



Committee Report

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

From: Claire Dodds
Director of Planning and Development

Date: October 20, 2022

Re: Consent Application B-2022-035 (Crane)

Staff Recommendation:

That Consent Application B-2022-035 (Crane) be approved; and

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

Summary:

This application proposes to sever an existing residential lot (1,059m²) and create a new lot that will be for residential use. The subject property is located at 419 Mechanics Avenue, Kincardine (PLAN 4 S PT LOT 44 S PT LOT;45). Approval of the consent would facilitate the creation of a new residential lot and development of a single-detached dwelling. The new and retained lots will each have an area of 529.76m² and a street frontage of 20.12 metres each along Mechanics Avenue.

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

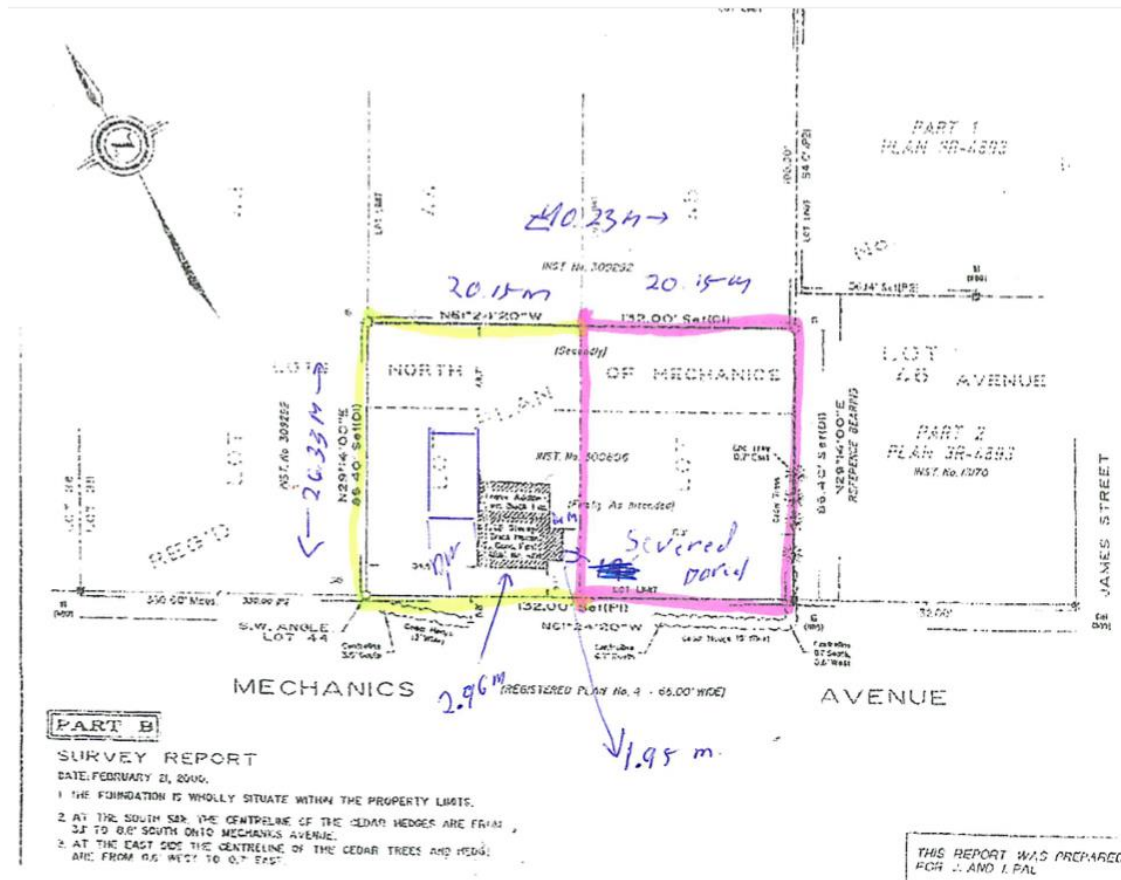
The proposal is strongly aligned with Bruce County’s Guiding Principle on Homes, and is aligned with the principles of Good Growth and Communities. If approved, the consent will create two lots for residential use. Kincardine is designated as a primary urban area in the County Official Plan which is to accommodate a large portion of growth for the County. Overall, the consent will provide more housing options in a designated urban area that will contribute to the growth of Kincardine as a complete community. The proposed function of the severed and retained lands is appropriate and compatible with the surrounding area.

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

Airphoto



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.

