
HALDIMAND COUNTY

Report PDD-14-2019 Information Report – Fisherville Estates Subdivision For Consideration by Council in Committee on May 7, 2019



OBJECTIVE:

To inform Council of the details relating to a Zoning By-law Amendment and Draft Plan of Subdivision Applications intended to facilitate a residential development in Fisherville and known as Fisherville Estates.

RECOMMENDATIONS:

1. THAT Report PDD-14-2019 Information Report – Fisherville Estates Subdivision be received;
2. AND THAT, in accordance with By-law 7/01, the General Manager of Community and Development Services advise Council when draft approval for the plan of subdivision has been issued.

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Reviewed by: Mike Evers, MCIP, RPP, BES, Director of Planning and Development

Respectfully submitted: Craig Manley, MCIP, RPP, General Manager of Community and Development Services

Approved: Donald G. Boyle, Chief Administrative Officer

EXECUTIVE SUMMARY:

Applications for a subdivision and an accompanying zoning by-law amendment have been submitted by Black Tower Investments Ltd. to facilitate a residential development in the northern portion of Fisherville. The entire project would consist of a maximum build-out of 7 single-detached residential units. The subdivision would be constructed with an extension of Held Crescent, and proposed connection to County owned property which will provide an emergency access. The development will be privately serviced by individual cistern and septic systems. The proposed zoning would result with properties having frontage ranging 29 metres to 33.12 metres. Based on assessment of the various technical studies provided, the development has been deemed functional and is considered good planning. The lands to be developed are part of a larger parcel with the majority of the area (27.454 hectares; 67.84 acres) resting outside the settlement boundary and which are used as farmland. The lands to be developed fall within the settlement boundary.

BACKGROUND:

Applications have been submitted by Black Tower Investments Ltd. to consider draft approval of a plan of subdivision and an amendment to the Town of Haldimand Zoning By-law 1-H 86. These proposals, if approved, will facilitate a residential development in Fisherville consisting of 7 single detached dwellings fronting onto an extension of Held Crescent. A copy of the plan of subdivision layout is included as Attachment 2.

The Process:

The subdivision has progressed to a point where the major issues have been addressed and the purpose of the report is to advise Council of this development, its pending approval and to hold the statutory public meeting for the associated zoning and subdivision. This will ensure that the Committee has full and complete information available prior to making a future zoning decision. Public notice of this proposal was first provided in the form of a Notice of Complete Application on February 14, 2019, and a public open house was held by the applicants on April 15, 2019. Details relating to the public meeting circulation and open house are included in the Stakeholder Impacts section below.

The subject lands are partially located within the settlement boundary area of Fisherville, in the northern portion of the Hamlet (Attachment 1). The majority of the site—that not being developed and used for farming—is outside the settlement. The lands are bounded by farm field to the west, existing dwellings fronting to Erie Street on the east, the Fisherville Park to the south, and existing development to the north. The lands identified for this project have a total area of 1.95 hectares (4.82 acres). The lands are currently vacant of any buildings or structures (Attachment 2), and an aerial plot of the subject lands is included as Attachment 1.

ANALYSIS:

Provincial Policy Statement, 2014

The Provincial Policy Statement (PPS), 2014 provides overall policy direction on matters of provincial interest relating to land use planning and development. Decisions affecting planning matters “shall be consistent with” the policies of the PPS. Through the PPS, the Province determines that building strong communities is a provincial interest and is to be addressed, in part, through promoting efficient land use and development patterns that support strong, livable and healthy communities, protect the environment and public health and safety, and facilitate economic growth. Furthermore, settlement areas such as Fisherville shall be the focus of growth and development, and land use patterns and development shall have a compact form, mix of uses and densities that allow for the efficient use of land, infrastructure and public service facilities.

