



Committee Report

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

From: Mark Paoli
Director of Planning and Development

Date: April 15, 2021

Re: New Kincardine Official Plan Approval

Staff Recommendation:

That the new Municipality of Kincardine Official Plan be approved, with Modifications as shown in Appendix 'A'; and,

That the Director of Planning and Development be authorized to sign the Decision Sheet.

Summary:

Kincardine Council adopted a new Official Plan on January 9, 2021. Kincardine's new Official Plan, which represents the culmination of a three-year effort, has been forwarded to the County for approval. County planning staff have worked closely with the municipality throughout the project and are satisfied that the adopted Official Plan will provide Kincardine with a progressive and comprehensive planning policy framework.

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 updated Kincardine Official Plan is strongly aligned with all of Bruce County's Guiding Principles. The Plan includes policies that will appropriately plan for growth and encourage an increase in the supply and mix of homes in Kincardine. The Official Plan protects and manages Kincardine's cultural heritage resources. Likewise, the Plan supports Kincardine's agricultural community by focusing growth within its existing settlement areas boundaries. Business is supported by policies that strengthen Kincardine's existing commercial and employment areas, while also creating new mixed-use designation to expand opportunities in key locations.

The Municipality's natural resources are protected through the implementation of a natural heritage system and set of balanced policies for this system. The Official Plan provides transportation policies that will facilitate the movement of people and goods, with a focus on increasing active transportation options. The Official Plan also advances well-being through policies that promote health and complete communities.

On balance, the new Kincardine Official Plan is strongly aligned with the Guiding Principles and the Vision of a healthy, diverse and thriving future.

Overview of Updated Official Plan

The Updated Kincardine Official Plan includes several policy and mapping changes:

- Includes a Natural Heritage System
- Updates to Land Use Schedule A - particularly the Natural Environment designation
- Natural Heritage policies that permit development while protecting the environment
- A Mixed-Use designation that permits both Commercial and Residential uses
- Confirmation of that the existing urban boundaries can accommodate Kincardine's anticipated growth
- Clarification of servicing policies
- Updated secondary-suite policies in alignment with recent Provincial updates.

Public and Agency Consultation

A Special Meeting of Council was held on August 8, 2018 near the beginning of the comprehensive review and a Public Meeting was held on October 16, 2019. Subsequent Public Open Houses were held on January 22, 2019 and November 20, 2019. The public was consulted extensively over the course of the Official Plan review. All comments received were addressed to by the planning consultants for the project, MHBC Planning. Comments received from property owners were generally related to questions about the mapping of environmental features on their lands, as well as the policy implications of certain features.

The proposed changes to the commercial policy regime generated interest amongst commercial property owners, especially related to the new mixed-use policies. Business representatives and commercial property owners provided input to help ensure the policy direction was clear and that the policies were well-balanced.

Several review and commenting agencies provided comments throughout the project, and helped to refine the policy direction. These included comments from: Drinking Water Source Protection Office, Saugeen Valley Conservation Authority, Historic Saugeen Metis and the Bluewater District School Board.

County Official Plan Conformity

Staff are satisfied the Updated Kincardine Official Plan conforms to the County of Bruce Official Plan.

Provincial Requirements

Staff are satisfied that the Updated Official Plan addresses the requirements of the Planning Act, particularly Section 2 dealing with Provincial Interests, Section 16 dealing with Additional Residential Units and Section 26 dealing with Official Plan Updates.

Staff are satisfied that the Updated Kincardine Official Plan is consistent with the Provincial Policy Statement. The new and revised policies and map schedules dealing with natural heritage issues, mixed-uses, affordable housing and secondary suites provide local policy responses to Provincial planning direction.

Proposed Modifications to the Adopted Official Plan

Since adoption of the Kincardine Official Plan in January, 2021, County Planning staff have worked with Municipal staff to identify minor mapping, text referencing errors and minor policy enhancements and clarifications to be corrected through this approval as outlined in Appendix A. County and Municipal staff also worked with the Saugeen Valley Conservation Authority and Bluewater District School Board to address, through the modifications, minor policy and mapping concerns that were inadvertently not addressed prior to Adoption.

Staff view the changes as minor and in keeping with Kincardine Council's intent when it adopted the Official Plan.

Financial/Staffing/Legal/IT Considerations:

Potential Appeal to Local Planning Appeal Tribunal

Report Author:

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Senior Policy Planner

Departmental Approval:

Mark Paoli
Director, Planning and Development

Approved for Submission:

Sandra Datars Bere
Chief Administrative Officer

Appendix 'A' - Proposed Modifications

Map Schedules:

- Updates to the delineation of the Natural Environment designation for Ontario Peninsula Farms property to reflect further site investigations by SVCA staff.
- Inclusion of the Development Constraints Overlay to Schedule A-1 as requested by the SVCA. The inclusion of the overlay does not result in any additional policy requirements. It confirms the location of the overlay area that is referenced in Section D7.10 (Development Constraints). The Development Constraints Overlay is currently on Schedule A to the in-effect Official Plan.