Efficient use of Lands and Resources

The subject lands are designated Primary Urban Communities in the Bruce County Official Plan. It is the intent that the majority of permanent population growth in the County will be directed to Primary Urban Communities. Permitted uses include a broad variety of residential land uses. The subject lands are partially designated Residential in the Kincardine Official Plan. The Residential designation applies to lands within the Kincardine settlement area and is intended to provide a variety of housing forms to meet the needs of current and future residents.

New residential development is permitted within all residential designations. The proposed retained lot will remain with a detached dwelling and the proposed severed lot will be developed with a new detached dwelling. The existing and proposed dwellings will contribute towards the Municipality's goal of a mix of densities while maintaining the low-density neighbourhood character. New residential development is encouraged in both Official Plan designations, especially on municipally serviced lands.

The subject lands are zoned Residential One (R1), Flood and Fill Regulated Area and Environmental Protection (EP). Permitted residential uses in the Residential One (R1) zone include a single detached dwelling. The Flood and Fill Regulated Area and Environmental Protection (EP) zone are located outside of the proposed developable area. The Saugeen Valley Conservation Authority (SVCA) has been consulted on the proposed development and confirm no objections. The proposed use of each lot as residential with detached dwellings is permitted by the Zoning By-law.

Given that the subject lands are located in an area intended to accommodate the majority of urban growth and development for the County, and that the lands are within an established residential neighbourhood, the proposed consent will result in the efficient use of lands. The residential intent of the lands will be maintained and provide for appropriate low-density residential development.

Environmental Features

The subject lands contain environmental features, including a watercourse and its associated floodplain and valley slope. The watercourse is considered fish habitat. A portion of each proposed lot is located within the SVCA regulated area. These environmental features are generally reflected within the Natural Environment designation and the Environmental Protection (EP) zone shown on a portion of the site.

The Natural Environment land use policies are provided in Section D7 of the local Official Plan and is comprised of three components: natural heritage, key hydrologic features, and hazard lands. No building, site alteration, or removal of fill is permitted. When considering a proposed development within lands designated Natural Environment, Council is to consider the following:

- The hazards can be safely addressed and new hazards are not created or existing ones aggravated;
- No negative environmental impacts will result on the natural features or the ecological functions. The Municipality, in consultation with the SVCA shall require an Environmental Impact Study to be prepared, at the proponent's expense;
- Vehicles and people have a way of safely entering and exiting at all times;
- The development does not include institutional uses, emergency services (excluding emergency services specifically for water rescue), or involve hazardous substances, and;
- The advice, or approval where required, of the Conservation Authority shall be obtained.

The SVCA has provided written confirmation that it has no objections to the application, and has provided a revised Environmental Protection (EP) boundary based on the floodplain (included as an attachment to this report). The proposed development on the severed lot will be located outside of the updated boundary.

The Zoning By-law provides regulations for the Environmental Protection (EP) zone. Residential uses are not permitted in the EP zone. Notwithstanding, the By-law states that the boundaries of the EP zone are subject to change without amendments to the by-law

when approved by SVCA and Kincardine's Chief Building Official. The proposed consent and subsequent development have been presented to SVCA, who have confirmed that the proposed development on the severed lot will be outside of the amended Environmental Protection (EP) boundary.

No development is proposed within the environmental features. The proposal is consistent with the Official Plan policies and conforms to the Zoning By-law regulations.

Consent Policies

The Kincardine Official Plan provides in Section G2.4 that consents may be permitted when they meet a set of criteria. The following criteria are relevant to this proposal:

- Where the undue extension of any major municipal service is not required.
- Consents shall be primarily used to infill existing developed areas. Infilling is the development of lands between two existing dwellings.
- The size of the parcel created shall be appropriate for the use proposed and conform to the Zoning By-law.
- Both the severed and retained parcels have frontage and access onto a public road which is of a reasonable standard of construction.
- Where the land involved in the application is within 120m of the Natural Environment, the application shall be accompanied by an Environmental Impact Study prepared to the satisfaction of the SVCA.

The existing lands are located on municipal services and front on a municipally maintained road. The proposed severed lot would be developed with a single detached dwelling, and given the context, would be considered a form of infilling. Both lots would meet the Residential One (R1) lot area and frontage requirements. As it relates to the Environmental Impact Study, SVCA has been consulted and have indicated they are satisfied with the proposal, and any development is to be in accordance with the slope report that was submitted. Given that no development is proposed within the environmental features, as well as the prior discussions with SVCA, planning staff are of the opinion that an Environmental Impact Study is not required.

The proposed consent for the creation of one new lot is consistent with the consent policies of the Kincardine Official Plan which align with the consent policies of the County Official Plan. The proposed consent and subsequent development of the severed lot is permitted by the Official plans and the Zoning By-law.

