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# HALDIMAND COUNTY

## Report PDD-43-2021 Information Report – Applications for Avalon Phase 5B – McClung Properties Limited



For Consideration by Council in Committee on August 24, 2021

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### OBJECTIVE:

To present the planning considerations related to Draft Plan of Subdivision and Zoning By-law Amendment applications to permit the creation of a maximum of twenty-six (26) lots for single detached dwellings as part of the Avalon Subdivision in Caledonia.

### RECOMMENDATIONS:

1. THAT Report PDD-43-2021 Information Report – Applications for Avalon Phase 5B – McClung Properties Limited be received;
2. AND THAT in accordance with delegated authority, the General Manager of Community & Development Services advise Council when draft plan approval for the plan of subdivision has been issued.

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**Reviewed by:** Shannon VanDalen, MCIP, RPP, CMMI, Manager of Planning & Development

**Respectfully submitted:** Mike Evers, MCIP, RPP, BES, General Manager of Community & Development Services

**Approved:** Craig Manley, MCIP, RPP, Chief Administrative Officer

### EXECUTIVE SUMMARY:

Applications for a Draft Plan of Subdivision and accompanying Zoning By-Law Amendment were submitted by McClung Properties Limited (Empire) to facilitate residential development in Caledonia, as part of the Avalon Subdivision. The proposed development includes a total maximum yield of twenty-six (26) single detached dwellings. The subject report advises Council of the details relating to the Draft Plan of Subdivision and accompanying amendments. It is Planning staff's opinion that the proposal is consistent with and conforms to Provincial and County policy frameworks. If Council and the public do not have significant concerns with the subject applications at the public meeting, the Draft Plan of Subdivision and conditions of approval will be forwarded to the General Manager of Community and Development Services to approve, in accordance with delegated authority.

Planning staff note that the site specific Zoning By-law will be placed on a future Council Agenda for Council's approval. Following, the applicant will move into the detailed design stage and will need to clear a number of legal, technical, and financial conditions, before moving to the servicing and construction stage of the subdivision process.

## BACKGROUND:

The applicant recently acquired three lots (Part 1 on Attachment 1) adjacent to Phase 5 of the Avalon Subdivision in northeast Caledonia. The applicant submitted a Draft Plan of Subdivision application for these lands (Part 1 on Attachment 1) together with two remnant blocks from Avalon Phase 5 (Part 2 on Attachment 1) to create a lotless block subdivision (referred to as Avalon Phase 5B) consisting of a maximum of twenty-six (26) lots (Attachment 4). The applicant also submitted a Zoning By-law Amendment application to rezone the three lots from the 'Agriculture (A)' Zone to the 'Urban Residential Type 1-B (R1-B) Zone, special provision HAL36.395', consistent with the zoning for the Avalon subdivision.

As Council is aware, for the past several years Empire has been constructing a new master planned community in Caledonia. The subject lands are described as Part of Lot 12, Range 2, East of Plank Road in the Township of Seneca, Haldimand County and are comprised of 101, 105, and 109 McClung Road (Part 1 on Attachment 1), and two remnant blocks from Avalon Phase 5 (Part 2 on Attachment 1). The subject lands are located north of Oaktree Drive, east of Richard William Drive, south of Rainbow Drive, and west of McClung Road. Phase 5 of the Avalon Subdivision (which is currently under construction) abuts the subject lands to the north, west, and south. The subject lands have a total area of 1.04 hectares (2.5 acres) and currently contain:

- 101 McClung Road – Detached garage to be demolished;
- 105 McClung Road – Single family dwelling with access to McClung Road to be demolished;
- 109 McClung Road – Single family dwelling with access to McClung Road to be demolished;
- and
- Remnant blocks – Vacant, fronts onto Richard William Drive.

The County draft approved the Avalon Subdivision consisting of 16 phases (Attachments 2 and 3) in 2014. Phases 1 – 6 are registered and are either completed or under construction. At the time of draft plan approval of the Avalon Subdivision, the applicant did not own 101 – 109 McClung Road. The applicant has now acquired these additional lands and proposes to develop them along with two remnant blocks from Avalon Phase 5 (Attachment 1) as part of the Avalon Subdivision. The subject development proposal is referred to as Avalon Phase 5B.

To achieve this proposal, the applicant has submitted a Draft Plan of Subdivision application to create a maximum of twenty-six (26) single detached dwellings on the subject lands (Attachment 4). The Draft Plan currently consists of lotless blocks that will be subdivided into twenty (20) to twenty-six (26) lots based on market demand later in the subdivision process, which is consistent with the overall Avalon Subdivision approach. The Draft Plan of Subdivision proposes to connect the subject lands to Avalon Phase 5 through a new street (Street A) which ranges from 15 metres to 18 metres in width. Street A will connect in two places to Richard William Drive.

