



Committee Report

To: Councillor Steve Hammell, Chair and
Members of the Planning and Development Committee

From: Mark Paoli
Director of Planning and Development

Date: February 17, 2022

Re: Kincardine Official Plan Amendment L-2021-011 and Consent B-2021-053 (Woods)

Staff Recommendation:

That Kincardine Official Plan Amendment L-2021-011 (Woods) be approved;

That Consent B-2021-053 (Woods) be approved; and

That the Director or Manager of Land Use Planning be authorized to sign the Decision Sheets.

Summary:

The purpose of the Consent application is to create a new vacant residential lot approximately 0.41 ha from an existing residential property at 27 Whispering Woods, in the Municipality of Kincardine. An amendment to the Municipality of Kincardine Official Plan is required to allow relief of the requirement for new infill lots to be located between two existing dwellings that are not more than 100 metres apart. There has been one objection submitted from a neighbouring property owner. The Planning and Development Committee previously approved the related County Official Plan Amendment.

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

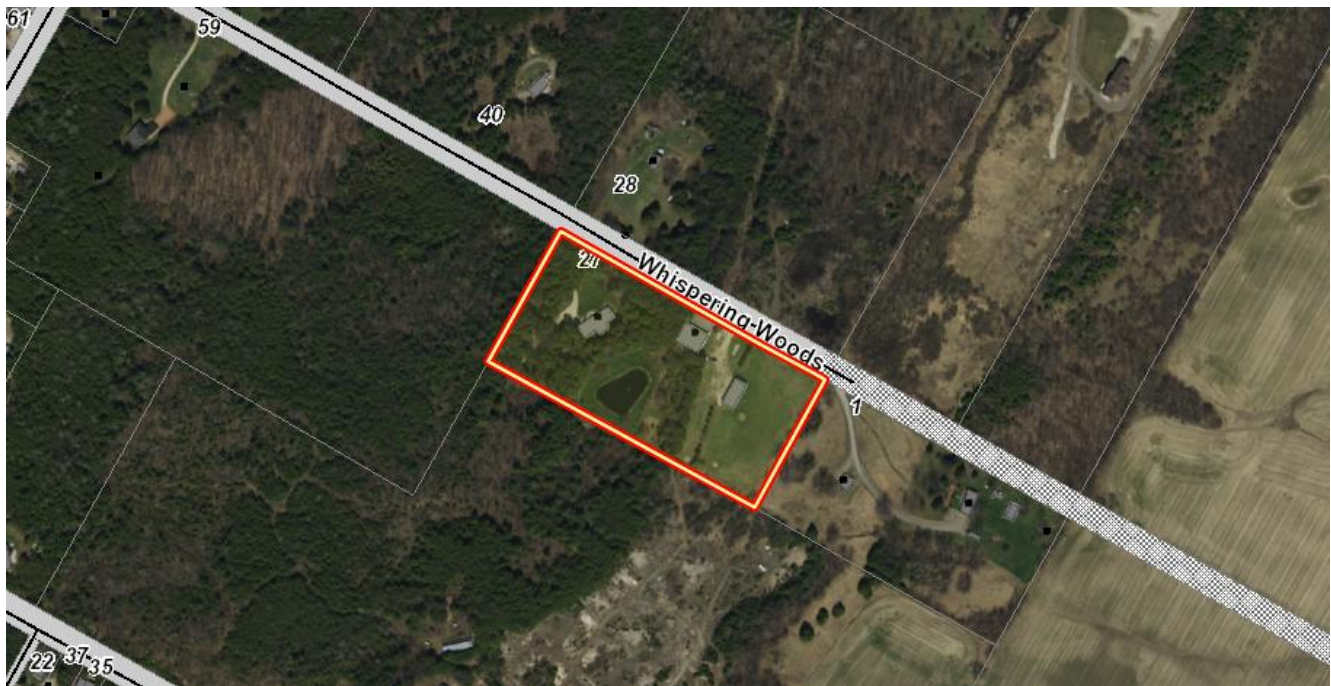
The Good Growth guiding principle would be supported by the creation of a new infill residential lot in the Kincardine Lakeshore area, which is designated a Secondary Urban Community. The County Official Plan directs growth to settlement areas like the Kincardine Lakeshore. However, the extension of municipal infrastructure to this area is not feasible at this time. The size of the proposed lot is adequate to accommodate private services.

