



# Committee Report

**To:** Warden Janice Jackson  
Members of the Planning and Development Committee

**From:** Mark Paoli  
Director of Planning and Development

**Date:** March 18, 2021

**Re:** Consent Application B-2020-108 - Fenton

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## Staff Recommendation:

That Consent B-2020-108 - Fenton be refused.

## Summary:

The application proposes to sever a residential lot approximately 4,460 square metres (1.1 acres) in size. The retained lands are proposed to be approximately 21 acres. The lands are located on the south end of Port Elgin along County Road 25. An associated zoning by-law amendment application (Z-2020-071) is proposed to rezone the lands from Planned Development (PD) to Residential First Density Special (R1-X) to permit the construction of a house and detached garage with a height of 7.9 metres.

## 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 proposal is not aligned with Bruce County's Guiding Principle on Good Growth. The proposal represents an inefficient use of the Town of Saugeen Shores serviceable greenfield land and planned infrastructure due to its large lot size. The intent of the Planned Development zone is to plan and develop the land comprehensively, through a Plan of Subdivision or Secondary Plan. The proposed lot will reduce the future viability of the retained lands as a residential area as envisioned in the Town's Official Plan.

The proposal is not aligned the Homes Guiding Principle given that the proposed lot size reduces the potential contribution of these lands to the Town's supply and mix of housing.

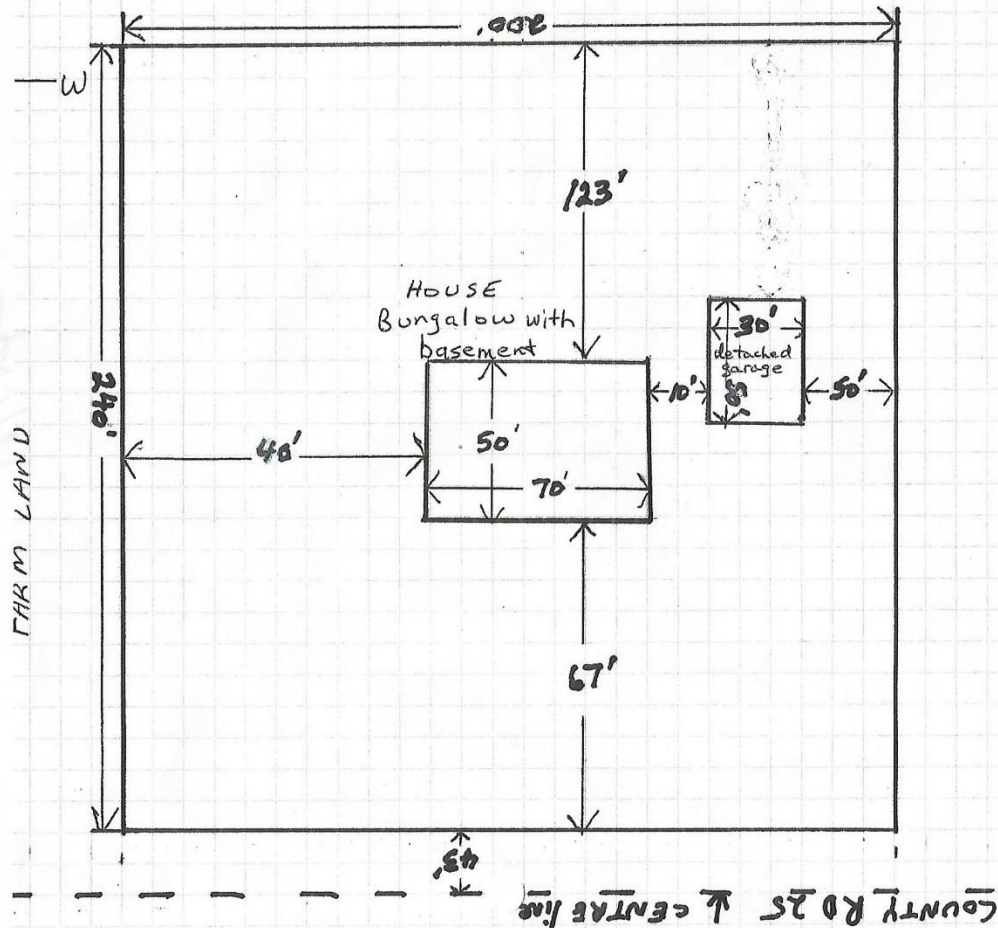
The proposal is aligned with the Heritage Guiding Principle based on the completion of an Archaeological Assessment which demonstrated no archeological artifacts were on the lands.

