



Committee Report

To: Councillor Steve Hammell, Chair and
Members of the Planning and Development Committee

From: Mark Paoli
Director of Planning and Development

Date: February 17, 2022

Re: County Official Plan Amendment - C-2021-023 Keller

Staff Recommendation:

That County Official Plan Amendment - C-2021-023 Keller be approved; and,

That the By-law be forwarded to County Council for adoption.

Summary:

A dwelling, septic system and well are proposed on two existing parcels that are proposed to be consolidated within the hamlet of Stokes Bay in the Municipality of Northern Bruce Peninsula. A significant portion of the lands are below the 100-year flood elevation. The application proposes to amend the Bruce County Official Plan to permit flood mitigation measures to be constructed on the property and to permit development that would elevate the property above the 100-year flood elevation. The Public Meeting for the proposed Amendment was held on December 16, 2021, however, a decision was deferred to allow for additional time to address environmental concerns raised by Saugeen Ojibway Nation (SON). These concerns have been adequately addressed as outlined below.

Alignment with Guiding Principles:



GOOD GROWTH

To put growth in the right locations with the right services



AGRICULTURE

To support our key economies, including supporting a thriving agriculture community



CONNECTING

To improve our ability to move people, goods, and information between communities



HOMES

To increase the supply and mix of homes



BUSINESS

To create opportunities for a diversity of businesses, jobs, and employers



COMMUNITIES

To create wellbeing through access to healthy complete communities



HERITAGE

To identify and manage our cultural heritage resources



NATURAL LEGACY

To manage natural resources wisely for future generations

● Not applicable

● Not aligned

● Aligned

● Strongly aligned

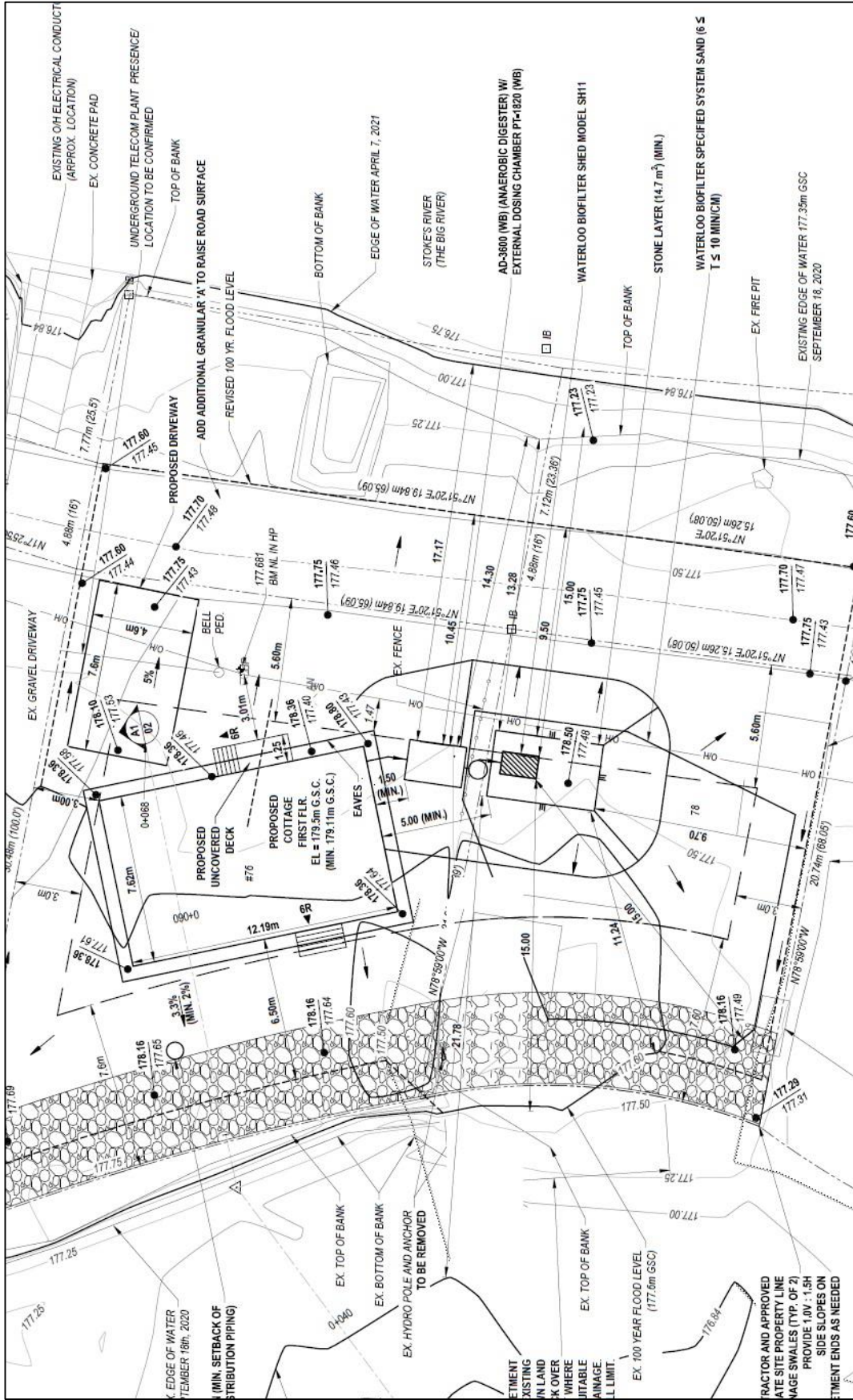
The proposed amendment and zoning amendment will permit the development of a dwelling within a Hamlet. The proposal is aligned with the Homes and Good Growth Guiding Principles by permitting the construction of one dwelling within the Hamlet of Stokes Bay. The proposal is also aligned with the Natural Heritage Guiding Principle by implementing the recommendation of the Environmental Impact Study as well as including additional measures recommended by the Saugeen Ojibway Nation regarding impacts to fisheries.