The applicant has also submitted a Zoning By-law Amendment application to facilitate and implement the Draft Plan of Subdivision. 101 – 109 McClung Road are currently zoned 'Agriculture (A)' Zone. The applicant is proposing to rezone these lands from the 'A' Zone to the 'Urban Residential Type 1-B (R1-B), special provision HAL36.395', consistent with the zoning for the Avalon Subdivision. The remnant blocks are already zoned 'R1-B Holding (H), special provision HAL36.395' and do not need to be rezoned.

To support the subject applications, the applicant submitted the following items for review:

1. a planning addendum prepared by Armstrong Planning & Project Management;
2. a draft plan (Attachment 4);
3. a grading, servicing and stormwater management memo prepared by WSP; and
4. a traffic impact statement prepared by WSP.

The purpose of this report is as follows:

1. advise Council of the details relating to the subject applications (as described above);
2. provide a summary of the key planning and development issues, including results of agency/division reviews and a staff analysis; and
3. to hold the statutory public meeting to provide an opportunity for community stakeholders to identify issues and to provide comments relative to the subject applications.

If Council and the public do not have significant concerns with the subject applications at the public meeting, the Draft Plan of Subdivision and conditions of approval, will be forwarded to the General Manager of Community and Development Services to approve, in accordance with delegated authority. Further, the site specific Zoning By-law (Attachment 5) will be placed on the earliest possible Council Agenda (after draft plan approval) for Council's enactment. Following, the applicant will move into the detailed design stage and will need to clear a number of legal, technical, and financial conditions, before moving to the servicing and construction stage of the subdivision process.

## **ANALYSIS:**

The following planning considerations apply to this proposal:

### **Provincial Policy**

#### ***Provincial Policy Statement (2020):***

The Provincial Policy Statement (PPS) provides policy direction on matters of provincial interest related to land use planning and development. The *Planning Act* directs that decisions affecting planning matters "shall be consistent" with the policies of the PPS.

The PPS states that settlement areas shall be the focus of growth and development. The PPS directs municipalities to promote efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term; efficiently use land and resources; are appropriate for, and efficiently use, the infrastructure and public facilities which are planned or available, and avoid the need for their unjustified and/or uneconomical expansion; and promote intensification, redevelopment and compact form.

The subject lands are located adjacent to Avalon Phase 5. Development of the subject lands will infill and complete the east portion of Avalon Phase 5, bring up to 26 new single detached houses online in Caledonia, and utilize existing infrastructure. The proposed development will have the same compact form and appearance as the Avalon Subdivision.

The PPS also states that municipal sewage and water services are the preferred form of servicing for settlement areas to support the protection of the environment and minimize potential risks to human health and safety. Within settlement areas with existing municipal sewage services and municipal water services, intensification and redevelopment shall be promoted wherever feasible to optimize the use of the services.

The grading, servicing and stormwater management memo states that the proposed sanitary and water network will connect into Richard William Drive and follow Street A. The subject lands were already accounted for in the design of the Avalon Phase 5 sanitary sewer design and a water distribution analysis will be completed at the detailed design stage of the development to ensure adequate pressures and flows to the development. The memo states that both the downstream sewers and pumping station maintain adequate capacity to receive the flows from the proposed development. All sanitary sewers and watermains will be designed as per the Haldimand County (engineering) Design Criteria. Overall, the existing services within the Avalon Subdivision have adequate capacity to support the subject development.

The PPS also provides requirements for stormwater management, including: requiring integrated planning with other services, preventing increases in contaminant loads, minimizing erosion and changes in water balance, mitigating risk, and promoting best practices.

The memo states that the proposed storm network will generally follow the road network to provide drainage to all areas of the proposed development and that there is existing capacity in the downstream system to accommodate the proposed development. The stormwater will ultimately outlet to an existing stormwater management pond (S3), east of the subject lands (Attachment 3). All storm sewers will be designed as per the Haldimand County Design Criteria. As part of the detailed engineering review stage, an erosion and sediment control plan will be provided.