On balance, this proposal is not aligned with the Guiding Principles and the Vision of a healthy, diverse and thriving future.

### 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.

### Application History

The applications for consent and to rezone the lands from Planned Development to Residential First Density were made in 2017. A Public Meeting for the Zoning By-law Amendment was held on November, 2017. At the decision meeting in December, 2017, tMr. Fenton requested deferral of the application so he could seek planning advice. It is noted that the staff Planner at the time was recommending refusal of the application. In 2020, the applicant requested that both the Consent and Zoning applications proceed to a decision.

An application (B-2020-011) was processed in 2020 to sever the existing house on the lands that currently zoned R1-70 from the remainder of the parcel, which are zoned Planned Development 'PD'.

### Efficient use of land and infrastructure

The lands are in a Greenfield Area and are serviceable by municipal water and sewer. Greenfield Areas are typically comprised of large tracts of undeveloped land intended to accommodate much of the Town's future growth. The intent of the Planned Development 'PD' zone on the lands is to prohibit most forms of development until such time that they can be planned for and developed efficiently and comprehensively. This is typically done through a Plan of Subdivision.

Both the County and Town Official Plans contain policies directing that the division of land represent an orderly and efficient use of land, and its approval would not hinder future development of the retained lands.

In 2020, when Mr. Fenton requested to advance the application, he provided a letter to justify the merits of his application (see Appendix). The letter concludes that the proposed consent represents an efficient use of land and is consistent with the lot sizes in the area. The letter also states, "With full servicing now being completed in this area this lot will now meet the definition of infilling or minor rounding out."

In the County's view, the proposal does not represent infilling or minor rounding out - it would be an isolated parcel in a larger greenfield area.