The proposal is strongly aligned with the Homes guiding principle by facilitating the creation of a new residential lot in the Kincardine Lakeshore area, which provides an opportunity for additional housing.

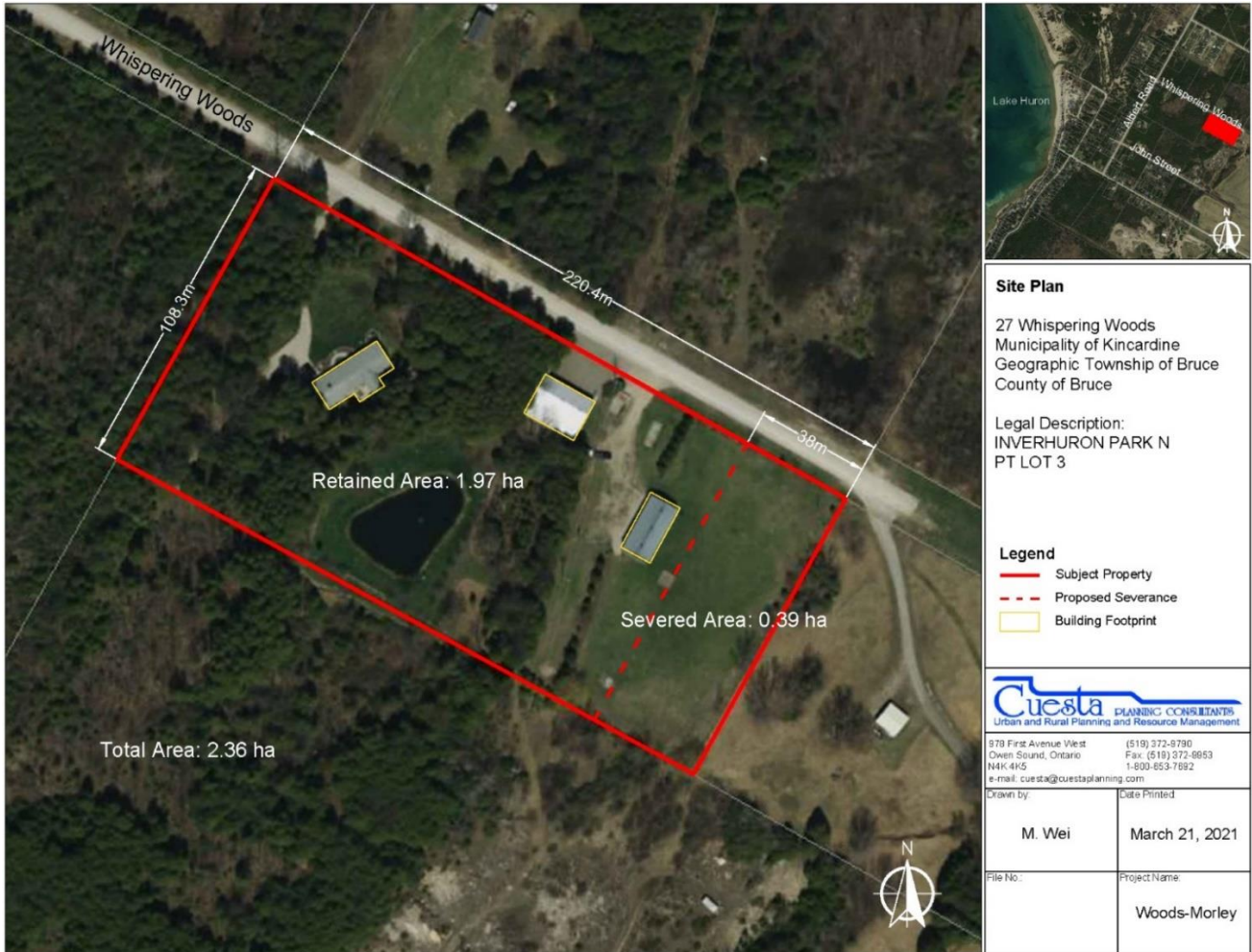
The proposal is aligned with the Natural Legacy principle as siting of the proposed development will be outside of the natural hazards and natural heritage features impacting the property.

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

Airphoto



Site Plan



(Note: the amended severed lot area is 4,115 square metres)

Street View of Proposed New Lot



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.

Servicing

Servicing is an important consideration as it determines the ability to develop, the density of the development, and the ability to manage environmental impacts.