Further, the PPS states that major facilities (including transportation infrastructure and corridors) and sensitive land uses (including residential uses) shall be planned and developed to avoid, or if avoidance is not possible, minimize and mitigate any potential adverse effects from odour, noise and other contaminants, minimize risk to public health and safety, and to ensure the long-term operational and economic viability of major facilities in accordance with provincial guidelines, standards and procedures. The subject lands abut McClung Road to the east, which is an arterial road. The applicant will be required to demonstrate that this policy criterion has been satisfied via a noise study addendum, and provisions for air conditioning, warning clauses, and private noise barriers may be required to buffer the uses.

Lastly, the PPS prohibits development and site alteration on lands containing archaeological resources or areas of archaeological potential unless archaeological resources have been conserved. The applicant will be required to demonstrate that this policy criterion has been satisfied as a condition of Draft Plan Approval.

Overall, it is Planning staff's opinion that the subject development proposal is consistent with the PPS.

#### ***A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2020):***

To address challenges related to the magnitude of growth that is expected over the coming decades for the Greater Golden Horseshoe (GGH) and to ensure the protection of finite resources, A Place to Grow builds on the PPS to establish a unique planning framework for the GGH that supports the achievement of complete communities, a thriving economy, a clean and healthy environment, and social equity. The *Places to Grow Act* requires decisions affecting planning matters to conform to A Place to Grow.

A Place to Grow states that the vast majority of growth will be directed to settlement areas that have a delineated built boundary (such as Caledonia); have existing or planned municipal water and wastewater systems; and can support the achievement of complete communities. Additionally, the subject lands are located in the designated greenfield area of Caledonia. The designated greenfield area is defined as lands within settlement areas but outside designated built-up areas that have been designated in an official plan for development and are required to accommodate forecasted growth to the horizon of this plan (2051). A Place to Grow requires the County to achieve a greenfield density target of 40 residents and jobs combined per hectare.

The subject lands are located within the Caledonia settlement boundary. There are existing municipal services abutting the subject lands (in the Richard William Drive right of way) and the existing conveyance and plant systems can handle the increased loads. The subject development proposal will add additional single detached dwellings to an existing master planned community that, when fully built-out, will consist of many housing types (singles, semis, townhouses, and apartments), neighbourhood commercial buildings, parks and trails, and a school. The subject development proposal will accommodate between 61 and 79 residents per hectare (based on a build-out of 20 to 26 single detached dwellings). Employment opportunities will be provided in the Avalon Phase 4 neighbourhood

commercial/mixed use block (currently under construction) and Draft Plan Approved Avalon Phase 14 neighbourhood commercial/mixed-use block (Attachments 2 & 3).

Overall, it is Planning staff's opinion that the subject development proposal conforms to A Place to Grow.

## County Policy

### ***Haldimand County Official Plan:***

The Haldimand County Official Plan (OP) creates the long-term framework for guiding land use changes in the County to 2026 by protecting and managing the natural environment, directing and influencing growth patterns, and facilitating the vision of the County as expressed through its residents. The OP also provides the avenue through which Provincial Policy is implemented into the local context. Decisions on Zoning By-law Amendment applications must conform to the OP.

The OP states that the Subdivision Plan approval process and accompanying agreements pursuant to the *Planning Act*, will be used by Council to ensure that the policies and land uses of the Official Plan are complied with and that a high standard of design is maintained in new development areas. Council will only approve Plans of Subdivision which conform with the *Planning Act* and the following criteria:

- a) The Plan of Subdivision conforms with the policies of this Plan;

**Planning Comment:** The subject lands are designated 'Residential' in the OP and are located in the settlement area of Caledonia. The OP states that residentially designated areas within each of Haldimand County's urban communities are expected to continue to accommodate attractive and functional neighbourhoods that provide a variety of housing forms and community facilities supportive of a residential environment. The predominant use of lands within the 'Residential' designation shall be for residential purposes, including all forms of residential development in accordance with the policies of the OP. Development shall proceed in an orderly, phased manner contiguous to existing development and take into consideration, the availability of services. Low density development shall generally accommodate 15 to 20 units per gross residential hectare.

The subject development proposal conforms to the OP. Regarding compatibility, the proposed subdivision (consisting of 20 to 26 single detached dwellings) will have the same compact form, density, and appearance as the Avalon Subdivision. The proposed subdivision will back onto existing single detached dwellings to the north and south. The proposed subdivision will be located east of single and semi-detached dwellings and north of a mixed-use block that is currently under construction. The proposed subdivision is considered compatible with the existing Avalon Subdivision. Once built-out, the proposed subdivision and larger Avalon Subdivision will be seamless. In terms of attractiveness, the Draft Plan has been prepared such that there will be no rear-lotting onto McClung Road and the proposed houses on the subject lands will be held to the same urban design standards as the rest of Avalon. Functionally, municipal services are available and can accommodate the development. Additionally, the Traffic Impact Study (TIS) states that the subject development proposal can be accommodated from a road network and traffic perspective. Lastly, the subject development proposal will accommodate 19 to 26 units per gross residential hectare (based on a build-out of 20 to 26 single detached dwellings) and will complete Avalon Phase 5.

