



# Committee Report

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

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

**Date:** April 21, 2022

**Re:** County Official Plan Amendment C-2022-002 (Robertson)

---

## Staff Recommendation:

That County Official Plan Amendment C-2022-002 be approved; and,

That the By-law be forwarded to County Council for adoption.

## Summary:

The subject land is 19 Cayley Street, Inverhuron in the Municipality of Kincardine. The landowner is proposing to sever the subject land in half to create a new building lot. Both lots will be 2272.6 m<sup>2</sup>. The severed parcel is vacant and will have 40.2 m of frontage along Wood Street. The retained parcel is occupied by a dwelling and will have 56.5 m of frontage on Cayley Street. Inverhuron is a Secondary Urban Community. Full municipal services, partial services and communal services are the forms of servicing permitted within the Secondary Urban Communities designation. The County Official Plan Amendment is to permit the existing house on the retained parcel to continue to be serviced by full private services. The associated Zoning By-law Amendment Application Z-2022-008 and Consent Application B-2021-111 have not yet been processed.

## 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 strongly aligned with the Homes Guiding Principles. Development on the proposed lot will contribute an additional dwelling and opportunity for home ownership in this neighborhood and the existing house on the retained parcel will be maintained.

The proposal is aligned with the Guiding Principle for Good Growth. Creating an infill lot represents good growth as it makes efficient use of land. The severed parcel will be serviced with municipal water.

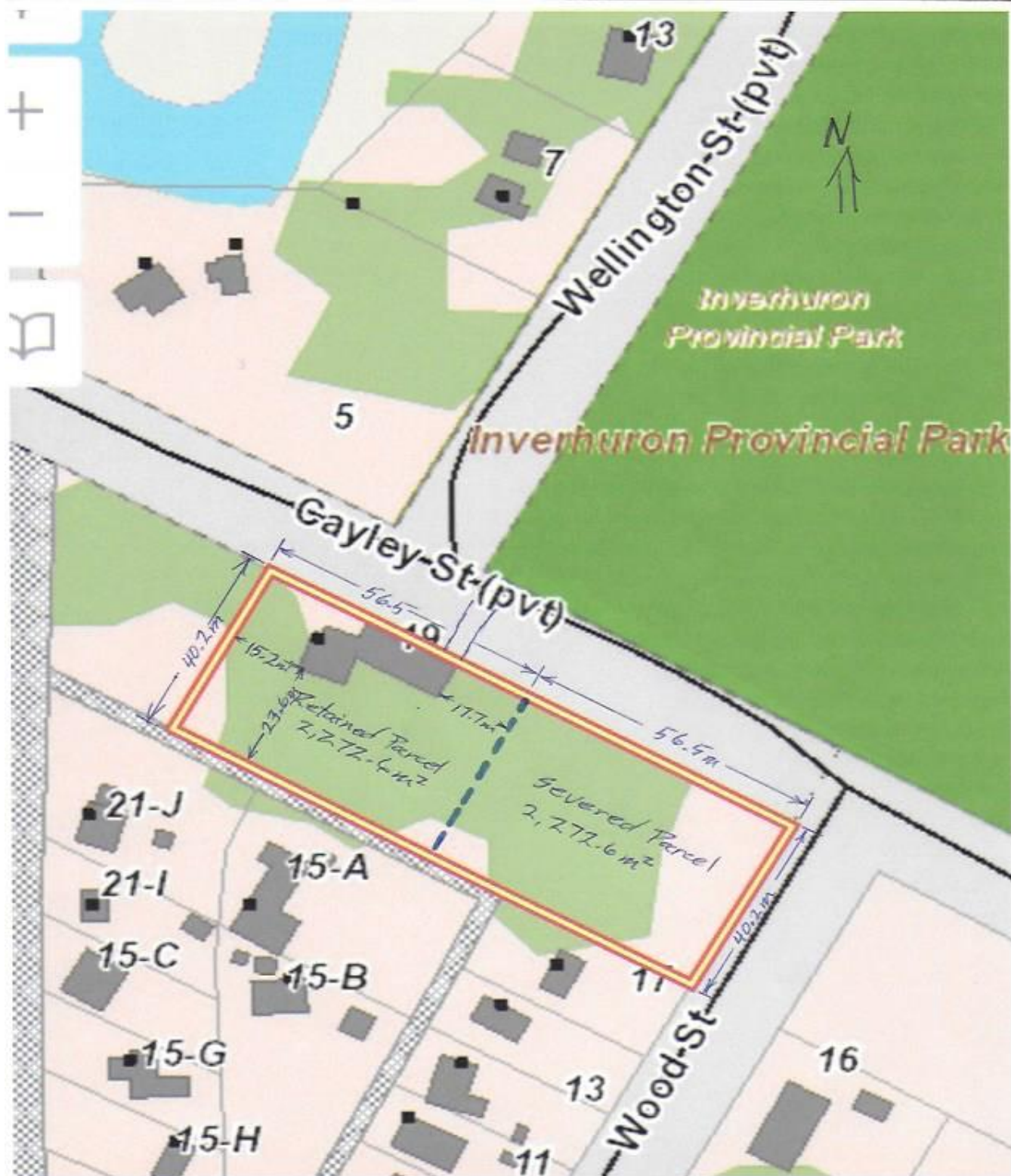
The proposal is aligned with the Guiding Principle for Heritage as Stage 1-4 archaeological assessments were completed for the lands to be severed. The Stage 4 assessment involved excavation and documentation to the extent required.

