



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 (New Lot) B-2020-125 - Baumgarten

Staff Recommendation:

That Consent B-2020-125 - Baumgarten be approved; and,

That the Secretary-Treasurer of the Land Division Committee be authorized to sign the Decision Sheet.

Summary:

The purpose of this application is to sever the subject property and create a new residential waterfront lot on municipal services in the Warton Primary Urban Community. The application is referred to Planning and Development Committee for a decision as there are unresolved objections from neighbouring property owners related to information requirements and servicing concerns.

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

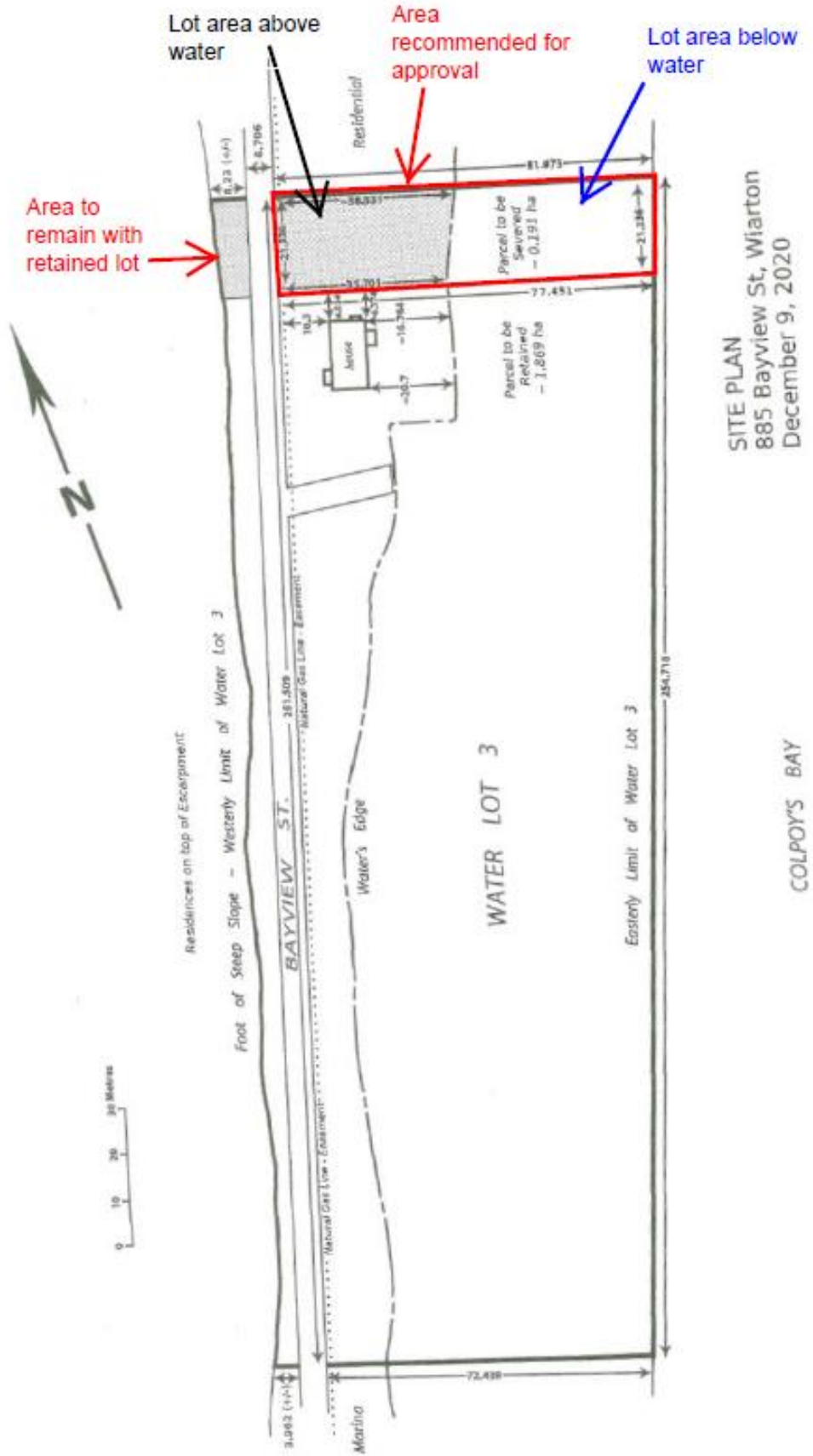
The proposed consent is aligned with the Bruce County Guiding Principles of Good Growth and Homes. The proposal would allow for the creation of a new residential lot within the Urban Area that is able to be serviced with municipal servicing.

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

Airphoto



Site Plan



Planning Analysis

Niagara Escarpment Plan 'Natural Area' Designation

The subject property includes lands on both the west and east sides of Bayview Street. The Niagara Escarpment Plan designation for the property was recently changed under Decision UA60. The Decision changed the designation of the lands east of Bayview Street to Urban Area with the narrow strip of lands to the west of Bayview remaining Escarpment Natural Area. The application was originally filed with the proposed severed property including lands in both designations. Comments received from the Niagara Escarpment Commission and a neighbouring resident raised concerns that the Niagara Escarpment Plan does not permit lot creation in the 'Escarpment Natural' area west of Bayview Street.

