



Report to Council - Planning Application

Title: Draft Plan of Subdivision S-2022-004 (Fast Holdings Ltd.)
From: Jack Van Dorp, Director of Planning and Development
Date: December 14, 2023

Staff Recommendation:

That Draft Plan of Subdivision S-2022-004 be approved subject to the Conditions of Draft Approval and Draft Plan attached.

Summary:

Fast Holdings Ltd. is proposing to develop an 8.55 ha parcel of land in the Municipality of Kincardine into a residential subdivision with single detached, semi-detached and townhouse dwelling lots. A total of 88 new residential units are proposed.

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

Alignment with Guiding Principles:

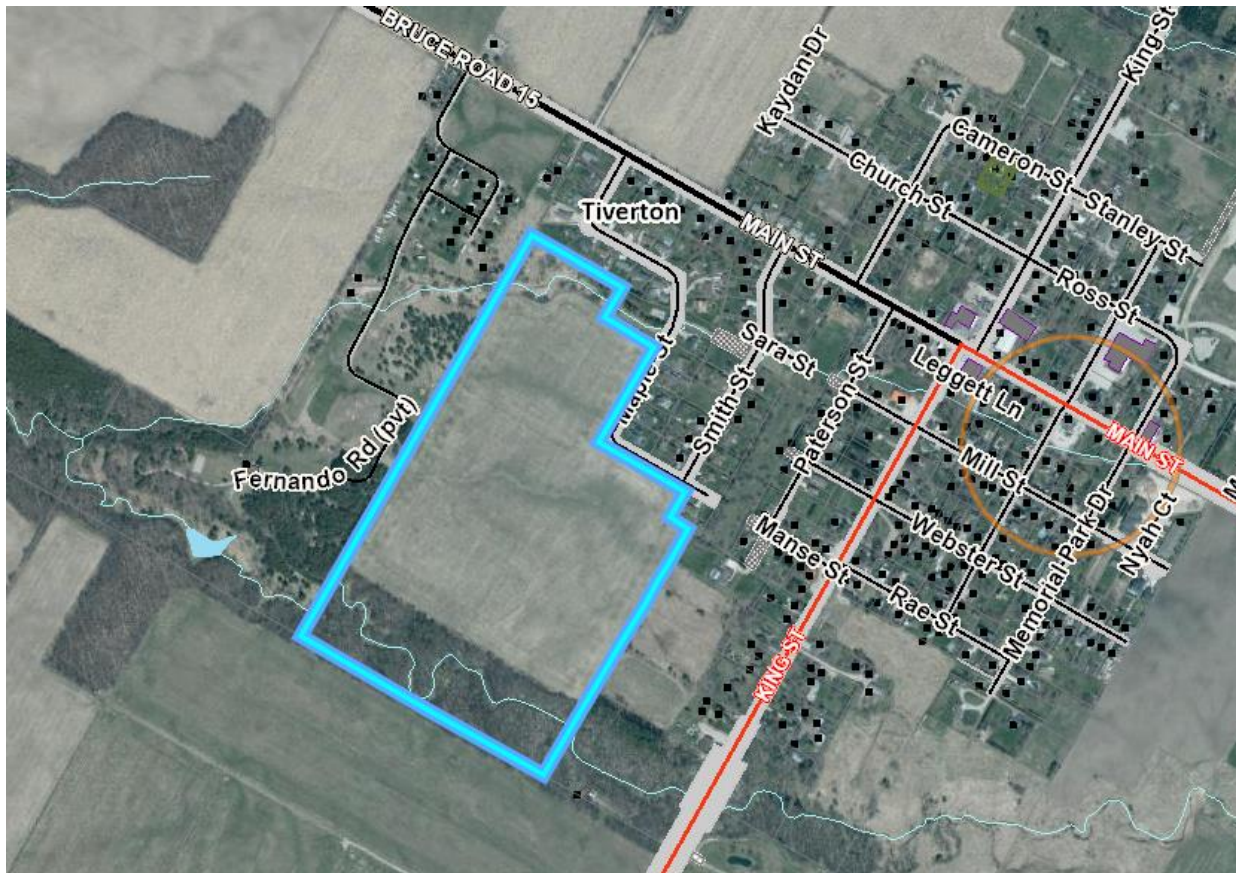
The subject lands are located in the southwest quadrant of Tiverton and accessed via Maple Street. This is a greenfield development in the Settlement Area that makes efficient use of land and infrastructure. Therefore, the plan is aligned with the Good Growth guiding principle.

