



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-2021-006 Miramichi Shores

Staff Recommendation:

That Draft Plan of Subdivision S-2021-006 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:

Miramichi Shores Land Development Ltd. (c/o Brad Pryde) is proposing to develop a 16.25 hectare parcel of land in Port Elgin. Approximately 3.9 hectares of this parcel is proposed to be a residential subdivision comprised of 14 single detached dwelling lots; 2 walkway blocks and 1 internal road. The balance of the lands consists of two large blocks approximately 12.4 hectares in area with significant environmental constraints; these are proposed to be retained by the applicant.

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

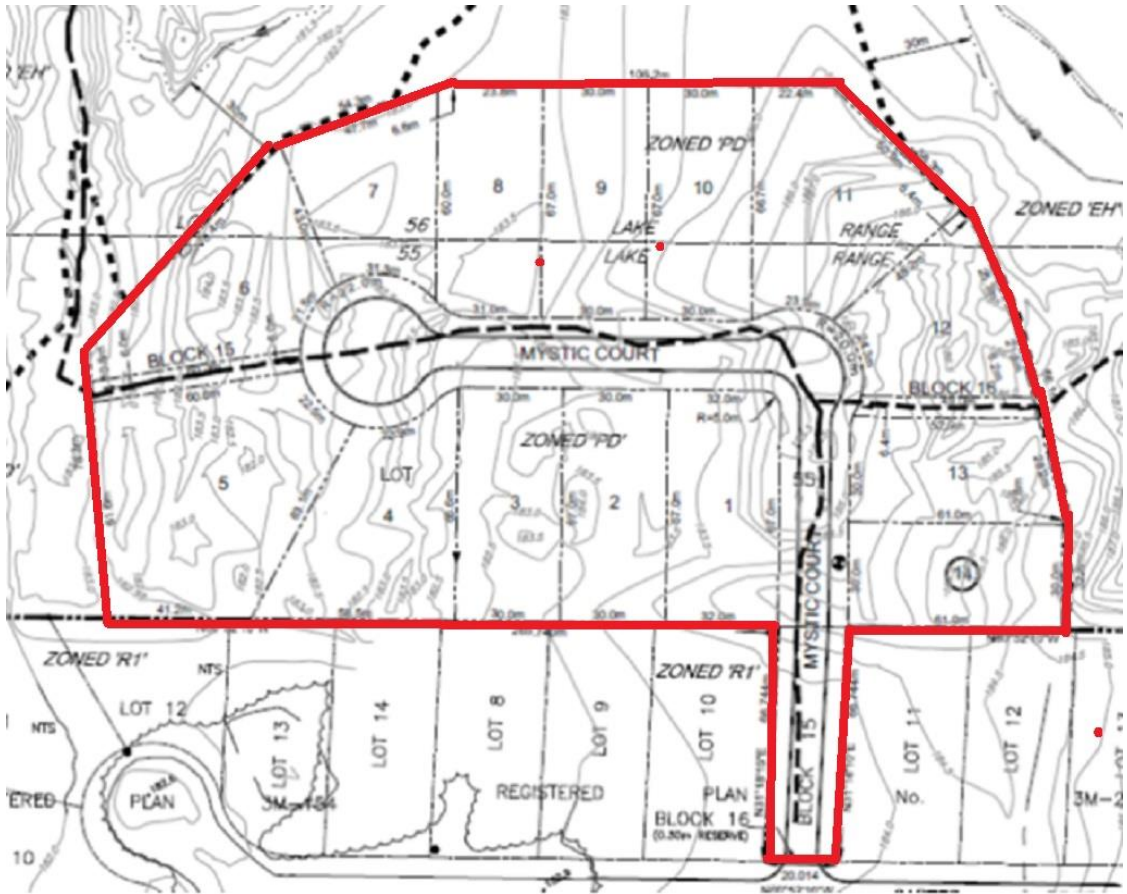
-  Not applicable
-  Not aligned
-  Aligned
-  Strongly aligned

The proposed subdivision is strongly aligned with the Good Growth and Homes Guiding Principle since the lands are designated for residential development. The proposal will result in 14 single detached dwelling units as well as contribute additional residential units within or ancillary to dwellings to the Town's rental supply. The proposed subdivision is aligned with the Natural Legacy guiding principle given that it has been demonstrated that the proposal will not result in negative impacts to the area's natural heritage features or ecological function

Airphoto



Draft Plan (For Presentation Only - See Draft Conditions for full Draft Plan)



Existing Entranceway



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.

