



Committee Report

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

From: Claire Dodds
Director of Planning and Development

Date: September 7, 2023

Re: Draft Plan of Subdivision S-2022-015 (Tidman)

Staff Recommendation:

That Draft Plan of Subdivision S-2022-015 be approved subject to the Conditions of Draft Approval and Draft Plan attached.

Summary:

JHT2INV Development Inc. (c/o John Hood Tidman) is proposing to develop a 4.15 ha parcel of land in the Municipality of Kincardine into a residential subdivision with a range of housing formats including single detached, semi-detached and apartment dwellings, along with additional residential units (secondary suites) and short-term rental units.

The application is being referred to the Committee for a decision due to 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 located in Inverhuron, northwest of Alma Street and Albert Road. This is a greenfield 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 the Municipality of Kincardine by adding up to 81 new residential units in a range of housing formats. This is strongly aligned with the Homes guiding principle.

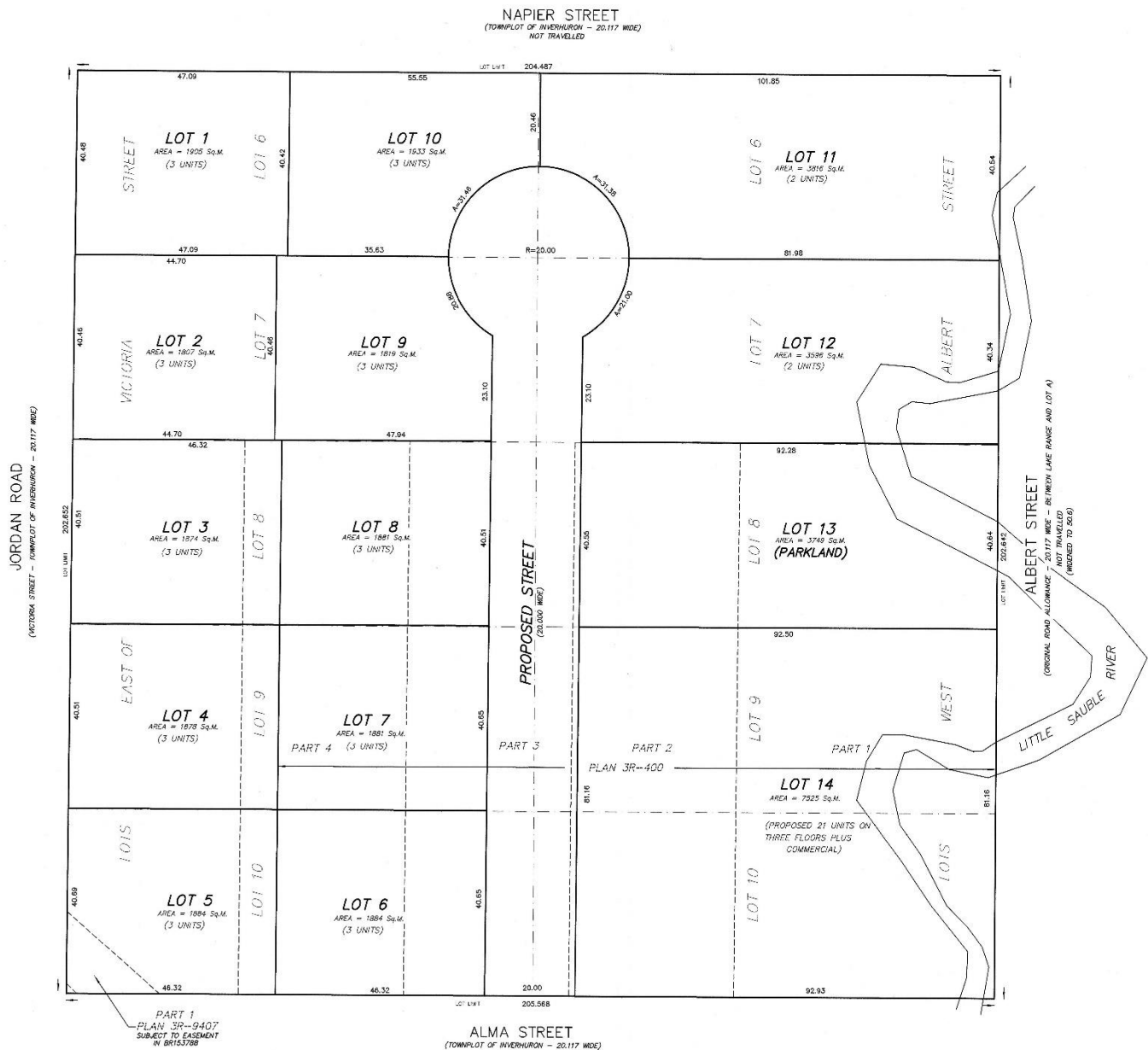
The proposal is also aligned with both the Heritage and Natural Legacy guiding principles as potential archaeological resources and natural heritage features/functions have been addressed through supporting studies and any outstanding agency comments can be addressed through the conditions of draft plan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

