



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-2022-070 (Ciuciura)

Staff Recommendation:

That Consent Application B-2022-070 (Ciuciura) 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 vacant lot and create a new lot for single-detached use. The existing property is located on Kearns Lane, Kincardine (Part Lot 1 N Durham; ST RP 3R9526 Part 1). The severed lot will be 633m² in area with 15m of frontage, and the retained lot will be 1,153m² in area with 19.69m of frontage. Approval of the consent would facilitate the use of both lots for residential purposes and permit the construction of two detached dwellings.

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

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

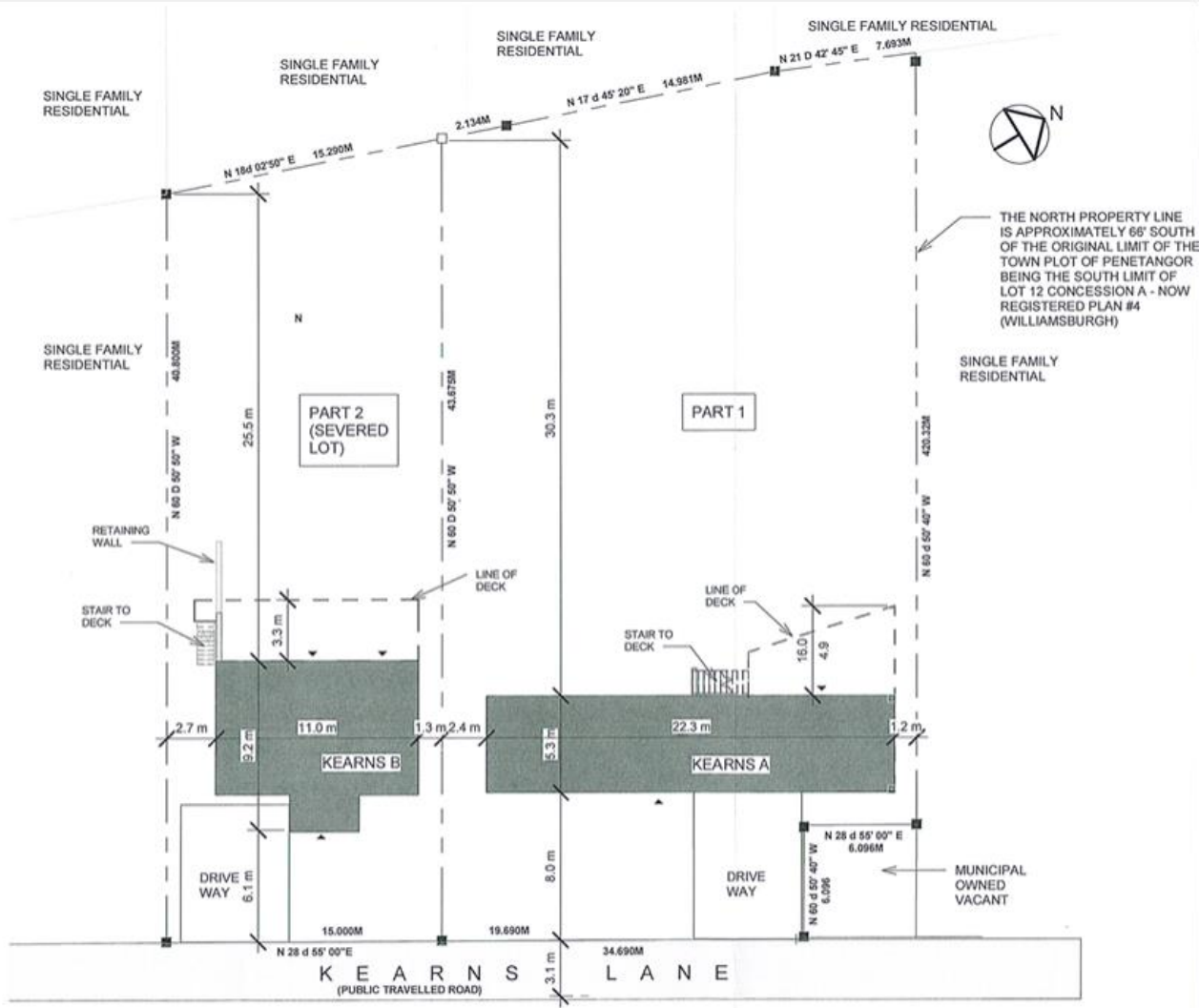
The proposal is strongly aligned with Bruce County's Guiding Principle on Homes, and is aligned with the principles of Good Growth and Communities. If approved, the consent will facilitate the development of two dwellings, one on each lot. Kincardine is designated as a Primary Urban Community in the 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 be directed to Primary Urban Communities. Permitted uses include a broad variety of residential land uses. The subject lands are primarily 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 and to ensure that development maintains the character of established residential areas.

