



Committee Report

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

From: Derrick Thomson
Acting Director of Planning and Development

Date: September 15, 2022

Re: Draft Plan of Subdivision S-2021-016 (Kraemer)

Staff Recommendation:

That Draft Plan of Subdivision S-2021-016 be approved subject to the Conditions of Draft Approval attached; and

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

Summary:

The applicant is proposing to develop a 10.77 ha parcel of land in Tiverton into a residential subdivision consisting of 23 single detached dwelling lots; 22 semi-detached dwelling lots; 64 townhouse dwelling lots; 1 multi-unit dwelling block consisting of approximately 21 townhouse dwelling units; 1 stormwater management block; 2 open space blocks; and 2 new streets. A total of approximately 130 new residential units are proposed.

The application is being referred to the Committee for a decision due to objections and concerns raised by neighbouring landowners.

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

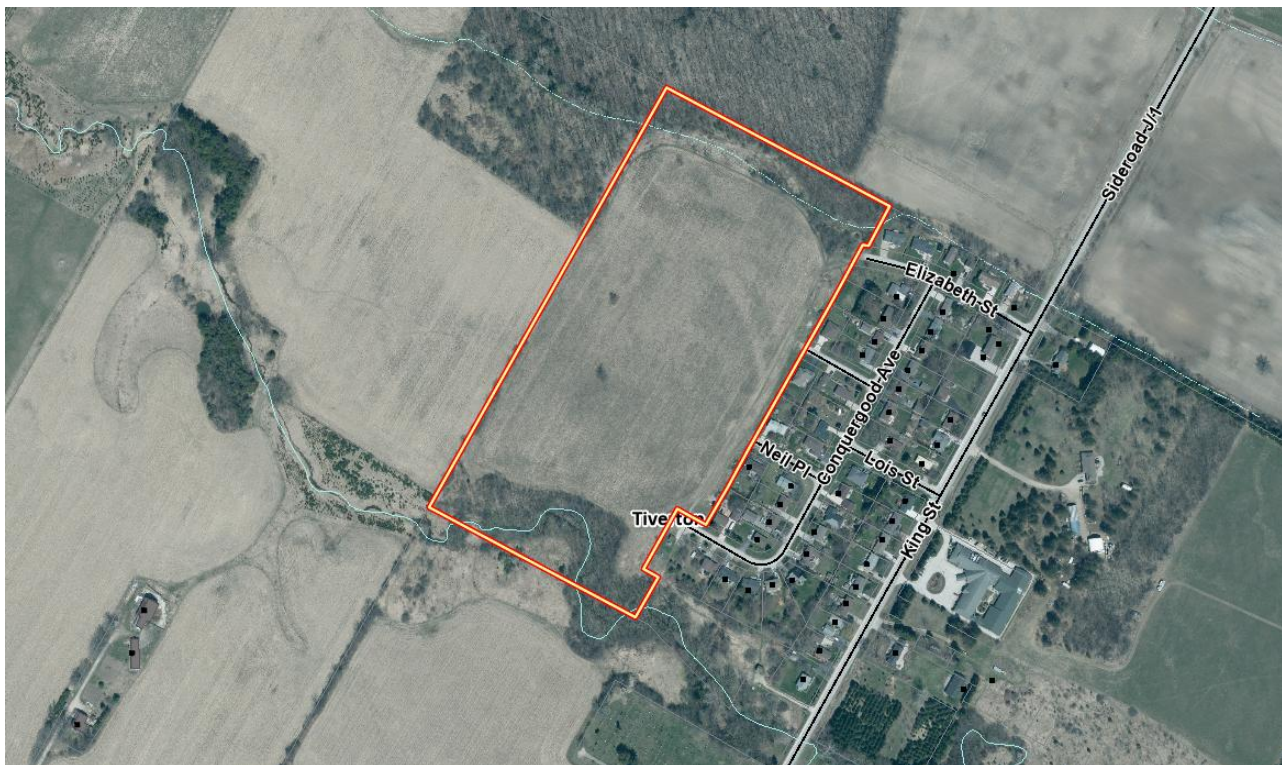
The subject lands are in the north end of Tiverton and designated Residential. This is a logical extension of development in the Settlement Area that makes efficient use of land and infrastructure. Therefore, the plan is aligned with the Good Growth guiding principle.

