



Planning Report

To: Township of Huron Kinloss Council

From: Julie Steeper, Planner

Date: June 13, 2022

Re: Zoning Bylaw Amendment Application - Z-2022-044 (MacMasters)

Recommendation:

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

That Council approve Zoning By-law Amendment Z-2022-044 as attached and the necessary by-law be forwarded to Council for adoption.

Summary:

The purpose of the application is to sever a +/- 782.62 sq. m. residential lot from a +/- 3,372.61 sq. m. parcel at 136 Boiler Beach Road and 137 Boiler Beach Road, in the Township of Huron Kinloss. An amendment to the Zoning By-law is required to rezone the lands from Residential (R1) to Residential Special (R1-25.164) and Resort/Recreational Commercial (RRC) to Resort/Recreational Commercial Special (RRC-25.163) to recognize the existing lot sizes, lot frontages, and for the need of tertiary septic system for the proposed severed lot. If approved, the subject Zoning By-law Amendment would facilitate the re-creation of two lots that previously merged on title.

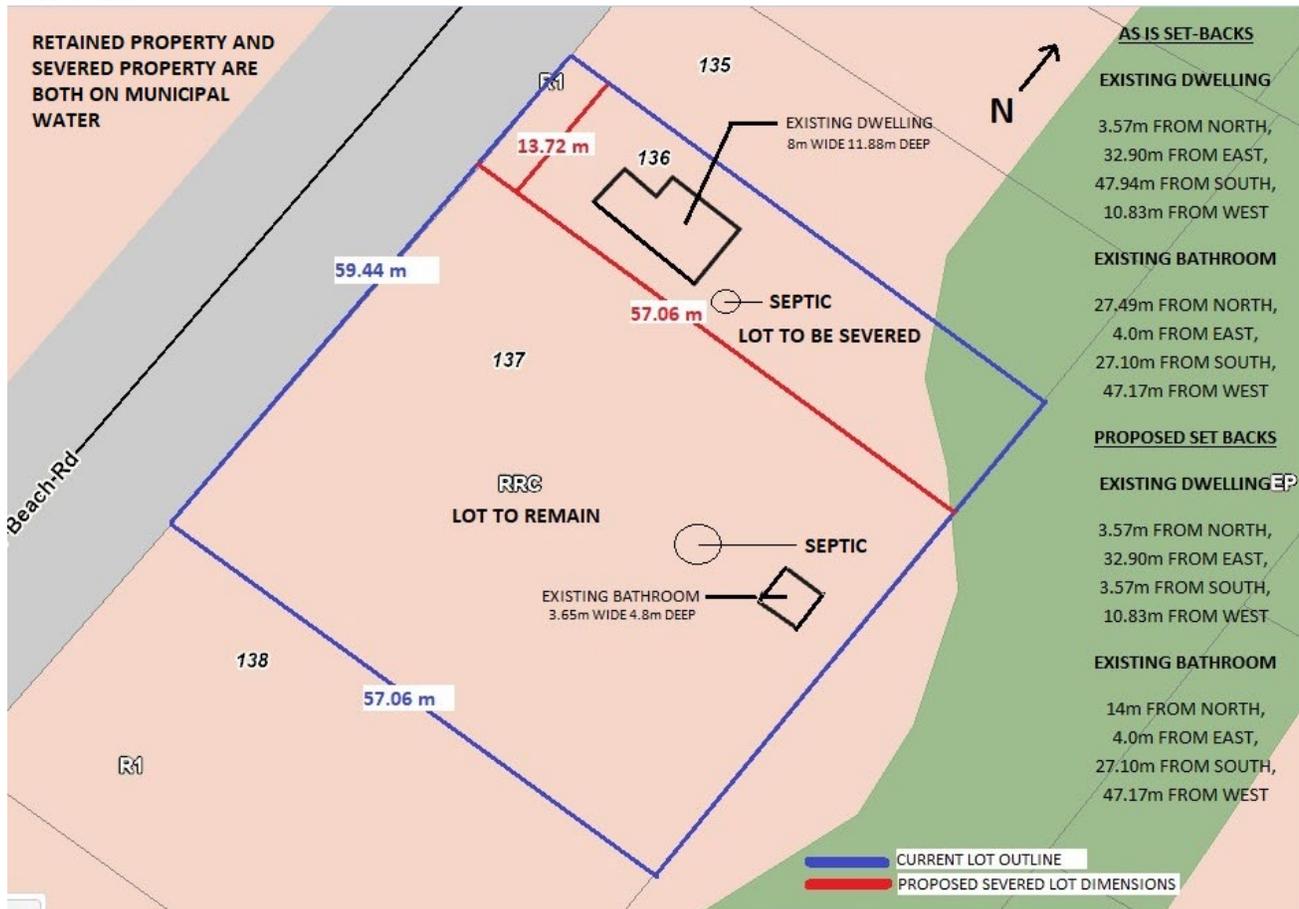
The related consent file (B-2021-090) will be considered by the County at a later date.

