



Committee Report

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

From: Mark Paoli
Director of Planning and Development

Date: June 17, 2021

Re: Bruce County Consent B-2020-099 (Pilon)

Staff Recommendation:

That Consent B-2020-099 (Pilon) be approved; and

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

Summary:

The application proposes to sever a vacant residential lot of 1,383.5 square meters from a 3,958.87 square-meter parcel at 100 McCormick Drive, in the Township of Huron-Kinloss. The application is being referred to the Planning and Development Committee for a decision as there are unresolved objections from a neighbouring property owner related to lot size, the integrity of the slope on the site, flooding and drainage.

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

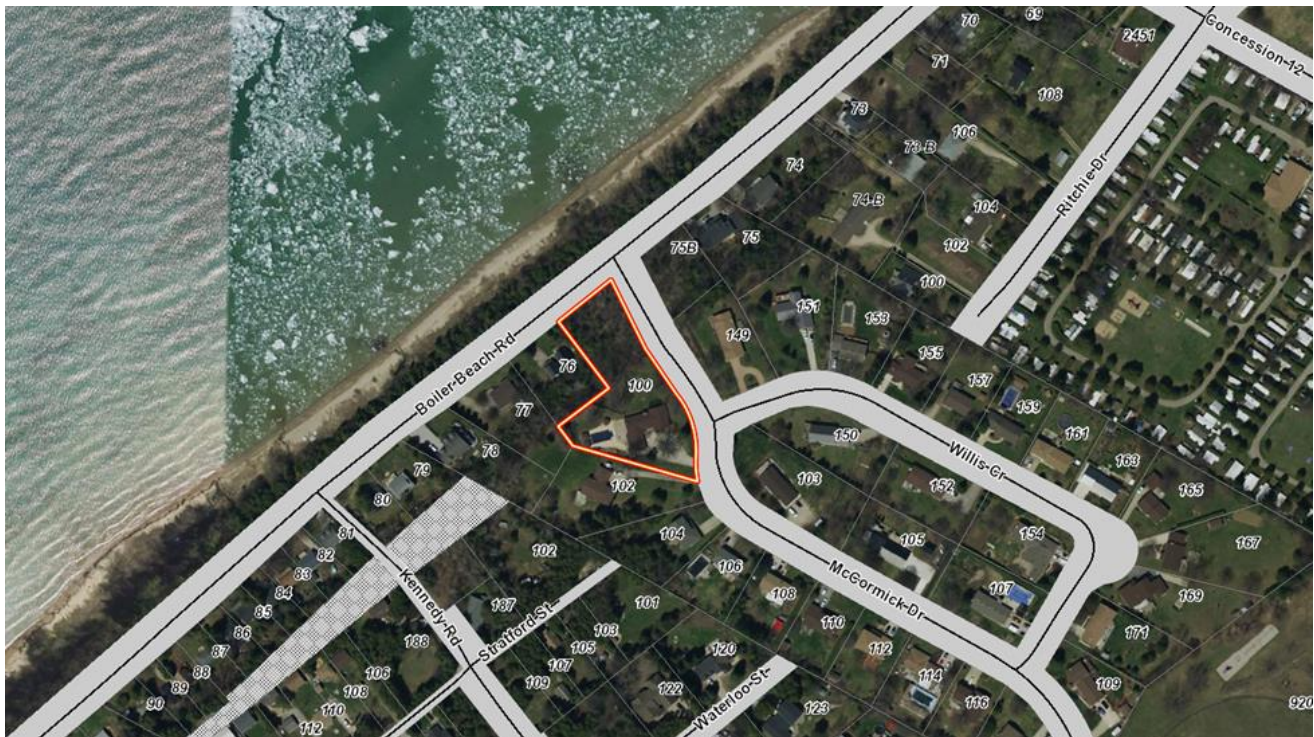
To manage natural resources wisely for future generations

