

Bruce County Planning and Development

December 19, 2022

30 Park Street,

Revised: August 2, 2023

Walkerton, ON N0G 2V0

Subject: Consent– 668 Lake Range Drive (Collins & Roger)

Cuesta Planning Consultants Inc. (CPC) has been retained by Grant Collins and Roger Hunt to prepare and submit a consent application for the property located at 668 Lake Range Drive in the Township of Huron-Kinloss, Bruce County. The subject lands are located in the former geographic Township of Huron and are legally described as CON A PT MARINE ALLOW RP;3R2687 PART 1 and CON A PT LOT 31 PT LOT 32 RP;3R835 PART 2.

The applicants, Mr. Collins and Mr. Rogers came into ownership of the subject lands as the executors of Helen Schweitzer's will, which had requested that the property be divided and shared amongst the beneficiaries. In order to carry out this request, the applicants are seeking a severance of the subject lands. The Schweitzer property consists of two parcels that were merged on title in the 1980s, which are municipally described as 378 Concession 6 W and 668 Lake Range Drive. Three seventy eight Concession 6 W is located along the waterfront of Lake Huron and contains a cottage dwelling. Six sixty eight Lake Range Drive, which abuts 378 Concession 6 W to the east, contains the original farmstead. For the purposes of this proposal, the subject lands will be referred to as 668 Lake Range Drive.

The following letter will provide a brief description of the subject lands and the surrounding area as well as evaluate the proposal's consistency with the relevant land use policies affecting the subject parcels, which in this case are the Provincial Policy Statement (PPS), Bruce County Official Plan (BCOP), Township of Huron-Kinloss Official Plan (HKOP) and the Township of Huron-Kinloss Zoning By-law (HKZB).

Preliminary consultation with County planning staff occurred in February 2022 with a more intensive proposal. The previous proposal consisted of the creation of five lots, four of which would be vacant. Based on this version of the proposal, staff had indicated that an Official Plan Amendment would be required if the lots were not supported by an Environmental Impact Study. A Consent to Sever application would be required for each lot and a Zoning By-law Amendment would also be required to rezone lands to a residential use. The proposal has since been simplified to the severance of one lot containing an existing dwelling (cottage). The County Planning staff has subsequently confirmed that no rezoning would be required to implement this consent.

Description of the Proposal, Location and Surrounding Land Uses

The total holdings are 34.9± acres (14.1 hectares) in area with a frontage of 395± metres on Lake Range Drive and contains a cottage dwelling, a farm dwelling, a detached garage and a barn. An entrance exists for both the cottage and farmstead and thus no new entrances will be required. If approved, the proposal would result in the creation of a 2.05± acre (0.8 hectare) residential parcel in the southwest corner of the subject lands. The retained farm would be reduced to a 32.9± acre (13.3 hectare) parcel and would continue to be used for a cash crop operation. At this time no new development is being proposed on either the severed or retained parcels. As the subject lands are located within a designated settlement area, Minimum Distance Separation (MDS) formulae should not apply as per section #36 of Provincial Publication 853 (MDS Document) given that the long-term intention for the lands is for non-agricultural development.

As noted previously, the subject property is located in the former geographic Township of Huron and is approximately 10 kilometres south of the Kincardine Settlement Area and 12 kilometres west of the Ripley Settlement Area. The surrounding land uses are primarily agricultural to the east and residential to west with woodlands located towards to the north and south. The cottage is located on the Lake Huron shoreline.