The proposed development is located within the settlement boundary of Fisherville and is adjacent to existing residential development which has been built out over the last 8 years. The proposed residential uses will also be in proximity to public service facilities including recreational space and trail systems. There is a block (Block 8 on Attachment 2) that will be conveyed to the County at the conclusion of the process that will be utilized for the stormwater management for the project area. The project proposes to have a link to the County owned property, known as Fisherville Park, that is adjacent to the south in order to allow for secondary emergency access, which can also provide a pedestrian connection to the County owned recreation space. The development is also proposed in as compact a form as possible given that the lots need to accommodate private servicing, with varying frontage widths between 29 metres and 33.12 metres (95 feet and 108.7 feet), which is an efficient use of the land and infrastructure. Based on such, the proposal is consistent with the PPS.

Provincial Growth Plan

The Growth Plan for the Greater Golden Horseshoe is the framework for implementing the Government of Ontario’s vision for building stronger, prosperous communities by controlling growth until 2041. The Plan addresses issues relating to economic prosperity which include transportation, infrastructure planning, land use planning, urban form, housing, natural heritage and resource protection. The Growth Plan’s emphasis (in part) is on increasing density and optimizing the use of the existing land supply. In this instance, the direction from the Growth Plan is that development shall occur in existing settlement areas. The proposed development is to occur within the Hamlet of Fisherville, thus this policy requirement is satisfied.

Haldimand County Official Plan

Designation:

The subject lands are designated 'Hamlet' within the Haldimand County Official Plan. Lands subject to this designation are expected to continue to accommodate development that is conducive to rural residential living. Residential development shall proceed in an orderly manner contiguous to existing development. Planning staff's opinion is that the proposed development is appropriate for Fisherville and the subject lands. The development will provide a continuation of the existing residential fabric and provide a product that is similar to the surrounding uses. The proposed subdivision and associated zoning by-law amendment are considered to be an efficient use of land and will provide an attractive and functional development.

The proposed development has been reviewed in comparison to the pertinent development criteria which are as follows:

- a) The traditional form of servicing in the hamlet areas has been individual water and on-site sanitary sewage systems designed and installed as per the Ontario Building Code;

Planning Comment:

Staff have received, and reviewed the functional servicing report that was submitted as part of the complete application. No concerns have been raised with regard to the ability of the lots to accommodate private water and private septic systems. More analysis regarding the technical aspects are included in the section below titled 'Functional Servicing'.

- b) The availability and provision of adequate stormwater management facilities and legal and adequate drainage outlets;

Planning Comment:

Staff have received and reviewed the stormwater management report and plans that were submitted as part of the complete application. The stormwater design includes a pond at the west edge of the subdivision. No concerns have been raised from County staff, and the Long Point Region Conservation Authority (LPRCA) was circulated for comments, and they raised no objections. They have recommended that final lot grading, and stormwater management plans be required as conditions of approval and this will be reflected in the conditions for Draft Plan approval.

- c) New development should be a logical extension of the existing built-up area;

Planning Comment:

The proposed form of development maintains the character of what has been built already in the area. This second phase of the project is a logical extension of Held Crescent and serves to 'fill the development gap' that currently exists in this location (as seen on Attachment 1).

- d) In-depth development rather than linear development along roads is the preferred form of development in hamlets;

Planning Comment:

The proposed development includes an extension to an existing residential street, which would result in tiered development and avoid linear development along main roads. It also fills the gap between existing developments.

- e) Provisions shall be made at appropriate locations to permit access from main roads to second or third tiers of lots behind existing development;

Planning Comment:

The road that will be constructed to service the proposed development will be an extension of crescent municipal road known as Held Crescent. This is an established road that will provide adequate access to Erie Avenue north through Nablo Street.

- f) Proximity to, and potential impact on Natural Environment Areas, Hazard lands and cultural heritage resources should be addressed; and

Planning Comment:

Within the Haldimand County Official Plan there are no identified Natural Environment Areas or hazard Lands. The LPRCA has verified there are no areas of concern that require analysis or protection. An archaeological assessment (stage 1 and 2) has been completed to address cultural heritage and has been submitted to the Province. As clearance is not yet received, this will be addressed as a condition of draft approval and any further assessment that may be required would be dealt with as part of that clearance process.