The proposed development would increase the supply and mix of homes in the Municipality of Kincardine by adding 88 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.

Aerial Photo



Proposal:

The subject lands are part of a larger 22.88 ha parcel located in the south end of Tiverton. The property largely consists of an agricultural field. There are two watercourses at the north and south ends of the site.

There are low density residential lands to the north and east, agricultural and open space lands to the south, and a campground to the west.

The applicant is proposing to develop 8.55 ha of the larger 22.88 ha parcel into a residential subdivision comprising:

- 26 single detached dwelling lots;
- 22 semi-detached dwelling lots;
- 40 townhouse dwelling lots;
- 1 open space block;
- 1 stormwater management block;
- 1 stormwater conveyance block;
- 2 temporary road / future development blocks;
- 1 lot addition; and
- An internal road network with three accesses to Maple Street.

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 south side of Tiverton. The northern portion of the site is within the Settlement Area while the southern portion lies outside the Settlement Area boundary. With the exception of the stormwater management facility, the residential subdivision is proposed within the Settlement Area boundary.

Most of the lands within the Settlement Area are 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.

The development is proposed as an extension of the existing residential neighbourhood. It includes new lots along the west and south sides of Maple Street. The remaining residential lots are proposed on a new internal road network that will be accessed at three locations from Maple Street. 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 from Maple Street into the site. Full municipal water and sewage services are the preferred form of servicing in Tiverton.

The stormwater management facility will be sited to the south, on lands designated Agricultural Areas in the County Official Plan. Siting stormwater management facilities and other infrastructure in this designation is permitted per the policies of the Official Plan.

This proposal supports the efficient use of land and infrastructure.

Any future residential development on the southern portion of the site requires a Settlement Area expansion, which is currently only considered through a comprehensive review of the County Official Plan and subject to the policies of the Province. An amendment to the local Official Plan would also be required as would separate Draft Plan of Subdivision and Zoning By-law Amendment applications. At this time, residential development outside the Settlement Area boundary is not proposed.

Density

Neighbouring landowners expressed a concern with the density of the 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 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 16 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 below these maximum values (approximately 7 and 8 units per gross hectare respectively).

The local Official Plan also identifies a maximum density of 50 units per net hectare for medium density residential proposals (e.g., townhouses).¹ The medium density component of the proposed development is approximately 38 units per net hectare, which is below the maximum identified in the local Official Plan.²

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 case, 26 single detached, 22 semi-detached and 40 townhouse dwelling lots are proposed. Opportunities also exist on the site for the creation of additional residential units (i.e., secondary suites), which are permitted on single detached, semi-detached and townhouse dwelling lots where full municipal services are provided.

Further, 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 and not required on each project site. The Kincardine Official Plan specifically targets 25% of new developments to be in a medium density format. In this case, the townhouse component of the subject development represents 45% of the dwelling units proposed. 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 adjacent lands to the north and east are zoned Residential One (R1) and Planned Development (PD). These neighbouring lands are occupied by single-family homes and a public park.

The subject property is proposed to be developed as a residential subdivision. Most of the lands proposed for development are designated Residential in the Kincardine Official Plan and zoned Residential One (R1) in the Municipality's Zoning By-law. The applicant intends to maintain the Residential One (R1) zone adjacent to the existing established neighbourhood. The Residential One (R1) zone permits single detached, semi-detached and duplex dwellings. The applicant is proposing single detached dwellings in this zone.

The applicant rezoned the remaining residential lands from Residential One (R1) to Residential Three (R3). The Residential Three (R3) zone permits a broad range of residential uses including triplex, quadraplex and row dwellings (i.e., townhouses) in addition to those residential uses permitted in the R1 zone. The applicant is proposing semi-detached and street townhouse dwellings in this area.