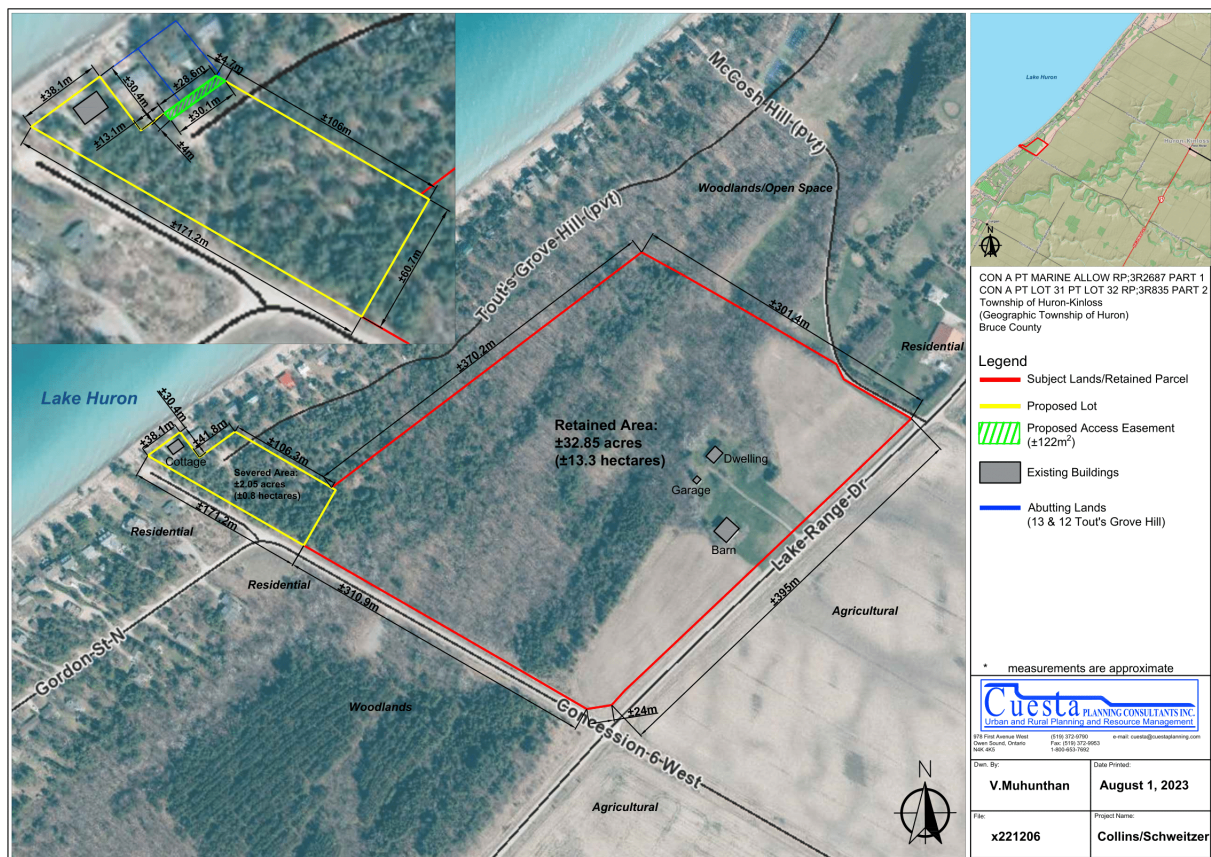


Figure 1: Site Plan

Land Use Policy Framework

Provincial Policy Statement (PPS)

All land use decisions must be assessed against the applicable provisions of the PPS. The most recent PPS, passed on May 1, 2020, requires any planning decisions made on or after this date to be consistent with the PPS. The following provisions from the PPS are the most relevant when considering the subject application.

1.1 Managing and Directing Land Use to Achieve Efficient and Resilient Development and Land Use Patterns

1.1.1 Healthy, liveable and safe communities are sustained by:

- a) promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term;*
- b) accommodating an appropriate affordable and market-based range and mix of residential types...*
- c) avoiding development and land use patterns which may cause environmental or public health and safety concerns;*
- h) promoting development and land use patterns that conserve biodiversity*

The proposal represents an efficient use of land by separating two different land uses that accidentally merged on title. The two parcels will be assessed separately, which will provide a modest increase to the property tax revenue for the County and Municipality. As no new development is being proposed, the proposal will not raise new any environmental or public health concerns.

1.1.3 Settlement Areas

1.1.3.1 Settlement areas shall be the focus of growth and development.

1.1.3.2 Land use patterns within settlement areas shall be based on densities and a mix of land uses which:

- a) efficiently use land and resources;*
- b) are appropriate for, and efficiently use, the infrastructure and public service facilities which are planned or available, and avoid the need for their unjustified and/or uneconomical expansion;*

The proposal will create a new residential lot within a defined settlement area in the County and municipal Official Plans, without requiring an extension to the existing infrastructure or other municipal services. Although there is no new development proposed at this time, the proposed consent is appropriate growth in the settlement area.

2.1 Natural Heritage

2.1.1 Natural features and areas shall be protected for the long term.

The proposal will not negatively impact any natural features as no new development is being considered. To ensure that the existing natural heritage features remain protected, the Municipality is in a position to require that the necessary environmental studies be obtained prior to permitting any future development on the severed or retained lands.

Bruce County Official Plan (BCOP)



Figure 2: Bruce County Official Plan (excerpt)

With respect to the BCOP, the subject lands are designated as Secondary Urban Community. This designation is intended to accommodate both seasonal and permanent residential growth and is referenced as the Huron-Kinloss Lakeshore area. The following policies are the most relevant in the consideration of this application.