Financial/Staffing/Legal/IT Considerations:

Potential Appeal to the Ontario Land Tribunal.

Report Author:

Gillian Smith
Consulting Planner

Departmental Approval:

Claire Dodds

Director of Planning and Development

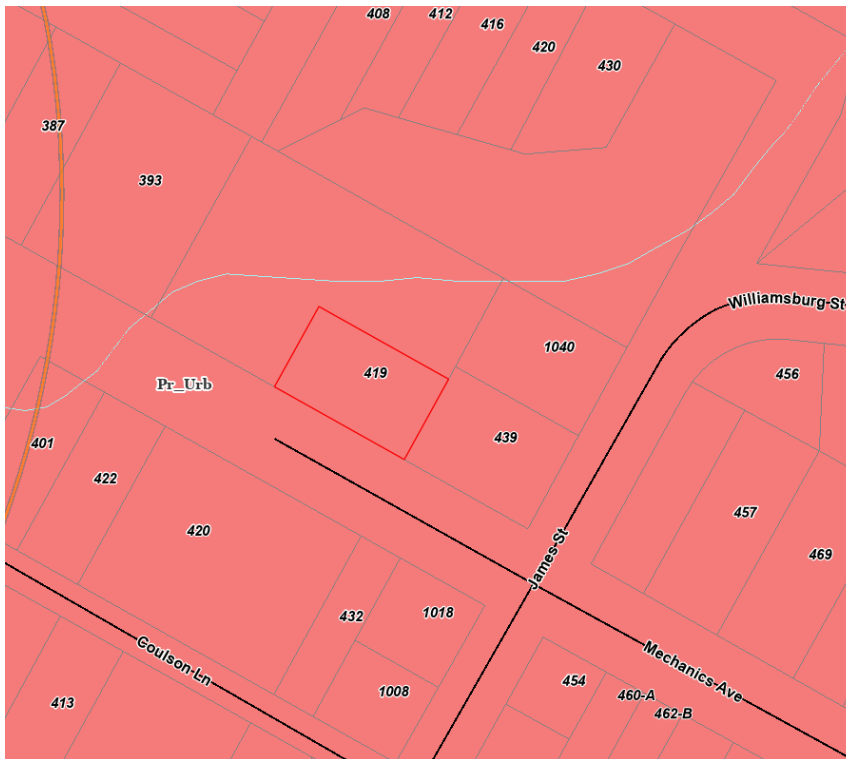
Approved for Submission:

Derrick Thomson
Chief Administrative Officer

Appendices

- County Official Plan Map
- Local Official Plan Maps
- Local Zoning Map
- Conservation Authority Jurisdiction Map
- Conservation Authority Environmental Protection Line Confirmation Map
- List of Supporting Documents and Studies
- Agency Comments
- Public Comments
- Public Notice

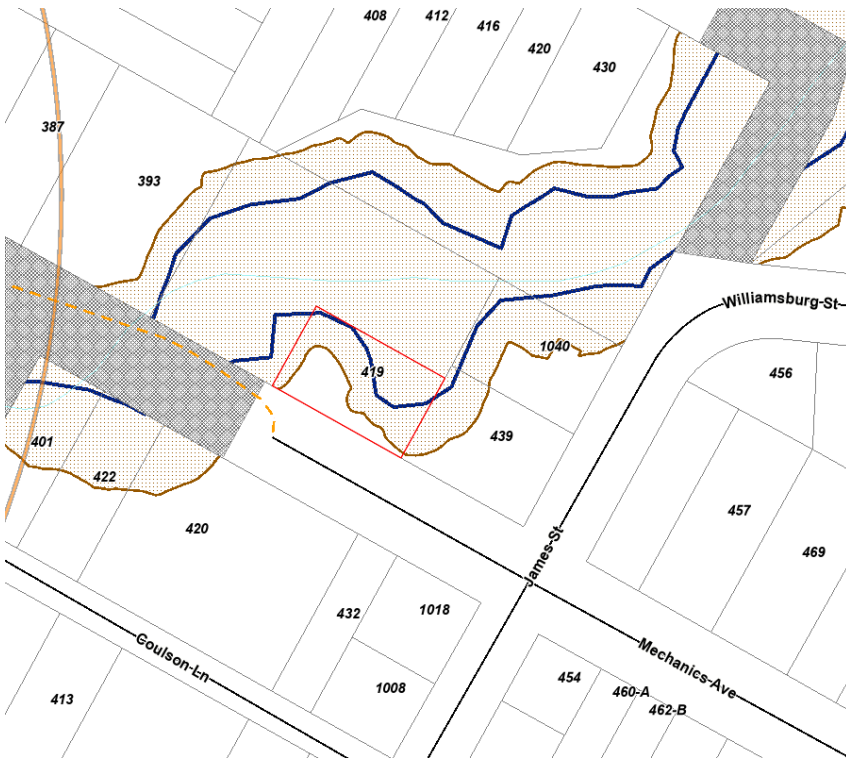
County Official Plan Map (Designated Primary Urban Communities)