Planning Context

The application proposes 14 single detached dwellings on estate lots ranging in size from approximately 1,700 m² to 3,900 m². Some lot lines have been modified from the original Draft Plan that lapsed in 2015 to accommodate tree retention considerations and on-site servicing requirements.

The entirety of the proposed residential area of the subdivision is within the Shoreline Residential Designation and the corresponding Residential First Density Special 'R1-2' zone. A portion of the proposed residential area is also within Special Policy Area #4 in the Town's Official Plan. This area has a distinct set of policies for natural heritage considerations. The remainder of the lands, approximately 12.4 hectares are designated Environmental Hazard.

The lands once formed Phase 4 of the Miramichi Shores Subdivision. The lands were previously granted draft approval for a similar subdivision proposal in 2008, known as the Mary Rose Subdivision. The draft approval status lapsed in 2015. The current Subdivision proposal is similar to what was previously approved on the lands.

A public meeting was held on July 19, 2021 and the Draft Plan was endorsed by Town of Saugeen Shores Council on August 15, 2022.

Natural Heritage

The lands are designated both Shoreline Residential and Environmental Hazard by the Town's Official Plan as well as being within Special Policy Area #4 (SPA 4), which generally encompasses the largely wooded area west of the glacial Lake Nipissing bluff between Southampton and Port Elgin. Lands within SPA #4 contain important natural heritage features, such as significant woodlands, significant wildlife habitat, fish habitat, and species of conservation concern. The area also contains hazardous conditions, such as areas with high groundwater and complex drainage conditions.

The Town's Official Plan also recognizes that new residential uses are permitted in specific and limited locations designated within SPA #4 that avoid hazardous and ecologically sensitive features. The policies for SPA #4 also require specific mitigation measures to limit impacts to natural heritage features and natural hazards.

A number of public comments noted concerns with natural heritage impacts, including loss of habitat and woodland, as well as concerns regarding the implementation of the proposed Tree Retention Plan. Saugeen Ojibway Nation (SON) also provided comments in regards to potential natural heritage impacts.

The application was supported by an Environmental Impact Study (EIS) conducted by WSP in 2020-21, as well as supplemental technical responses to the issues raised by both the SVCA

and SON. The EIS identified the lands as being impacted by Cold and Warm Water Streams, Significant Woodlands, Threatened and Endangered Species and Significant Wildlife Habitat. Development within and adjacent to these features is generally prohibited unless it has been demonstrated that there will be no negative impacts on the natural features or their ecological functions.

The EIS concludes that no negative impacts from development are likely subject to implementing several mitigation measures including:

- limiting development on the site to certain areas,
- providing an appropriate buffer to the watercourse
- maintaining tree cover of 25% within the development area. A Tree Retention Plan has been completed to minimize the extent of tree removal and disturbance associated with the proposed development.
- Limiting tree removal to the period between October 1 and March 31
- Implementing certain construction practices

Through a Memorandum of Agreement (MOA), the Saugeen Valley Conservation Authority acts as the technical authority on natural heritage issues related Planning Act applications processed by the County's Planning Department on behalf of the Town.

The SVCA provided technical review comments on the EIS (see appendix for full comments). The SVCA noted potential challenges with implementing tree retention plans on privately held lands. The Town does not have a tree cutting bylaw that regulates the tree removal. In the absence of a tree cutting bylaw, the SVCA is recommending that Tree Retention Plan be implemented by rezoning at the rear of the proposed lots to Environmental Protection. Planning staff notes that rezoning does not in itself regulate site alteration, and that the applications conform to the zoning that is currently in effect for the subject lands. In the absence of a municipal tree-cutting by-law, tree retention specific to this development site will need to be addressed through Site plan and/or subdivision agreements.

The SVCA requested conditions of draft approval to ensure conformity with applicable natural heritage policies, including that the SVCA is satisfied with the final EIS and Tree Retention Plan. The SVCA has also requested that the subdivision agreement include measures to implement the recommendations of both the EIS and Tree Retention Plan. Based on the SVCA's technical review comments, dated April 4, 2022, it appears that the SVCA is generally satisfied with the finding of the EIS and supplemental natural heritage information provided in support of the application.

