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# HALDIMAND COUNTY

## Report PDD-03-2022 Information Report – Applications for Smith Farms Subdivision



For Consideration by Council in Committee on February 8, 2022

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### OBJECTIVE:

To inform Council of a Zoning By-law Amendment application to amend the Haldimand County Zoning By-law HC 1-2020 and a Draft Plan of Subdivision application for the creation of a new subdivision known as the Smith Farms Subdivision consisting of a maximum of 499 housing units on the east side of Hagersville and to hold the statutory public meeting required under the *Planning Act*.

### RECOMMENDATIONS:

1. THAT Report PDD-03-2022 Information Report – Applications for Smith Farms Subdivision be received;
2. AND THAT the applications are deemed to be consistent and conform with the *Planning Act*, Provincial Policy Statement (2020), A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2020), and Haldimand County Official Plan;
3. AND THAT in accordance with By-law 2082/19, the General Manager of Community and Development Services advise Council when draft plan approval has been issued for application PL28T-2020-196;
4. AND THAT the by-laws attached to Report PDD-03-2022 be presented for enactment following draft plan approval of application PL28T-2020-196.

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

### EXECUTIVE SUMMARY:

Gardens Communities (Hagersville) Inc. (Empire Communities) has submitted a Zoning By-law Amendment application and Draft Plan of Subdivision application to permit the creation of a new subdivision known as the Smith Farms Subdivision on the east side of Hagersville. The development includes a maximum of 499 housing units, a stormwater management pond, a pumping station, a woodlot, open space, and a recreational trail system. The Subdivision is proposed to be constructed with new municipal roads including the extension of David Street and connection into King Street East, and full municipal water, sanitary, and stormwater services.

The subject report advises Council of the details relating to the subject applications. The report is intended to assist Council in understanding the potential impacts of the proposal and to provide an opportunity for public involvement and engagement in the planning process. The applications are

consistent and conform to Provincial and County policy frameworks. If no significant comments are raised at the public meeting and once technical staff review of the applications is finalized, the Draft Plan of Subdivision will be forwarded to the General Manager of Community and Development Services for approval and the Zoning By-law to Council for passage.

## **BACKGROUND:**

### **Location and Description**

The subject lands are located on the east side of Hagersville (Attachment 1) and have approximately 735 metres (2,411 feet) of frontage on the north side of King Street East/Haldimand Road 20 and an approximate size of 47 hectares (116 acres). The subject lands consist of two lots municipally addressed as 29 and 61 Haldimand Road 20 that will be developed together to form the Subdivision. The subject lands are described as Lots 29 and 30, Range East of Plank Road, Geographic Township of Oneida, Haldimand County.

The subject lands were previously used for agricultural purposes and each of the two lots contain a single family dwelling. The dwelling on 29 Haldimand Road 20 is vacant and the agricultural buildings (barns) have been removed. All remaining buildings would be demolished prior to construction of the proposed subdivision. The subject lands also contain two woodlands. The eastern woodlands have been deemed significant and have been incorporated into the proposed subdivision layout and would be conveyed as a block to the County for long-term protection. The northwestern woodlands are outside of the area proposed to be subdivided and will be retained by the proponent. The lands proposed to be subdivided were recently brought into the Hagersville settlement boundary and designated for residential purposes through Provincial approval of Phase 1 of the County's Municipal Comprehensive Review (MCR) project, which is described below.

The surrounding land uses include a Lafarge Canada Inc. (Lafarge) Quarry to the north and a Hydro One Networks Inc. high voltage transmission corridor to the east. The subject lands are bound by King Street East/Haldimand Road 20 to the south. Further south and across the road is a linear stretch of 30 single and semi-detached dwellings fronting onto King Street East/Haldimand Road 20 and lands in agricultural production. The subject lands will connect into the recently constructed Livingston (formerly Haldimand Gardens) Subdivision to the west. The proposed Subdivision will be connected to the downtown core at Main Street North via the David Street extension.

### **Evolution of the Subject Proposal**

#### ***Municipal Comprehensive Review Project***

On January 14, 2020, the County officially initiated its Municipal Comprehensive Review (MCR) of the Haldimand County Official Plan (OP) via report PDD-01-2020 Haldimand County Official Plan Update Work Program which was identified to be addressed in two phases. Phase 1 of the MCR project sought to plan for forecasted growth for the County to 2051 in conformity with Provincial policies via urban boundary expansions and contractions to "right size" the six (6) urban areas in the County. On November 26, 2021, the Ministry of Municipal Affairs and Housing (MMAH) approved Phase 1 (the County's Growth Strategy) of 2 of the County's MCR project.

The subject lands were assessed as part of Phase 1 of the MCR. Through approval of Phase 1 of the MCR (Attachment 2) the following amendments were approved:

- Part 2 of the subject lands were designated from 'Agriculture' to 'Residential' and site specific policy HCOP-62 was applied (these lands were already located in the urban boundary);
- Part 3 of the subject lands were brought into the urban boundary and designated from 'Agriculture' to 'Residential' and site specific policy HCOP-62 was applied; and

- Part 4 of the subject lands were designated as 'Excess Lands', prohibiting development to the horizon of A Place to Grow and the Official Plan (2051) (these lands were and continue to be located inside the urban boundary).