6.5.3 Land Division Policies

6.5.3.1 General Policies

The policies of this section shall apply to all consent applications:

- i) The severed and retained lots shall front on an existing road allowance...*
- ii) Servicing for the severed and retained lots shall be in accordance with Section 4.7.5...*
- vi) The consent shall only be granted if in conformity with the land use designations and policies...*
- vii) The severed and retained lot(s) shall: be of acceptable size and dimension for the intended use...*
- viii) The creation of a lot or lots in an area susceptible to flooding, erosion or any other physical or environmental constraint will not be permitted...*
- ix) On the granting of a consent, conditions may be imposed on the severed and retained lot(s) to ensure the proper development...*
- x) The application represents an orderly and efficient use of land, and its approval would not hinder development of the retained lands.*

Both the severed and retained lots will front on Concession 6 W and Lake Range Drive which are open and maintained year-round municipal roads. The existing dwellings on the severed and retained lots are currently serviced by a municipal water system and private septic systems.

As noted previously, a zoning by-law amendment is not required in order to permit the consent. The consent maintains the intent and purpose of the upper-tier and lower-tier official plans by encouraging growth within the Settlement Area.

The lot configuration for the proposed and retained lots are of sufficient size to accommodate the existing development, infrastructure and servicing. As mentioned, no new development is being proposed at this time. As noted previously, should additional development be proposed, the Municipality is in a position to require the appropriate environmental and servicing studies.

As the proposal seeks to separate previously merged properties, it is expected that the conditions of consent will be limited in scope. Overall, the proposal provides for a more efficient use of land. The potential for the retained lands to be developed will not be negatively limited as a result of the proposal.

6.5.3.2 Consents - Primary, Secondary Urban and Hamlet Communities

.1 Consents to sever land in Primary and Secondary Urban, and Hamlet Communities shall only be granted when the scale of development proposed or the total development potential of the property would not require a plan of subdivision; and

.2 The proposed lots are in keeping with the lot area, frontage and density pattern of the surrounding area;

The proposed consent will not require a plan of subdivision and is in keeping with the residential zone provisions.

Township of Huron-Kinloss Official Plan (HKOP)



Figure 3: Huron-Kinloss Official Plan (excerpt)

The primary designation on the entire property is Environmental Protection with several small areas designated as Lakeshore Residential. A small portion of the property, along the western edge falls under Special Policy Area 3.18.1 (Bruce Beach).

3.15 Environmental Protection Designation

3.15.2 Objectives

To protect the population by preventing incompatible development in areas of natural and man-made hazards.

To protect, preserve and enhance the natural heritage features in the Township.

3.15.3 Permitted Uses

Permitted uses in the Environmental Protection designation include:

h) An existing single detached dwelling...

The subject proposal is compatible with the Environmental Protection designation as it includes a permitted use in the form of an existing cottage dwelling and does not contemplate any site alteration, thereby not impacting the natural heritage features on site.

3.6 Lakeshore Residential Designation

3.6.2 Objectives

To provide seasonal and permanent residential opportunities along the Lake Huron Shoreline.

To preserve and enhance the natural environment of areas in proximity to the shoreline...

3.6.3 Permitted Uses

The primary use of land in the Lakeshore Residential designation shall be for low rise, low density residential use.

The predominant form of housing shall be single detached dwellings.

If approved, the proposed consent will create a residential lot along the Lake Huron shoreline which can be utilized seasonally or permanently without altering the surrounding natural environment. The existing cottage dwelling is a low rise single detached dwelling in keeping with the primary form of housing in the Lakeshore Residential designation.

3.18 Special Policy Area Designations

3.18.1 Bruce Beach

(in part) It is the policy of this Plan and the intent of the Township that the municipality shall not provide road maintenance and services within this Special Policy Area.

The severed and retained parcels front on open and maintained year-round municipal roads.

2.3 Lot Creation and Land Division

2.3.2 New Lots Created By Consent

2.3.2.1 General Criteria

In considering lot creation by consent, the Township and the approval authority shall be satisfied that the proposed lot creation conforms to the following criteria:

a) The severed and retained lots front on a public road...

b) Safe and suitable access is available...

c) The site contains a suitable building envelope and can be appropriately serviced...

d) All parcels shall comply with the provisions of the Zoning By-law...

f) The division of land represents orderly and efficient use of land...

