).

County of Bruce Official Plan (OP)

In general, Sections 5.8.5.1 and 5.8.8.2 of the County OP, in SVCA staff's opinion, do not support new development within lands affected by natural hazards in addition to Section 3.1 of the PPS, 2020 concerning development and site alterations in hazardous lands and sites.

Township of Huron-Kinloss Official Plan (OP)

It is SVCA staff's interpretation that, section 2.7, Natural Hazard Policies of the Township's OP does not support new development and site alteration within hazard lands, in general. However, where development is permitted to be located within natural hazard areas (i.e. public infrastructure, accessory structures to permitted uses, or additions to existing structures, development or site alteration may be permitted where the effects and risk to public safety are minor, could be mitigated in accordance with provincial standards and where all of the following are demonstrated and achieved: a) Development and site alteration is carried out in accordance with floodproofing standards, protection works standards, and access standards; b) Vehicles and people have a way of safely entering and exiting the area during times of flooding, erosion and other emergencies; c) New hazards are not created and existing hazards are not aggravated; and d) No adverse environmental impacts will result.

Given the above noted policies, it is SVCA staff's recommendation, a condition of severance and/or minor variance should prohibit development on the severed portion of property until a satisfactory geotechnical assessment is undertaken that demonstrates development and site alteration will not impact slope instability and that proposed structures would not be at risk to property damage from unstable soils and groundwater flooding.

Natural Heritage

In the opinion of SVCA staff, the subject property features adjacent lands to significant woodlands, adjacent lands to fish habitat, and potentially habitat of endangered and threatened species.

The following is a summary of Provincial, County, and local natural heritage policies affecting the property.

Significant Woodlands – Adjacent Lands

Schedule B of the Township of Huron-Kinloss's OP, shows the subject property is adjacent to significant woodlands that are west of Boiler Beach Road.

Provincial Policy Statement (PPS, 2020) – Section 2.1

Section 2.1.8 of the PPS states development and site alteration shall not be permitted on adjacent lands to significant woodlands unless it has been demonstrated that there will be no negative impacts on the natural features or their ecological functions.

County of Bruce Official Plan (OP)

The County of Bruce OP does not appear to have adjacent lands policies for significant woodlands.

Township of Huron-Kinloss Official Plan (OP)

It is SVCA staff's interpretation that sections 2.6.10 and 3.15.4 and of the Township's OP does not support development and site alteration within adjacent lands to significant woodlands unless an EIS evaluates the ecological function of the adjacent land and demonstrates that there will be no negative impacts on the natural features or on their ecological functions. In addition to mitigation measures identified in the EIS and where development or site alteration is shown to have no negative impacts, a natural vegetated setback of 30 metres from the woodland edge is required unless another setback is determined the EIS.

In the opinion of SVCA staff, the requirement for an EIS could be waived. The proposed development is approximately 25 metres from the significant woodland edge, is bisected by boiler beach road; and there is existing residential development on adjacent lands. As such, the cultural impacts to the adjacent woodlands would not be significant given pre-existing residential use.

Fish Habitat – Adjacent Lands

The proposed severed parcel is within 120 metres to Lake Huron, which is considered fish habitat. SVCA staffs review of fish habitat is provided in consideration of the PPS and local policies but does not provide clearance on the required statutes or legislation from either the Ministry of Natural Resources (MNRF) or the Department of Fisheries and Oceans (DFO).

Provincial Policy Statement (PPS, 2020)– Section 2.1

Section 2.1.8 states development and site alteration shall not be permitted on adjacent lands to fish habitat unless the ecological function of the adjacent lands has been evaluated and it has been demonstrated that there will be no negative impacts on the fish habitat or on their ecological functions.