- g) The standards for separating residential uses from existing, new or expanding livestock facilities shall be the Minimum Distance Separation formulae.

Planning Comment:

The proponents have not indicated any livestock facilities in the area that are proposing an expansion, nor is staff aware of any such agricultural development in the area surrounding the lands subject to this application. This is based upon an independent analysis (site visit and aerial imagery review) completed by staff.

Planning staff is satisfied that the proposed development meets the intent of various levels of policy and provides an appropriate housing type for the community. The proposal maintains the general character of the area and provides a desired housing form. Based on this information, Planning staff concludes that this proposal meets the general intent of the Growth Plan conformity policies of the Official Plan.

Plan of Subdivision

A subdivision application for the proposed development has also been submitted by the proponent at the same time as the Zoning By-law Amendment application. The subdivision process will address various details of the proposed development including stormwater management/drainage, grading, parking, vehicular and pedestrian traffic, lighting, landscaping, servicing, fire routes, etc.

Section 51 (24) of the *Planning Act*, provides a list of criteria that an approval authority will have regard to when assessing the merits of a plan of subdivision application. Planning staff have reviewed these criteria and provide the following list itemizing the matters to be considered and Planning staff's comments with respect to each item:

CRITERIA		COMMENTS
a.	Effect of development of proposed subdivision on matters of provincial interest.	An archeological clearance has not yet been received from the Ministry of Tourism, Culture and Sport (MTCS). The study has been completed, and a recommendation has been provided to MTCS that a Stage 3 assessment is not necessary for this site. To date, the proponents are awaiting Ministry acceptance of the findings. Additionally, the proposal is being reviewed by with the Long Point Region Conservation Authority (LPRCA) for stormwater and grading and drainage matters. A preliminary stormwater and grading plan has been accepted for the purposes of application approval. Acceptance by

CRITERIA		COMMENTS
		MTCS and the final approval of LPRCA (of detailed design/studies) will be required as Draft Plan Conditions.
b.	Whether the proposed subdivision or condominium is premature or in the public interest.	The proposed subdivision is a continuation of a residential area and will complete a section of the Hamlet of Fisherville. Additionally, it will assist in the growth and development of the community and focus growth within an identified growth area.
c.	Whether the plan conforms to the Official Plan and adjacent plans of subdivision, if any.	Considered appropriate. Conforms to Official Plan designations and surrounding/similar residential development.
d.	Suitability of the lands for the purposes for which it is to be subdivided.	Considered appropriate—lands are residentially designated within the hamlet of Fisherville.
e.	Number, width, location and proposed grades and elevations of proposed highways.	Considered appropriate. A subdivision agreement will be required to ensure the proper installations of the proposed internal roads are appropriate. Final grading information is required as a condition of draft plan approval.
f.	Dimensions and shape of proposed lots.	Considered appropriate. The lot sizes and shapes are consistent with development in the area, and comply with policies in the Official Plan and Provincial Growth Plan relative to efficient use of lands.
g.	Restrictions or proposed restrictions, if any, on the lands proposed to be subdivided or the buildings and structures proposed and the restrictions, if any, on adjoining lands.	The proposed zoning provides adequate regulations.
h.	Consideration of natural resources and flood control.	Considered feasible. Detailed grading and stormwater management plans will be required as a condition of approval and within a subdivision agreement. Clearance is required by both the Long Point Region Conservation Authority and Haldimand County prior to any works being initiated. Additionally, as part of the development requirement, post-development drainage conditions need to meet the pre-condition state.
i.	Adequacy of utilities and municipal services.	The proposed internal road allowances will be conveyed to the County. The provision of utilities and installation of infrastructure will be reviewed and approved as conditions of draft approval and included within the subdivision agreement.
j.	Adequacy of school sites.	No objections were received with respect to this consideration.
k.	The area of land, if any, within the proposed subdivision that	The proposed internal road allowances, sidewalk connections and trail connection and extension are to be included as conditions of draft approval. All relevant staff have reviewed

CRITERIA		COMMENTS
	is to be conveyed for public purposes.	the suitability of the lands to be transferred and deemed them appropriate for the intended uses.
I.	The physical layout of the plan having regard to energy conservation.	Considered appropriate residential density, opportunities for active transportation and community connections and road network connections are addressed through the development.