- b) Adequate servicing such as water supply, sewage disposal, stormwater drainage, solid waste collection and disposal, roads, and emergency services can be provided;

**Planning Comment:** These municipal services will be provided to the subject development.

- c) The County is able to provide necessary services without imposing undue increases in taxation on all residents; and

**Planning Comment:** The proposed development is expected to meet this criterion. Services and amenities are already provided in the area via the larger Avalon Subdivision.

- d) The Plan of Subdivision is not deemed to be premature and is considered necessary in the public interest.

**Planning Comment:** The proposed Draft Plan of Subdivision will complete Avalon Phase 5, which is currently under construction. The Draft Plan is not considered premature and is considered necessary in the public interest to complete the Subdivision.

Overall, it is Planning staff's opinion that the subject development proposal conforms to the Haldimand County Official Plan.

### ***Haldimand County Zoning By-law HC 1-2020:***

While the OP sets out the County's general policies for future land use, the Haldimand County Zoning By-law HC 1-2020 puts the OP into effect and legally controls the use of land in the County by stating how land may be used; where buildings and other structures can be located; the types of buildings that are permitted and how they can be used; and the lot sizes and dimensions, parking requirements, building heights and setbacks from the street. If the proposal does not comply with the Zoning By-law, building permits cannot be issued.

101 – 109 McClung Road are currently zoned 'Agriculture (A)' Zone. The applicant is proposing to rezone these lands from the 'A' Zone to the 'Urban Residential Type 1-B (R1-B)', special provision HAL36.395', consistent with the zoning for the Avalon Subdivision. The remnant parcels are already zoned 'R1-B Holding (H), special provision HAL36.395' and do not need to be rezoned.

The R1-B Zone permits a single detached dwelling and the following uses subject to satisfying criteria: bed and breakfast establishment; group home dwelling; secondary suite; garden suite; home-based business, home office; and homebased business, home occupation.

Special Provisions HAL36.395 reads as follows:

- i. Notwithstanding the provisions of Section 10.1 Permitted Uses – Urban Residential Type 1-B (R1-B), permitted uses shall include:
- a) One family dwelling house
  - b) Two family dwelling house
- ii. That notwithstanding the provisions of Section 10.2 Zone Provisions, the following shall apply:

Provision	Permitted
a) 10.2(a) Minimum Lot Area	220 square metres for an interior lot and 265 square metres for a corner lot
b) 10.2(b) Minimum Lot Frontage	8 metres for an interior lot and 10 metres for a corner lot
c) 10.2(c)(i) Minimum Front Yard	4.5 metres to the dwelling and 6.0 metres to the garage
d) 10.2(c)(ii) Exterior Side Yard	2.4 metres, except that an attached garage fronting on flankage street shall be 6.0

	metres from the lot line on the flankage street
e) 10.2(c)(iii) Interior Side Yard	For one family dwelling house: 1.2 metres on one side and 0.6 metres on the other side.  For two family dwelling house: 1.2 metres, except no interior side yard is required along common lot line.
f) 10.2(c)(iv) Rear Yard	7.0 metres

Any provision of the R1-B zone not specifically identified above, are applicable as set out in Section 10 of By-law 1 H-86.

- iii. That notwithstanding Section 7.1.3(b) Parking Space Dimensions and Section 7.1.5(d) Parking Lot and Garage Requirements, the following shall apply:  
*“The parking space size located within a garage shall have a minimum width of 3.0 metres and have a minimum length of 6.0 metres. Stairs, to a maximum of 3 risers or 0.61 metres, shall be permitted to encroach into this parking space.”*
- iv. That notwithstanding Section 6.21(a) and (b) Exemptions from Yard Provisions, soffit, cornice, eaves or gutters may project into any required yard or setback a distance of not more than 0.4 metres.
- v. That notwithstanding Section 6.21(c) Exemptions from Yard Provisions, a porch may project into any required front yard setback a distance of not more than 2.0 metres; any required exterior side yard setback a distance of not more than 1.8 metres; and, any required rear yard setback a distance of not more than 2.5 metres.
- vi. That notwithstanding Section 6.21(c) Exemptions from Yard Provisions, steps/stairs may project into any required front yard or setback a distance of not more than 3.5 metres.
- vii. That notwithstanding Section 6.21(d) Exemptions from Yard Provisions, a patio or deck above the finished grade may project into any required rear yard setback a distance of not more than 2.5 metres. Any patio or deck constructed in a rear yard is restricted to a maximum size of 3.1 metres by 2.5 metres.
- viii. That notwithstanding Section 6.7(e), an accessory building or combination of buildings is permitted up to a maximum of 10% lot coverage or 10 square metres, whichever is less.
- ix. That an air conditioning unit shall be setback a minimum of 0.6 metres from any side or rear property line. An air conditioning unit is not permitted in any part of a required front yard or front setback.
- x. That a maximum of 70% of the front yard may be permitted as hardscaping. For the purposes of this by-law, hardscaping shall be considered as finished space consisting of pavement, concrete, patio stones, interlock or other hard surface treatment.
- xi. That a garage face can extend a maximum of 1 metre in front of a ground floor porch where it meets all other applicable setbacks.