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

### Airphoto



## Site Plan



## Cayley St. Municipal Servicing Sketch



## Planning Analysis

The following section provides an overview of the planning considerations that were factored into staff recommendation for this application, including relevant agency comments (attached) and planning policy sections.

### Servicing Requirements

Water and sewer services are an important consideration when assessing a Consent application as it determines development capacity while managing environmental impacts. The Provincial Policy Statement (PPS) was updated in 2020 and permits private services for infilling where full or communal services are not planned or available and conditions are suitable for long term use.

Inverhuron is identified as a Secondary Urban Community in the County Official Plan. The County Official Plan long range intent is that Secondary Urban Communities will ultimately be serviced with Municipal water supply and distribution, and sewage collection and disposal systems. In the interim, the Servicing policies apply which limit permitted servicing to Full Municipal, Partial or Communal Services only such that full private services are not permitted.

Kincardine has a new Official Plan that reflects the updated PPS direction related to servicing. The subject lands are designated Shoreline Residential in the Kincardine Official Plan. Single detached dwellings are permitted uses. Full municipal, Partial, Community and full Private (only for lots of record) servicing are the forms of servicing permitted. However, under the Servicing Policies of the Plan, Private water supplies and sewage disposal systems for existing lots and lots created by consent are permitted only where connection to a municipal service is not feasible or is financially prohibitive.

A municipal service shall be considered 'not feasible' when the 'end of the municipal sewer or municipal water pipe' is more than 150 metres from the closest edge of the proposed/existing lot or sufficient water pressure/capacity or pumping capacity is not available at the end of the service pipe.

A municipal service shall be considered 'financially prohibitive' when the cost of construction and installation of the municipal sewer or municipal water service exceeds three (3) times the cost of an equivalent individual on-site system.

Municipal staff advise that municipal sewer services currently exist at 163 Lake Street (refer to Municipal Servicing Sketch attached). This is an approximate distance of 475 m from the subject land if the connection runs along Wood Street and 500 m if the connection is through Lake Street. This length is extensive and installation costs would be in the hundreds of thousands of dollars. Other installation challenges are that extensive archaeological assessments will likely be required to address archaeological resources which are prevalent in this area. This would be a costly undertaking. Further, Lake Street is mainly sand with no physical road present, ultimately leading to a challenging installation and higher costs. For these reasons, it is not feasible for either parcel to connect to municipal sewer servicing.

It is also noted that there are no Communal services in this area.

#### **Private Sewer Servicing Potential Assessment (severed and retained):**

Both the severed and retained parcels are proposed to have lot areas of 2272.6 m<sup>2</sup> which is below the standard lot size requirement of 4047 m<sup>2</sup> (1.0 acre) for lots on Partial services. A Nitrate Study is required to address matters prescribed in Procedure D-5-4 Technical Guidance for Individual On-Site Sewage Systems: Water Quality Impact Risk Assessment of the Ministry of Environment. No development proposal shall result in a nitrate concentration at each new property boundary of more than 10mg/l of nitrate. The intent ultimately is to minimize impacts to soils and aquifers. The applicant has submitted a Nitrate Impact and Water Supply Potential Assessment Report.

A conventional treatment system would result in nitrate concentrations at both severed and retained lot boundaries exceeding the criteria's limit of 10 mg/L. An enhanced tertiary treatment of sewage effluent with a design effluent concentration of 20 mg/L for nitrate is appropriate as it would result in groundwater nitrate concentrations at the lot boundaries below the 10 mg/L criteria limit. The report states that changes to the sewage design parameters would require updated nitrate impact assessment calculations.