On balance, this proposal is aligned with the Guiding Principles and the Vision of a healthy, diverse and thriving future.

Air photo



Site Plan



Planning Analysis

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

Shoreline and Flooding Hazards

The lands are located on a narrow point of land between the Stokes Bay and Stokes River. Natural hazards affecting the lands include coastal hazards related to Lake Huron and floodplain hazards related to the Stokes River. Development is generally prohibited from being located within flood hazards for safety and replacement cost reasons. The County Official Plan establishes the 100-year flood elevation as the benchmark for determining flood risk.

Typical development approaches to avoid shoreline hazards include setbacks from the shoreline and elevation of building openings like doors and windows (if not the whole finished floor) above minimum floodproofing elevations. Planning policies and zoning provisions typically apply conservative setbacks in lieu of detailed information related to shoreline hazards. Plan mapping also provides a general indication of hazard land areas, with the expectation that it be mapped with greater precision when development is proposed.

A Coastal Engineering Analysis (CEA) was completed in support of the application. The CEA notes that portions of the land are below the 100-year flood elevation. Additionally, the lands are affected by wave uprush and potential flooding of the Stokes River. The CEA makes a number of recommendations to address potential hazards on the lands, including:

- Importing fill and grading to bring the developable portion of the lands above the 100-year flood elevation;
- Constructing a revetment to a height above the 100-year flood elevation on the westside of property to protect against erosion wave uprush;
- Raising the roadbed by approximately 0.15 metres to match the 100-year flood elevation; and
- Incorporating design measures such as setbacks and positioning of window and door openings.

The proposed amendment to the County Official Plan is structured as an exception to the Hamlet designation. The intent is to establish site specific polices that would allow for the lands to be modified to permit development in conformity with the Hazard Land Area policies of Section 5.8, while maintaining conformity with the existing Hamlet Area policies. If approved, the associated zoning bylaw will establish a requirement for development to proceed through site plan control. This process allows the municipality to ensure site modifications are undertaken in accordance with the CEA.