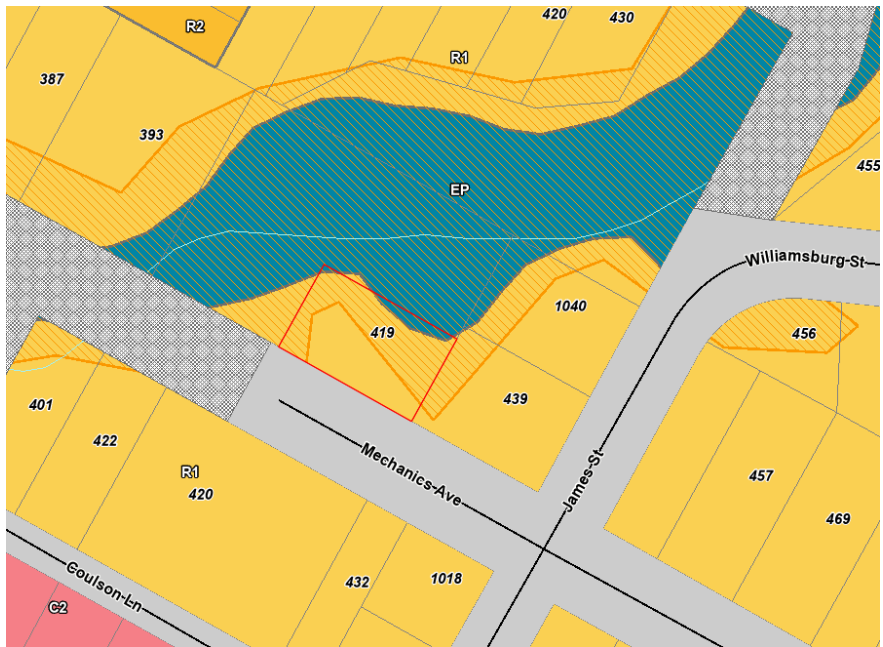
Local Official Plan Map (Designated Natural Environment and Residential)



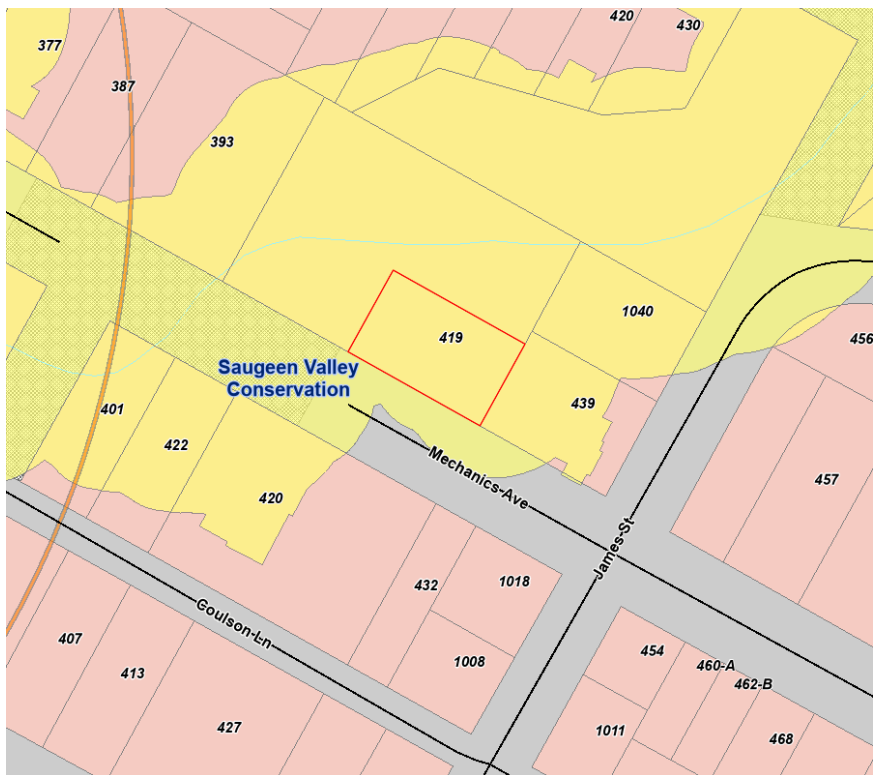
Local Official Plan (Constraints - Natural Hazards & Regulatory Flood Line (SVCA))