Traffic

The proposed subdivision will require a new municipal street approximately 175 metres in length. The proposed street is a cul-de-sac connecting to Carter Drive. Comments received through the public process noted concerns with the increase in traffic that would result from the development. Concerns were also raised about emergency access to the subdivision if the single access point to the subdivision becomes blocked.

A Traffic Impact Study (TIS) completed in support of the application identified 15 peak A.M. trips and 16 peak P.M. associated with the new development. The TIS suggests that the local street network is adequate for the anticipated traffic.

The TIS also addressed concerns regarding the single access point to the proposed subdivision as well as the existing Miramichi Shores subdivision. The entranceway to the existing subdivision (Collard Way) is divided by a centre median, which provides an alternative emergency route if one of the lanes is blocked. Likewise, similar approach could be used as the entranceway to the proposed subdivision. However, a double lane entrance would result in a loss of several mature trees along the edge of the entranceway to the proposed subdivision, which abuts two existing homes. Town and County staff do not recommend inclusion of the double lane entrance feature to the proposed subdivision.

Parks and Trails

The lands are privately owned, but nevertheless contain a well-maintained trail network that is used by local residents and the broader public. If approved, the applicant intends formalize the trail connection through two walkway blocks which would connect the proposed subdivision to the trail network within the northern portion of the property, which is designated Environmental Hazard in the Town's Official Plan. The applicant has advised that he has received feedback from some residents of the neighbourhood that a parkette would be desirable in the Miramichi Shores subdivision. Mr. Pryde is open to having discussions with the Town regarding a parkette.

A concern was raised by Council at the Public Meeting regarding trespass issues on the abutting farmlands to the east associated the existing trail network. Town Council endorsed the Draft Plan on the basis that a condition be included requiring a fence along the eastern boundary to limit trespass issues to the satisfaction of the Town.

Housing

Both the County and Town Official Plans contain policies regarding affordability to residents. Both plans direct that 30% of new residential development be affordable and that 30% of new development be available as rental housing. This is a target for all of development in Town and is not expected to be met through every site-specific development. The implementation policies of the County Official Plan and Town Official Plan do not provide specific direction regarding affordability for individual proposals.

In order to support this objective, the Town has requested that a condition of draft approval be included requiring that at least five (5) secondary dwelling units be constructed within

dwellings or buildings ancillary to dwellings in the development. Alternatively, the proponent can provide a cash contribution to the Town's Attainable Housing Reserve.

Land Use Compatibility

The lands are with the Shoreline Residential designation which has a distinct set of policies that are intended to minimize visual impacts of structures and buildings in the shoreline area.

The subdivision is to be developed at a low density, consisting of 14 single detached dwellings. This form of housing is generally compatible with the adjacent Miramichi Shores neighbourhood. Compatibility considerations with regards to natural heritage features have been integrated into the proposed subdivision design. A Tree Preservation Plan was submitted in support of the application in order to implement the recommendations of the EIS, which has recommended maintaining 25% tree cover in the residentially-designated portion of the lands. SVCA clearance to confirm acceptance of the Tree Preservation Plan is required prior to final approval of the subdivision.

Stormwater Management and Drainage

A Functional Servicing Report (FSR) and Hydrogeological Report were submitted in support of the application. The FSR outlines a proposal for a storm sewer system designed to accommodate the 5-year peak flow from the development. The storm sewer outlet will be installed through Block 15 and terminate with Block 17 near the existing stream. This existing stream discharges across Miramichi Bay Road and into Lake Huron.

The lands are proposed to be dewatered temporarily in order to install perforated storm sewers. Public comments received from local neighbours expressed concerns regarding the impact of the proposed dewater on nearby sand point wells. The Hydrogeological Report notes that existing wells in the area access aquifers and depths below the shallow excavation levels proposed during this short period of dewatering. The application to dewater the lands is subject to approval from the Ministry of Environment, Climate and Parks.