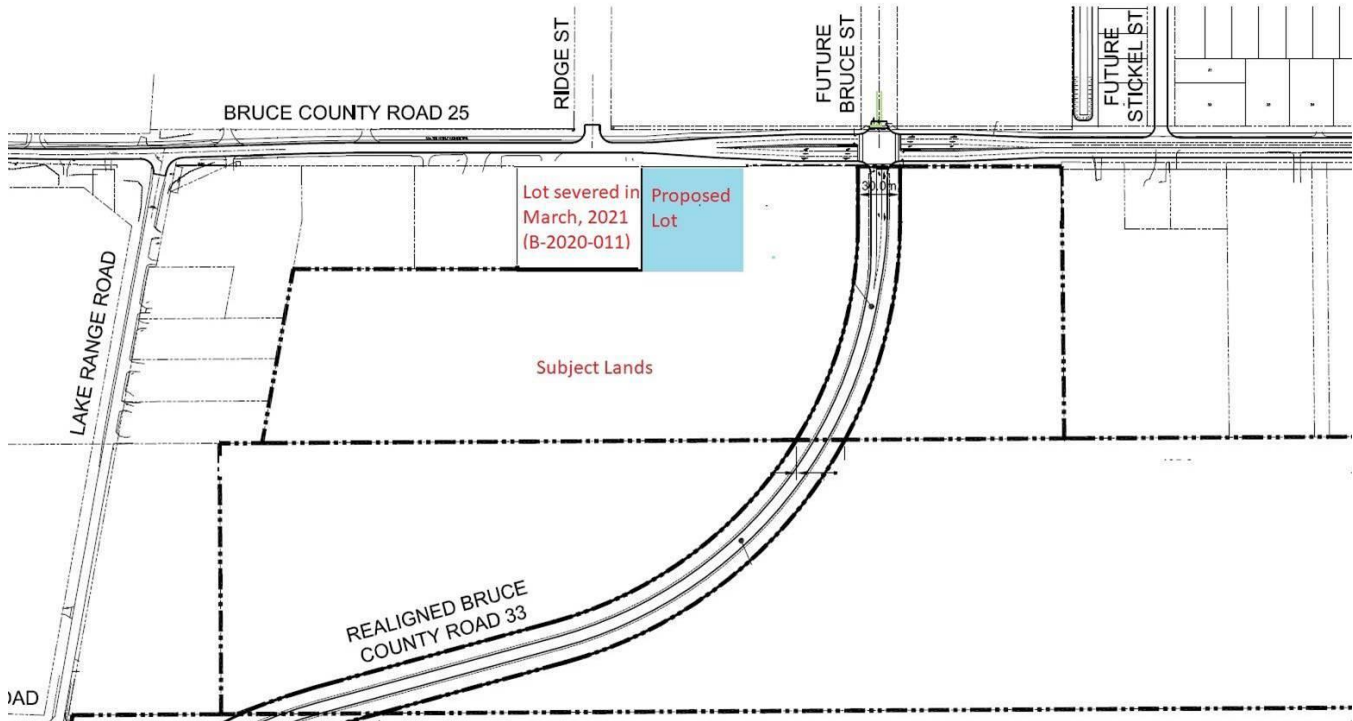
Although the proposed lot size is generally consistent with other properties in the immediate area, these lots were created prior to full municipal services being installed on County Road 25 in 2020. Therefore, the large lot sizes typical of rural lots requiring a space for a septic system and possibly a well depending on when they were created.

In fact, the proposed lot size of 4,460 square metres is considerably larger than serviced residential lots elsewhere in the municipality. It is approximately 7 times larger than the minimum lot area of 500 square metres for the Residential First Density zone. Given the cost of extending municipal services to this area of Town and the ongoing and future maintenance and repair costs, this proposed infrastructure is a critical consideration.

The location and size of the proposed lot does not represent an efficient use of land and would likely encumber the efficient development of the retained lands. Large undeveloped tracts of land within the Urban Settlement Area, such as this one, are increasingly rare, and are generally most efficiently developed when they are planned for with thoughtful consideration of good design through a Draft Plan of Subdivision.

## Impacts to Proposed Road Network

The County is currently in negotiations with the applicant to acquire lands for the re-alignment of Bruce Road 33. The proposed route would dissect the applicant's land as shown below.



Planning staff note the proposed lot would further impede the potential future of development of the lands through a Plan of Subdivision by further constraining the portion of the lands west of the proposed route.

### Financial/Staffing/Legal/IT Considerations:

Potential Appeal to the Local Planning Appeal Tribunal (LPAT). Potential impact to the County's land purchase negotiation with the applicant.