- Not applicable
- Not aligned
- Aligned
- Strongly aligned

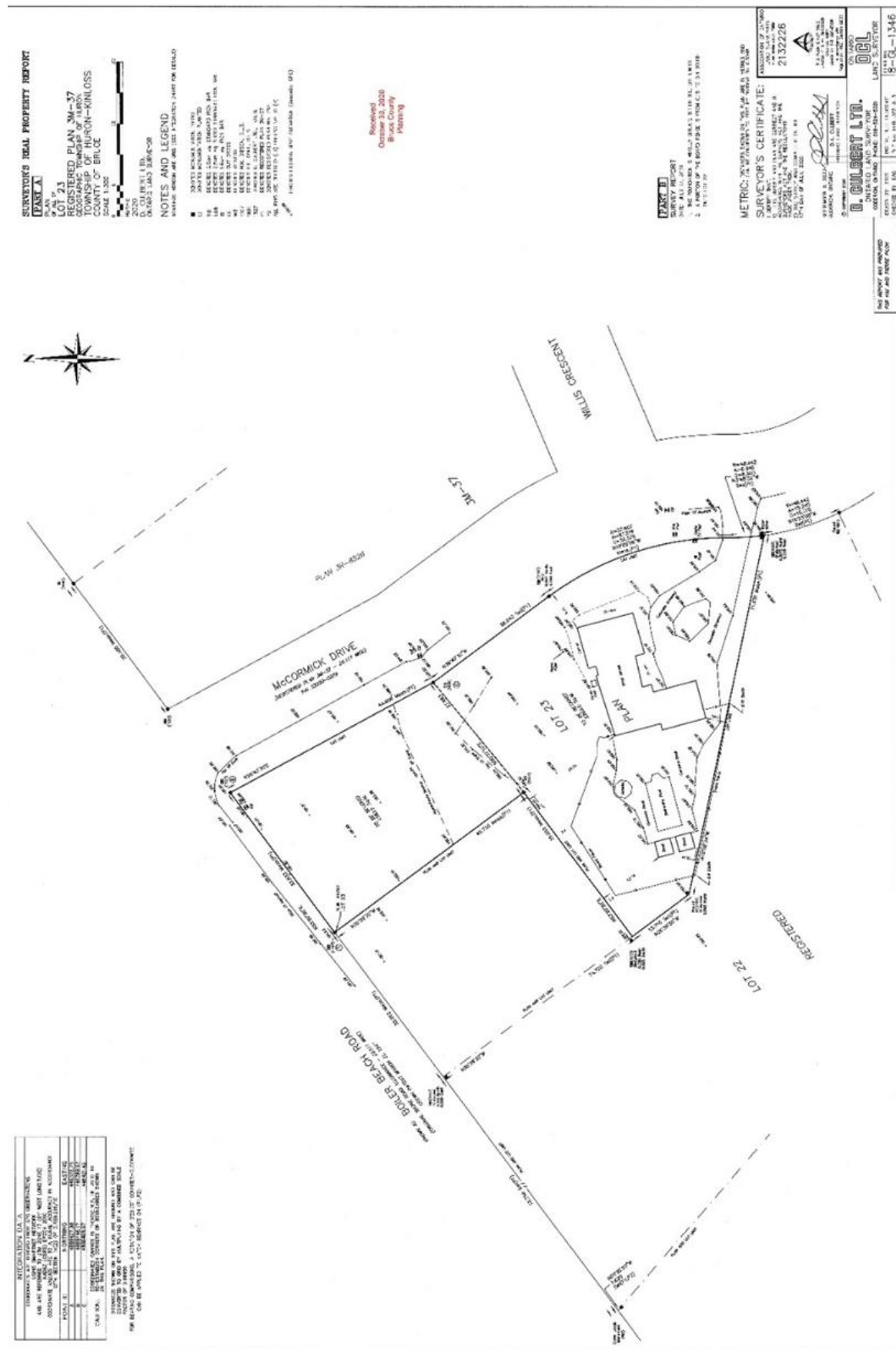
The proposed consent is aligned with the Bruce County Guiding Principles of Good Growth, Homes and Heritage. Regarding Good Growth, the new lot will make efficient use of land and infrastructure as it will be connected to municipal water and will have access onto a municipal road, while lot suitability for development will be confirmed prior to certifying the lot. Regarding Homes, the proposal will allow for the creation of a new residential lot within the Huron-Kinloss Lakeshore Secondary Urban Community. Regarding heritage, archeological potential on the property will be assessed before the lot is certified.