Parkland, Secondary Access and Recreational Trails:

No public parklands are proposed within the subdivision. Given the size and location of the proposed subdivision and availability of parkland in Fisherville, County staff feels that it will be more appropriate to require cash-in lieu of parkland rather than a small on-site park. As the development is adjacent County owned recreational facilities, known as Fisherville Park and will be linked to it via a pedestrian access, staff are satisfied will provide opportunities for residents to engage in physical activity and have a safe location to do so. This subdivision is shown to be accessed by an extension of a cul-de-sac that exceeds the length that is supported in the Design Criteria, which poses access concerns from an Emergency Services perspective. There is a maximum cul-de-sac length of 90 metres which is outlined in the Design Criteria, and the roadway proposed is nearly double this acceptable distance at an approximate length of 190 metres. To remedy this design concern the proposed development will have an emergency access gate, which would allow for County emergency services vehicles to gain access to the development through the neighbouring County owned property to the south. The gate that has been requested by Facilities, Parks, Cemeteries and Forestry Operations in conjunction with commentary from Emergency Services would still allow for pedestrian access to the County owned property. The overall design of the cul-de-sac has been accepted by staff due to the constraints of the site in terms of opportunities for alternative road layouts. The existing lot fabric precludes attempts to design a through-street while providing adequate space for hamlet residential lots. The layout of the cul-de-sac bulb has been reviewed by staff, and no concerns regarding snow removal or waste pick-up have been raised. Staff are satisfied that at this point in the design the roadway is satisfactory and will not cause issues from a technical perspective.

The subdivision is being designed to create a pedestrian friendly environment, which is encouraged through the Provincial Policy Statement 2014, Provincial Growth Plan and Haldimand County Official Plan.

Parkland dedication will be addressed via cash-in-lieu and through acknowledgement within the subdivision agreement.

Functional Servicing-Technical Details:

The basic functionality of the subdivision was reviewed via a number of technical reports including a Stormwater Management Report; Functional Servicing Report and Planning Impact Analysis. Through review of the reports, the development design is considered appropriate and functional; however, additional detailed analysis will be required for clearance of the conditions of draft plan approval which is standard practice.

A summary of each key technical component is included below:

Stormwater Management/Flood Management:

A preliminary stormwater management (SWM) plan has been provided as part of the Functional Servicing Report submitted with the application and prepared by IBI Group. A storm water management pond has been proposed, that will function as a dry-pond, and be constructed at the west end of the subdivision. Staff have reviewed the policies regarding stormwater management contained in the PPS,

and the Haldimand County Official Plan and are satisfied that the proposal does not contradict the direction provided by these planning documents.

The technical leads on the review of the SWM plan were the Long Point Region Conservation Authority (LPRCA) and County staff. The conclusions of the review generally support the concept and confirmed that there are not expected to be any significant impacts to downstream lands, infrastructure, etc. A final detailed stormwater management plan will be required prior to any development commencing and will be part of the detailed design stage. Both the LPRCA and the County will be required to review and approve the detailed stormwater submission. This will be addressed as a series of draft plan conditions.

Functional Servicing Report:

The Functional Servicing Report (FSR) was submitted by IBI Group as a component of the complete application package. The following is an overview of the matters discussed:

1. Sewage Treatment

The proposed development exists in an area of the County that does not have municipal wastewater infrastructure. This means that the properties will need to be serviced by private on site sanitary septic systems. The analysis has demonstrated that the lots are suitable size, configuration and soil type to accommodate septic systems and provide required *Ontario Building Code* setbacks. At this time the proponents have not produced formal plans about the dwellings that will be built on the lots, and for this reason a more detailed septic design will follow with the application for building permits.