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

Airphoto



Draft Plan (*For Representation Only - Full Draft Plan attached separately)



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 lands are within the Settlement Area and designated Secondary Urban Communities in the Bruce County Official Plan and Shoreline Development and Natural Environment 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 and Secondary Urban Communities to support the wise use of land and infrastructure.

The permitted uses in the Shoreline Development designation include permanent and seasonal dwellings, resort and convenience commercial uses, institutional uses, marinas, public parks, campgrounds and other outdoor recreational uses, and natural heritage features. The predominant use of land designated Shoreline Development is for detached residential dwellings occupied on a permanent or seasonal basis.

The applicant is proposing to create a subdivision where:

- Lots 1 through 10 are proposed for semi-detached dwelling purposes with one additional residential unit per lot (30 total units);
- Lots 11 through 12 are proposed for single detached dwelling purposes with one additional residential unit per lot (4 total units);
- Lot 13 is proposed for park purposes; and
- Lot 14 is proposed for a mixed-use development with between 11 to 21 apartment dwelling units and a main floor local commercial component.

The current plan shows 34 residential units on Lots 1 through 12. However, the applicant sought flexibility in the associated Zoning By-law Amendment application (File Z-2022-084) to allow a maximum density of 23 residential dwelling units per net hectare or up to 60 dwelling units across the twelve lots (i.e., 5 units per lot). With the addition of the apartment dwelling units on Lot 14, up to 81 new residential units are proposed.

Among the public comments received was a concern with the density of the proposed development. 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 Kincardine 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. Approval may be granted for developments that do not meet this density when justified and appropriate. For the subject proposal, a density between 15 and 26 units per gross developable hectare is proposed which is in keeping with this policy. The density is also below the maximum identified in the local Official Plan. For example, the Kincardine Official Plan permits 50 units per net hectare for medium density residential proposals. The maximum density proposed for the three-storey mixed-use apartment building is 28 units per net hectare.

Range and Mix of Housing Types

The Official Plan policies encourage a broad range and mix of housing types to meet the projected requirements of current and future residents.

In this regard, the applicant rezoned Lots 1 through 10 and portions of Lots 11 and 12 to Residential Three Special (R3-ae and R3-af) to accommodate a variety of housing formats, such as single detached, semi-detached and multi-unit dwellings. The special provisions also permit secondary suites within the dwellings or as a stand-alone unit.

Short-term rental accommodation is also permitted on Lots 1 through 12. A maximum of one short-term rental unit is permitted per lot within one of the proposed dwelling units. This aligns with the local Official Plan which permits housing for temporary workers involved in

the expansion of the Bruce Power facilities or other large projects in the area and for seasonal purposes.

The applicant also rezoned Lot 14 to Residential Four Special (R4-n) to permit a low-rise apartment building with special provisions to allow a local commercial component on the main floor.

The County and Municipal Official Plans target 30% of proposed dwelling units to be medium density or higher. This is a target across all development projects. The Kincardine Official Plan specifically targets 25% of new developments to be in a medium density format. In this case, at least 24% of the dwelling units proposed will be medium density. This percentage will increase if all 81 dwelling units are built across the site. Therefore, the project contributes to both the County and Kincardine targets.