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 that were factored into the staff recommendation for this application, including relevant agency comments (attached), public comments (attached), and planning policy sections.

Lot Size

The subject lands are zoned Residential (R1), and the Township of Huron-Kinloss Zoning By-law identifies a minimum lot area of 1,850 square meters whereas the applicant is proposing a lot size of 1,383.5 square meters. The intent of the minimum lot area is to ensure there is a large enough building envelope on the site to accommodate a residential dwelling and septic system. The minimum lot size also helps to ensure that the sizes of lots are similar to and compatible with the area. In this case, there are lots in this area that are smaller or similar in size to the proposed lot. The applicant has also demonstrated that a residence and tertiary septic system can be accommodated on the property.

An associated Minor Variance application (A-2020-079) to permit a reduced lot area was approved by the Committee of Adjustment for the Township of Huron-Kinloss on April 12, 2021. The Committee considered comments from a neighbouring landowner who expressed concerns with the application, including the size of the lot.

Septic Servicing

The subject lands are designated Secondary Urban Community in the Bruce County Official Plan and Lakeshore Residential and Environmental Protection in the Huron-Kinloss Official Plan. Both Official Plans allow for lot creation on private septic with proposed lot areas of less than 4,047 square meters and 1,850 square meters respectively, but each require submission of a nitrate study. The purpose is to ensure that no development proposal shall result in a nitrate concentration of more than 10mg/L of nitrate at each new property boundary.

A Sewage System Impact Assessment was submitted with the subject application and addressed the matters as prescribed in the *D-5-4 Technical Guideline for Individual On-Site Sewage Systems: Water Quality Impact Risk Assessment of the Ministry of Environment*. The new lot can meet the policy requirements with a tertiary septic system.

The applicant will enter into an agreement with the Township regarding the requirement to install a Class 5 system on the property as a condition on the consent. The retained lot has an existing conventional septic system; to ensure the combined existing and new development is appropriate, this system at the end of its life cycle, should be replaced with a tertiary sewage disposal system as well. This will also be included in the development agreement.

Environmental Considerations

The subject lands are partially designated and zoned Environmental Protection (EP) due to the presence of the ancient glacial Lake Algonquin shoreline bluff on the property. The proposed severed parcel contains the majority of the bluff and is currently well vegetated. The neighbouring landowner expressed concerns with the impact the new development on the vacant lot will have on the integrity of the slope. Saugeen Valley Conservation Authority (SVCA) requested a condition on the consent that no development or site grading be permitted on the severed parcel until a geotechnical assessment demonstrates the proposal will not increase slope instability and that the future development will not be impacted by unstable soils and groundwater flooding. The consent conditions will require the geotechnical assessment be completed before the deed is certified.

Grading and Drainage

The neighbouring landowner also identified that in his view the proposed building of a home will be too close to his residence and this will cause flooding of his property and drainage issues. The Sewage System Impact Assessment identified seeps at the toe of the bluff and organic soils and a high groundwater table on the proposed severed parcel. The geotechnical assessment that is required before the deed is certified and the lot created will need to demonstrate that development could be mitigated from the impacts of organic soils and a high groundwater table.

If the lot is created based on the geotechnical assessment, then a lot grading and drainage plan will be required to support a building permit application to the municipality. Any future buildings would need to meet the required setbacks in the Zoning By-law. The lot will have to have its own drainage path on its own lot, and it cannot drain onto neighbouring properties.

Archaeological Potential

The proposed severed lot is considered to have high archeological potential due to its proximity to Lake Huron. An archaeological assessment is required as per the Ministry of Tourism Culture and Sport, Criteria for Evaluating Archeological Potential checklist. A condition on the consent is proposed which requires an archaeological assessment to be completed before the lot is certified.

Financial/Staffing/Legal/IT Considerations:

Potential Appeal to the Local Planning Appeal Tribunal (LPAT).