County of Bruce Official Plan (OP)

It is SVCA staff's interpretation section 4.3.3 of the County OP requires that an EIS shall be undertaken for development and site alteration proposed within 120 metres of fish habitat

Township of Huron-Kinloss Official Plan (OP)

Sections 2.6.7 and 2.6.10 of the Township's OP, in SVCA staff's opinion, states that where development is proposed in a water feature or adjacent to a water feature that has the potential to contain fish habitat, an EIS shall be required; and that development and site alteration shall not be permitted in fish habitat, except in accordance with provincial and federal requirements. Furthermore, in addition to mitigation measures identified in the EIS and where development or site alteration is shown to have no negative impact, the study must identify a vegetation protection zone that: a) is of sufficient width to protect fish habitat or from the impacts of the proposed change and associated activities that may occur before, during, or after construction, and where possible, restore or enhance fish habitat; and b) is established to achieve, and be maintained, as natural self-sustaining vegetation.

The proposed developable area is over 30 metres to Lake Huron and any potential offsite impacts from development on the severed parcel can be mitigated via appropriate erosion and sediment control measures. As such, SVCA staff does not recommend an EIS to address adjacent lands to fish habitat.

Habitat of Endangered and Threatened Species

It has come to the attention of SVCA staff that habitat of endangered species and threatened species may be located on and/or adjacent to the property.

Provincial Policy Statement (PPS, 2020) – Section 2.1

Section 2.1.7 of the PPS states that development and site alteration shall not be permitted in habitat of endangered species and threatened species.

County of Bruce Official Plan (OP)

It is SVCA staff's opinion, section 4.3.2.7 of the County's OP does not permit development within habitat of threatened and endangered species; and that development and site alteration proposed within 50 metres adjacent will not be permitted unless an EIS demonstrates the proposed will not have an impact on the habitat or its ecological functions.

Township of Huron-Kinloss Official Plan (OP)

Section 2.6.5 of the Township's OP, in SVCA staff's opinion, states that no development or site alteration shall be permitted in habitat of endangered or threatened species or species at risk except in accordance with provincial and federal requirements; and further that, development and site alteration may be permitted on adjacent lands to significant habitat of endangered or threatened species only if it has been demonstrated through an EIS that there will be no negative impacts on the habitat of endangered or threatened species.

The SVCA's role is to identify endangered and threatened species habitat through a screening process in consideration of the PPS and local policies, however, it is the responsibility of the applicant to ensure the endangered species and threatened species policy referred to in the PPS and the local policies have been appropriately addressed. Please contact the Ministry of Environment, Conservation and Parks (MECP) for information on how to address this policy. MECP inquiries can be addressed to SAROntario@ontario.ca.

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.

Portions of the subject property are within the SVCA 'Approximate Regulated Area' associated with Ontario Regulation 169/06. As such, development and/or site alteration within this area requires the 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 the SVCA Approximate Regulated Area on the property, 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. *[or include a map]*

SVCA Permission for Development or Alteration

Proposed development and site grading on the property will require a permit from SVCA prior to undertaking the work. Clearing of vegetation and trees prior to SVCA permission is not recommended as the vegetation contributes to the conservation of land and erosion control of the bluff.

SUMMARY

SVCA staff has reviewed this application 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 above-noted "Sewage System Impact Assessment" indicates the proposed severed parcel is affected by organic soils and a high groundwater table. As such, proposed future development on the severed parcel could be subject to instability from organic soils and basement flooding from high groundwater. Therefore, SVCA staff cannot conclude that proposed future development would be safe from property damage; and furthermore, we cannot advise if future development would not impact slope instability.

Therefore, SVCA staff recommends that a geotechnical assessment be undertaken. The purpose of a geotechnical assessment would be to delineate the extent of organic soils and seepage on-site and to provide recommendations for mitigating the impacts of these hazards to both development and slope instability, including recommendations for appropriate site grading and drainage. We further recommend that a condition of severance and/or condition of minor variance be that development not be permitted on the severed parcel until a geotechnical study demonstrates the proposed will not increase slope instability and that future development will not be impacted by unstable soils and groundwater/seep flooding.