¹ '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' which includes local roads and other uses, but excludes natural hazards and similar environmental lands.

² The low density component is approximately 14 units per net hectare for the single detached dwellings and 22 units per net hectare for the semi-detached dwellings, respectively.

Single detached and semi-detached dwellings are considered a low density residential format. 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 and western portions of the site. Adequate off-street parking will be provided with suitable on-site amenity space for each of the future residential users in accordance with the Zoning By-law requirements. The height and massing of the new development will also be in keeping with the Zoning By-law regulations.

For these reasons, the proposed development is considered compatible with the existing low density neighbourhood, while meeting the intensification targets established by the County and the Municipality.

Sewer and Water Services

Neighbouring landowners have expressed concerns with the capacity of the water and sewer system to accommodate the proposed development.

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

The project will be serviced with a new sanitary main which will connect to the existing municipal sanitary sewer on Maple Street through three existing sanitary stubs. The sanitary sewer system will be sized per Municipal standards and Provincial guidelines. The new sanitary sewer system will ultimately be assumed by the Municipality.

The Functional Servicing & Stormwater Management Report also identifies that the development will be serviced by a new internal watermain, which will connect to the existing municipal watermain on Maple Street. The new watermain and connections will be designed in accordance with Municipal standards and Provincial guidelines, installed by the developer and assumed by the Municipality.

Municipal staff advised that the servicing strategy is viable and that there is sufficient water and sewer capacity to service the proposed development. Any upgrades to the Municipal systems will be discussed with the Applicant and outlined in the subdivision agreement. Additional comments outlined by Municipal staff can be addressed 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 & Stormwater Management Report indicates that an internal stormwater collection system will be installed by the developer to collect surface run-off at the roads and from the residential lots. Most of the stormwater from the development will be directed to a proposed stormwater management facility at the south end of the site

where it will ultimately outlet to Tiverton Creek.³ The stormwater management system will be designed in accordance with Provincial, Municipal and Saugeen Valley Conservation Authority (SVCA) guidelines to manage the quantity, quality and erosion potential of stormwater before it enters the natural system. The storm sewers and stormwater management pond will be assumed by the Municipality. An easement will be placed over the stormwater conveyance block in favour of the Municipality. Should the lands outside the Settlement Area develop in the future, the conveyance block would be assumed by the Municipality.

Municipal staff provided comments on the proposed stormwater management system to which the applicant provided a response and an updated Functional Servicing & Stormwater Management Report and Detailed Design Stormwater Management Report. Municipal staff have reviewed the documents and note that the submission is satisfactory. Any outstanding comments can be addressed at the detailed design stage. The applicant is required to prepare a detailed stormwater management strategy for the development to the satisfaction of the SVCA and the Municipality as part of the conditions of draft approval.

Transportation

A new internal road network is proposed with three accesses to Maple Street. Two of the accesses are at the point where Maple Street turns from a north-south street to a west-east street and the third access is at the Maple Street and Smith Street intersection. Both Maple Street and Smith Street connect directly to Main Street to the north. The new internal roads will be constructed to full Municipal standards by the applicant and ultimately assumed by the Municipality. This is reflected in the conditions of draft approval.

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 Traffic Impact Assessment 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 to the 2033 study horizon (i.e., beyond full build out of the site). The report concluded that no off-site remedial measures are required, but recommended stop controls at the new Maple Street intersection and the Maple Street / Smith Street intersection. Stop controls are also recommended at various points within the internal street network.

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

Bruce County Transportation and Environmental Services had no comment on the proposal. The Ministry of Transportation (MTO) noted the development is beyond MTO's permit control area; therefore, MTO review, approval and permits are not required.

Detailed designs for the new roads and sidewalks will need to be prepared by the applicant to the satisfaction of the Municipality. This is reflected in the conditions of draft approval.