Report Author:

Julie Steeper
Planner

Departmental Approval:

Mark Paoli
Director of Planning and Development

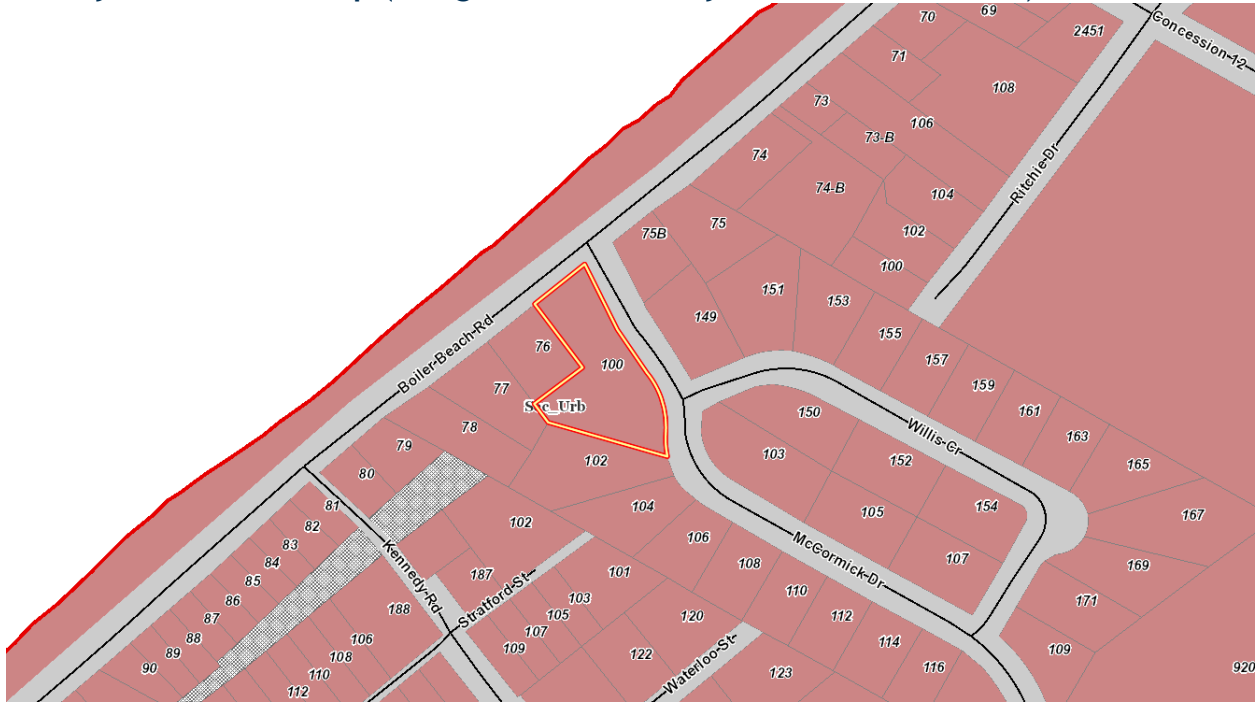
Approved for Submission:

Sandra Datars Bere
Chief Administrative Officer

Appendices

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

County Official Plan Map (Designated Secondary Urban Communities)



Local Official Plan Map (Designated Lakeshore Residential and Environmental Protection)



Local Zoning Map (Zoned Residential 'R1' and Environmental Protection 'EP')



Agency Comments

Township of Huron Kinloss: That the applicant enter into an agreement regarding the requirement to install the Class 5 system on the property.

Note: This has been added as a condition on the consent application and the agreement will be registered on title. Staff confirmed that this will also apply to replacement of the system on the retained lot.

BM Ross, Township of Huron Kinloss Engineers: No concerns.

Historic Saugeen Metis: No concerns.

Saugeen Valley Conservation Authority: That a condition of severance and/or minor variance be that no development or site grading be permitted on the severed parcel until a geotechnical assessment demonstrates the proposal will not increase slope instability and that future development will not be impacted by unstable soils and groundwater flooding. Provided in full below.

Note: To support implementation of this condition, staff has made it a condition of consent approval, meaning the study would be completed before the consent is certified. The agent on this application (Kim Pilon) is aware of the condition and is prepared to satisfy this condition within a year.

Risk Management (Source water): No concerns.