Land Use Compatibility

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

The Kincardine Official Plan provides direction as it relates to compatibility. The Official Plan notes that new development taking place in greenfield areas should occur adjacent to the existing built-up area and shall have a compact form, mix of uses and densities that allow for the efficient use of land, infrastructure and public service facilities. The Official Plan also notes that where new development occurs adjacent to existing development that is at a significant lower density, the new development shall be designed to provide a transition of density and height in order to provide for compatible built form. In addition, landscape buffers for new buildings may be required in order to minimize potential impacts on existing developed areas.

The subject lands are situated within the Settlement area. The adjacent lands include low density residential lots to the north and south which are also within the Settlement area, and larger rural lots and Inverhuron Provincial Park to the east and west which are outside the Settlement area boundary. While the parcel is not adjacent to the traditional built-up area of the Kincardine core, the lands can be fully serviced with municipal water and sewer which provides an opportunity to increase the density in this area while still respecting the surrounding context.

The applicant proposes a low and medium density residential development. A low building profile is proposed across the site with buildings up to three storeys in height. Tree retention and compensation planting is proposed to maintain a more rural appearance to the development. The proposed lots are also sized to provide outdoor amenity areas and off-street parking on each of the lots. Surrounding properties are also separated from the development by municipal roads, an unopened road allowance and/or the Environmental Protection (EP) lands associated with the Little Sauble River.

The Kincardine Official Plan also states that the Municipality shall consider the impacts of planning decisions on provincial parks. In this regard, Ontario Parks staff recommended:

- A natural, vegetated buffer along Jordan Road in order to buffer Inverhuron Provincial Park from the development footprint and to maintain a natural corridor along Jordan Road.
- Compensative native tree planting within the river buffer and open space lot to offset the negative impacts of woodlot removal elsewhere within the proposed development. This would maintain wildlife corridors around the park and retain some connectivity within the proposed development site.

In response, the applicant noted that traffic directed to Jordan Road adjacent the park will be limited to five lots. The Owner is proposing to pair the driveways to reduce hard surfacing and the number of exits/entrances to the road (see attached concept plans). Tree retention and compensation planting is also proposed along Jordan Road and throughout the development to screen the proposal from adjacent uses and maintain connectivity with the broader natural system. Ontario Parks staff advised they are satisfied with this response.

Ontario Parks staff also noted the proposed development is within 500 meters of the Bruce Energy Centre Lagoon System to the north and therefore needs to address compatibility of the proposed residential use with this nearby waste management facility. In response, the applicant advised that the development is approximately 395 metres from the sewage lagoons which complies with the Provincial 'D-2 Compatibility between Sewage Treatment and Sensitive Land Use' guide which recommends a 150-metre separation distance between lagoons of this design capacity and new residential development. Ontario Parks and Municipal staff are satisfied with this response.

Sewer and Water Services

A neighbouring landowner has expressed concerns with the capacity of the municipal services to accommodate the proposed development.

Full municipal water and sewage services are the preferred form of servicing in the Municipality. A Functional Servicing Report was prepared on behalf of the applicant which identifies that full municipal servicing can be provided. Sanitary servicing will be provided through the installation of new sanitary sewers which will discharge at the existing Bruce Energy Centre Lagoon System. Water supply will be provided through a looped connection to the existing municipal water distribution system on Alma Street. Municipal staff advised that there is existing capacity in both systems to accommodate the proposed development.

Municipal staff also advised that the servicing strategy is viable and that additional comments outlined by Municipal staff, including the need for fire flow testing, can be conducted through the preparation of the detailed servicing plans for the project as a condition of draft approval.

Stormwater Management

In order 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 prepared for the project detailed how stormwater is to be addressed on the site which includes measures, such as enhanced bioswales, to manage the quantity, quality and erosion potential of stormwater before it enters the natural system.

The preliminary stormwater management strategy was also amended in response to comments from the Saugeen Valley Conservation Authority (SVCA) and Historic Saugeen Métis (HSM) Lands, Resources and Consultation Department to provide lot line swales with quality controls for lots abutting the watercourse. SVCA and HSM found the amendment acceptable.

