

Planning Justification Brief

To: The Site Plan Agreement Review Team, Municipality of Kincardine
From: Dana Kieffer, M.Sc. (Planning), MCIP, RPP

This Planning Justification Brief serves to give an overview of the relevant planning policies and concepts for the proposed development located at Plan 76, Part Lot 31, Plan 210, Part Lots 73-75, Part 2 & 5, Registered Plan 3R8163 and Plan 76, Part Lot 29 and Part Lot 3 of Registered Plan 3R8919, Municipality of Kincardine, geographic Village of Tiverton.

Planning Context:

The subject lands are located in the Settlement Area of the Village of Tiverton. The property is designated Primary Urban Community in the Bruce County Official Plan; designated Residential in the Municipality of Kincardine Official Plan and zoned R2-g-H Residential Two Special Holding, R1-aa- Residential One Special and EP- Environmental Protection in the Comprehensive Zoning By-law for the Municipality of Kincardine.

Background:

In 2018, the applicant sought to develop the subject lands into 28 semi-detached dwellings, and one detached dwelling, completing a site-specific Zoning By-law Amendment to achieve this. At the time, the proposal was deemed consistent with the Bruce County Official Plan and the Municipality of Kincardine Official Plan.

The Zoning By-law Amendment 2019-021 was approved by the Municipality of Kincardine, but was appealed to the Local Planning Appeal Tribunal (now known as the Ontario Land Tribunal). All parties agreed to Minutes of Settlement (MOS), which were signed May 20, 2020. The MOS required the applicant to plant maple trees, construct a wood privacy fence, install hedges and install a stop sign. Additionally, the MOS required the lands to be subject to stormwater management and the appropriate plans and reports were required to be approved by Saugeen Valley Conservation Authority and the Municipality of Kincardine.

Stormwater Management:

In the preparation of the Stormwater Management Plan, discussions between the client's engineer, Travis Burnside, P.Eng. from Cobide Engineering Inc., and the Municipality of Kincardine's engineer, Bruce Potter, P.Eng. from BM Ross, led to the conclusion that the site's topography did not match with the original proposed location of the stormwater management pond. The initial concept plan that was circulated to the public, approved by Council, and referenced by the LPAT decision showed the stormwater management pond to be at the highest topographical location on the site, leading to logical concerns about how the site's drainage was going to function over the long term. Generally speaking, the ideal location of stormwater management ponds is at the lowest topographical location on the site, so the water flows using gravity into the pond.

With the comments and directions from the municipal engineer, it was determined that the stormwater management pond must be located at the North corner of the subject lands which is the point of lowest topography on the site. This new location will take advantage of natural drainage flows and ensure the stormwater is managed effectively and most efficiently.

Naturally, the re-location of the stormwater management pond impacted the overall site design. A location on the site that once showed a pond, there will now be houses, and a location that once showed houses, will now be a pond. But- most importantly- the number of proposed units is still the same as circulated to the public and was approved by Kincardine Council, these units are now simply shown in a different configuration on the site. The Site Plan included in this submission meets all required setbacks and meets the requirements outlined in the MOS.

Planning Opinion:

It is my professional opinion that the Site Plan included in this submission meets the intent of the public circulation of the Zoning By-law Amendment 2019-021. The updated site plan adheres to the site-specific zoning provisions applying to the subject lands, the housing type, style, massing, and density remain the same in the new concept plan, just in a different configuration.

It is important to note that the site plan was not changed arbitrarily, but rather in working in conjunction with SVCA and the Municipal engineer to confirm the stormwater management plan, which was a requirement of the LPAT decision.

The drawings included in this submission for Site Plan Approval demonstrate how the proposal meets the requirements from the Minutes of Settlement including: setbacks, privacy fencing, maple tree plantings and a stop sign.

The site plan submission and updated concept plan still represents good planning and meets all applicable Municipal requirements, including the Minutes of Settlement.

Thank you for the consideration of this application, please contact the undersigned with any questions with this report.

Kind regards,

Cobide Engineering Inc.



Dana Kieffer, M.Sc. (Planning), MCIP, RPP
Senior Development Planner,
Cobide Engineering Inc.
519-506-5959 ext. 106
dkieffer@cobideeng.com