



## Committee Report

**To:** Warden Mitch Twolan  
Members of the Planning and Development Committee

**From:** Kara Van Myall  
Director of Planning and Development

**Date:** September 19, 2019

**Re:** SBPOPA 51

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### Recommendation:

That South Bruce Peninsula Official Plan Amendment 51 be **approved**; and

That the Director of Planning be authorized to sign the Decision sheet.

### Executive Summary:

The subject lands are on Frank Street (Bruce County Road #26) in Wiarton at the eastern limit of the Town of South Bruce Peninsula.

The applicant proposes to sever a vacant residential lot with a municipal water connection and to develop a residential dwelling with a private onsite sewage disposal system until a Municipal sewer connection is available.

The South Bruce Peninsula Official Plan Amendment is required to permit lot creation and development on “partial” services.

The property is under Niagara Escarpment Commission Development Control. A Development Permit from the Niagara Escarpment Commission is required prior to issuance of a Building Permit.

Planning Staff are satisfied that the Local Official Plan Amendment, as adopted by Town Council, is consistent with the Provincial Policy Statement and conforms to the Bruce County Official Plan.

The Town bylaw adopting the Local Official Plan Amendment is attached.

### Background:

A Public Meeting was held in the Town of South Bruce Peninsula on June 26, 2019.

Comments received to date do not object to the proposal.

Town Council adopted the amendment on August 6, 2019.

### Description of Proposal

The subject lands are located on the eastern edge of Wiarton.

The property is serviced with municipal water. Municipal sewer service ends about 300 m before it reaches the lot.

The applications propose to:

1. sever a vacant residential lot and
2. permit development of a residential dwelling with a private onsite sewage disposal system until such time as a municipal sewer connection is available.

### Air Photo



## **Provincial Interests**

### Provincial Policy Statement

The Provincial Policy Statement (PPS) encourages infilling, intensification, and efficient use of infrastructure. The PPS prefers development on full municipal services (water and sewer). Development on partial services is permitted for infilling and rounding out of existing partially-serviced areas where conditions for partial services are appropriate.

The subject lands are in an area where only partial services are available. A groundwater quality impact assessment (also described as a D-5-4 Sewage System Assessment or nitrate study) submitted with the application indicates the suitability of the site for development with an onsite sewage disposal system.

A condition is proposed to be placed on title that, should full services become available, the owner of the severed and retained lots will be required to connect to these services.

The PPS also speaks to cultural heritage resources. The subject lands are in an area of high archaeological potential due to proximity to Colpoys Bay. The requirement for an archaeological assessment to be completed is proposed as a condition of consent approval, with the assessment completed prior to the certification of the deed that would allow the lot to be created.

The application is consistent with the PPS.

### Niagara Escarpment Plan

A portion of the proposed severed lot includes the Niagara escarpment. The Niagara Escarpment Plan and Development Control apply to the property.

The lands are designated “Urban Area” in the Niagara Escarpment Plan. Warton is noted as an urban area that has encroached substantially on the escarpment; the objective of this designation is to minimize impact and prevent further encroachment of urban growth on the escarpment environment.

A Development Permit from the Niagara Escarpment Commission is required prior to issuance of a Building Permit so the proposal is expected to be consistent with the Niagara Escarpment Plan.

## **County Official Plan**

The County Official Plan permits development on partial services as an interim measure when:

1. A multi-year sewage and water servicing plan does not exist; AND
2. Full municipal services are not feasible (environmentally or economically) within a portion of the settlement boundaries of a full services primary urban community

The Town has a multi-year sewage and water servicing plan. The plan includes lands on the North Side of Frank Street in sewer capacity considerations. However, the Plan did not include plans or costs for a sewer pipe in the servicing strategy or Development Charges study area or by-law.

Discussion with Town staff (December 13) indicated that:

- It would not be feasible/cost effective to extend services for this lot; and
- Extension specifically targeted to servicing the proposed lot may be premature as pipes would run past other large lots and it would be beneficial to pre-plan the location of connections to these lots

Based on the above, staff consider the criteria to be met. The lots must also meet the requirements of Section 4.7.5.

Section 4.7.5 requires a nitrate study for new lots less than 4047 m<sup>2</sup> and proposed to be serviced with a septic system. Total area is 0.77 ha, with the proposed new lot at +/- 3300 m<sup>2</sup>. A nitrate study (groundwater quality impact assessment) was submitted and indicates that the proposed lot sizes are appropriate.

The proposed amendment is consistent with the intent and purpose of the County Official Plan.

### **Local Official Plan**

In the Local Official Plan, we need to look at Section 11.4.6.3

This policy states:

- a) It shall be a policy of the Town that all new development and redevelopment shall proceed only where full municipal water supply and municipal sewage disposal services,[sic] to such standards as may be required.
- b) Notwithstanding the above policy, the Town may permit limited infill development within the Highway Commercial and Industrial designation on private services, subject to the requirements of, and approval by, the Ministry of the Environment and Energy or its agent. In the long term, however, it is the intent of this Plan that municipal water and sewer services will be extended to service such areas. In this regard, Development Agreements which provide for an equitable distribution of the costs of future servicing will be a prerequisite to development. As new development occurs on private services, each site must be pre-engineered for future connection to municipal water and sewage systems.