Council approved the zoning, including special provision HAL36.395, for the Avalon Subdivision in 2014 to facilitate the Subdivision. Planning staff recommend that special provision HAL36.395 be carried forward for the subject lands to create seamless zoning categories and permissions across the entire Subdivision.

Overall, it is Planning staff's opinion that the proposal is consistent with and conforms to Provincial and County policy frameworks. A Zoning By-law has been included with this report as Attachment 5. If Council and the public does not have any significant concerns with the subject applications, the site specific Zoning By-law will be placed on a future Council Agenda for Council's approval.

### **Public Consultation**

Public consultation (including notices and signage) was carried out in accordance with the *Planning Act* requirements. At the time of writing the subject report, Planning staff received no public comments or concerns.

### **FINANCIAL/LEGAL IMPLICATIONS:**

The applicant will be required to enter into a pre-servicing and subdivision agreement with the County, which includes payment of securities for 100% of the value of engineering works, as part of the standard subdivision process. The applicant will also be required to pay Development Charges at the time of building permit submission.

### **STAKEHOLDER IMPACTS:**

**Building & Municipal Enforcement Division** – No comments received.

**Emergency Services/Fire Department** – No objections.

**Planning and Development (Development & Design Technologist)** – At this time, based on the regulatory review, we are in support of the submitted Draft Plan and proposed servicing which smoothly matches Avalon Phase 5. At this time, in our opinion – from the engineering point of view – the proposed Draft of amendments to the Town of Haldimand Zoning By-law No. 1-H 86 (now Comprehensive Zoning By-law HC 1-2020) – File: PLZ-HA-2021-093 – are deemed to be acceptable in light of the information provided through the package of supported documents (drawings, reports, etc.) as submitted. Therefore, our group of engineering development reviewers are in support of the Amendments.

**Finance** – Development Charges will apply at the rate in affect at the time of building permit issuance.

**Forestry Operations** – A Tree Protection Plan may be required. A Street Tree Planting Plan is required. Further tree requirements (relating to surveying existing trees, providing trees in the boulevard, etc.) were provided to the applicant.

**Property Coordinator** – No comments received.

**Risk Management & Legal Services** – No comments received.

**Engineering Services (Transportation Engineering Technologist)** – The TIS finds that the proposed infill will be accommodated well into the road network. No concerns.

**Bell Canada** – No objections. Bell Canada provided conditions of approval relating to easements and detailed utility design that have been provided to the applicant and will be included as conditions of Draft Plan Approval.

**Canada Post** – Please be advised that this portion of Phase 5 (approximately 26 units) will be serviced by Community Mailboxes and staff will work with the developer on a site location within this area or this will be added to an existing site location that has already been chosen and we will just add to it.

**Haldimand-Norfolk Health Unit** – No comments received.

**Hydro One (High Voltage/Corridor)** – No objections or concerns at this time.

**Hydro One (Local)** – No objections.

**Mississaugas of the Credit First Nation** – No comments received.

**Municipal Property Assessment Corporation** – No comments received.

**Railway** – No comments received.

**Six Nations Council** – No comments received.

**Enbridge (Union Gas)** – No objections. Union Gas provided conditions of approval relating to easements and agreements that were provided to the applicant, and will be included as conditions of Draft Plan Approval.

## **REPORT IMPACTS:**

Agreement: Yes

By-law: Yes

Budget Amendment: No

Policy: No

## **ATTACHMENTS:**

1. Location Map.
2. Avalon Subdivision Map.
3. Avalon Phasing Map.
4. Draft Plan.
5. Zoning By-law.