Text:

- Modification of the date noted on the cover page to acknowledge the adoption date by the Municipality and approval date by the County. [For greater clarity]
- Removal of the unsigned Draft Approval Bylaw on the second page of the document [For greater clarity]
- Removal the header reading “Final for Council approval: December 2020” throughout the document [For greater clarity]
- **Section D1.4.21:** revised e) to reference “ASP D1.4.21e)”, rather than “ASP D1.2.21e)” [To correct a referencing error]
- **Section D7.3.1:** add wording, “The appropriate land use schedules will be updated at the time of a future Official Plan update or house-keeping exercise.” [To add clarification on when refinements (not requiring an amendment) to the Natural Environment designation will be reflected on the appropriate land use schedule]
- **Section D7.5** modified a) as follows:
The erection of buildings, ~~and structures is generally prohibited~~ and ~~S~~site alteration, including the placing or removal of fill of any kind, whether originating on the site or elsewhere, or clearing of vegetation within a Natural Environment Area is **generally prohibited, except as otherwise permitted within the policies of D7.5.** Minor extensions or enlargements of existing buildings and structures shall be discouraged and will only be permitted if it is shown... [Ensures consistency with other policies in the Official Plan]
- **Section D7.9:** delete current wording and replace with the following:
“NATURAL ENVIRONMENT EXCEPTION - BROADWAY STREET
Notwithstanding the Natural Environment designation, and the uses prohibited by Section D7.5a, the property referred to as 741 Broadway Street (LOTS C, D, & E. REGISTERED PLAN 61) may be developed in accordance with the uses contemplated in the R4-d zone (as affirmed through OMB Decision 0957, July 15, 2003) subject to obtaining required permits from the Municipality and SVCA to allow construction.”
[Implements Kincardine Council’s direction given on January 11, 2021 at Official Plan adoption meeting]
- **Section D7.10:** revised reference in Permitted Uses to D7.10 rather than D7.9 as currently indicated [Corrects referencing error]
- **Section D9.1:** revised to read “... in these areas” rather than “...in theses areas” [For greater clarity]

- **Section E3.4.1:** revised c) to reference ‘E3.4.3 and E3.4.4’, rather than ‘E3.8.3 and E3.8.4 [Corrects referencing error]
- **Glossary** modified the definition of ‘Institutional, Small Scale’ as follows: means those institutional uses that are generally compatible with residential land uses, such as ~~junior-elementary~~ schools. [Aligns with terminology in the Education Act]
- **Section D1.4.22** revised as follows:
The following maximum gross residential densities will apply to new Low Density Residential uses:

HOUSING TYPE	MAXIMUM NO. OF UNITS PER GROSS HECTARE (ACRE)
Low Density	
Single Detached	20 25 u.p.h. (8 u.p.a.)
Semi-Detached	30 35 u.p.h. (12 u.p.a.)

[Lowers barriers for provision of affordable and attainable housing]

- **Section D1.5.2** revised as follows:
The following maximum net residential densities will apply to new medium and high density residential uses:

HOUSING TYPE	MAXIMUM NO. OF UNITS PER NET HECTARE (ACRE)
Medium Density Triplex, Townhouse, Low-rise Walk-up Apartments	40 50 u.p.h. (16 u.p.a.)
High Density Apartments	85 95 u.p.h. (35 u.p.a.)

[Lowers barriers for provision of affordable and attainable housing]

- **Section C1.3.8** added as follows:
It is the intent of this Plan to prioritize existing and future infrastructure and public service facilities within settlement areas in order to support intensification and the achievement of complete communities. The following criteria shall be demonstrated in partnership with the Town and County for the purposes of site identification of a Public Service Facility:
 - Public Service Facilities may be permitted within all designations provided the public service facility supports the needs of the area it is servicing without the need for an official plan amendment.
 - Are located on an arterial or collector road, with appropriate driveway entrances approved by the Municipality.
 - A preliminary traffic investigation that will demonstrate the feasibility of the public service facility as it pertains to the impact of the function of the road.
 - Incorporation of appropriate setbacks and design elements (such as landscaping, parking location, ingress/egress,) to appropriately mitigate any impacts on adjacent residential uses.

- Appropriate water and wastewater services are planned by the municipality or available to support the proposed public service facility.
- Any new residential development applications shall be evaluated with regards to the need and location for a public service facilities in the community.

[Provides greater certainty on Public Service Facilities as requested by the Bluewater District School Board]

- **Section C8.3.9** added as follows:

- The Municipality is shall not be constrained by the above criteria for the selection of Community Improvement Areas if it chooses to approve a Community Improvement Plan that is aligned with other economic development priorities and initiatives.

[Provides increased flexibility to the Municipality in meeting its economic development goals and objectives]

- **Section C8.6.3** modified as follows:

Council may acquire and develop land to replace inappropriate and non-conforming uses for facilitating conservation, rehabilitation, redevelopment or development of an area. **Council may provide grants, loans or other financial incentives within a Community Improvement Area in accordance with a Community Improvement Plan approved under Section 28 of the Planning Act.**

[Provides addition economic development tools to the Municipality]

- **Section D7.10** modified as follows:

c) The areas within the Development Constraint Areas 1 and 2 shall be zoned **with a Special Zoning Provision that requires both the Municipality and SVCA to be satisfied through their approval of plans or otherwise that the potential slope and soil instability problems have been adequately addressed.** ~~in a Holding Zone pursuant to Section 36 of the Planning Act. This zone would only permit uses legally existing until such time as the Holding provision is removed.~~ The objective of this zoning approach is to ensure that adequate measures have been undertaken to mitigate potential slope and soil instability problems. ~~The Holding provision will be removed once the Council and the SVCA are satisfied through their approval of plans or otherwise that the potential slope and soil instability problems have been adequately addressed.~~

~~d) Lands affected by the Development Constraint Areas 1 and 2 will also be subject to Site Plan Control.~~

[Provides greater clarity and more appropriate implementation measures]