The County Official Plan states that development that proposes to use a private tertiary sewage system to meet the 10 mg/L groundwater nitrate loading at the property boundary shall be zoned to recognize that such a system shall be required in perpetuity. The associated Zoning By-law Amendment application will address this requirement. The County Plan also states that a restriction on title requiring a tertiary treatment system to be used in perpetuity may be required as a condition of consent. Planning staff will include a Consent condition to this effect.

The County Official Plan requires new lots created by consent and proposed to be serviced by a private sewage disposal system to be zoned to require the building envelope for the primary building/structure to be located in proximity to the geographic centre of the new lot. The associated Zoning By-law Amendment will address this requirement.

#### **Private Water Servicing Potential Assessment (retained parcel):**

The applicant's Nitrate Impact and Water Supply Potential Assessment has identified 95 water wells within a 500 radius of the subject lands, mostly domestic wells. Based on a water chemistry analysis of the existing on-site water supply well on the retained parcel, the applicant has been advised of elevated concentrations of Fluoride. There are no significant health related parameter exceedances. Sufficient supply of ground water is available.

#### **Water - Retained parcel :**

The retained parcel is already developed with a seasonal cottage that has Full private servicing.

In processing the application, staff discussed with the landowner the requirement for the retained parcel to have Partial servicing (municipal water and private septic).

Municipal staff estimate the cost of watermain extension to the retained parcel would be upwards of \$40,000. Another option is servicing the retained parcel through a private easement from the main feed on Wood Street where the new lot will be serviced from. The applicant estimates the cost of connecting the retained parcel to Municipal water to exceed three (3) times the cost of a water well (upwards of \$50,000). He has explained that an easement through the severed lands is not desirable. He is seeking permission for the retained parcel to continue to have Full private servicing as it is financially prohibitive to install Municipal water servicing.

**Water - Severed parcel:**

Municipal water servicing will be extended to the severed parcel from the neighboring property (17 Wood Street - 125 m away). The cost of extending municipal water is less than the costs associated with drilling a water well.

The severed parcel will have Partial services (Municipal water and private sewer system) and in this regard conforms to the County Plan.

**Servicing Analysis Summary:**

Given the foregoing, the proposal is consistent with the PPS, generally meets the intent of the County Official Plan servicing policies for lands within the Secondary Urban Communities designation and conforms to the Kincardine Official Plan. The Amendment to the Zoning By-law will address the requirements of the Plan and the recommendations of the Nitrate Impact and Water supply Potential Assessment Report.

**Cultural Heritage Considerations**

Timmins Martelle Heritage Consultants (TMHC) carried out Stage 1-4 archaeological assessments on the severed lands. The assessments were triggered by the requirements of the Provincial Policy Statement (PPS). The PPS states that development and site alteration shall not be permitted on lands containing archaeological resources or areas of archaeological potential unless significant archaeological resources have been conserved. The subject lands are within 300 m of water bodies with archaeological potential; Sauble River (to the north) and Lake Huron (to the west). The Stage 1 background studies determined that a Stage 2 field assessment involving the search for archaeological sites was required. The Stage 2 assessment resulted in the discovery of an extension of an archaeological site into the project area. As a result, a Stage 3 Assessment was required.

The Stage 3 assessment recovered additional archaeological materials, with one unit yielding greater than 10 Indigenous artifacts resulting in the recommendation for a Stage 4 assessment. Under the Stage 4, two options were available: 1) long-term protection and avoidance; and 2) excavation. Avoidance and long-term protection is the preferred mitigation strategy, and this option was discussed with the landowner. The landowner opted for mitigation through excavation and documentation.

A Stage 4 mitigation strategy involves:

- Hand-excavation until there are yields of fewer than 10 artifacts and fewer than two formal tools, diagnostic artifacts, or burnt artifacts at the edge of the block excavation;
- The hand-excavation of units until they are at least 2 m from any cultural features; and,
- The documentation and excavation of any cultural features.

The Stage 4 consisted of the excavation of a total of eleven 1 m square units. The Indigenous artifact assemblage included 49 pieces of chipping detritus. After Stage 4, it was concluded that the project area has been documented to the extent required and should be considered free of archaeological concern.

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

Potential Appeal to the Ontario Land Tribunal.