The detailed stormwater management strategy for the development will be prepared to the satisfaction of the SVCA and the Municipality as part of the conditions of draft approval.

Roadways and Access

One of the objectives of the local Official Plan is to ensure all land use decisions have regard to implications on the transportation network.

The site is bound by Jordon Road to the west, Alma Street to the south and Albert Road to the east. There are no sidewalks on these roads. There is an unopened road allowance to the north of the site.

A new cul-de-sac is proposed as part of the development with an intersection at Alma Street. Municipal staff originally advised that the proposed road cross section did not align with Municipal standards and that a cul-de-sac design was not preferred. The preference was to run the road straight to the unopened right-of-way at the north end of the site with a connection to Jordan Road.

Based on further discussions with the applicant, Municipal staff confirmed that an amended road cross section could be considered through the detailed design of the project and that a cul-de-sac would be accepted. Looping of the municipal water system may still be required but the elimination of the road connection to Jordan Road would reduce the need for additional tree removals.

Detailed road designs for the new street and any potential upgrades to the existing road network will need to be prepared by the applicant to the satisfaction of the Municipality. This is reflected in the conditions of draft approval.

Parkland

In the case of a residential subdivision, the Official Plan requires 5% dedication of land for parkland purposes. Cash-in-lieu of parkland dedication may be accepted in whole or part if there are already parks serving the neighbourhood; the land proposed for parkland purposes is unsuitable in terms of size, shape or location; and, where the required parkland dedication would make the remaining lands unsuitable for development.

For this project, the applicant is proposing to convey Lot 13 for parkland purposes which will be zoned Open Space (OS) and Environmental Protection (EP). This lot represents approximately 9% of the total lands. The park will be used for passive purposes and will include open space, tree protection and planting areas. The parkland may also include a

playground and/or seating areas which will be determined at later stages of the development process. Municipal staff are satisfied with the proposed parkland dedication.

Natural Hazards

The subject lands are partially designated Natural Environment in the Kincardine Official Plan. The Natural Environment designation includes natural heritage features, key hydrologic features and hazard lands.

The natural hazards affecting part of the property are the flooding, erosion and valley slope hazards of the Little Sauble River, which flows along the eastern limits of the site.

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).

A portion of Lots 11 through 14 are impacted by natural hazards. The applicant is proposing to maintain the natural hazards in the Environmental Protection (EP) zone. The area zoned Environmental Protection (EP) reflects a 30-metre setback to the Little Sauble River. The applicant was originally proposing a 25-metre setback but revised the setback based on feedback provided by review agencies. This revised setback continues to capture the floodplain of the Little Sauble River and the 14-metre erosion hazard setback recommended in the supporting Erosion Hazard Evaluation.

The applicant also demonstrated there will be a sufficient building envelope outside of the natural hazards on each of the lots impacted by the Environmental Protection (EP) zone (see attached concept plans).

It is the opinion of SVCA staff that the applications appear consistent with the natural hazard policies of the Province and both the County and local Official Plans. The natural hazards have also been appropriately zoned.

Natural Heritage

Public comments on the proposed development expressed concern with respect to the impact on natural heritage features. The natural heritage features identified on and adjacent to the site include fish habitat, significant woodlands, significant wildlife habitat, and the potential habitat of endangered and threatened species. 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 negative impacts to the form and function of the identified natural heritage features on and adjacent lands to the subject lands will be appropriately mitigated should the proponent adhere to the development plan and follow the recommendations outlined in the report. Among the recommendations of the Environmental Impact Study is the maintenance of a no development zone adjacent to the Little Sauble River, tree protection throughout the subdivision, ecological off-setting where woodland removal is proposed, and habitat creation.

The SVCA provided natural heritage review comments on behalf of the County. While Conservation Authorities can no longer provide natural heritage review comments as of January 1, 2023, the SVCA has completed its review of applications that were in process as of that date. For the subject file, SVCA staff sought additional information on the proposed encroachments into the 30-metre setback from top of bank of the watercourse and amendments to the proposed ecological offsetting plan noted in the Environmental Impact Study. Ontario Parks staff and the HSM also noted concerns with the proposed encroachments into the 30-metre setback. In response, the consultant indicated that the proposed encroachments will not result in any direct or indirect negative impacts on the features or functions of the stream, but the applicant ultimately agreed to amend the proposal to increase the setback to the Little Sauble River from 25 to 30 metres. This expands the area currently zoned Environmental Protection (EP).