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 and the natural hazard policies of the County and local OPs will be demonstrated, provided the above recommendation is implemented.
- 2) Consistency with Section 2.1, Natural Heritage policies of the PPS and the natural heritage policies of the County and local OPs has been demonstrated, with the exception of endangered and threatened species policies, which the applicant must address with MECP.

Thank you for the opportunity to comment. Please inform this office of any decision made by the County/Township with regard to this application. We respectfully request to receive a copy of the decision and notice of any appeals filed.

Twp. of Huron-Kinloss
SEV file B-2020-099; MV file A-2020-079
April 6, 2021
Page 8 of 8

Should you have any questions, please contact the undersigned at b.walter@svca.on.ca.

Sincerely,

A handwritten signature in cursive script that reads "Brandi Walter". The signature is written in dark ink on a light-colored background.

Brandi Walter
Environmental Planning Coordinator
Saugeen Conservation

BW/

cc: Don Murray, SVCA Member (via email).
Matt Farrell, CBO, Township of Huron-Kinloss (via email)



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Tel 519-367-3040, Fax 519-367-3041, publicinfo@svca.on.ca, www.svca.on.ca

SENT ELECTRONICALLY ONLY (kvanande@gmail.com)

June 27, 2017

Dear Ms. Pilon,

RE: Proposed Severance – Pre-Submission Consultation
100 McCormick Drive
Lot 23, Plan M37
Geographic Township of Huron
Township of Huron-Kinloss

As requested, Saugeen Valley Conservation Authority (SVCA) staff visited the above-noted property on May 19, 2017 to review a severance proposal. It is the understanding of SVCA staff that you are acting on behalf of the property owner(s), and are seeking input from SVCA staff on a proposal to sever the northern portion of the property to create a new residential lot. Preliminary information for the severance proposal was submitted to the SVCA in March 2017. The proposal to sever the northern portion of the subject property is generally acceptable to SVCA staff, and we offer the following comments.

SVCA Regulation

Please be advised that all of the proposed severed parcel, and the northern portion of the proposed retained parcel, are subject to the SVCA's Development, Interference with Wetlands and Alterations to Shorelines and Watercourses Regulation (Ontario Regulation 169/06, as amended). This Regulation is in accordance with Section 28 of the *Conservation Authorities Act* R.S.O., 1990, Chap. C. 27. This Regulation 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.

"Development" and Alteration

Subsection 28(25) of the *Conservation Authorities Act* defines "development" as:

- 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.*



Watershed Member Municipalities

Municipality of Arran-Elderslie, Municipality of Brockton, Township of Chatsworth, Municipality of Grey Highlands, Town of Hanover, Township of Howick, Municipality of Morris-Turnberry, Municipality of South Bruce, Township of Huron-Kinloss, Municipality of Kincardine, Town of Minto, Township of Wellington North, Town of Saugeen Shores, Township of Southgate, Municipality of West Grey

According to Section 5 of Ontario Regulation 169/06, as amended, alteration generally includes the straightening, diverting, or interference in any way with the existing channel of a river, creek, stream or watercourse, or the changing or interfering in any way with a wetland.

To determine where the SVCA's areas of interest are located associated with our Regulation, 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

Permission from the SVCA is required for future development on the proposed severed parcel. An ancient glacial lake shoreline bluff exists in the central portion of the subject property, and during the SVCA staff site inspection, the proposed severed parcel was found to have organic soils and high groundwater conditions associated with groundwater flow from the bluff.

It is likely that permission from the SVCA can be obtained for new development on the proposed severed lot, subject to conditions. Through the SVCA Permit review process, staff will ensure that development on the proposed severed lot occurs outside of the hazardous lands. The hazardous lands for the property, as plotted by SVCA staff, are shown on the enclosed mapping. Development on the proposed severed parcel will also need to take into account the existing site conditions, appropriately address drainage and soil conditions, and not disturb or impact the bluff. In the opinion of SVCA staff, future development on the proposed severed parcel will need to be located a minimum of 6 metres from the toe of slope, which is the northern extent of the hazardous lands plotted by SVCA staff. A dwelling with living space (a basement) below the existing grade would also not be appropriate for the proposed severed parcel, in the opinion of SVCA staff.