The property is located north of Concession 10, and west of Lake Range Drive. The site is surrounded by residential uses. The proposed severed and retained lots would front onto Boiler Beach Road.

Airphoto



Site Plan



Planning Analysis:

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

The recreation of merged and undersized lots

The Bruce County Official Plan policies provide opportunities for previously merged lots to be re-created. Staff acknowledge that some types of lots can merge on title if they have the same owner and may not meet current planning criteria for severance. The intent of policy is to ensure that lots are of sufficient size to support their uses. It is the opinion of staff that this proposal maintains the overall intent of the merged and undersized lots policy. The lots will remain the same and will continue to be used for residential and recreational purposes. The proposed lots are in keeping with the lot area, frontage, and density pattern of the surrounding area.

Lot Size and Septic Servicing

The subject lands are designated Secondary Urban Community in the Bruce County Official Plan and designated Lakeshore Residential and Environmental Protection in the Huron-

Kinloss Official Plan. Both Official Plans allow for lot creation on private septic with proposed lot areas of less than 4047 square meters and 1,850 square meters respectively but require 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 Sewage System Impact Assessment 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 proposed severed lot meets the policy requirements with a tertiary septic system. Any future development on the proposed retained parcel will need to comply with Provincial criteria for nitrates, this may require updates to the existing septic services.

The subject lands are zoned Residential (R1) and Resort/Recreational Commercial (RRC), and the Township of Huron-Kinloss Zoning By-law identifies a minimum lot area of 1,850 square meters for residential lots. the Township of Huron-Kinloss Zoning By-law identifies a minimum lot area of 4,000 square meters for recreational commercial lot. The minimum lot size also helps to ensure that the sizes of lots are similar and conform to area. In this case, there are lots in this area that are smaller or similar in size to the proposed lot. The proposed retained lot has 1 washroom facility and 13 temporary trailers located on the property. The proposed severed lot has an existing single detached dwelling. The structures predate the merging of the lots.

Required Zoning By-law Amendment

The proposed severed lot will be rezoned from Residential (R1) to Residential Special ((R1-25.164) with the following provisions:

- i) That the lot area shall be no less than 782 sq. m.;
- ii) That the lot frontage shall be no less than 13 m.;
- iii) Any buildings and structures existing as of June 13, 2022 which do not comply with the provisions of the By-law are hereby recognized as being in compliance with the zoning. All future buildings and structures, or additions to existing buildings and structures, shall comply with the provisions of the By-law;
- iv) Development shall be serviced by an advanced tertiary sewage disposal system that achieves at least 50% nitrate removal and meets the specifications of the CAN/BNQ 3680-600 standard, as amended from time to time or by connection to a Municipal sewage disposal system.

The proposed retained lot will be rezoned from Resort/Recreational Commercial (RRC) to Resort/Recreational Commercial Special (RRC-25.163) with the following provisions:

- i) That the lot area shall be no less than 2589 sq. m.;
- ii) That the lot frontage shall be no less than 45 m.; and
- iii) Any buildings and structures existing as of June 13, 2022 which do not comply with the provisions of the By-law are hereby recognized as being in compliance with the zoning. All future buildings and structures, or additions to existing buildings and structures, shall comply with the provisions of the By-law; and any