The applicant will also update the ecological offsetting plan per feedback from the SVCA to exclude areas proposed for more intensive residential use or disturbance (e.g., yard areas around the proposed building footprints, boulevard planting areas, etc.). Detailed tree retention and ecological offsetting plans will be prepared to the satisfaction of the County and Municipality as a condition of draft approval.

The applicant's consultant also looked at opportunities to relocate the parkland block, at the request of County staff, to see if it would be more ecologically beneficial in the northern portion of the site. The consultant concluded that the opportunities for protection and enhancement are best achieved through the current lot configuration.

In response to public comments, the applicant's consultant also confirmed that the significant wildlife habitat was assessed following the criteria and thresholds outlined by the Province. The consultant noted that not all identified wildlife habitats will prove to be significant. As an example, the listed habitat criteria for Migratory Butterfly Stopover Areas specifically was not met for the subject property.

Based on the responses provided, SVCA staff noted that the applications are generally acceptable provided the recommendations of the Environmental Impact Study are addressed as part of draft plan approval. Conditions of draft approval have been included to reflect this request. Given the amended role of the SVCA in the review process, the applicant must now satisfy the Municipality and County on matters related to natural heritage, which may include consultation with SVCA, Ontario Parks and other agencies as required.

The Saugeen Ojibway Nation Environmental Office (SON EO) also requested a condition of draft approval relating to natural heritage which will need to be addressed by the applicant prior to final approval of the plan. The HSM reviewed the list of conditions and are satisfied their initial concerns with the overall impact of the project can be addressed.

Archaeology

The County and local Official Plans identify that development on lands containing possible archaeological resources or areas of archaeological potential, should occur in such a manner as to avoid destruction or alteration of these resources. Where this is not possible, the development proponent shall conserve the resources through removal and documentation in accordance with the Ontario Heritage Act.

For this project, 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 in the study area during the Stage 2 assessment. The report concluded that no further assessment was required.

The report further noted that there is a 25-metre environmental setback proposed on either side of the Little Sauble River (since increased to 30 metres) that was not assessed as no soil disturbance is anticipated in this area. The consultants recommended that a Stage 2 assessment be completed should site alteration ever be proposed in this setback. This requirement has been included as part of the conditions of draft approval.

The SON EO had a monitor on-site during the archaeological field work. The SON EO and HSM also reviewed the Archaeological Assessment. Both asked to be consulted if further assessments are undertaken and to be notified if archaeological resources are revealed through the development process. The applicant acknowledged these requests.

The County also requires the applicant provide correspondence from the Province confirming that the Archaeological Assessment has been accepted into the Ontario Public Register of Archaeological Reports. This correspondence can be provided as a condition of draft approval.

Zoning By-law Amendments and Conditions of Draft Approval

Council at the Municipality of Kincardine passed the related Zoning by-law Amendment (File Z-2022-084) on July 10, 2023, which re-zoned the developable portion of the site from Residential One (R1) to:

- Residential Three Special (R3-ae and R3-af) on Lots 1 through 10 and portions of Lots 11 and 12 with special provisions allowing a secondary suite to exist outside the principal dwelling unit as a stand-alone unit; permitting the secondary suite to be in any yard; allowing a secondary suite on Lots 11 and 12 to be accessed from a second driveway; and, permitting a maximum of one short term rental accommodation unit per lot;
- Residential Four Special (R4-n) on Lot 14 for the apartment dwelling with special provisions permitting a limited selection of main floor commercial uses; allowing a maximum gross commercial floor area of 185 square metres conforming with the Official Plan policies for local commercial uses; and, removing the minimum floor area requirement per residential unit to allow flexibility in design. Minimum floor areas would be addressed through the Ontario Building Code instead.
- Open Space (OS) on a portion of Lot 13 for park purposes.