Right to Hearing

Please be advised that the owner of a property may submit a complete Application for a development proposal to the SVCA at any time.

In accordance with Section 28 (12) of the *Conservation Authorities Act*, permission required under Ontario Regulation 169/06, as amended, shall not be refused or granted subject to conditions unless the person requesting the permission has been given the opportunity to require a hearing before the Authority or, in the case of the SVCA, before the Authority's Executive Committee. Should you submit an Application to Alter a Regulated Area for which staff is not prepared to issue a permit, a hearing will be scheduled before the Executive Committee.

After holding a hearing under Section 28 (12), the SVCA Executive Committee shall,

- (a) refuse the permission; or
- (b) grant the permission, with or without conditions

After the hearing, the SVCA Executive Committee provides the person who requested permission written reasons for the decision. If the person is refused permission or objects to conditions imposed on the

permission, the person may appeal to the Minister of Natural Resources within 30 days of receiving the reasons for the refusal.

Zoning and Official Plan

Administration and final interpretation of the Zoning By-law and Official Plan are the responsibility of the Township and/or County. We recommend you contact the Township of Huron-Kinloss and/or the County of Bruce to confirm the zoning status and/or designation for the property, and for all other items relating to the Zoning By-law and Official Plan.

Planning Act Application Pre-Submission Consultation

In order to move forward with the lot creation proposal, it is the understanding of SVCA staff that you will need to submit a *Planning Act* Application to the Township of Huron-Kinloss / County of Bruce. SVCA staff provide comments on natural hazards and natural heritage matters to the Township/ County; however, the SVCA is not the Approval Authority for *Planning Act* Applications. The following pre-submission consultation comments are offered by SVCA staff.

Natural Hazards

The natural hazards on the property, being the ancient glacial lake bluff, has been designated Environmental Protection (EP) in the Township of Huron-Kinloss Official Plan (OP), and zoned Environmental Protection (EP) in the Zoning By-law. The EP designation/zone generally coincides with the hazardous lands mapping plotted by SVCA staff. It is the opinion of SVCA staff, sufficient area outside of the hazardous lands on the proposed severed parcel to accommodate future residential development.

Natural Heritage

The natural heritage features affecting the subject property include Significant Woodlands, potentially significant wildlife habitat, and fish habitat.

- Significant Woodlands

The woodlands on the property have not been identified as Significant Woodlands; however they have been included as part of the Natural Heritage System (NHS) as shown on Schedule 'B-3' of the Township of Huron-Kinloss OP. The woodlands lakeside of Boiler Beach Road are identified as being Significant. Section 2.6.10 of the OP indicates that an application for development or site alteration within adjacent lands to the NHS shall be accompanied by an Environmental Impact Study (EIS). However, SVCA staff is of the opinion that the potential impacts to the woodlands and Natural Heritage System as a result of the proposed lot creation would be negligible, and we are not recommending the preparation of an EIS at this time.

- Significant Wildlife Habitat

It has come to the attention of SVCA staff that significant wildlife habitat may be located on or adjacent to the property. Section 2.6.6 of the Township of Huron-Kinloss OP indicates that development or site alteration proposed in or adjacent to significant wildlife habitat is not permitted unless an EIS has been completed

demonstrating that there will be no negative impact on the significant wildlife habitat. SVCA staff is of the opinion that the impacts to significant wildlife habitat as a result of the proposed lot creation would be negligible, and we are not recommending the preparation of an EIS at this time.

- Fish Habitat

Lake Huron is considered fish habitat by SVCA staff. Section 2.1.8 of the Provincial Policy Statement (PPS 2014) indicates that, among other things, development and site alteration shall not be permitted on the adjacent lands of fish habitat unless the ecological function of the adjacent lands has been evaluated and it has been demonstrated that there will be no negative impacts on fish habitat or on their ecological functions. SVCA staff is of the opinion that the impacts to the adjacent lands to fish habitat as a result of this proposal will be negligible, and we are not recommending the preparation of an EIS at this time.