The proposed severance represents infilling on private services. The proposed infill lot is located near the edge of the settlement area, approximately 575 metres away from the closest municipal infrastructure (i.e., water servicing on Albert Road to the west). Municipal and communal services are not feasible and both the severed and retained lots are large enough to accommodate private services.

The proposal is consistent with the Provincial Policy Statement (PPS) which permits private services for infilling where full or communal services are not planned or available.

The proposal conforms with the general County Official Plan servicing policies that provide for limited growth on private water and sewage disposal systems. However, the County Official Plan does not permit development on private services in Secondary Urban Communities. A County Official Plan Amendment was approved on December 2, 2021, to allow relief of the requirement for full or partial municipal or communal services (File C-2021-013). A local Official Plan Amendment was not required for this purpose, as the local policies reflect the PPS direction.

The Applicant's planning consultant submitted a Justification Report in support of the application which noted that, among other matters:

- The proposed severance is considered infilling as it will be located between two lots occupied by single detached dwellings.
- The area where the severance is proposed is currently underutilized. The proposed severance will create a more efficient use of land within the settlement area.
- Full municipal services are not available at this time, but the consent will not prevent future transition to full or partial municipal servicing should those options become available.
- The proposed retained and severed lots are each greater than 4,047 square metres and, thus, appropriately sized for private services.

Infilling

The Municipality of Kincardine Official Plan states that consents shall be primarily used to infill existing developed areas. Infilling in this particular policy instance means the development of lands between two existing dwellings or an intersecting roadway on the same side of the road provided that the dwellings are not more than 100 metres apart. While the proposed new lot is between two existing residential dwellings, the dwellings in this instance are approximately 280 metres apart. The local Official Plan Amendment would permit relief from the 100 metre requirement noted above.

The proposed amendment meets the intent of the policy, which is to make use of underutilized land which does not require additional municipal servicing. The proposed lot will be within the settlement area where new development is to be directed. The proposed new lot would also be within approximately 100 metres of the accessory structures on each of the neighbouring lots.

The local Official Plan Amendment was adopted by the Municipality of Kincardine on December 13, 2021.

Lot Size

A neighbouring landowner has expressed concerns that the severed lot size of 4,115 square metres is not in keeping with other lots on the street. Properties on Whispering Woods vary between 2.12 ha and 12.75 ha within the settlement boundary. While the proposed lot is smaller than others on the same street, it is consistent with other lot sizes in the general area including those on Albert Road to the west. This Secondary Urban Community area has been identified as a location where new development should be directed in both the County and local Official Plans.

The Municipality of Kincardine also passed a related Zoning by-law Amendment which rezoned the lands from Planned Development (PD-j) to Residential One (R1) (File Z-2021-047). The proposed severed and retained lots meet the minimum lot area requirements of the Residential One (R1) zone which is 4,000 square metres. The severed lot is proposed to be 4,115 square metres, while the retained is 1.97 ha.

The severed lot is also appropriately sized to accommodate a new residence on private water and sewer servicing, while also avoiding the natural features and natural hazards on and adjacent to the site as are discussed in more detail below.

Natural Hazards

Provincial, County and local policy directs development away from hazardous lands.

Saugeen Valley Conservation Authority (SVCA) noted the natural hazards affecting the property include wetlands located to the west, south and north of the property and their associated floodplains, as well as a drainage feature that traverses the property from east to west onto adjacent lands. SVCA has recommended updates to the local Official Plan and Zoning By-law mapping on this site to reflect the actual natural hazard limits in this area.

SVCA has confirmed that the proposed severed lot would be located outside of the natural hazards. The retained lands will continue to be partially impacted by natural hazards, but all existing structures are outside of the hazardous areas.

Natural Heritage

The natural heritage features affecting the property include significant woodlands, potential significant wildlife habitat, potential habitat of endangered species and threatened species, and their adjacent lands. The County and local Official Plans generally prohibit development within natural heritage features and their adjacent lands, except in accordance with applicable policies.

SVCA staff concluded that negative impacts to significant woodlands and potential significant wildlife habitat as a result of the proposal will be negligible. Therefore, SVCA concluded that the preparation of an Environmental Impact Study (EIS) was not required to support the proposed development.

With respect to the habitat of endangered species and threatened species, the applicant was directed by SVCA to contact the Ministry of the Environment, Conservation and Parks (MECP) which has regulatory responsibility in this area to ensure the endangered species and threatened species policies of the PPS have been appropriately addressed.