Sanitary Sewer and Water Services

The development is proposed to be serviced with municipal water and individual onsite septic treatment systems, similar to the adjacent Miramichi Shores subdivision. The application has been supported by a Functional Servicing Report which includes a nitrate loading analysis in accordance with Ontario's D-5-4 Standard for onsite treatment systems. This analysis was used to determine the capacity of the lands to support 14 residential lots. Comments received from the public indicate concerns with the suitability of the lands for onsite sewage treatment due to the high-water table. The Functional Servicing Report submitted in support of the application did not identify any concerns with the suitability of the lands for onsite sewage treatment. It is noted that the construction of an onsite septic system is subject to approvals under the Ontario Building Code, which includes standards to account to for the depth of the water table.

Although both the County and Town Official Plan generally require subdivisions with Primary Urban Communities, such as Port Elgin, to be constructed on full municipal services, both documents recognize instances where partial may be appropriate, such as an infilling situation like the proposed Miramichi Shores subdivision.

SON has also noted potential concerns regarding impacts to ground water quality and have requested that a water quality assessment be completed during development of the lands. A condition of draft plan approval has been included that would see the proponent enter into an agreement with SON to provide post development test results.

Cultural Heritage

A Stage 1 and 2 Archaeological Assessment was conducted in 2006 in support of the previous subdivision application. No significant cultural materials were found and the Assessment was subsequently accepted by the Ministry of Culture. The 2006 Archaeological Assessment was submitted in support of the current application

Saugeen Ojibway Nation (SON) provided comments on the current application identifying potential concerns with the methodology of the Assessment. SON has Archaeological Guidelines that differ from the Provincial Guidelines. The proponent and SON agreed to undertake additional field work consistent with the SON's Archeological Guidelines. Additional field investigation was undertaken in the summer 2022 with SON representatives on site. No additional artifacts were found and a draft report was provided to SON for review. SON has indicated that they are satisfied with the supplemental archaeological work, however, they have requested to be notified of any archaeological materials that may be found during development of the site. A condition has been included to this effect.

Public School Accommodation

The Bluewater District School Board requested that conditions be included as part of the approval that provide information to purchasers about accommodation within nearby public schools and busing. The School Board conditions have been incorporated into the [modified] conditions.

The County is the Approval Authority for Draft Plans of Subdivision. The County seeks comments from the local Municipality before making a decision on a request to approve or revise a Draft Plan of Subdivision. The town has previously requested that conditions from the Bluewater District School Board be removed. Subsequent to that discussion, staff has met with the school board to review the purpose of the conditions (see attached letter); the conditions requested by the board have also been modified to provide greater clarity, as in:

- i. *Include in all Offers of Purchase and Sale a statement advising prospective purchasers that accommodation within a public school operated by Bluewater District School Board may include temporary facilities, including but not limited to, portable classrooms or directing students to an alternative attendance boundary.*

In reviewing proposed conditions, County staff assess if they are within scope, enforceable and actionable (i.e., can be satisfied by the applicant prior to the lapsing date). In this regard, staff note that subdivision construction and sales may occur over several years

through multiple phases. While the School Board is obligated to provide public schools to local residents, school composition and location may change over time based on demand, capacity and the status of Provincial approvals. Student busing is also at the discretion of the Student Transportation Service Consortium of Grey-Bruce. The Board's warning clauses offer a means of identifying to prospective purchasers potential circumstances that may be in place at the time of purchase. The Board is requesting these clauses be implemented by the applicant through the subdivision agreement. The Board is also requesting that sidewalks and pedestrian linkages be provided by the applicant to the satisfaction of the Town.

The subdivision agreement is a legal document signed by the applicant and the Town outlining obligations of the parties as it relates to the development of the site, including among other things, servicing installation, sidewalk construction and the provision of warning clauses in offers of purchase and sale. The subdivision agreement is the mechanism that makes the requested conditions enforceable and actionable. It is the opinion of County staff that the Board conditions are within scope.

The warning clauses are similar to other clauses that advise prospective purchasers about matters of interest in the area (e.g., location of a nearby stormwater management pond that will require regular maintenance, or proximity to a park or a walkway with associated noise and/or lighting). Sidewalks and pedestrian linkages are also commonly requested by the Town in residential developments and the applicant would be required to install them in this area even if the Board condition was not included. On this basis, County staff recommend approval of the Conditions of Draft Approval as attached, including those conditions provided by the Bluewater District School Board.