Natural Heritage

The lands are comprised of manicured lawn, however, the western property line abuts a Provincially Significant Wetland (PSW) known as the Stokes Bay - Gauley Bay Provincially Significant Wetland. The lands are also affected by significant wildlife habitat. An Environmental Impact Study was undertaken to determine the impacts of the proposed development on the adjacent PSW and significant wildlife habitat.

The EIS concludes that the PSW can be protected in accordance with Provincial Guidelines by combinations of:

- Direct constraint and development setbacks;
- Restriction on the timing of construction, and
- Monitoring of indicator species on a biannual basis (every two years) for six years post development
- Enhancement opportunities for native planting
- Implementation of Waterloo Biofilter System

As noted, development will be subject to site plan control to implement the recommendations of the EIS.

The Grey Sauble Conservation Authority has reviewed the application and concluded that the proposed amendment is consistent with the applicable natural heritage and natural hazard policies of the Provincial Policy provided that the recommendations of the Environmental Impact Statement and Coastal Engineering Assessment are implemented through Site Plan Control.

[Impact to White Fish Habitat](#)

SON expressed concerns with potential impacts to white fish habitat in Stokes Bay. SON's Environmental Office has noted that, "Stokes Bay is among the most important lake whitefish habitat on the Saugeen (Bruce) Peninsula, has been a significant location for the SON fishery since time immemorial, and in 2011, Ryan and Crawford (2014) recorded the highest abundance of larval lake whitefish ever recorded in the Great Lakes at Stokes Bay." SON has further noted that the fishery has been in decline in recent years coinciding with an increase in shoreline development.

The applicants completed an addendum to their EIS specifically addressing impacts to White Fish Habitat in Stokes Bay. County Staff also conducted a site visit in January with the applicant, SON Staff and applicant's coastal engineer to assess potential impacts of the development. Following site visit, SON issued a letter providing recommendations for the proposal to mitigate impacts to fish habitat (see Appendix). The recommendations are focused on construction of the revetment, timing of construction and naturalizing the revetment with native plantings. The applicant has no objections to the recommendations from SON. The recommendations can be implemented through the Municipality's Site Plan Control process.

[Onsite Servicing](#)

The proposal would locate the onsite sewage disposal system within 15 metres of the relocated limit of the 100-year flood elevation. The Municipality has not identified any concerns with the proposed system design and location.

Financial/Staffing/Legal/IT Considerations:

Potential Appeal to Ontario Land Tribunal.

Report Author:

Daniel Kingsbury
Senior Planner

Departmental Approval:

Mark Paoli
Director of Planning & Development

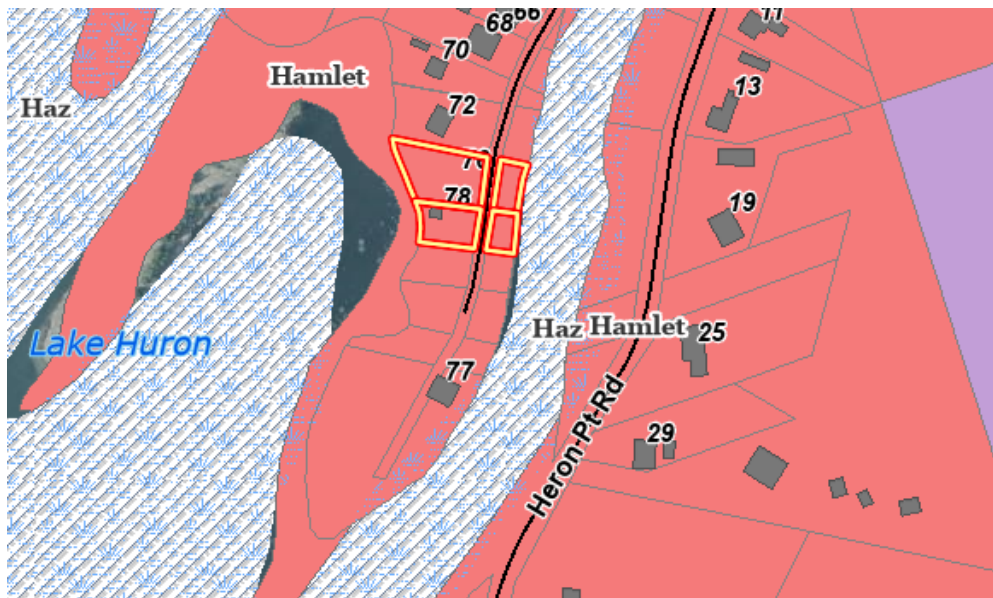
Approved for Submission:

Christine MacDonald
Interim Chief Administrative Officer

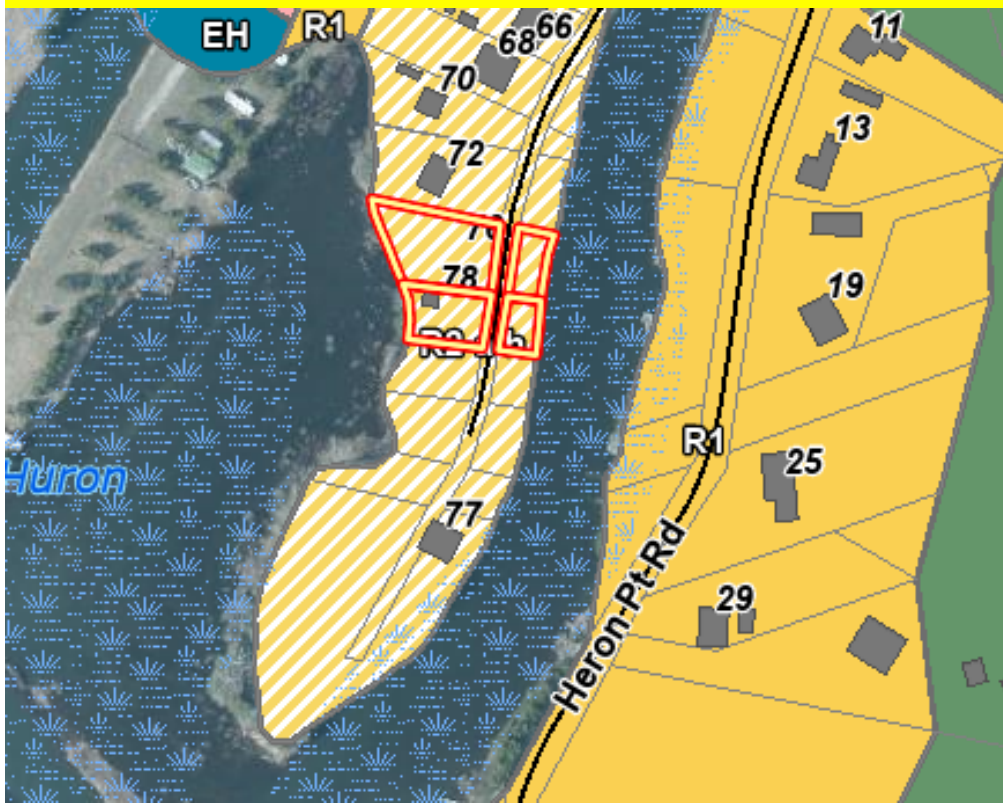
Appendices

- County Official Plan Map
- Local Zoning Map
- List of Supporting Documents and Studies
- Agency Comments
- Public Comments
- Draft Adopting By-law and Schedule (attached)
- Saugeen Ojibway Nation Comments (attached)
- Public Notice (attached)

County Official Plan Map (Designated Hamlet)



Local Zoning Map (Zoned Resort Residential Special Holding 'R2-a-h')



List of Supporting Documents and Studies

- Coastal Engineering Assessment (Daryl M. Robins Consulting)
- Scoped Environmental Impact Assessment (SAAR Environmental)
- White Fish EIS Addendum (SAAR Environmental)

Agency Comments

Grey Sauble Conservation Authority: No objections (Full comments provided in agenda)

Saugeen Ojibway Nation: Has no objection provided that construction is undertaken in accordance with the EIS, Coastal Engineering Report and recommendations provided by SON.