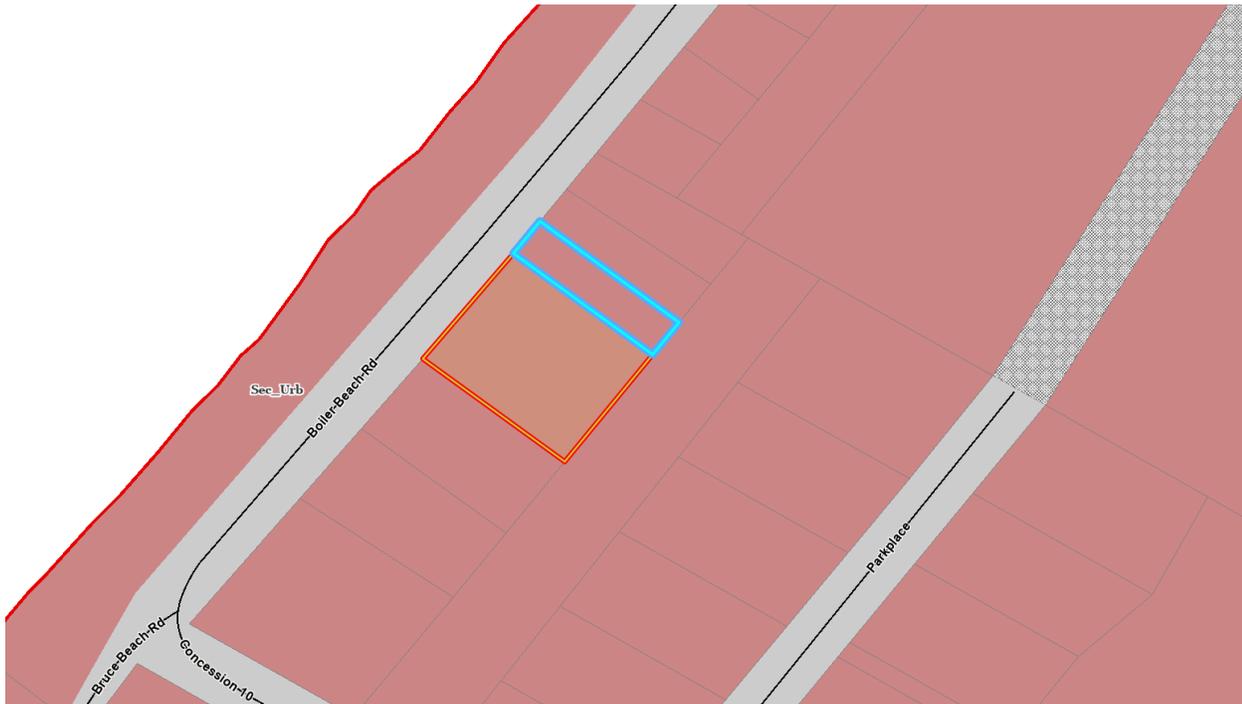
future development will comply with Provincial criteria for nitrates, this may require updates to existing septic services.

The Environmental Protection (EP) area will remain unchanged.

Appendices

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

County Official Plan Map (Designated Secondary Urban Communities)



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



Local Zoning Map (Zoned Resort Recreational/Commercial 'RRC', Residential 'R1' and Environmental Protection)



List of Supporting Documents and Studies

Sewage System Impact Assessment submitted by Cobide Engineering Inc.

Agency Comments

Township of Huron Kinloss: No comment.

BM Ross, Township of Huron-Kinloss Engineers: The existing system on the residential property was inspected as part of Cycle 2 of the HKCSI program in 2021, with no issues observed at that time. We note the findings of the nitrate study that state an advanced treatment unit (tertiary septic system) is required to address nitrate loadings. A new system will be required to submit an Application for Permit to Construct or Demolish and associated fee will be required. We have no objections to this proposal.

Saugeen Ojibway Nation: Saugeen Ojibway Nation's Environment Office does not have the resources to engage in consultation on this project. We have no further comments on this project. If at any point anything of archeological interest is revealed on site, please contact the SON Environment Office immediately.

Historic Saugeen Métis (HSM): The Historic Saugeen Métis (HSM) Lands, Resources and Consultation Department has reviewed the relevant documents and have no objection or opposition to the proposed Consent to Sever Land as presented.

Risk Management (Source water): I have reviewed the proposed application as it relates to drinking water source protection and the Clean Water Act. The subject property is located within zone 2 of the Kincardine Intake Protection Zone (IPZ-2), as identified in the Saugeen Source Protection Plan (SPP). There are no binding SPP policies or restrictions related to residential properties in this zone; a Notice under section 59 of the Clean Water Act is not required for this application.

Hydro One Networks Inc.: We have reviewed the documents concerning the noted Plan and have no comments or concerns at this time.

Saugeen Valley Conservation Authority: The proposed applications are acceptable to SVCA staff, and provided in full below.

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

June 6, 2022

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

ATTENTION: Julie Steeper, Planner

Dear Ms. Steeper,

RE: Proposed Consent B-2021-090 and Zoning By-law Amendment Z-2022-044 (MacMasters)
136 and 137 Boiler Beach Road
Part Lot 51 Concession A
Roll Nos.: 410716000900500; 410716000900400
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.

Purpose

The purpose of the application is to sever a +/-782.62 sq. m. residential lot from a +/-3,372.61 sq. m. trailer park parcel. These two lots previously merged on title. A Zoning Bylaw amendment is required to permit the reduced lot sizes for both the severed and retained lots. The amendment will address the reduced lot frontage for the residential lot. If approved, the application would facilitate the consent.

Recommendation

The proposed 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 there appears to be no natural hazard features located on the properties, the natural hazard features affecting the properties include Lake Huron and its related flooding and erosion hazards, directly to the west of the properties, and the shoreline bluff/slope directly to the east of the properties. Although a very small area along the eastern and western property lines are designated EP in the Huron-Kinloss OP, the properties are not zoned in the Huron-Kinloss Zoning By-law, which appears to be appropriate for 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 comply with Section 3.1. of the PPS, 2020.