- g) (in part) The proposed lots are compatible with the surrounding area;*
- i) The division of land will result in a developable portion of the lot outside of the limits of the Environmental Protection designation or outside of a natural heritage feature...*
- j) The division of land is not located entirely in a floodplain, the dynamic beach or any other physical constraint...*
- k) The proposed development demonstrates compatibility between the proposed land uses and existing land uses;*
- l) The severance should not lead to the creation of an undersized, irregularly shaped lot which is unsuited for the existing or proposed use;*

As previously mentioned, the severed and retained lots front on publicly maintained roads. The severed lot will contain an existing cottage dwelling that is serviced with municipal water and a private septic system. If approved, the consent will separate the residential use from the agricultural use, resulting in a land use pattern that is somewhat more compatible with the surrounding area. As noted earlier, the proposal does not involve any new development and will utilize the infrastructure present on the severed and retained lots. Although the proposed cottage lot may be affected by physical constraints related to the floodplain or dynamic beach limitations, the existing cottage is not affected by these physical constraints. In the event that either the severed or retained parcels are to be redeveloped, an Environmental Impact Study will be required to demonstrate that the development is appropriate and will not hinder any natural heritage features.

Township of Huron-Kinloss Zoning By-Law (HKZB)

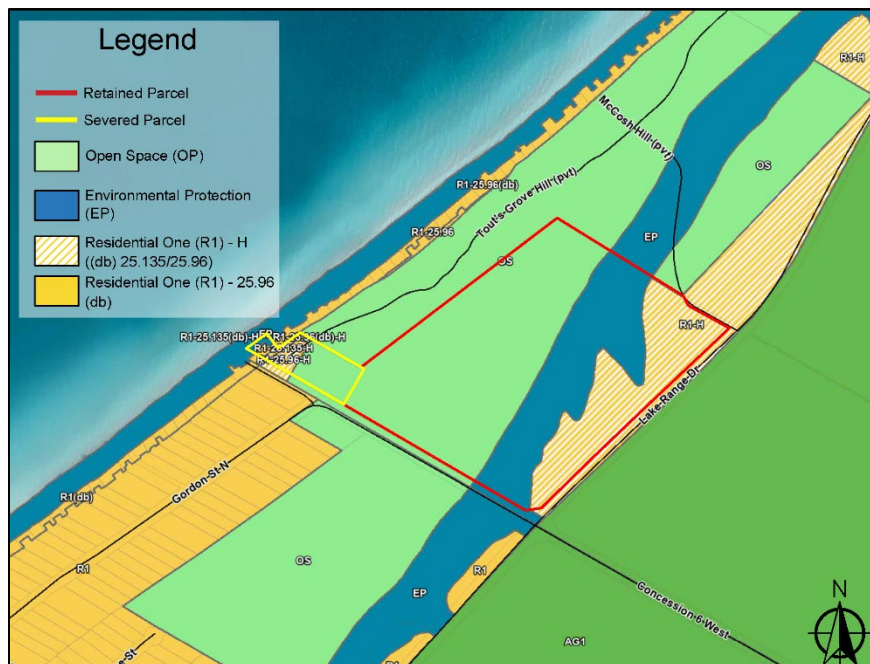


Figure 4: Huron-Kinloss Zoning By-Law (excerpt)

The total holdings are zoned Environmental Protection (EP), Residential One with a holding provision (R1-H), R1-25.96-H, R1-25.135-H, R1-25.96(db)-H, R1-25.135(db)-H, and Open Space (OS). As no new development is being considered, the existing zoning can be retained. When plans to redevelop the lands are considered, a zoning by-law amendment and related policy amendments can be submitted in accordance with County and Municipal policy. As outlined in the table below, the proposed lot will meet the majority of the zone provisions set out for the R1 zone. There is no necessity at this time to remove the holding restriction.

Table 1: Proposed Zoning Standards

<u>Provisions</u>	<u>R1 - Lakeshore</u>	<u>Proposed</u>
Minimum Lot Area	1,850 m²	+/- 8296 m²
Minimum Lot Frontage	30 m	+/- 171.2 m
Minimum Front Yard	7.5 m	+/- 16 m
Minimum Rear Yard	7.5 m	+/- 5 m
Minimum Interior Side Yard	3 m	+/- 147 m
Minimum Exterior Side Yard	3 m	+/- 5 m
Maximum Lot Coverage	30%	+/- 1.4%
Maximum Building Height	8 m	+/- 3 m

Conclusion

The principal intention of this proposal is to assist the applicants in facilitating the land division requests set out in the Schweitzer's will. The proposal will situate the cottage on its own lot, as it was originally, prior to merging on title in the 1980s.

Based on the foregoing analysis, the proposed consent is consistent with the PPS and conforms to both the upper-tier and lower-tier Official Plan policies and is in keeping with the R1 zone provisions. The application creates a more compatible land use and should be considered favourably for approval.

Respectfully submitted,



 Vaishnan Muhunthan

Approved by,



 Donald Scott