Comment: Staff has indicated the recommendations to mitigate impacts to fish habitat can be implemented through the Municipality's Site Plan Control Process.

Municipal staff: Confirmed mitigation recommendations can be accommodated through Site Plan Control Process.

Public Comments

Dave and Tamara Riach -

Dave and Tamara Riach have no objection to the application by Cory and Jackie Keller for the development of Lots 76 and 78 Stokes River Road in Stokes Bay.

Since the Keller family purchased the property, they have developed and maintained the properties in a much improved state as they were previous to their purchase. They have proven to be great neighbours and have added to the look and feel of the neighbourhood. We look forward to having the Keller family proceed with the addition of their cottage and further development of the property

Dave and Tamara Riach
70 Stokes River Road

Robert Taves -

To whom it may concern

My name is Robert Taves and I own both 66 and 68 Stokes River Road as well as Con 4 WBR PT LOT 38 PT LOT 39 tax roll #4109-620-005-28801. These properties are near the property that is mentioned in Amendment Z-2021-078. After a review of the proposed amendment, I have no objections to this amendment and support it completely.

Yours Truly
Robert Taves

Angie Metzger -

Dear County of Bruce Planning Committee,

I am the owner of the property at 72 Stokes River Road. It is located beside the proposed build. Although there are many details that I naturally don't understand about this project, I do support a cottage being built on this property.

Sincerely, Angie Metzger

Liz McNally -

Official plan amendment C-2021-023 and bylaw amendment Z-2021-078. I had phoned but your line is almost completely snow. With rezoning flood plane to EH-Environmental Hazard does that mean that one day that wetlands can someday reclaimed and built on? One of my lots backs onto this area and the back of the lot has water coming and going since the water is high. I am content with the ebb and flow and if the change is necessary for the involved lots to build but not change the natural environment to the west of their property, I am OK with that. My other concern is the road elevation. My other property is lot 60 on Stokes River Road. Will this proposed road elevation affect me? We have had this access road on front of our property since we purchased in '83 or '84 also with deed. We have added fill to our property and the roads have elevated both Tamarac and Stokes River Rd. Quite a few times since we have been on the Bruce. Traffic has also increased. My concern is with the piece in front of my house. Shall it stay the same. I value my privacy and peace of mind. Can you blow up the site plan that shows the Stokes River Roadside so the numbers can be

read and email it to me? I hope this makes as I would rather converse by phone, but this may work. Thanks for your inclusion. Liz McNally

Comment - Planning Staff provided the Coastal Engineering Assessment and clarified that the proposed development will only impact the Keller's property and not Ms. McNally's property. Ms. McNally indicated that she read the Coastal Engineering Assessment and now has a better understanding of the development.

Barb and Kirby Julian -

We have read through the materials submitted by Corey and Jackie Keller regarding the plan amendment and zoning bylaw amendment for their properties at 76 and 78 Stokes River Road, Stokes Bay, Ontario. This is a thorough investigation of the impact of their construction on the neighbourhood and ecosystem. It is a very detailed package that covers everything we wanted to know about their plans.

We do not feel that there is any reason that they should not be allowed to build the dwelling indicated on these properties. They have plans for a house that fits into the neighbourhood and is comparable in location and elevation to what is existing to the north on Stokes River Road. Any elevation necessary to the road will not impact other properties to the north and will not affect the next three vacant lots.

If you would like to discuss any details or require further comments, please do not hesitate to contact us.

Barb and Kirby Julian.