Potential Appeal to Local Planning Appeal Tribunal

### Report Author:

Daniel Kingsbury, RPP  
Senior Policy Planner

### Departmental Approval:

Mark Paoli, RPP  
Director of Planning and Development

### Approved for Submission:

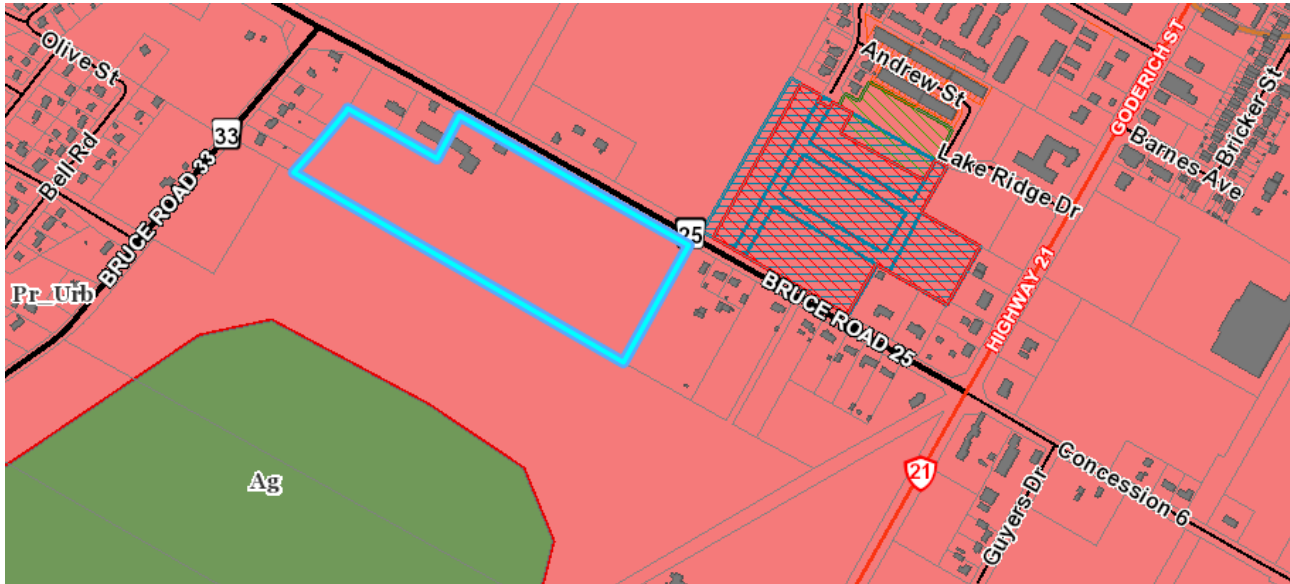
Sandra Datars Bere  
Chief Administrative Officer