Application for Consent


Should an Application for Consent be submitted to the Township/County to sever the northern portion of the subject property, that proposal would be acceptable to SVCA staff provided it is in accordance with the lot creation proposal reviewed by SVCA staff and referenced in this correspondence.

Conclusion

SVCA staff has provided comments based on the information that is currently available. Should development on the property not proceed for some time, there is no guarantee these comments will remain unchanged indefinitely. Preliminary SVCA staff comments regarding Zoning and Official Plan matters have been included within this correspondence, but should not be considered all-encompassing or the formal SVCA staff *Planning Act* Application comments.

We trust you find this information helpful. Should questions arise, please do not hesitate to contact this office.

Sincerely,



Candace Hamm
Environmental Planning Coordinator
Saugeen Conservation

CH/

Encl.

cc: David Smith, Senior Planner, Bruce County Planning and Development Department (via e-mail)
Sonya Watson, Clerk, Township of Huron-Kinloss (via e-mail)
Wilf Gamble, Authority Member, SVCA (via e-mail)

From: [Brandi Walter](#)
To: [Kim Pilon](#)
Subject: RE: Proposed Severance - Pre-Submission Consultation
Attachments: [Pilon SVCA Map.jpg](#)

Dear Kim,

I have reviewed Candace's letter to you. Although I can not locate the physical file at this time. It would seem SVCA current staff would honor Candace's comments, with one additional piece of information. That being, the proposed residence must be located outside the dynamic beach as illustrated on the attached map. Based on my desktop review, the dynamic beach setback is approximately 14.5 metres from the edge of paved road – Boiler Beach Rd. I would also ask that you draft a site plan showing there is sufficient room on the proposed severed parcel outside the setbacks as noted in Candace's June 27, 2017 letter and this email. If it is shown you can construct a dwelling within these constraints, including an on-site sewage disposal system, SVCA would find the proposed severance acceptable.

Kind Regards,

Brandi Walter
Environmental Planning Coordinator
Saugeen Conservation

519-367-3040 ext. 236
b.walter@svca.on.ca

From: Kim Pilon <kvanande@gmail.com>
Sent: Wednesday, December 11, 2019 12:32 PM
To: Brandi Walter <b.walter@svca.on.ca>
Subject: Fwd: Proposed Severance - Pre-Submission Consultation

Brandi,

I had previously been in touch with Candace regarding this project. I just want to make sure that the attachments are still relevant as well will be going forward with the severance in 2020.

Thanks,

Kim Pilon

----- Forwarded message -----

From: **Candace Hamm** <c.hamm@svca.on.ca>

Date: Tue, Jun 27, 2017 at 3:59 PM

Subject: Proposed Severance - Pre-Submission Consultation

To: Kim Pilon <kvanande@gmail.com>

Cc: David Smith <dsmith@brucecounty.on.ca>, Sonya Watson (Huron-Kinloss) <swatson@huronkinloss.com>, Wilf Gamble (890430) <wilfg@hurontel.on.ca>

Good afternoon Kim,

RE: Proposed Severance – Pre-Submission Consultation
100 McCormick Drive
Lot 23, Plan M37
Geographic Township of Huron
Township of Huron-Kinloss

Please find attached the SVCA staff comments. Should you have any questions, please do not hesitate to contact our office.

Kind regards,

Candace Hamm

Candace



PRIVACY DISCLAIMER: This e-mail (including any attachments) may contain confidential, proprietary, and privileged information and unauthorized disclosure or use is prohibited. If you received this e-mail in error, please notify the sender and delete this e-mail from your system. SAUGEEN VALLEY CONSERVATION AUTHORITY. Thank You!