County of Bruce OP Policies

Section 5.8 of the County of Bruce OP generally directs development to be located outside of Hazardous Land Area. It is the opinion of SVCA staff that the applications comply with the natural hazard policies of the Bruce County OP.

Natural Heritage:

It is the opinion of SVCA staff that the significant natural heritage feature affecting the properties is fish habitat and its adjacent lands.

Provincial Policy Statement – Section 2.1

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

Bruce County OP Policies

Fish Habitat and its Adjacent Lands

Lake Huron is located approximately 45 metres to the west of the properties, therefore the properties are located within the adjacent lands to fish habitat. Section 4.3 of the Bruce County OP generally prohibits development within fish habitat and its adjacent lands, except in accordance with applicable policies. SVCA staff are of the opinion that the negative impacts to fish habitat and its adjacent lands as a result of the applications will be negligible, and SVCA staff are not recommending the preparation of an Environmental Impact Study (EIS) to address fish habitat at this time.

Statutory Comments

SVCA staff has reviewed the applications as per our responsibilities as a regulatory authority under Ontario Regulation 169/06 (SVCA's Development, Interference with Wetlands, and Alterations to Shorelines and Watercourses Regulation). This regulation, made under Section 28 of the *Conservation Authorities Act*, enables SVCA to regulate development in or adjacent to river or stream valleys, Great Lakes and inland lake shorelines, watercourses, hazardous lands and wetlands. Subject to the CA Act, development taking place on or adjacent to these lands may require permission from SVCA to confirm that the control of flooding, erosion, dynamic beaches, pollution or the conservation of land are not affected. SVCA also regulates the alteration to or interference in any way with a watercourse or wetland.

The eastern portion of the properties is within the SVCA Approximate Screening Area associated with Ontario Regulation 169/06. As such, development and/or site alteration within the SVCA Approximate Screening Area may require permission from SVCA, prior to carrying out the work. For the properties, the SVCA Approximate Screening Area includes the shoreline slope/bluff located east of the properties, as well as a 15 metre distance outward from the toe/bottom of slope, this 15 metre distance extends onto the eastern part of the properties.

"Development" as defined under the *Conservation Authorities Act* means:

- a) *the construction, reconstruction, erection or placing of a building or structure of any kind;*
- b) *any change to a building or structure that would have the effect of altering the use or potential use of the building or structure, increasing the size of the building or structure or increasing the number of dwelling units in the building or structure;*
- c) *site grading; or,*
- d) *the temporary or permanent placing, dumping or removal of any material, originating on the site or elsewhere.*

And;

"Alteration" as per Section 5 of Ontario Regulation 169/06 generally includes the straightening, diverting or interference in any way with a river, creek, stream or watercourse, or the changing or interfering in any way with a wetland.

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

SVCA Permission for Development or Alteration

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

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 Technician
Saugeen Conservation
MO/

cc: Emily Dance, Clerk, Township of Huron-Kinloss (via email)
Don Murray, SVCA Authority Member representing the Township of Huron-Kinloss (via email)



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



May 17, 2022

File Number: Z-2022-044

Public Meeting Notice

**You're invited: On-line Public Meeting
Monday, June 13, 2022 at 7:00 pm**

A change is proposed in your neighbourhood: The purpose of the application is to sever a +/- 782.62 sq. m. residential lot from a +/-3,372.61 sq. m. trailer park parcel. These two lots previously merged on title. A Zoning Bylaw amendment is required to permit the reduced lot sizes for both the severed and retained lots. The amendment will address the reduced lot frontage for the residential lot. If approved, the application would facilitate the consent. The related consent file is B-2021-090.



136 BOILER BEACH RD & 137 BOILER BEACH RD - CON A PT LOT 51 (Huron)
Township of Huron-Kinloss, Roll Numbers 410716000900500; 410716000900400

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: Julie Steeper

Have your say

Comments and opinions submitted on these matters, including the originator's name and address, become part of the public record, may be viewed by the general public and may be published in a Planning Report and Council Agenda. Comments received after June 6, 2022 may not be included in the Planning report but will be considered if received prior to a decision being made and will be included in the official record on file.

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 Council for its consideration.

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

How to access the public meeting

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

For information on how to participate in the public meeting, please visit the municipal website at <https://calendar.huronkinloss.com/meetings>.

Details on participating in the electronic meeting will be provided when the agenda is published. Please contact the Township of Huron-Kinloss by 12:00 pm on June 13, 2022 (edance@huronkinloss.com or 519-395-3735 ext. 123) if you have any questions regarding how to participate in the meeting.

Stay in the loop

If you'd like to be notified of the decision of the Township of Huron-Kinloss on the proposed application, 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