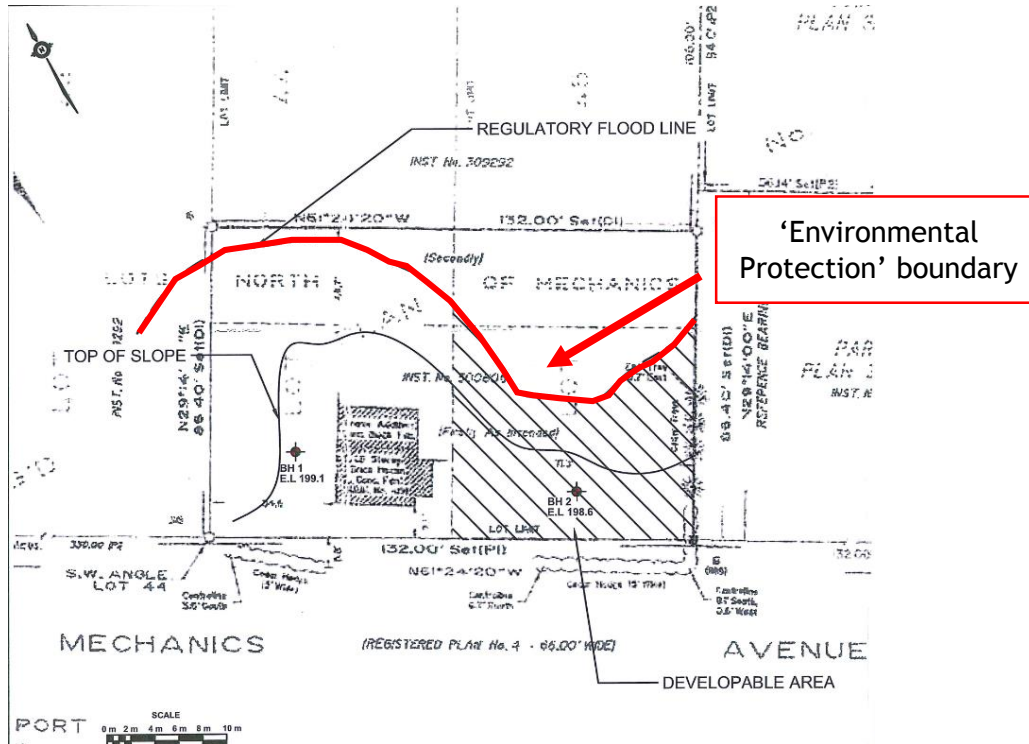
Local Zoning Map (Zoned R1 - Residential One, Flood & Fill Regulated Area & EP - Environmental Protection)



Conservation Authority Jurisdiction - SVCA



Conservation Authority Environmental Protection Line Confirmation (SVCA)



List of Supporting Documents and Studies

- Slope Stability Assessment
- Lot Grading Plan

Agency Comments

- Saugeen Valley Conservation Authority (full letter attached)
 - No objection.
 - For any development proposed, the requirements found within the Peto MacCullum Ltd. slope report will need to be followed.
- The Historic Saugeen Métis have no objection.
- Chief Building Official, Municipality of Kincardine
 - Provide SVCA approval.
 - Ensure grading plan and site plan show top of bank setback to watercourse.
 - Provide water and sewer servicing to proposed lot.
 - Entrance permit required.
 - Provide land appraisal for parkland dedication fee calculation.
 - New lot creation within 300m of a watercourse will require an Archeological Assessment (note: assessment determined not to be needed due to past site disturbance).
- Manager of Environmental Services, Municipality of Kincardine
 - The existing water line on the street is a 25mm and would support this proposal.
 - The sewer main in the area is very shallow and stops at the west edge of 432 Mechanics Avenue. The sewer main would have to be extended about 40m to

- the west and then taken into the property at the home-owners expense. The sewer will not make a gravity fall and would need a pump or grinder system installed.
- There is existing storm in front of the property if required.

Public Comments

Three public comments have been received which expressed either objection to or concern with the consent application. The first comment indicated objection to the proposal. The objection is based on concerns with conserving the environment and heritage of the property, as well as concerns with the appearance of construction activities.

The second public comment raised concern with the feasibility of development given the slope of the property and the impact of redeveloping the slope on neighbouring structures and terrain.

The third public comment indicated concerns with the development relating to the ravine and slope as well as trees.