The proposed development would increase the supply and mix of homes in this area of Bruce County by providing approximately 130 new residential units in single detached, semi-detached and townhouse dwelling formats. This is strongly aligned with the Homes guiding principle.

The proposal is also aligned with both the Heritage and Natural Legacy guiding principles as potential concerns about archaeological resources and natural heritage features/functions have been addressed through supporting studies and any outstanding agency comments can be addressed through the conditions of draft plan approval.

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

Airphoto



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RESIDENTIAL

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.

Efficient Use of Land and Infrastructure

The subject property is located on the north side of Tiverton within the Settlement Area. Most of the property is designated Primary Urban Communities in the Bruce County Official Plan and Residential in the Kincardine Official Plan. The goals and objectives of both the County and local Official Plans direct much of the future growth to Primary Urban Communities, such as Tiverton, to support the wise use of land and resources and to protect agricultural and natural resources.

Density targets are a tool to achieve the efficient use of land and infrastructure within the Settlement Area boundary. The Bruce County Official Plan and the local Official Plan require the residential portion of all multi-unit developments that will be serviced with municipal sewer and water to achieve a density of 15 units per gross developable hectare. For the subject proposal, a density of approximately 19 units per gross developable hectare is proposed.

The Kincardine Official Plan also states that for new low density residential uses the maximum gross density shall be 25 units per hectare for single detached dwellings and 35 units per hectare for semi-detached dwellings. The low density component of the proposed development is well below these maximum values (approximately 8 and 9 units per gross hectare respectively), noting that the gross density is more difficult to calculate than net density when multiple dwelling formats are proposed. For comparison, the density of the adjacent existing neighbourhood of single detached homes is approximately 8 units per gross hectare.

The local Official Plan also identifies a maximum density of 50 units per net hectare for medium density residential proposals (e.g., townhouses). 'Net density' means the area of the site proposed for development, not including roads, parks, local commercial facilities, etc. (this differs from the 'gross density' calculation noted above which includes local roads and other uses but excludes natural hazards and similar environmental lands). The medium density component of the proposed development is approximately 29 units per net hectare, which is below the maximum identified in the local Official Plan.¹

The proposed residential units will be accessed by two new roads to be built to municipal standards with intersections at Conquergood Avenue, Neil Place and Herbert Place. As such, the development will use and expand upon the existing municipal street network.

Similarly, the lands will be connected to existing municipal water and sewer services through extension of these services to the site. Full municipal water and sewage services are the preferred form of servicing in Tiverton. This makes it the appropriate location for a new development such as the one proposed.

¹ The low density component is approximately 15 units per net hectare for the single detached dwellings and 26 units per net hectare for the semi-detached dwellings, respectively.

Some of the neighbouring landowners have expressed a concern with the density of the development proposed. As noted above, density and intensification ensure the efficient use of land and infrastructure which is achieved on this site, while meeting the minimum and maximum density targets set by the County and Municipality.

Land Use Compatibility

Compatibility of the proposed development with adjacent lands has been identified by some neighbouring landowners as a concern.

Most of the subject lands are designated Residential in the Kincardine Official Plan and were previously zoned Planned Development (PD) in the Municipality's Zoning By-law. The Municipality passed a Zoning By-law Amendment (File Z-2021-092) on August 8, 2022, to rezone the lands to Residential Three (R3) with special provisions to conform with the Residential designation in the local Official Plan.

The Residential Three (R3) zone permits a broad range of residential uses. The applicant is proposing a mix of single detached, semi-detached and townhouse dwelling units.

The adjacent lands to the east are within the Settlement Area and zoned Residential One (R1). The Residential One (R1) zone permits single detached dwellings, semi-detached dwellings, duplex dwellings and secondary suites. These neighbouring lands are occupied by single-family homes.