Natural Hazards

SVCA hazard mapping indicates the subject property is affected by flooding and erosion hazards associated with the existing watercourses that traverse the site: Nile Creek in the

³ A small portion of the site will outlet uncontrolled to Nile Creek from rear lots and roof drains and Tiverton Creek from the retained agricultural lands.

north and Tiverton Creek in the south. The Hazard Land Area designation in the County Official Plan, the Natural Environment (NE) designation in the Kincardine Official Plan, and the Environmental Protection (EP) zone in the Municipality's Zoning By-law generally coincides with the natural hazard mapping plotted by the SVCA for the property.

Municipal staff requested that the applicant confirm that all proposed structures be setback a minimum of 15 metres from the top of bank of Nile Creek. The applicant has confirmed that there is a minimum setback of 15 metres from the wetland associated with Nile Creek as there is no defined valley corridor in this area.

The Nile Creek corridor is shown as an open space block on the Draft Plan and will be conveyed to the Municipality. The Tiverton Creek corridor will remain in private ownership as it is outside the Draft Plan boundaries.

All development is proposed outside the limits of the natural hazards on the site and, therefore, consistent with the natural hazard policies of the Province and both the County and local Official Plans.

Natural Heritage

The natural heritage features identified on and adjacent to the site include fish habitat, woodlands, wetlands, significant wildlife habitat, and significant valleylands. 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.

A Scoped Environmental Impact Study was prepared in support of the project. The report concluded that with mitigative measures (e.g., avoidance of significant features, provision of development setbacks, habitat enhancement, and stormwater quantity and quality control), biological monitoring and stewardship (e.g., homeowner brochures and natural heritage signage), there will be no negative impacts or loss of ecological function to the natural heritage features or ecological functions within the study area. The Environmental Protection (EP) zone was also enlarged to reflect the recommendations of the report.

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 found the Scoped Environmental Impact Study to be 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 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.

Parkland and Amenities

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.

The proposed development is immediately south and west of Patterson Park. The open space lands associated with Nile Creek to the west of the park will be conveyed to the Municipality but are not proposed as parkland dedication. Instead, the applicant will provide the Municipality cash-in-lieu of parkland dedication. The Municipality will allocate these funds for parkland development purposes. There is a condition of draft approval included for this purpose.

Comments from some members of the public expressed concerns with the lack of amenities in Tiverton and concerns over the future of the Tiverton Sports Centre. Kincardine staff advised that the Municipality continues to invest in the facility and have a long-term capital plan for continued improvements unless otherwise directed by Council.

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 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 the open space block in the north associated with Nile Creek and the southern woodlot associated with Tiverton Creek are not planned for development. The consultants recommended that a Stage 2 assessment be completed in these areas should development or site alteration ever be proposed in these areas in the future. This requirement has been included as part of the conditions of draft approval.

The SON EO supports the inclusion of this condition and has also requested a condition of draft approval requiring the applicant to confirm that SON's interests related to archaeological resource potential have been addressed prior to final approval of the plan.

The County 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.

Conditions of Draft Approval and Zoning

In accordance with direction provided by the County Planning and Development Committee on July 13, 2023, the Bluewater District School Board condition relating to student accommodation in temporary facilities and directing students to alternative attendance boundaries has not been included in the conditions of draft approval.

Council at the Municipality of Kincardine passed the related Zoning By-law Amendment (File Z-2022-054) on November 8, 2023, which zoned the lands Residential One (R1), Residential One Special (R1-bw), Residential Three (R3), Open Space (OS), General Agriculture Special (A1-hp), and Environmental Protection (EP). Council also recommended that Bruce County approve the Draft Plan of Subdivision (see [Kincardine Council Meeting Minutes - November 8, 2023](#)).

Financial/Staffing/Legal/IT Considerations:

Potential Appeal to the Ontario Land Tribunal.