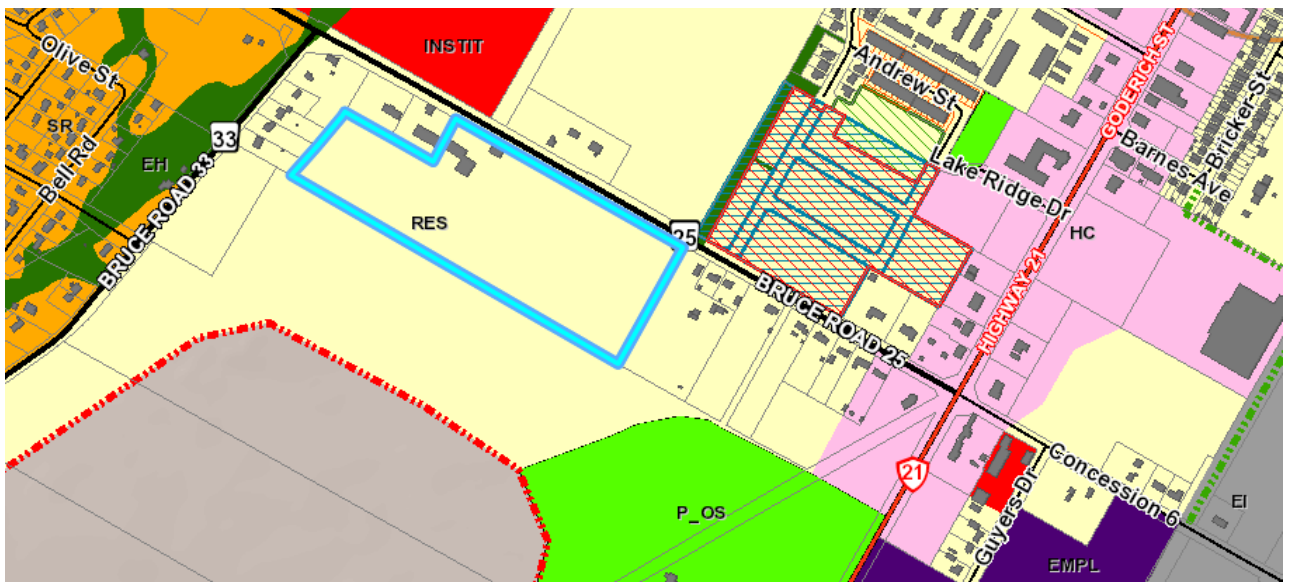
## Appendices

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

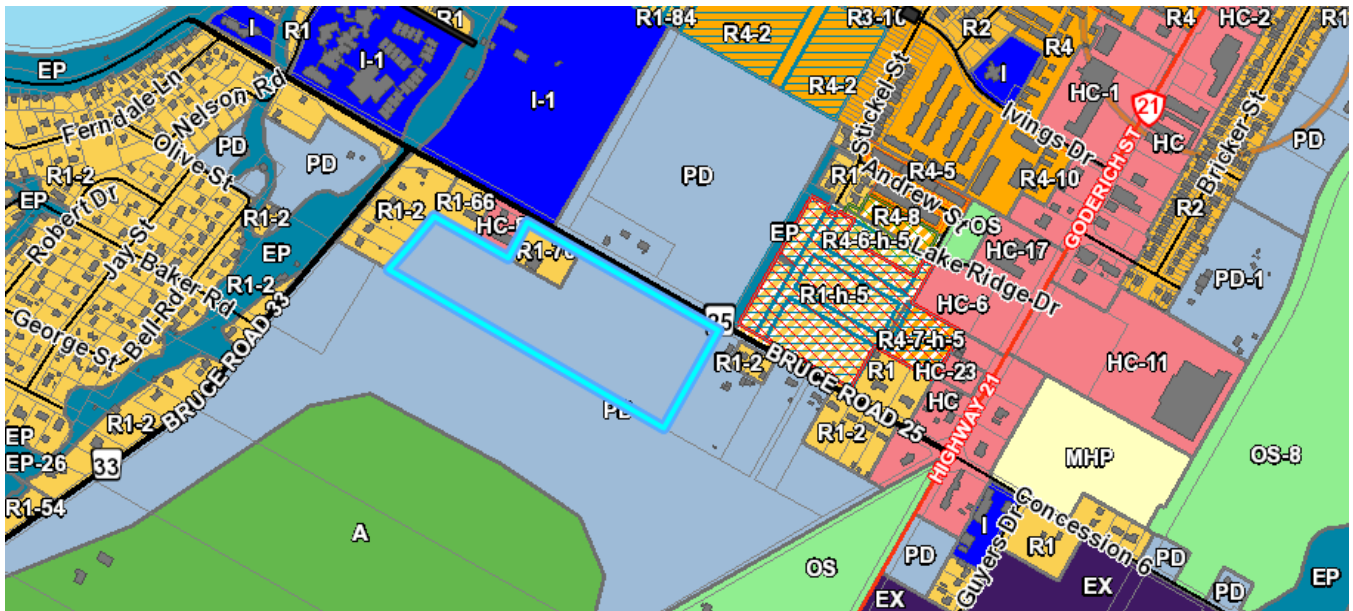
### County Official Plan Map (Designated Primary Urban)



### Local Official Plan Map (Designated Residential)



## Local Zoning Map (Zoned Residential First Density Special 'R1-70' and Planned Development 'PD')



### Agency Comments

Historic Saugeen Metis: No objection or opposition

County Transportation and Environmental Services: The application should not be linked with the property acquisitions for the realignment of Bruce road 33.

Town of Saugeen Shores:

- the proposed severed lot shall not encumber the future southerly extension of Ridge Street
- the developer shall contribute 5% cash in lieu of parkland dedication for the severed lot
- the developer shall install municipal water servicing to the severed lot
- it is important to ensure the proposal does not preclude efficient use of the remnant lands
- to be clear, all available servicing shall be connected to the lot.