The proposed single detached and semi-detached dwellings are considered a low density residential format and compatible with the existing neighbourhood. The proposed townhouse dwellings are considered a medium density development. The local Official Plan states that where new development is proposed adjacent to existing low density residential areas, medium density housing shall transition and maintain a low building profile to conform visually to the adjacent low rise residential areas. In this regard, the subdivision shows a transition from low density adjacent to the existing neighbourhood to medium density in the central portion of the site. The medium density townhouses are proposed to maintain the character of the area as each will be one or two storeys in height. Adequate off-street parking shall be provided with suitable on-site amenity space for each of the future residential users.

For these reasons, the proposed development is considered compatible with the existing low density neighbourhood.

Range and Mix of Housing Types

The proposed development provides a range and mix of housing types and lot sizes to meet the projected requirements of current and future residents. In this case, single detached, semi-detached and townhouse dwelling units are proposed. Of the approximately 85 townhouse dwellings shown, 64 units are proposed on individual lots while the remaining 21 units are proposed in a condominium format on Block 110.

The proposal meets the County and Municipal target requiring 30% of proposed dwelling units to be medium density or higher. In this case, the townhouse component of the subject development represents 65% of the dwelling units proposed.

The County and local Official Plans also set a target of 30% of new housing to be provided as affordable housing. This is the target for all development across the region and is not expected to be met through every site-specific development. In this case, the agent has advised that the dwellings to be constructed within this development will not likely fall within the definition of “affordable”, but the 22 semi-detached homes and 85 townhouses will be financially “attainable”.

Opportunities also exist on the site for the creation of secondary suites, which are permitted within single detached dwellings, semi-detached dwellings and row dwellings (i.e., townhouse dwellings) subject to the specific provisions of the Zoning By-law. For example, the Zoning By-law states that a secondary suite is permitted in a principal dwelling where the principal dwelling is located on a separate lot and fronts on a Class One (1) Street. Secondary suites can be used for rental purposes or extended family to assist with household costs.

Sewer and Water Services

Full municipal water and sewage services are the preferred form of servicing in the Municipality. A Functional Servicing Report has been prepared on behalf of the applicant which speaks to the proposed services.

The report establishes that the sanitary sewer system will be sized based on the existing conditions at the connection to the Municipal system and the overall expected subdivision demands, which are determined by Provincial guidelines. New sanitary sewers will be installed by the developer along the proposed public roads with a connection to the existing sewer at Conquergood Avenue. These sanitary sewers will ultimately be assumed by the Municipality. The report concludes that there is sufficient capacity available to accommodate the proposed development.

As it relates to water servicing, the County received comments from members of the public questioning if there is sufficient capacity and pressure available to service the development. The Functional Servicing Report identifies that water servicing will be provided by connecting to the existing municipal watermain stubs on Conquergood Avenue, Neil Place and Herbert Place. The watermains will be designed in accordance with Provincial guidelines, installed by the developer and assumed by the Municipality. Sufficient water capacity is available and has been confirmed by Municipal staff. Water pressure within the system will be confirmed at the detailed design stage to ensure it meets Provincial requirements.

Two options to increase fire flow in the north end of Tiverton were also noted in the report: one is to construct a parallel watermain on King Street from Stanley/Cameron Streets to Lois Street and the other to fully replace the watermain. These upgrades are noted in the Municipality’s Water and Wastewater Servicing Master Plan. The Municipality may undertake the upgrades itself or through a cost sharing agreement with the developer as part of the future subdivision agreement.

The applicant will be required to prepare detailed servicing plans to the satisfaction of the Municipality as a condition of draft plan approval.

Source Water Protection

A portion of this property is located within the Wellhead Protection Area A (WHPA-A) for the Tiverton Drinking Water System (Briar Hill Wells 1 & 2). The Risk Management Office identified no policies apply to the activities identified in the application, under the approved Source Protection Plan for the Saugeen, Grey Sauble, Northern Bruce Peninsula Source Protection Region.

Municipal staff previously identified that the planned roadway extension at Conquergood Avenue goes straight over top of the existing municipal well. Staff also identified that both wells on-site have certain space requirements around them that would need to be enforced. Staff recommended amendments to the Draft Plan.