The applicant had originally proposed a maximum density provision as part of the Zoning By-law Amendment. County staff noted that the maximum number of units across the site is already regulated based on the dwelling types permitted in each respective zone and the areas of each lot. County staff instead recommended minimum unit counts in each of the zones to ensure the minimum density requirements of the Official Plans for fully serviced lands are satisfied. The Zoning By-law Amendment was revised to identify a minimum unit count on each of the lots. The maximum number of secondary suites was also capped at three per lot.

The existing Environmental Protection (EP) zone was also amended to reflect the limits of the natural features and natural hazards identified through the applicant's supporting studies and response to agency comments.

On July 10, 2023, Council of the Municipality of Kincardine recommended that the County approve the Draft Plan of Subdivision (see [Kincardine Council Minutes - July 10, 2023](#)). One amendment has been made to the conditions of draft approval from those presented to local Council, which is the removal of the Bluewater District School Board condition relating to student accommodation in temporary facilities and directing students to alternative attendance boundaries. The removal of this component of the Board condition is consistent with direction provided by the Planning and Development Committee on July 13, 2023.

Financial/Staffing/Legal/IT Considerations:

Potential Appeal to the Ontario Land Tribunal.

Report Author:

Coreena Smith
Senior Development Planner

Departmental Approval:

Claire Dodds
Director of Planning and Development

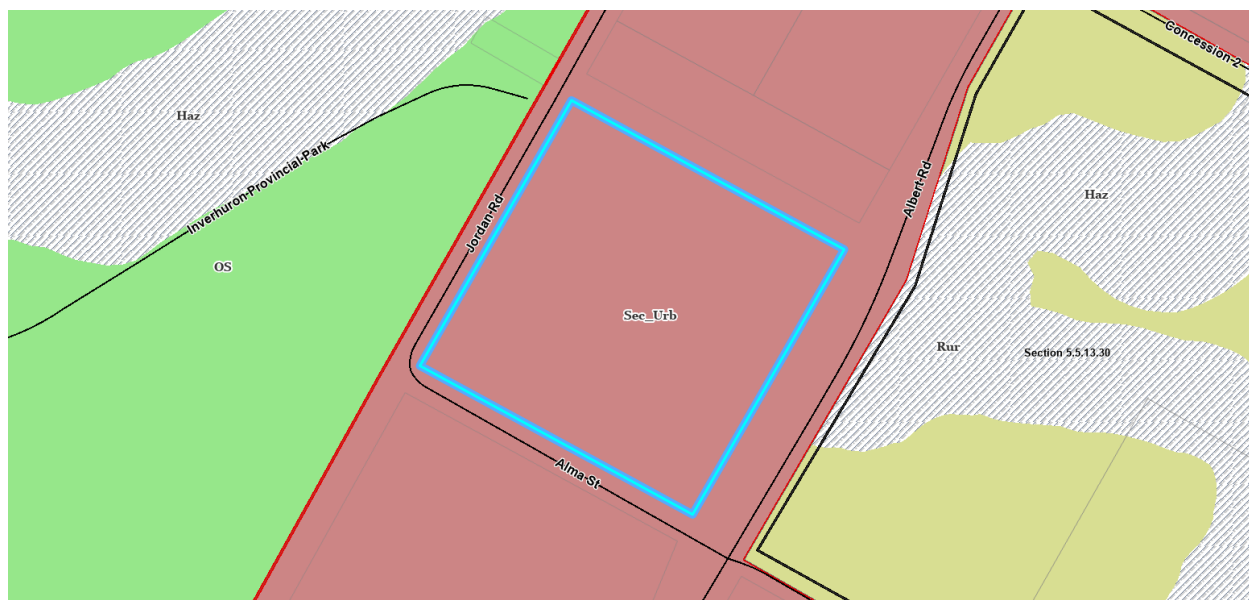
Approved for Submission:

Derrick Thomson
Chief Administrative Officer

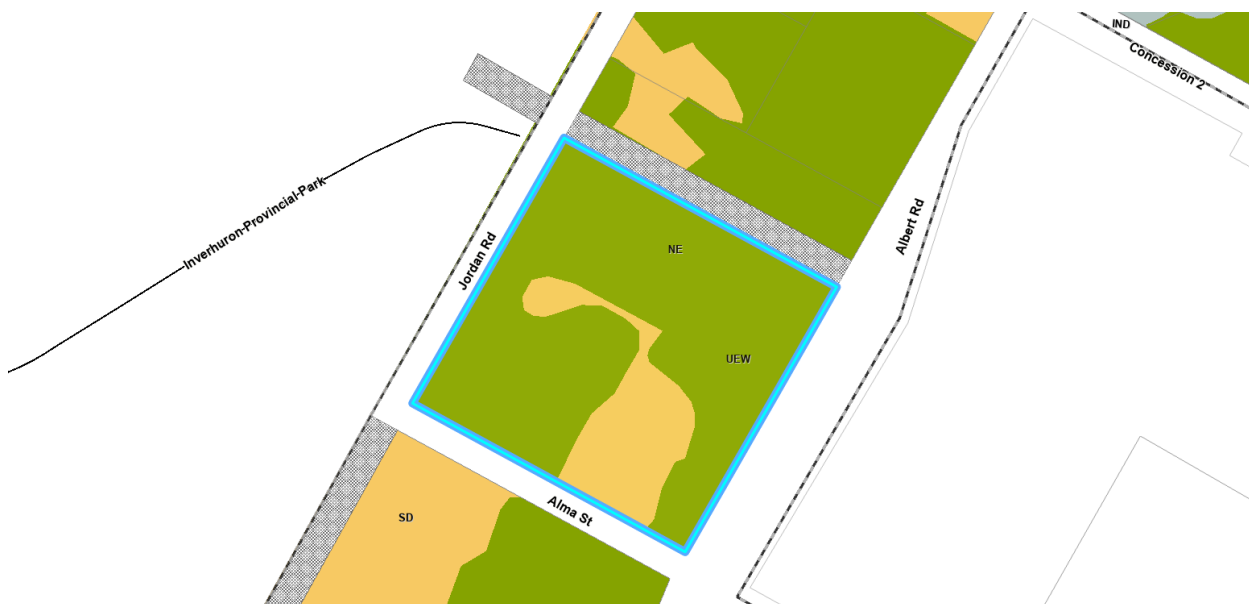
Appendices

- County Official Plan Map
- Local Official Plan Map
- Local Zoning Map
- Images of the Site
- List of Supporting Documents and Studies
- Agency Comments
- Public Notice
- Public Comments
- [Public Meeting Minutes - November 14, 2022](#)
- Applicant Responses
- Concept Plans
- Decision Sheet
- Draft Plan of Subdivision
- Conditions of Draft Approval