Report Author:

Coreena Smith, Senior Development Planner

Departmental Approval:

Jack Van Dorp, Director of Planning and Development

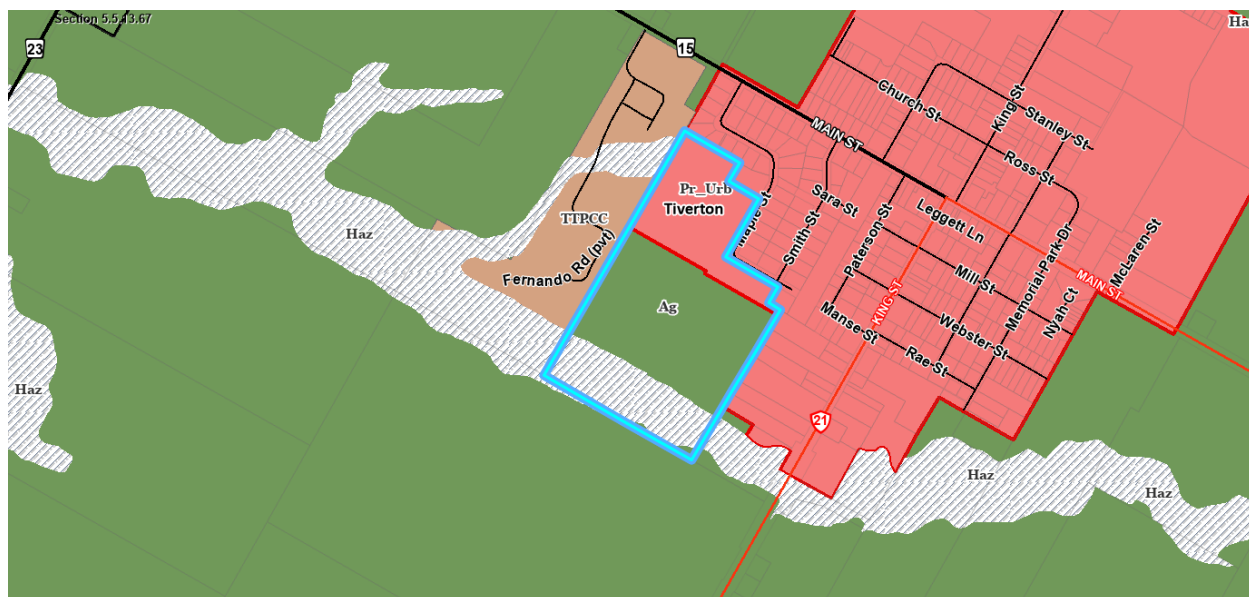
Approved for Submission:

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
- [Kincardine Public Meeting Minutes - July 11, 2022](#)
- Decision Sheet
- Draft Plan of Subdivision
- Conditions of Draft Approval