It was later confirmed by the consulting team that there will be adequate space provided around both wells within the existing municipally owned lands and the future boulevard. The new Street "A" can connect to Conquergood Avenue in this location without an amendment to the Draft Plan. The wells will be marked and buffered from adjacent uses to the satisfaction of the Municipality as a condition of draft approval. Municipal staff are satisfied in this regard provided there are no grading impacts to the wells, which can be addressed at the detailed design stage prior to final approval.

Stormwater Management

To control flooding, ponding, erosion and sedimentation, and to provide protection of water resources and natural habitat dependent upon watercourses and other water bodies for their existence, the County and local Official Plans require that stormwater management strategies be provided for new development in Settlement Areas.

The Functional Servicing Report and Stormwater Management Report submitted in support of the subject applications indicates that most of the stormwater from the development will be directed to a proposed stormwater management facility at the north end of the site.

Municipal storm sewers will be installed by the developer along the proposed streets to collect stormwater from minor storm events, which will be directed to the stormwater management facility. Major design storms will be conveyed overland and on road surfaces and will also be directed to the stormwater management facility. The stormwater management system will be designed in accordance with Provincial, Municipal and Saugeen Valley Conservation Authority (SVCA) guidelines and will ultimately be assumed by the Municipality.

SVCA staff requested confirmation from Municipal staff that the proposed outlet for the stormwater management facility is sufficient given the intermittent nature of the receiving watercourse in this location. The outlet has been confirmed to be satisfactory based on subsequent email correspondence received from Municipal staff.

Detailed stormwater management plans and calculations will be required to the satisfaction of the Municipality and applicable agencies as a condition of draft plan approval.

Transportation

Two new internal roads will be constructed on the site to service the development, which will connect to the existing municipal road network at Conquergood Avenue, Neil Place and Herbert Place. These roads then connect to King Street, the main north-south road in Tiverton, via Lois Street and Elizabeth Street. A connection via Elizabeth Street to the subdivision is not proposed due to the environmental constraints in that area. The new internal roads will be constructed to full Municipal standards by the applicant and ultimately assumed by the Municipality. Private roads are also proposed in Block 110 to service the cluster townhouses.

Neighbouring landowners have expressed concerns with the increased traffic that could be generated by the new development. Of the concerns raised was the increased number of vehicles expected on local roads, the lack of sidewalks in the existing established neighbourhood, and the speed and volume of existing traffic on King Street.

One of the objectives of the local Official Plan is to ensure all land use decisions have regard to implications on the traffic network. A Transportation Impact Study was prepared in support of the proposed development. The study concluded that the area intersections are currently operating within acceptable levels of service and will continue to operate at acceptable levels upon full build out of the project. The report also concluded that no off-site remedial measures are required (i.e., a northbound left-turn lane is not warranted on King Street at Lois Street under the projected 2028 forecasted traffic volumes).

Municipal staff have also confirmed that upgrades to Conquergood Avenue have been identified in the Municipal 5-year plan subject to budget allocation. These upgrades would include a standard municipal road cross-section with curbs and gutters and a sidewalk on one side of the road. Staff advised that any approved upgrades to Conquergood Avenue would also likely include Neil Place, Herbert Place and Elizabeth Street. These upgrades would be implemented by the Municipality, not the developer.

However, all new roads within the Draft Plan will be designed and built by the developer in accordance with Municipal standards, as described above.

Pedestrian Access and Greenspace

Complete communities support access to greenspace and opportunities for pedestrian movement.

For this project, the applicant will be conveying Blocks 112 and 113 to the Municipality for open space purposes. Trails are proposed in the northern block, Block 112, and will be available for use by existing and future residents. Preliminary discussions contemplate a trail connection to the existing neighbourhood at Elizabeth Street and to the new subdivision at the proposed stormwater management block. These trails will be designed and constructed to the satisfaction of the Municipality and other agencies as required (e.g., SVCA).