Financial/Staffing/Legal/IT Considerations:

Potential Appeal to the Ontario Land Tribunal.

Report Author:

Coreena Smith
Senior Development Planner

Departmental Approval:

Mark Paoli
Director

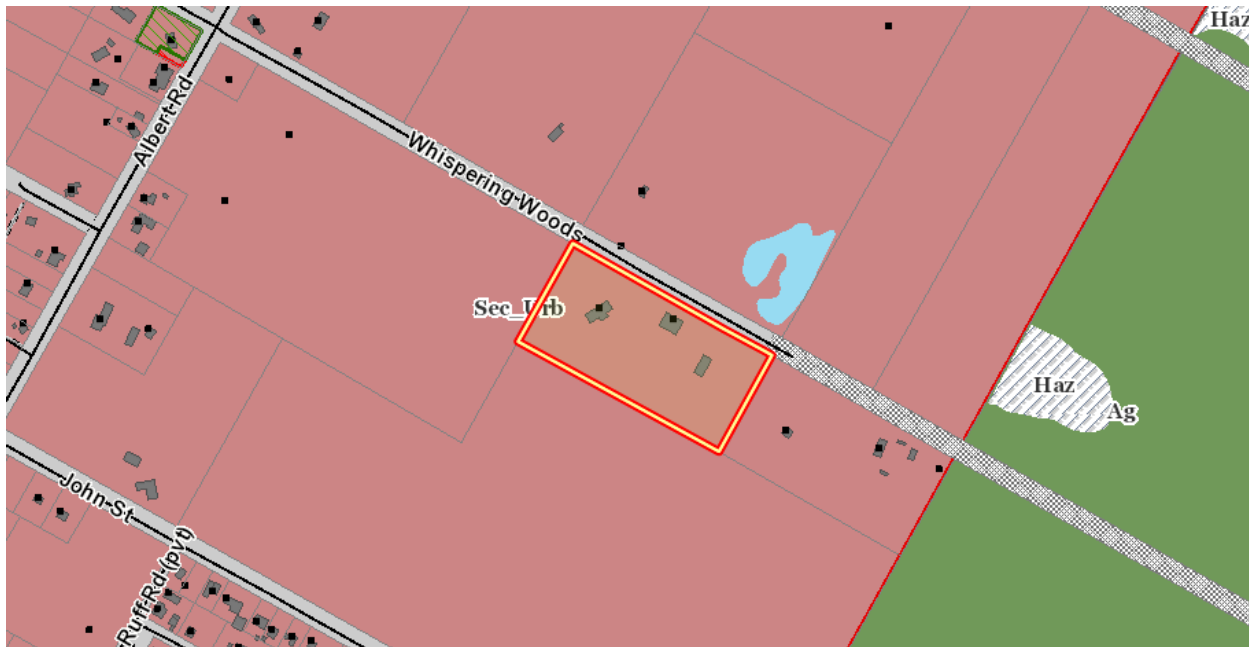
Approved for Submission:

Christine MacDonald
Acting Chief Administrative Officer

Appendices

- County Official Plan Map
- Local Official Plan Map
- Local Zoning Map
- List of Supporting Documents and Studies
- Agency Comments
- Public Comments
- Public Notices
- Notice of Adoption
- Decision Sheets

County Official Plan Map (Designated Secondary Urban Communities and Hazard Land Areas)