From: [REDACTED]
To: [Planning Applications Walkerton](#)
Cc: [REDACTED]
Subject: File Number: A-2020-079/Related Consent File B-2020-099
Date: Wednesday, March 31, 2021 1:22:23 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.**

Hello,

I'm writing this email to inform you that I, Alain J.D Lafond, the owner of 76 Boiler Beach Road, Kincardine, am Opposed to the Minor Variants Proposal.

Here are some of the Reasons and Concerns.

First. Clearing the Wood lot North of my property will affect the integrity of the hill East of my property. This will cause a Significant amount of erosion to the hill. Not only will this create flooding issues, this will also affect the foundation of my home, which is built on a slab.

Second. The size of the lot in the proposal is out of character from the existing lots on my road. The proposed building of home will be too close to my home and this will cause flooding of my property and drainage issues from the Septic System, regardless of what type of design is used. I would also like to add a building on this lot will be aesthetically detrimental to my home, with the possibility of it being built so close. This will be unlike any other properties on Boiler Beach Road.

Third. The Waterways and Cedar trees in the proposed lot currently assist with the Natural Process of handling Runoff and maintaining the Integrity of the hill. Disruption of the property, and construction will cause havoc and uncertainty. How could this be acceptable? If the Waterways and Cedar trees are disturbed or removed during construction, how will this be corrected? And If so, can this be proven and ensured that there will be no Infiltration and Saturation of Excess Runoff towards my property during this time?

Fourth. The Elevation of the Proposed Lot will be an area of concern as well. The Proposed Lot as stated above, is a Natural Waterway (Swap Area). This area will require a significant amount of fill, which will bring the property elevation much higher than my property and without a doubt will cause flooding. Will there be any guarantee that ensures no excessive Runoff of water during Rain Storms and Thawing of Snow during Winter months?

Fifth. The MPAC value. If this proposal to build is past, how will this affect my MPAC value?

I hope you take the time to carefully review my concerns. If possible, please send me a Notice of Decision on this matter.

Thank you for your time. It is Greatly Appreciated!

See below attached pictures of Waterways/Swap areas. Feel free to email or call me for any more information or pictures.