To ensure conformity with the Niagara Escarpment Plan, it is recommended that the consent application be approved only for the lands located east of Bayview Street (as attached). The Niagara Escarpment Commission has confirmed that the creation of a new lot entirely within the Urban Area and development outside of natural hazard prone lands would comply with the Niagara Escarpment Plan.

Efficient use of land and resources

The subject property is designated as Residential and Environment Protection under the Local Official Plan. New infill lots may include lands within the Environmental Protection designation provided there is sufficient land outside of the hazard area to accommodate the proposed development. The proposed lot conforms to the lot area and frontage requirements of the Zoning By-law and would be on full municipal services within the Urban Boundary.

Environmental Features

The subject property is a waterfront lot and includes title to the lake bed, i.e. lands under water. The Grey Sauble Conservation Authority (GSCA) has identified areas of potential fish spawning habitat in Colpoy's Bay, as well as a portion of the property being within the 15-metre wave upbrush setback. Concerns were raised from neighbouring residents regarding the need of a Coastal Assessment and Grading and Drainage Plan to be submitted. Further development on the severed or retained property would require a permit to be obtained from the GSCA. If future development were to be proposed within the 15-metre wave upbrush setback and/or drainage of the property is modified, a coastal assessment report and lot grading and drainage plan would be required in the permitting process. Any future development proposed regarding lands currently under water would also require permission from Department of Fisheries and Oceans.

Servicing

The severed and retained lots are proposed to be serviced by municipal water and sewer. Comments were received from a neighbouring resident raising concerns that the sewer line along Bayview has backed up in the past. Public Works staff have commented that the private low-pressure service and individual sewage pump required to access the municipal sewer line would be the responsibility of the homeowner and will not be maintained nor assumed by the town for any reason. In this area, backflow preventers/check valves must be in place and kept in good working order at all times.

Financial/Staffing/Legal/IT Considerations:

Potential Appeal to Local Planning Appeal Tribunal

Report Author:

Eric Steele
Planner, Planning and Development

Departmental Approval:

Mark Paoli
Director, 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
- Public Comments
- Public Notice

Niagara Escarpment Map (Designated Urban Area and Escarpment Natural Area)



County Official Plan Map (Designated Primary Urban Area)



Local Official Plan Map (Designated Residential, Marine Commercial, and Environment Protection)



Local Zoning Map (Zoned Service Detached Residential 'R1B', Environmental Hazard, Intake Protection Zone)



Agency Comments

Historic Saugeen Métis: No objection to the application.

Source Water Protection Risk Management Office: No objection to the application and no policies under the Source Protection Plan apply to the activities identified in the application.

Enbridge: Should the proposed severance impact the existing service lines, and relocation required would be at the cost of the property owner. Should future gas service be required to either the severed or retained parcel, a request for gas service will need to be submitted by the owner.

Niagara Escarpment Commission (NEC) (attached): The property was subject to a site-specific Urban Area Amendment #60. UA 60 re-designated the lands east of Bayview Street from Escarpment Natural Area to Urban Area. Development within the Urban Area shall not encroach into the Escarpment Natural Area and the Niagara Escarpment Plan does not support development on lands prone to natural hazards. Any alteration of the grading and drainage needs to demonstrate that key natural heritage features and functions will be protected.

Grey Sauble Conservation Authority (GSCA) (Attached): No objection to the application. Development on the proposed severed and retained lot will be subject to the GSCA permitting process. Any development proposed within the 15-metre allowance for wave upbrush will require a supporting coastal assessment report. The permitting process will also require a grading and drainage plan and that the appropriate sediment erosion and control measures be applied.

Building Department (attached): Development charges will be applicable at the time of development. Will there be adequate lot area and setback room considering the area included also includes water and the natural gas easement?

Public Works (attached): Unless the existing sewer lateral connection can be shared, a potential severance at 885 Bayview Street would require a separate sewer lateral connection. The existing 100 mm sewer force main has enough capacity to accommodate an additional connection for this potential new property. Draining this parcel by gravity is not currently possible as there is only a forcemain in the vicinity of the property. It should also be noted that the private low-pressure service and individual sewage pump would be the responsibility of the homeowner and will not be maintained nor assumed by the town for any reason. Backflow preventers/check valves must be in place and kept in good working order at all times.

Transportation (attached): An entrance permit will be required for the newly-created lot and a road cut permit will be required to install any infrastructure in the Town's Road Allowance.

Public Comments

Greg Norris (attached): Mr. Norris provided comments raising concerns that due to the location of the property additional studies should be provided with the application and that the proposed severance would not comply with the Niagara Escarpment Plan.

Marija Scriven (attached): Ms. Scriven has provided comments raising concerns that due to the location of the property in proximity to Georgian Bay, additional studies should be provided with the application and also raised concerns regarding sewer servicing.