2. Water System

The hamlet of Fisherville does not have municipal drinking water infrastructure, thus the proponents have identified that individual cisterns will be installed to provide the dwellings with water. The proponents have not developed final building plans that would describe precise locations for the servicing features on the properties, however, the FSR has demonstrated that the properties are large enough to accommodate a cistern and maintain the setbacks of the *Ontario Building Code*.

Archaeological Assessment:

A stage 1 and stage 2 archaeological study was completed for the site and submitted to the Ministry of Tourism, Culture and Sport for review and acceptance into the register. County staff have not yet received confirmation that the Ministry has cleared the site for development by accepting the findings of the report, thus staff will include a condition that this must be completed prior to initiating the project.

Based on the report and conclusions contained therein, the subdivision development is generally feasible and functional. The specific details and technical matters will be addressed via Conditions of Draft Plan approvals.

Town of Haldimand Zoning By-law 1-H 86

The subject lands are presently zoned "Agriculture (A)", "Hamlet Commercial (CHA)", and "Hamlet Residential (RH)". The proponents are seeking to consolidate the zoning to "Hamlet Residential (RH)" and establish a special provision on the site to recognize reductions to lot frontage and lot area. The proponents are requesting that the minimum frontage be reduced to 29.0 metres (95.14 feet) from the identified standard of 30 metres (98.43 feet); this reduction in minimum frontage leads to a request for a reduction in minimum lot area. In that regard, the proponents are requesting that provisions be included to support a minimum lot area of 1,700 m² (18,298.7 square feet) where the Zoning by-law requires 1,855 m² (19,967.1 square feet). The proponents have demonstrated how all of the other zone provisions for the RH zone can be met, and staff are satisfied that the requested relief will not result in inappropriate development, or building envelopes that are not sufficient. The following is a summary of the proposed zoning amendments:

Current Provision	Special Provisions	Rationale
Minimum Lot Area: 1,855 m ²	Minimum Lot Area: 1,700 m ²	The reduced lot area allows for more efficient use of land.
Minimum Lot Frontage: 30 m	Minimum Lot Frontage: 29 m	The reduced lot frontage allows for more efficient use of land.

It is noted that the balance of the zone provisions of the “Hamlet Residential (RH)” zone would apply to the subject lands.

Zoning Rationale:

The proposed site specific zoning provisions would facilitate the subdivision and new development standards. Staff have been provided with technical justification that these reductions will not hamper the proposed development through constraining the building envelope or installing the necessary private on-site water and wastewater systems. The overall lot fabric for the project will resemble the characteristics of the existing neighbourhood.

Next Steps:

Planning staff have completed a detailed review of the proposed subdivision and the proposed Zoning By-law Amendment and, based on the presented information, the development generally complies from a policy perspective and at a functional level. Based on comments and requirements of the various departments and agencies, Draft Plan Conditions will be produced and provided to the General Manager of Community and Development Services for approval. Draft Plan Conditions will include, but not be limited to the following:

- Detailed evaluation and completion of infrastructure requirements (roads, ditches, culverts);
- Detailed Stormwater Management works;
- Final approval requirements from external agencies including Long Point Region Conservation Authorities, Hydro One and telecommunications providers; and
- Final acceptance and approvals of technical studies.

Further, if at the public meeting no major concerns are expressed, once the detailed technical reviews are completed by all circulated agencies and any subdivision revisions resulting from this are made, staff will move forward with the production of draft plan conditions for the project with rationale to the General Manager of Community and Development Services for consideration. If approved, notice of approval will be provided to Council (including outlining how any public comments were addressed), all required parties under the *Planning Act* and those requesting a copy of the notice through the public meeting process. Pursuant to the delegation by-law, if the proponent objects to a proposed condition or the General Manager of Community and Development Services does not approve the subdivision, the matter would be referred to Council for a decision.