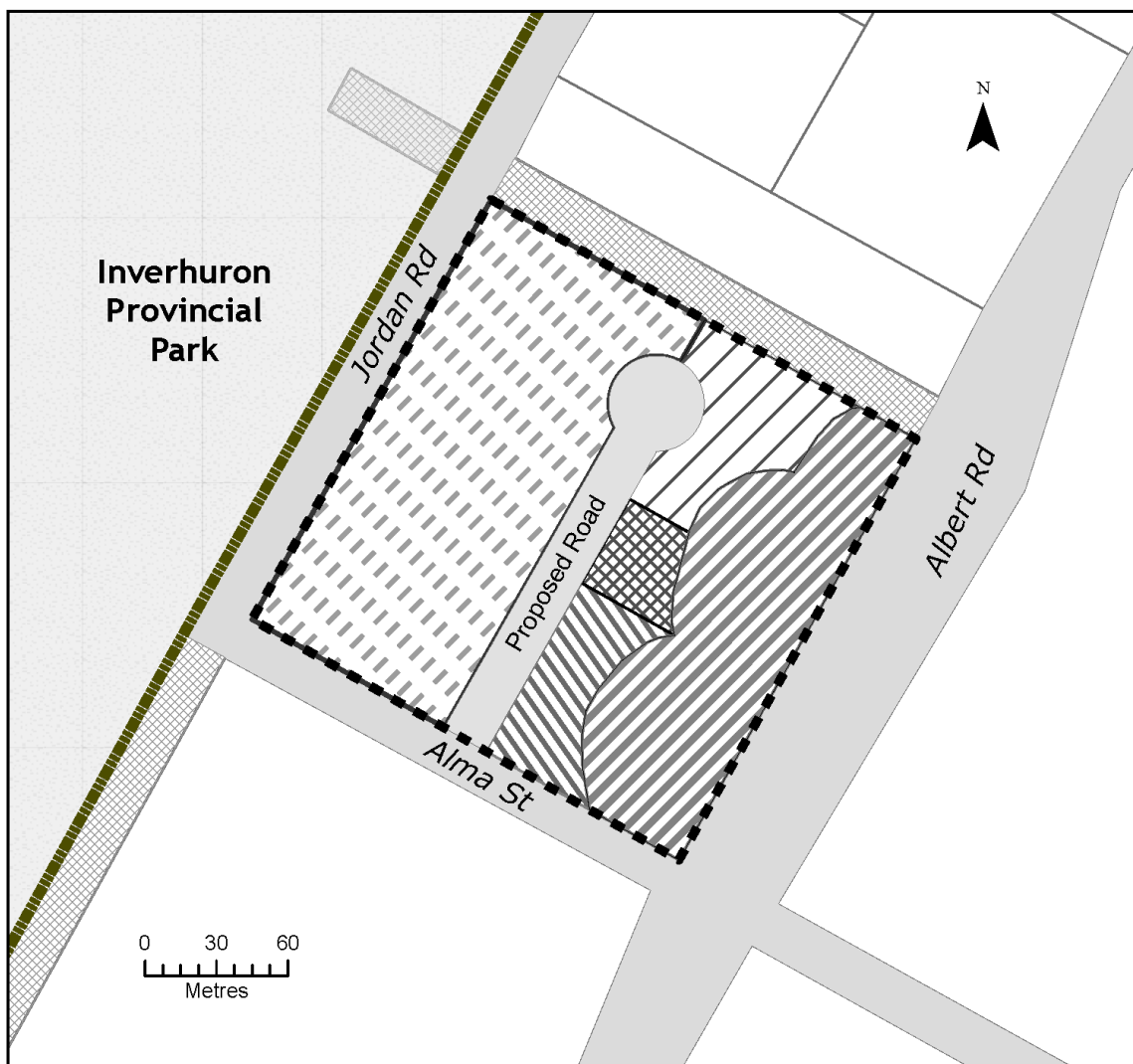
County Official Plan Map (Designated Secondary Urban Communities and Hazard Land Area)

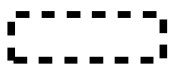







Local Official Plan Map (Designated Shoreline Development and Natural Environment)



Local Zoning Map (Zoned Residential Three Special (R3-ae and R3-af), Residential Four Special (R4-n), Open Space (OS) and Environmental Protection (EP))



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|---|---|
|  | Subject Property |
|  | Lands to be zoned R3-ae - Residential Three Special |
|  | Lands to be zoned R3-af - Residential Three Special |
|  | Lands to be zoned R4-n - Residential Four Special |
|  | Lands to be zoned OS - Open Space |
|  | Lands to be zoned EP - Environmental Protection |

Images of the Site



Looking northeast from Alma Street and Jordan Road



Looking north from Alma Street



Looking north to the Little Sauble River



Looking north along Albert Road

List of Supporting Documents and Studies

Initial Submission

- Draft Plan of Subdivision - D. Culbert Ltd. (May 2022)
- Planning Justification Report - Baker Planning Group (June 2022)
- Functional Servicing Report - GRIT Engineering Inc. (June 2022)
- Environmental Impact Study - Sumac Environmental Consulting Ltd. (May 2022)
- Stage 1-2 Archaeological Assessment - Ground Truth Archaeology Limited (May 2022)

Additional Materials

- Presentation - Baker Planning Group (November 2022)
- Erosion Hazard Evaluation - GRIT Engineering Inc. (March 2022)
- Response to Comments - Baker Planning Group (December 2022 and March 2023)
- Revised Lot 14 Conceptual Layout - JHT2INV Development Inc. (June 2023)