Subdivision Policies

Both the County and Town Official Plans contain policies to consider when evaluating a Plan of Subdivision for draft approval. The Town's Official Plan provides considerations in Section 2.11.3.2 when evaluating a Plan of Subdivision proposal. Council must be satisfied that these criteria have been addressed:

- a) the approval of the development is not premature and is in the public interest;
- b) the lands will be appropriately serviced with infrastructure, schools, parkland and open space, community facilities and other amenities, as required;
- c) the density of the development is appropriate for the area;
- d) the subdivision or condominium, when developed, will be easily integrated and connected with existing development in the area;
- e) the subdivision or condominium conforms with the environmental protection and growth management policies of this Plan; and,
- f) the proposal conforms to Section 51 (24) of the Planning Act, as amended.

The County Official Plan provides similar policies for the consideration when evaluating Subdivision applications. The County is the approval authority for Plan of Subdivision applications based on a recommendation from Town Council.

Minor Modification to Proposed Draft Plan

Since the Draft Plan of Subdivision was endorsed by Town of Saugeen Shores Council on August 15, 2022, the applicant has requested a minor modification to the Blocks 17 and 18. The proposed modification would enlarge Block 17 and would allow most of the existing trails to be located within this block. The applicant will retain ownership of both blocks. The applicant will be entering into a permanent trail agreement with the Town for the trails located on Block 17.

The proposed modification would make Blocks 17 and 18 the same size and configuration as the originally approved Draft Plan for the lands, dated March 2009. The proposed modification does not impact the existing zoning permissions on the lands. The Town of Saugeen Shores, Saugeen Valley Conservation Authority and Saugeen Ojibway Nation have confirmed that they have no objections to the proposed modification.

Appendices

- County Official Plan Map
- Local Official Plan Map
- Local Zoning Map
- List of Supporting Documents and Studies
- Proposed Draft Plan of Subdivision
- Agency Comments
- Public Comments

Financial/Staffing/Legal/IT Considerations:

There are no financial, staffing, legal or IT considerations associated with this report.

Potential Appeal to the Ontario Land Tribunal

Report Author:

Daniel Kingsbury, Senior Planner

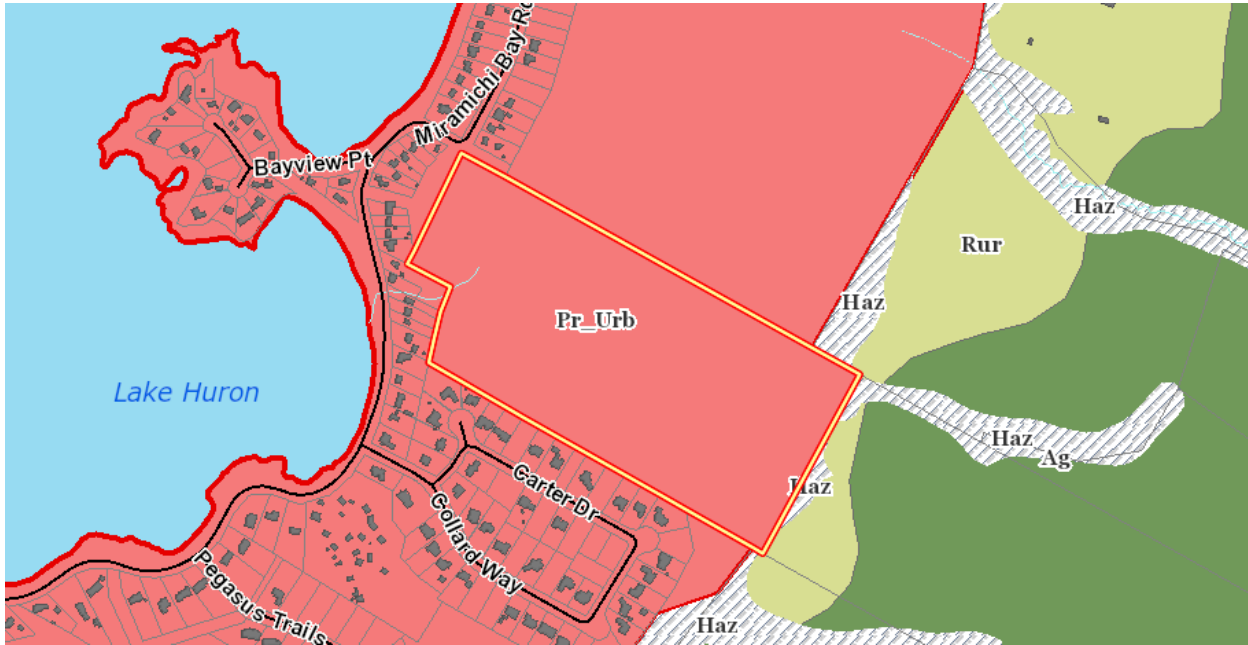
Departmental Approval:

Jack Van Dorp, Manager of Land Use Planning

Approved for Submission:

Derrick Thomson
Chief Administrative Officer

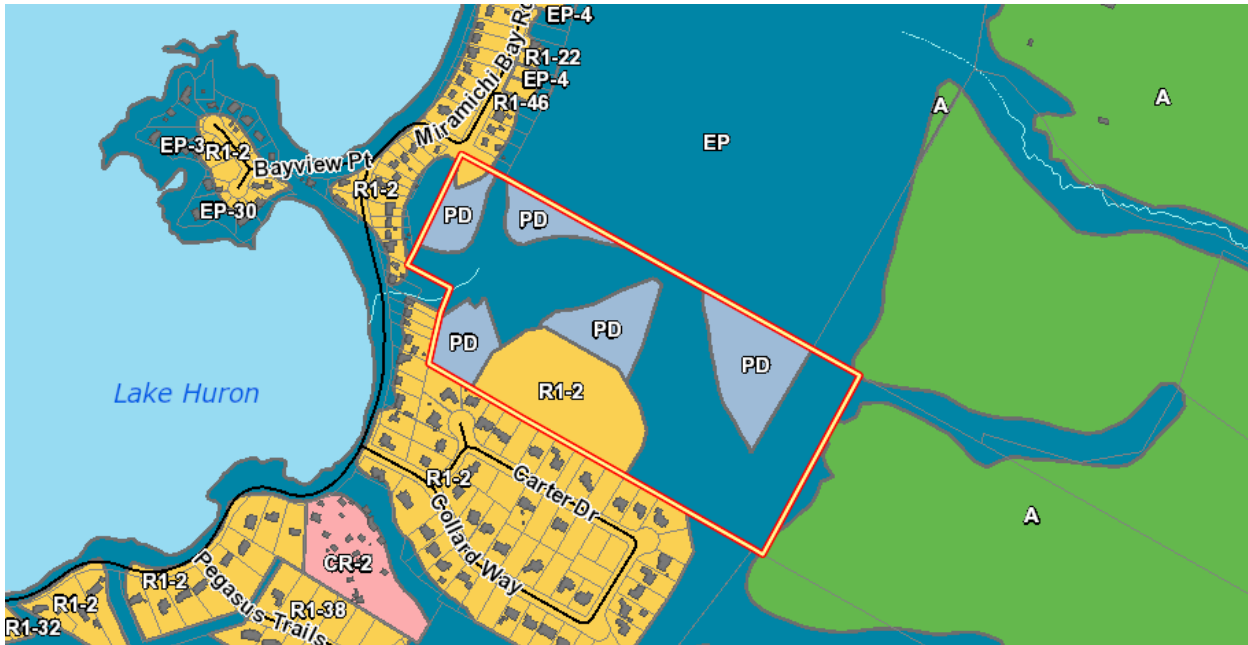
County Official Plan Map (Designated Primary Urban)



Local Official Plan Map (Designated Environmental Hazard, Shoreline Residential Special Policy Area #4 Overlay)



Local Zoning Map (Zoned Residential First Density 'R1-2', Planned Development 'PD', Environmental Protection 'EP')



List of Supporting Documents and Studies

- Planning Justification Report - Ron Davidson Land Use Planning Consultant Inc., 2021
- Functional Servicing Report - Cobide Engineering, 2021
- Stormwater Management Addendum Report, Cobide Engineering, 2021
- Functional Servicing Report, Cobide Engineering, 2021
- Hydrogeological Report (Permission to Take Water) Gaman Consultants, 2021
- Hydrogeological Report (Perforated Storm Sewer Evaluation) Gaman Consultants, 2021
- Environmental Impact Study, WSP, 2021
- Tree Preservation and Edge Management Plan- Cobide Engineering, 2021
- Archaeological Assessment (Stage 1 & 2) - Amick Consultants
- Traffic Brief - Paradigm Consultants (December, 2020)