A trail is not proposed in Block 113 due to limited connection opportunities and the topography associated with the valley corridor in that area. Municipal staff noted that should a trail be desired in the future to connect with lands to the south, the parcel

containing the municipal well could be investigated for that purpose. This would be beyond the scope of the current applications.

Sidewalks are also proposed throughout the subdivision as is required by the Municipality and requested by the Bluewater District School Board.

Some of the neighbouring residents had suggested the use of the existing easement that runs along the eastern property boundary as a trail and buffer to the new subdivision. The consultants have advised that the services in the existing easement will be relocated to the road allowances as part of the development. The easement will no longer be required and will be removed from title. A buffer between the existing single-family homes and the proposed development is not deemed necessary as the existing and proposed land uses are compatible. The applicant is also proposing an appropriate transition between the existing established neighbourhood and the new development, as discussed above. The Municipality may request screening in this location (e.g., fencing) if it deems it appropriate through discussions with the applicant at the detailed design stage.

Parkland

Through pre-consultation discussions, Municipal staff indicated that parkland dedication is not required in this Draft Plan. Instead, the applicant will provide the Municipality cash-in-lieu of parkland dedication. The Municipality will allocate these funds for parkland development purposes for Tiverton and the surrounding area.

Natural Hazards

SVCA hazard mapping indicates the subject property is affected by flooding and erosion hazards associated with the existing watercourses and wetlands that traverse the site. The watercourses are unnamed tributaries to the Little Sauble River. The tributary along the south property boundary is a permanent watercourse contained within a moderately steep confined valley and is subject to erosion. The tributary along the north property boundary is an intermittent feature that traverses a flood prone wetland that contains organic soils not suitable for development.

Provincial and Official Plan policies direct development to areas outside of hazardous lands (flooding hazards, erosion hazards, dynamic beach hazards), and hazardous sites (organic soils, leda clay, unstable bedrock).

Currently, the hazard mapping of the Kincardine Official Plan and Zoning By-law do not recognize the hazard lands associated with the northern wetland. However, the southern watercourse and stream valley closely reflects SVCA's hazard mapping, except for minor amendments the SVCA recently undertook through the review of this proposal.

SVCA staff recommended that the development limits be amended to reflect SVCA's updated hazard land mapping (attached to this report). The applicant has amended the Draft Plan to address the SVCA's comments, which resulted in the enlargement of Open Space Block 113 and the shortening of Lots 24 to 31 inclusive. The Zoning By-law mapping has also been amended to reflect this change.

Natural Heritage

The natural heritage features identified on and adjacent to the site include fish habitat, significant woodlands, significant valley lands, and other-unevaluated wetlands. The Bruce County Official Plan and Kincardine Official Plan generally prohibit development within the natural heritage features and their adjacent lands unless it has been demonstrated that there will be no negative impacts to the natural features or their ecological functions.

An Environmental Impact Study was prepared in support of the project. The report concluded that with mitigative measures (avoidance of significant features, provision of buffers / development setbacks, source water input balance to the two watercourses, and stormwater quantity and quality control), the development will result no anticipated negative impacts or loss of ecological function to the natural heritage features or ecological functions within the study area.

The report was generally found to be acceptable by SVCA staff, who provide natural heritage review comments on behalf of the County. However, SVCA staff originally noted that the proposed development appeared to encroach in some areas within the setbacks recommended in the Environmental Impact Study. The applicant has revised the Draft Plan to incorporate the recommended setbacks. As a result, Open Space Block 112 has been enlarged and Stormwater Management Block 111 and Lots 1 to 4 inclusive have been reduced in area. The Zoning By-law mapping has also been amended to reflect this change.

Archaeology

A Stage 1 and 2 Archaeological Assessment was prepared in support of the subject applications as the lands fall within an area of moderate to high archaeological potential. No archaeological resources were identified on the site. The report concluded that no further assessment was required.

The Saugeen Ojibway Nation (SON) has expressed an interest in the project due to its archaeological potential and its natural heritage resources. SON has engaged directly with the applicant in this regard to facilitate their continued review of the applications. SON has agreed to the inclusion of a condition of draft plan approval to ensure their interests are addressed prior to development or site alteration occurring on the site.