Through pre-submission consultation with the Town, the agent noted:

Pre-submission consultation comments from the Town indicated that the proposal could be viewed in a similar manner as infill development in other partially serviced

designations. These policies would enable the owner to enter into a legal arrangement with the Town to pay for costs of future servicing.

Further in the Town's Plan, Section 11.5.15 provides policies for consents:

Page 19 of Cuesta's report, 11.5.15 (a) refers to "the application represents infilling in an existing built up and serviced area ... and later:

Page 20, 11.5.15 (c):

Prior to permitting the creation of lots by Consent, the Town shall be satisfied that the development can be supplied with municipal services such as schools, fire protection, water supply, storm drainage, sewage disposal facilities and road maintenance. Such development should not adversely affect the finances of the Town.

As such, an amendment to the Warton Community Plan policies within the South Bruce Peninsula Official Plan is required.

Based on:

- The absence of the area as a priority for growth or infrastructure planning in the Town's recent Master Servicing Study;
- The ability to require the owner of the severed and retained lots to connect and cover their portion of the cost of sewer extensions should they be made in the future

an amendment to the plan to permit a new lot with partial services until a new sewer connection is available is appropriate.

The proposed amendment is consistent with the intent and purpose of the Local Official Plan.

### **Agency Comments**

#### Niagara Escarpment Commission

- The NEC identified that the property is subject to Development Control and the local zoning bylaw does not apply.
- NEC is unable to approve a Development Permit that does not comply with the Municipal Official Plan, so the Official Plan Amendment can move forward with NEC support.
- NEC can establish conditions on the Development Permit that will require the OPA to be in effect prior to development.

#### Town of South Bruce Peninsula

- The existing watermain should be located, and if on private property, an easement (i.e. 4-6 m total width) should be obtained in the name of the Town for the purposes of infrastructure maintenance

- Bruce County Highways should determine whether or not road widening is required in the future, and either obtain the widening as part of the severance or place a caveat on title to take the land in the future. (It appears that the road allowance in the subject area is slightly narrower than further west.)
- The Development Charges study did not include sanitary servicing to the subject site. Should sanitary be extended to the site in the future, depending on the time of same, the landowner at the time may have to pay proportional costs towards the infrastructure in addition to the costs of their own lateral service lines. This may also be triggered by intensified development. It is recommended that this be registered as a caveat on the title of both lots (unless planning approval mechanisms can achieve this another way).
- As the property abuts a County road, driveway access permits will be under the jurisdiction of Bruce County.
- Public Works recommends Site Plan Control be applied to the subject property at the time of development.
- An administration fee of \$350 will apply for the newly created lot
- Recommend that an archaeological assessment to determine a suitable building envelope or to relieve the entire property of archaeological interests will be required or alternatively a holding provision as a condition of consent be applied.

Comments: The Town may enter into a servicing agreement registered on title to address future sewer connections. An archaeological assessment is proposed to be required as a condition of consent. The water main easement can be addressed through the consent process. Comments regarding road widening were shared with Bruce County. Staff confirmed that site plan review is adequate and site plan control is not required.

#### Grey Sauble Conservation Authority

- No development is proposed within hazard land and sufficient land is present on the proposed lot severance to allow for the development of residential structure
- Generally no concerns as it is not anticipated to negatively impact natural hazard areas and/or significant natural heritage features.
- Recommend development be restricted to the currently tree cleared portion of the property
- Based on the location of the dwelling, driveway and septic system, an engineered site grading, and drainage plan should be required to demonstrate that drainage is not directed onto neighbouring properties and can be adequately accommodated within the urban drainage system.

Comments: The Town may require an engineered grading and drain through the Building Permit process. The Niagara Escarpment Commission can consider tree preservation through their Development Permit process.



## Bruce County Transportation & Environmental Services

- The county may have obtained a road widening adjacent to the property.
- If the County does not have a road widening, the County would request 17 ft of widening adjacent to the Property

Comments: A condition is proposed to require the owner's lawyer to confirm the status of the road widening and to dedicate a road widening if it was not previously obtained.

### Other

- Bell - no concerns
- Grey County - no concerns
- Historic Saugeen Métis - no objection or opposition
- Hydro One - no comments or concerns
- Union Gas - may be services lines in area; relocation, if required, is at cost of owner

Comments: All agency comments were shared with the agent.

### **Public Comments**

Public notice was circulated on April 15, 2019 and notice posted on the property. At the time this report was written, one formal written submission supporting to the proposal had been received. Comments received at the Public Meeting held on June 26, 2019 did not object to the proposal.

### **Planning Analysis and Comments:**

The application proposes severance of a vacant residential lot on partial services. The Town has no plans to service this part of Wiarton in its Master Servicing Plan, and extension of services is not economically feasible.

A nitrate study submitted with the application demonstrates that the severed and retained lots can accommodate private septic. The proponents have indicated they are willing to enter into an agreement with the Town to connect to services if/when they are available in the future.

The application is consistent with provincial interests including the Provincial Policy Statement. It conforms to the intent and purpose of the County Official Plan.

### **Financial/Staffing/Legal/IT Considerations:**

Potential Appeal to Local Planning Appeals Tribunal

Written by:

Amanda Herbert, RPP

Planner, Planning and Development