#### **Report Author:**

Barbara Mugabe, Planner

#### **Departmental Approval:**

Mark Paoli  
Director, Planning and Development

#### **Approved for Submission:**

Christine MacDonald  
Acting Chief Administrative Officer

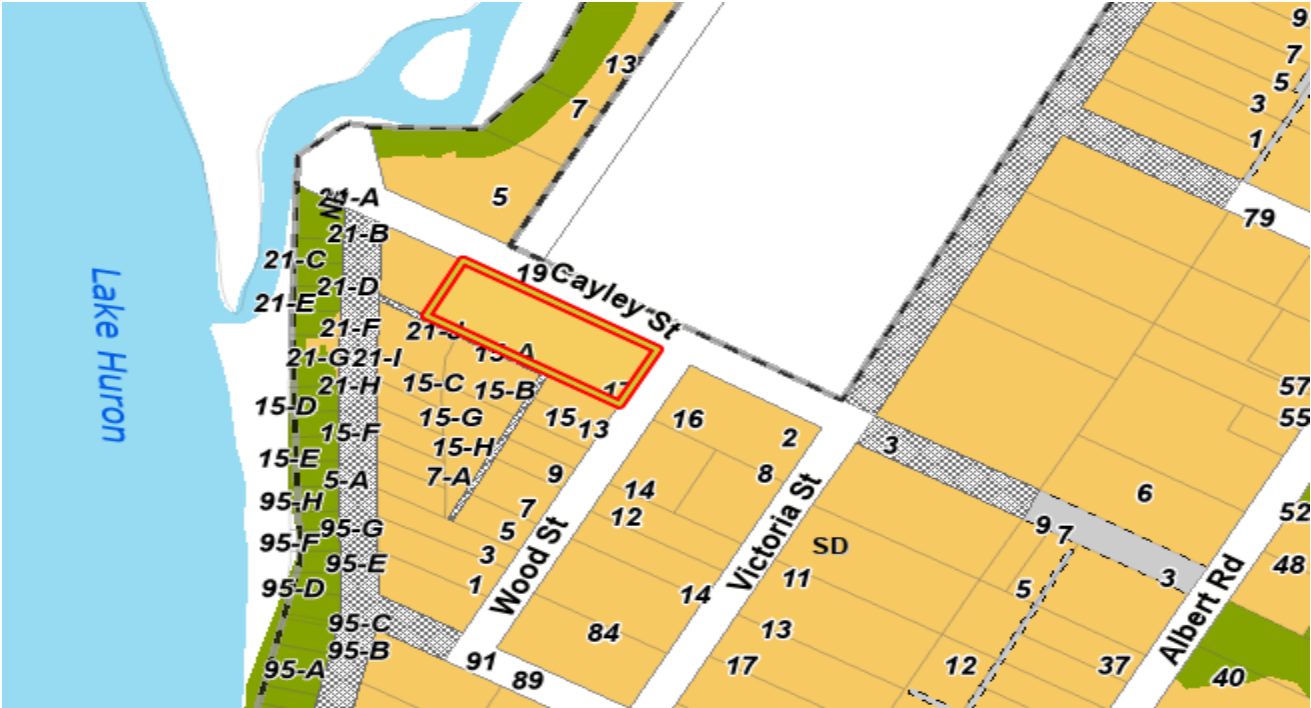
#### **Appendices**

- County Official Plan Map
- Kincardine Official Plan Map
- Kincardine Zoning By-law Map
- List of Supporting Documents and Studies
- Agency Comments
- Public Comments - none received to date.
- Public Notice
- Draft Decision Sheet - included as attachment
- Draft By-law and Schedule - included as attachment

County Official Plan Map (Designated Secondary Urban Communities)



Local Official Plan Map (Designated Shoreline Development)



The map displays the following details:

- Streets:** Gayley St, Wood St, and Victoria St.
- Water Body:** Lake Huron.
- Zoning Designations:** OS (Office), EP (Employment), R1 (Residential Single-Family), PD (Professional Office), and R1-p (Residential Single-Family, Planned).
- Property Lots:** Numerous lots are labeled with numbers (e.g., 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100).
- Highlighted Property:** A red rectangle outlines a property lot located at the intersection of Gayley St and Wood St, adjacent to the Lake Huron shoreline.

- Stage 1 -3 Archaeological Assessment dated October 13, 2021 prepared by Timmins Martelle Heritage Consultants (TMHC)
- Stage 4 Archaeological Assessment dated October 20, 2021 prepared by Timmins Martelle Heritage Consultants (TMHC)
- Nitrate Impact Assessment and Water Supply Potential Assessment dated December 6, 2021 prepared by Hydrogeology Consultant Services (HCS).

Bruce County Transportation Services - No objection.

- Property Zoned R1 - No Agreement required in Section 1.
- Verify with County if an Archaeological Assessment is required.
- Provide confirmation from a licensed septic installer that adequate room will be provided for the installation of an on-site class 4 sewage system.

Director of Infrastructure and Development: No objection.

## The Historic Saugeen Métis (HSM) - No objection.

Sagehen Valley Conservation Authority (SVCA): Full comments are attached. (The applications are acceptable to the SVCA. An Environmental Impact Study is not required).