A condition has also been added that requires the applicant to provide the County correspondence from the Province confirming that the Archaeological Assessment has been accepted into the Ontario Public Register of Archaeological Reports.

Financial/Staffing/Legal/IT Considerations:

Potential Appeal to the Ontario Land Tribunal.

Report Author:

Coreena Smith
Senior Development Planner

Departmental Approval:

Derrick Thomson
Acting Director, Planning and Development

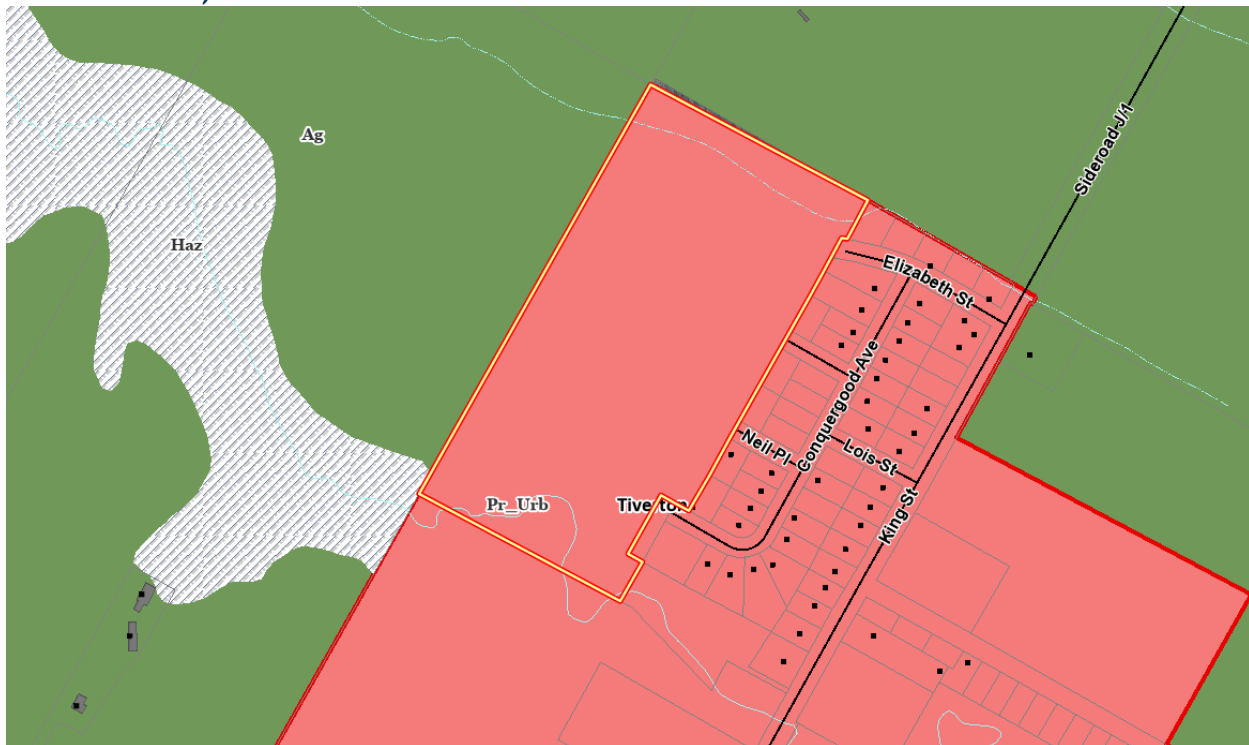
Approved for Submission:

Derrick Thomson
Chief Administrative Officer

Appendices

- County Official Plan Map
- Local Official Plan Map
- Local Zoning Map
- List of Supporting Documents and Studies
- Agency Comments
- Public Notice
- Public Comments
- Municipality of Kincardine Meeting Minutes
- Municipality of Kincardine Resolution
- Decision Sheet
- Conditions of Draft Approval
- Draft Plan of Subdivision