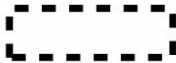
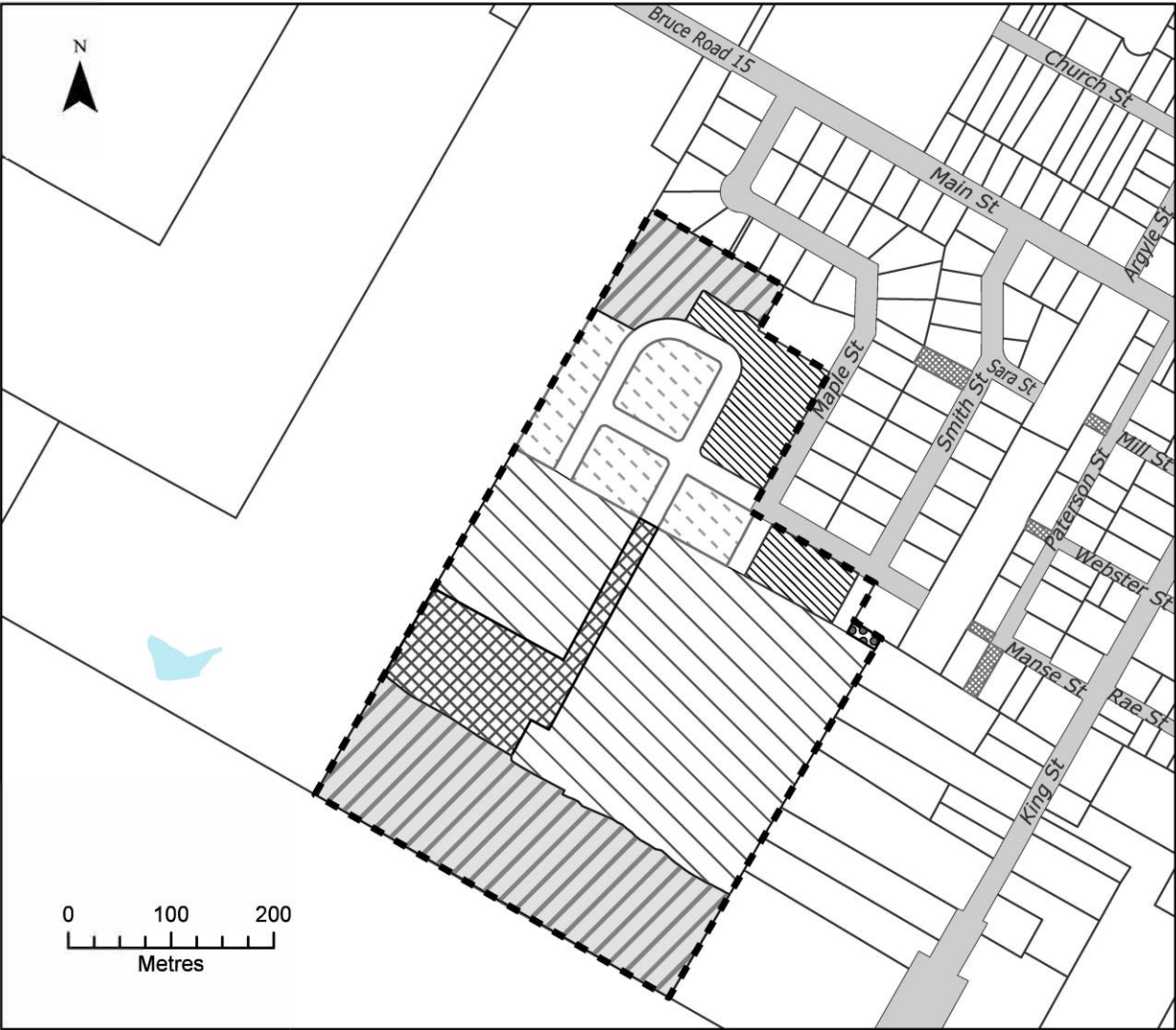
County Official Plan Map (Designated Hazard Land Areas, Primary Urban Communities and Agricultural Areas)



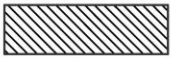
Local Official Plan Map (Designated Natural Environment and Residential)



Local Zoning Map (Zoned Residential One (R1), Residential One Special (R1-bw), Residential Three (R3), Open Space (OS), General Agriculture Special (A1-hp), and Environmental Protection (EP))



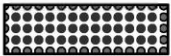
Subject Property



Lands to be zoned R1 - Residential One



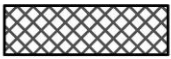
Lands to be zoned R3 - Residential Three



Lands to be zoned R1-bw - Residential One Special



Lands to be zoned A1-hp - General Agriculture Special



Lands to be zoned OS - Open Space



Lands to be zoned EP - Environmental Protection

Images of the Site



Looking north from the bend at Maple Street



Looking west from Maple Street



Looking southwest from Maple Street



Looking east from the bend at Maple Street

List of Supporting Documents and Studies

Initial Submission

- Draft Plan of Subdivision - GSP Group (February 2022)
- Planning Justification Report - GSP Group (March 2022)
- Functional Servicing & Stormwater Management Report - WSP (March 2022)
- Traffic Impact Study - WSP (September 2021)
- Scoped Environmental Impact Study - WSP (March 2022)
- Stage 1-2 Archaeological Assessment - WSP (October 2021)

Additional Materials

- Presentation - GSP Group (July 2022)
- Response to Planning Report Comments - WSP (February 2023)
- Functional Servicing & Stormwater Management Report - WSP (February 2023)
- Detailed Design Stormwater Management Report - WSP (February 2023)
- Engineering Drawings - WSP (February 2023)
- Draft Plan of Subdivision - GSP Group (February 2022) (Revised November 2023)