Kindest Regards,

Alain J.D Lafond













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



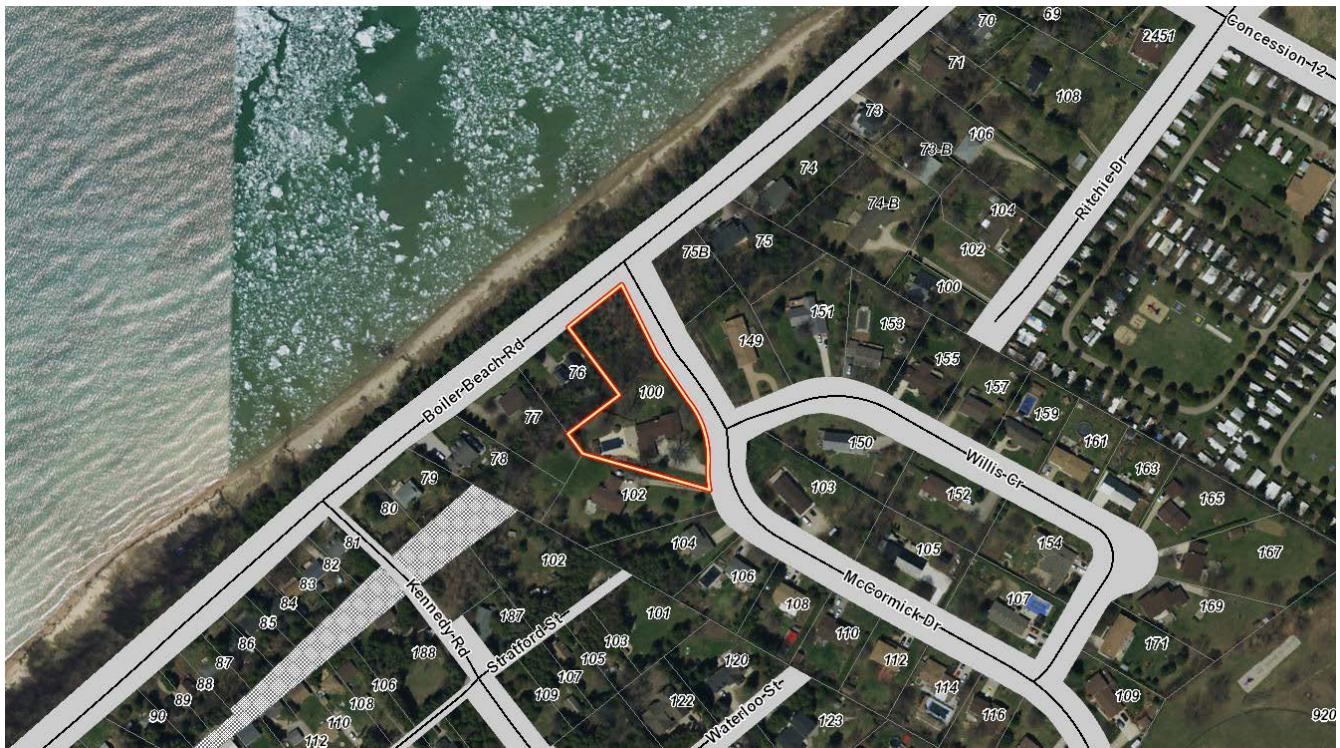
March 15, 2021

File Number: A-2020-079

Public Hearing Notice

**You're invited to participate in an Online Public Hearing
Monday, April 12, 2021 at 7:00 pm**

A change is proposed in your neighbourhood: The purpose of the application is to allow relief from the minimum lot area. The applicant is proposing a lot size of 1383.5 sq m whereas the minimum lot area required in the zoning by-law is 1850 sq m. The applicant is requesting relief for 466.5 sq m. If approved, the application would facilitate the creation of a new lot. The related consent file is B-2020-099.



100 McCormick Dr - PLAN M37 LOT 23 SEC M-37 PCL; 23-1 (Huron),
Township of Huron-Kinloss, Roll Number 410716000910546

COVID-19 Notice: Bruce County Planning offices are closed to the public until further notice. Our staff would be pleased to connect with you by email or phone.

Learn more

You can view more information about the application at <https://brucecounty.on.ca/living/land-use>. Our staff would be pleased to connect with you by email (bcplwa@brucecounty.on.ca) or phone (226-909-5515). Once our offices re-open, information about the application will be available in person at the County of Bruce Planning Office noted above, between 8:30 a.m. and 4:30 p.m. (Monday to Friday).

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.

Before the meeting: You can submit comments by email bcplwa@brucecounty.on.ca or 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.

On the day of and during the Public Meeting: you can speak during the online public hearing.

How to access the public hearing

As a result of the COVID-19 Pandemic, the Township of Huron-Kinloss is holding public meetings and public hearings in electronic format.

For information on how to participate in the public hearing, please visit the municipal website at: <https://www.huronkinloss.com/minutes-agendas.cfm>.

Details on participating in the electronic meeting will be provided when the agenda is published. Please contact the Township of Huron-Kinloss by 4:30 pm on April 12, 2021 (edance@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 Committee of Adjustment on the proposed application, you must make a written request to the Bruce County Planning Department on behalf of the Secretary-Treasurer for the Committee of Adjustment.