With regards to zoning approval the implementing zoning by-law will then be brought forward to Council for consideration and approval as part of the Council Agenda process. This is intended as an implementation step based upon the complete policy analysis and technical review being completed in the previous stages and the required public meeting having been held previously.

The holding provision placed on the subject lands will remain in place until such time as all matters of a technical nature are addressed, and the developer completes and registers a subdivision agreement. The General Manager of Community and Development Services can then remove the Holding to allow

for development to proceed. This is an in-house process and does not require a return to Council for passage of a further by-law.

Ultimately, this process recognizes that subdivision approval is largely a technical matter and it allows the subdivision to proceed through the approvals process in a more expeditious manner, while still allowing for public input prior to decision making and further eliminating the presentation of long and detailed technical reports that address conditions of draft approval.

FINANCIAL/LEGAL IMPLICATIONS:

All financial requirements will be addressed through the required subdivision agreement for the proposed development. Additionally, development charges will be required at the time of building permit application.

STAKEHOLDER IMPACTS:

Planning and Development (Development and Design Technologist): No objections, further details pertaining to stormwater management will be provided in subsequent design stages.

Long Point Region Conservation Authority (LPRCA): No concerns raised, request that final lot grading and soil conservation and management plans be submitted as a condition of approval.

Emergency Services: No objections. Support secondary access, restricted by a 4.57 m (15 foot) gate and walking gate as opposed to proposed knock down bollards.

Public Works Operations (Solid Waste): No objections.

Building and Municipal Enforcement Services: No concerns, container on lot 5 to be removed.

Finance: No comments received.

Community Development and Partnerships: No concerns.

Facilities, Parks, Cemeteries & Forestry Operations: No objections, preference for restricting access at end of cul-de-sac would be a 4.57 m (15 foot) gate and walking gate as opposed to proposed knock down bollards.

Haldimand-Norfolk Health Unit: The Health Unit encourages developments that make it easier for people to choose active forms of transportation for short trips. Details should be provided with a detailed subdivision submission that support residents safely walking throughout the neighbourhood. Offering mixed housing options would increase housing density.

- **Planning Response:** Housing types are described in the Official Plan, and are directed to be low density within the Hamlet areas of the County. The proponents have sought to encourage physical activity by providing a direct connection to the County owned Fisherville Park. A direct linkage is proposed that will also serve as the emergency access, which will allow for pedestrian traffic to move through to the recreational facility.

Canada Post: No objections.

Union Gas: No concerns.

Trans-Northern: No objections.

Brant Haldimand Norfolk Catholic District school Board: No objections.

Ministry of Municipal Affairs: No concerns.

Comments from the Public to Haldimand County Staff: No concerns received.

The developer conducted a public open house on April 15th which was attended by thirteen members of the public. This open house is a requirement of private developers under the *Planning Act*. The content below represents the summary of issues raised and responses thereto provided by the developer's consulting team:

- Overall engineering; drainage, transportation, design of stormwater management infrastructure and Flooding
 - Final engineering details to be addressed through draft plan approval conditions. County and LPRCA staff have reviewed plans that have been prepared at this time, and no issues have been raised.
- Construction timelines and considerations
 - Construction timelines are dependent on final approval and the submission of relevant documents for review. Attendees have requested that the proponents use the emergency entrance for access to the site during construction rather than Nablo Street and the existing Held Crescent.
- Parkland dedication
 - To be addressed through draft plan conditions. Cash in lieu will be taken given the abutting recreational complex/sufficiency of parkland available in the area.

The Public Consultation Strategy – Complex Form in relation to this open house has been attached to this report as Attachment 3.

REPORT IMPACTS:

Agreement: Yes

By-law: Yes

Budget Amendment: No

Policy: No

ATTACHMENTS:

1. Location Map.
2. Owner's Sketch–Draft Subdivision Layout.
3. Public Information Meeting Report.