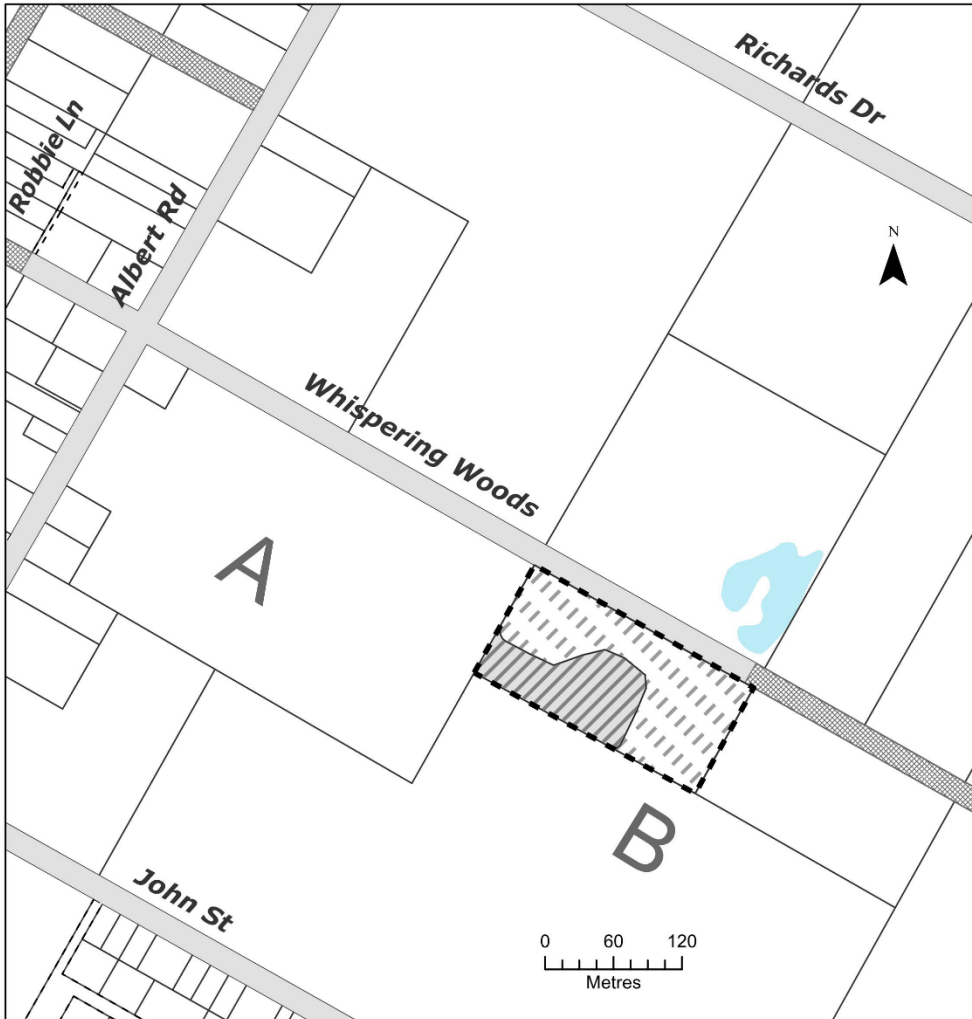
Local Official Plan Map (Designated Shoreline Development and Natural Environment)






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

Schedule 'A'

27 Whispering Woods - Inverhuron Park N Part Lot 3 - Roll 410826000417600
Municipality of Kincardine



-  Subject Property
-  Lands to be zoned R1 – Residential One
-  Lands to be zoned EP - Environmental Protection

This is Schedule 'A' to the zoning by-law amendment number 2021 - 192 passed this 13th day of December 2021.

Mayor Gerry Glover
Clerk Jennifer Lawrie

List of Supporting Documents and Studies

- Planning Justification Report, Cuesta Planning Consultants Inc., dated July 2021.

Agency Comments

Municipality of Kincardine, Chief Building Official / Development Services Manager:

1. Entrance approval is required from the Municipal Roads Department.
2. Updated approval for Minor/ Major Works permit may be required from Saugeen Valley Conservation Authority.
3. Site servicing to be privately owned - Private Well and Septic system to be shown on site plan with separation distance as per the Ontario Building Code.
4. Reference Plan/ Survey will be required.
5. Survey will need to include building envelope, setbacks, well, septic, and entrance locations at time of permit application.

Note: These comments are included as conditions on the Consent file. The Municipality has signed the verification sheet confirming acceptance of the Consent conditions.

Municipality of Kincardine, Director of Infrastructure and Development: Unless the servicing project for Inverhuron is revived, we do not have plans to extend servicing to the site. Extension of municipal infrastructure is not feasible at this time.

Bruce County Transportation and Environmental Services: No comment.

Hydro One Networks Inc.: No comments or concerns at this time. This preliminary review considers issues affecting Hydro One's 'High Voltage Facilities and Corridor Lands' only. For proposals affecting 'Low Voltage Distribution Facilities', the applicant must consult the local area Distribution Supplier.

Eastlink Inc.: Eastlink does not have services in this area.

Bruce-Grey Catholic District School Board: No comments.

Saugeen Valley Conservation Authority (attached): The proposed application is acceptable.

Public Comments

Gill Roy (attached)