Know your rights

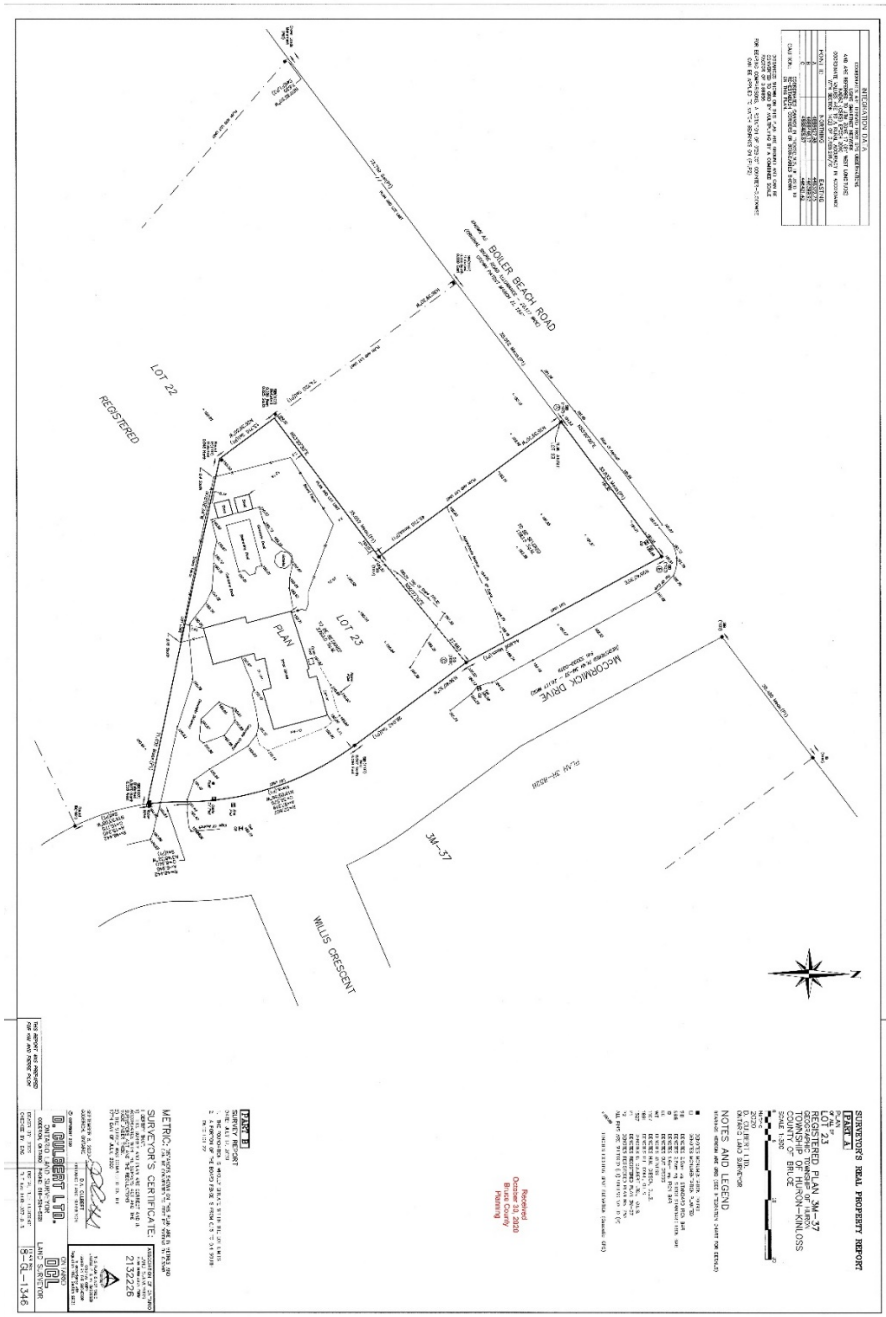
The applicant, the Minister or any other person or public body who has an interest in the matter may within 20 days of the making of the decision appeal to the Tribunal against the decision of the committee by filing with the secretary-treasurer of the committee a notice of appeal setting out the objection to the decision and the reasons in support of the objection accompanied by payment to the secretary-treasurer of the fee charged by the Tribunal under the Local Planning

COVID-19 Notice: Bruce County Planning offices are closed to the public until further notice. Our staff would be pleased to connect with you by email or phone.

For more information please visit the Local Planning Appeal Tribunal website at <https://olt.gov.on.ca/tribunals/lpat/about-lpat/>.

Site plan

(For Representation Only – Site Plan Available on the Bruce County Website)



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