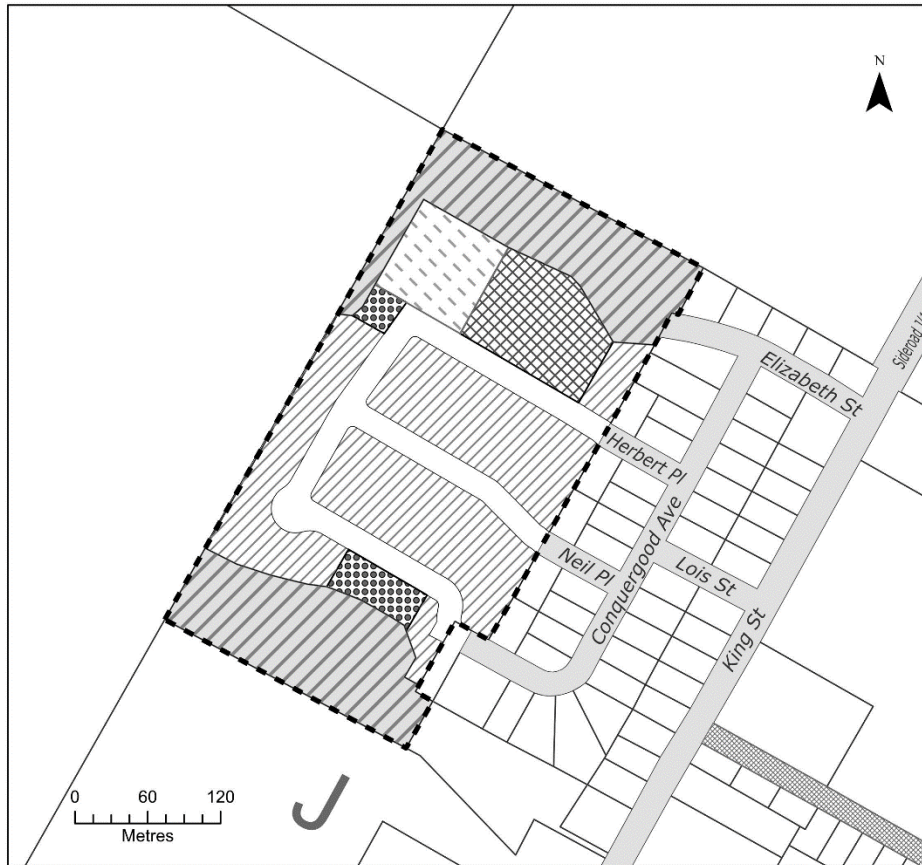
County Official Plan Map (Designated Hazard Land Areas and Primary Urban Communities)



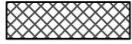





Amended Local Zoning Map (Zoned EP - Environmental Protection, OS - Open Space, R3aa - Residential Three Special, R3ab - Residential Three Special and R3ad - Residential Three Special)

Schedule 'A'

Plan 210 PT Lots 59 and 60; RP 3R8687 Part 3 - Roll 410826000604600
Municipality of Kincardine (Village of Tiverton)



-  Subject Property
-  Lands to be zoned R3-aa - Residential Three Special
-  Lands to be zoned R3-ab - Residential Three Special
-  Lands to be zoned R3-ad - Residential Three Special
-  Lands to be zoned OS - Open Space
-  Lands to be zoned EP - Environmental Protection

This is Schedule 'A' to the zoning by-law
amendment number 2022 - 144 passed this
8th day of August, 2022

Deputy Mayor Randy Roppel
Clerk Jennifer Lawrie

List of Supporting Documents and Studies

Original submission:

- Application
- Subdivision Application
- Draft Plan
- Planning Justification Report
- Functional Servicing Report
- Stormwater Management Report
- Transportation Impact Study
- Environmental Impact Study
- Archaeological Assessment

Second submission:

- Response Letter from the Consultants
- Revised Draft Plan

Agency Comments

Municipality of Kincardine:

Chief Building Official:

- Connection of Street “A” to Conquergood Avenue is interrupted via Part 1. Street “A” will need to be provided with a sufficient turnaround.
- Further servicing/stormwater management comments to be provided through the Municipal Engineer.