The proposed severed and retained lots will be developed for residential use consisting of single-detached dwellings, which will contribute towards the Municipality's goal of a mix of densities while maintaining neighbourhood character. New residential development is encouraged in both Official Plan designations.

The subject lands are zoned Residential One (R1). Permitted residential uses include a single detached dwelling. Section 12 of the Zoning By-law provides regulations for the R1 zone in order to maintain orderly development. The proposed development includes constructing a single detached dwelling on each lot. The proposal conforms to the Zoning By-law regulations.

Given that the subject lands are located in an area intended to accommodate a large proportion 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 a valley slope and a portion of the severed and retained lots are located within the Saugeen Valley Conservation Authority (SVCA) regulated area. The subject lands, in addition to the Residential designation, are also partially designated Natural Environment in the Kincardine Official Plan.

The Natural Environment land use policies are provided in Section D7 of the local Official Plan and are 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 proposed development on each lot is outside of the Natural Environment designation and includes sufficient buffers to the top of slope. SVCA has reviewed the application and supporting documents, including the grading and retaining wall plans. SVCA has provided written confirmation that the proposal is in accordance with SVCA's Regulation and policies and has no objection to the proposed development.

Given that no development is proposed within the Natural Environment designation and written confirmation has been provided by the SVCA, the proposal is consistent with the Official Plan environmental policies.

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:

- 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 and retained lots 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 have advised that there are no natural heritage features on the site. An Environmental Impact Study was 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 and retained lots as single detached residential is permitted.

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

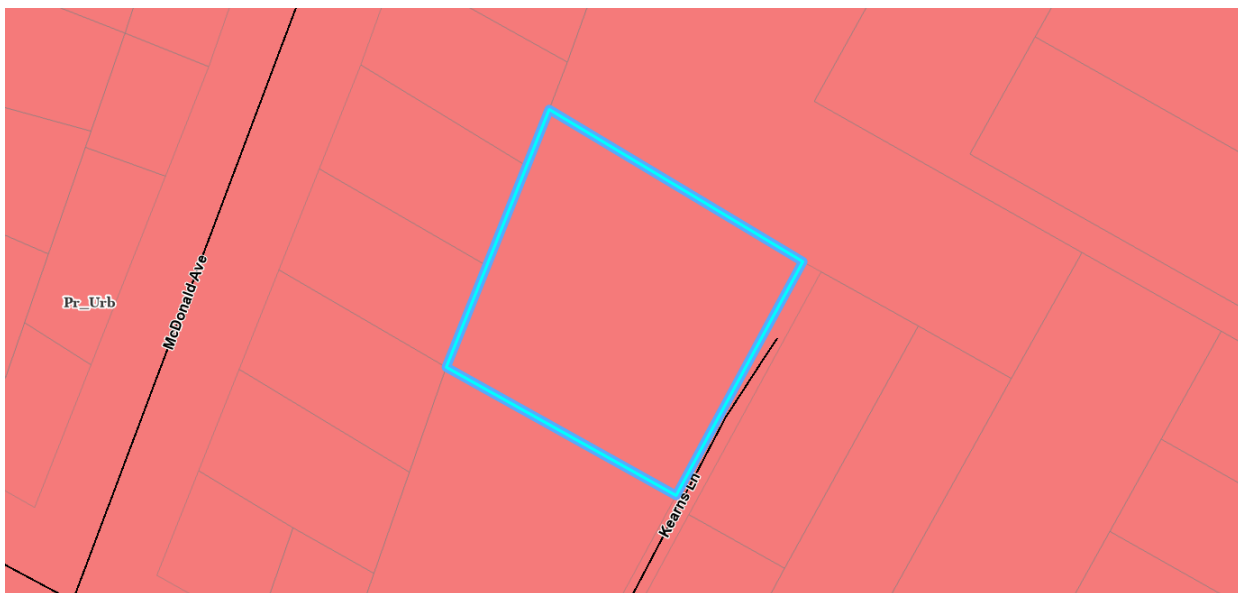
Approved for Submission:

Derrick Thomson
Chief Administrative Officer

Appendices

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

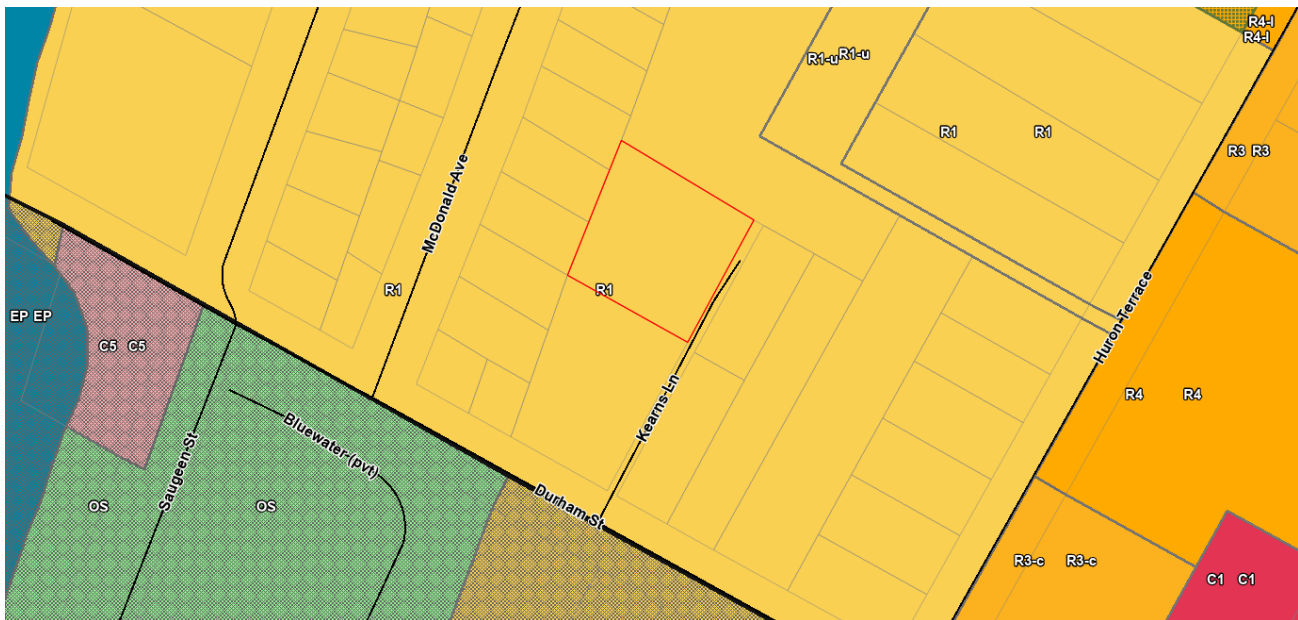
County Official Plan Map (Designated Primary Urban Communities)



Local Official Plan Map (Designated Residential and Natural Environment)



Local Zoning Map (Zoned Residential One 'R1')



List of Supporting Documents and Studies

- Archaeological Assessment
- Plan of Survey

Agency Comments

- Historic Saugeen Métis (HSM): have no objection.
- Chief Building Official, Municipality of Kincardine: have no objection and provide the following comments
 - Site is subject to approval from SVCA prior to any development
 - Obtain land appraisal for parkland dedication

- Civic addressing will need to be confirmed
- Municipal Services available, and additional service lateral required
- Entrance permits to be obtained from the Municipality
- Saugeen Valley Conservation Authority: have no objection (full letter attached).

Public Comments

One resident comment has been received objecting to the proposal. The concerns are related to a change in the character of the neighbourhood, increased traffic, and overall disruption associated with the development.