Public Works:

- The planned roadway goes straight over top of the existing municipal well.
- Both wells on-site at the municipal well station have certain space requirements around them that would need to be enforced. The road alignment will need to be tweaked or the applicant will need to drill a new well.
- Total water should not be an issue based on flows from the past year.

Fire Chief:

- No comment.

(Note: It was confirmed through further discussions between the consultants and Municipal staff that there will be adequate space provided around both wells within the existing municipally owned lands and the future boulevard. The new Street “A” can connect to Conquergood Avenue. The street alignment does not need to be amended in this location and a turnaround is not required.)

Bruce County Transportation and Environmental Services: No comment.

Historic Saugeen Métis (HSM): The HSM Lands, Resources and Consultation Department has reviewed the relevant documents and have no objection or opposition to the proposed Draft Plan of Subdivision and Zoning By-law Amendment as presented.

Saugeen Ojibway Nation (SON): SON has expressed an interest in the subject applications and has engaged directly with the applicant in this regard. *(Note: SON has agreed to the following condition of draft approval: That prior to development or site alteration, the Saugeen Ojibway Nation Environment Office confirm that its interests related to archaeological resource potential and natural heritage features in the Plan area have been addressed.)*

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.

Bluewater District School Board (BWDSB): BWDSB has no objection to this development and requests conditions be included as part of the draft approval (full letter attached). Note staff has incorporated updated wording for these conditions, developed through discussions on other subdivision applications.

Canada Post: Canada Post has reviewed the proposal for the above noted development and has determined that the completed project will be serviced by centralized mail delivery provided through Canada Post Community Mailboxes. In order to provide mail service to this development, Canada Post requests that the owner/developer comply with the conditions included in their comment letter (full letter attached).

Risk Management Office, Source Water Protection: From the information noted in the proposed application for a new planned subdivision on this property, serviced with municipal sanitary sewer, storm sewer and watermains, it has been determined that neither section 57 (Prohibited Activities) nor section 58 (Regulated Activities) applies on the above-noted property, pursuant to the Clean Water Act, 2006. Consequently, no policies apply to the activities identified in the application, under the approved Source Protection Plan for the Saugeen, Grey Sauble, Northern Bruce Peninsula Source Protection Region (effective July 1, 2016) (full letter attached).

Saugeen Valley Conservation Authority (SVCA):

Original comments (April 22, 2022): Full letter attached.

Revised comments (July 29, 2022): It is the opinion of SVCA staff that the draft plan of subdivision revised July 28, 2022 is compliant with both the natural hazard and natural heritage policies of the Provincial Policy Statement 2020, local Official Plan, and County Official Plan. Please consider the following proposed conditions on behalf of the SVCA:

1. That prior to any site alteration/grading or construction on-site, and prior to Final Approval of the subdivision by the County, the Owner shall prepare the following

reports/plans, completed to the satisfaction of the Saugeen Valley Conservation Authority:

- a. Final Stormwater Management Report and Plans, and Grading Plans that demonstrate compliance with the Environmental Impact Study mitigative measures and on-site sediment control measures. Reporting shall address water quality and water quantity for similar pre and post construction hydrology input to the north and south watercourses;
 - b. Sediment and Erosion Control Plans; and
 - c. Site Plan.
2. That the Subdivision Agreement between the Owner and the Municipality of Kincardine contain provisions with wording acceptable to the Saugeen Valley Conservation Authority relating to the:
- a. Final Stormwater Management Report and Plans;
 - b. Final Grading Plans;
 - c. Final Sediment and Erosion Control Plans; and
 - d. Site Plan.

Regarding the Zoning By-law Amendment, SVCA staff maintains that the decision on this application be deferred until item no. 2 from SVCA's original letter has been addressed (i.e., the proposed EP zoning is amended to incorporate both the natural heritage setbacks as recommended in the Environmental Impact Study and SVCA's revised hazard land limit).

(Note: The Zoning By-law Amendment and schedule were amended per the SVCA's request.)

*Agency comments have been incorporated in the Conditions of Draft Approval attached, where applicable.