The purpose of the amendments for Parts 2, 3, and 4 was to prohibit development on Part 4 of the subject lands to 2051, which is encumbered by impacts from the mineral aggregate extraction activities to the north, and to move development potential from Part 4 to Part 3 of the subject lands by extending the urban boundary east to the western edge of the high voltage transmission corridor. Part 2 and Part 3 of the subject lands were re-designated to 'Residential' and site specific policy HCOP-62 was applied. HCOP-62 prohibits development within 300 metres of the blasting limit of the adjacent Lafarge Quarry until specific conditions are met. More specifically, HCOP-62 states:

The residential development of lands in the area having reference to this site specific provision may be impacted by blasting operations of the quarry located on adjacent lands. Residential development of the lands will not be permitted within 300 metres from the quarry blasting limit. Land within the 300 metres of the blasting limit will be subject to a Holding provision in the Zoning By-law. The Holding provision may be removed subject to one of the following conditions being met:

- a) The quarry operator ceases operations entirely and surrenders its Licence on the adjacent lands;
- b) The Licence is amended such that, blasting and quarrying operations no longer occur within 300 metres from the lands, and to be removed from the Holding provision; or
- c) The quarry operator agrees to operational modifications, in compliance with MECP guidelines, to sufficiently mitigate impacts to sensitive uses on the lands to be removed from the Holding provision.

With approval of Phase 1 of the MCR now in place, the portion of the subject lands proposed to be developed (Attachment 3) are now fully within the Hagersville urban boundary, designated for residential development, and approximately 300 metres from the blasting limit such that the subject applications can be considered for approval. A portion of the subject lands north of Part 3 and east of Part 4 remain outside the urban boundary and are not contemplated for development.

### ***Pre-Consultation Meeting and Application Submission***

Armstrong Planning and Project Management (the agent) on behalf of Gardens Communities (Hagersville) Inc. (Empire Communities) submitted a pre-consultation meeting application and undertook the process on August 5, 2020 to present the development project and obtain feedback, submission requirements, fees, and the process.

The agent submitted the subject Zoning By-law Amendment and Draft Plan of Subdivision applications on December 15, 2020. The agent has submitted three (3) subsequent submissions following the first submission to address staff and partner agency items and comments. The current (fourth) draft plan is included with this report as Attachment 3. Significant revisions to the draft plans throughout the application review process include:

1. Inclusion and retention of the significant woodlands within the Draft Plan.
2. Removal of a second phase (Phase 2) from the Draft Plan of Subdivision application that was proposed within 300 metres of Lafarge's quarry extraction limit subject to a Holding (H) provision.
3. Amendment to the location of Street C southward to set most of the lots a minimum of 300 metres of the licensed extraction limit and inclusion of a Holding (H) provision in the zoning for the few lots within 300 metres of the licensed extraction limit in Phase 1 (to be discussed in the PPS Section below).

To support the subject applications, the proponent's team submitted a number of reports to justify the proposed development and technical studies and plans to demonstrate suitability of the subdivision. A list of application materials is included in Attachment 4.

### **Subject Application/Development Proposal**

The development is proposed to consist of approximately 25 hectares (62 acres) of the 47 hectares (116 acres) of the subject lands (Attachment 3). The Draft Plan of Subdivision is proposed in a lotless block form, which is a typical approach for the proponent and utilized in other developments in the County including the first phase of the Livingston Subdivision to the west and various Caledonia subdivisions (Avalon, Gateway, and GP). If approved, the actual width and size of lots would be identified during the detailed design stage following draft plan approval and would be based on a range of lot sizes, market demand, and on-street parking opportunities. The Subdivision is proposed to accommodate a maximum of 351 detached residential units, 107 townhouse units, one stormwater management pond bisected by the David Street extension into two cells (blocks), a pumping station block, and a woodlot. The streets, stormwater management blocks, pumping station, and woodlot would be conveyed to the County. The lands proposed to be developed are located approximately 300 metres from Lafarge's extraction limit (further discussed in the PPS Section below). The remaining lands are within 300 metres of the blasting limit and are not proposed for development at this time. The lands would be retained by the proponent for future development opportunities, based on quarry operation.

The proposed Subdivision would connect into David Street in the proponent's Livingston Subdivision (currently under construction) to the west. Within the proposed Subdivision, the David Street extension is proposed to run east-west parallel to King Street East until it turns north-south on the west portion of the subject lands to outlet onto Haldimand Road 20. The other two access/egress points to the proposed Subdivision include David Street to Main Street North and David Street to Athens Street/King Street East in the Livingston Subdivision. The David Street extension would act as the main street that the other streets connect into to distribute traffic to the individual lots. The local streets are proposed to follow a grid pattern, with the exception of Street T which is proposed to terminate in a cul-de-sac. An emergency access is proposed to provide access around the north portion of the woodlot to connect Street T to Streets C and J. The proposed Subdivision would abut the high voltage transmission corridor to the east, which would act as a physical and logical barrier to the Subdivision.

A trail system (Attachment 5) is proposed to be constructed to provide open space and active transportation opportunities. The trail system would serve both the Livingston and Smith Farm Subdivisions as well as the community, and is planned to connect into Grant Kett Park and the arena to the west. The trail system would predominately be located on the proponent's lands between the Subdivisions and the Lafarge Quarry; details, ownership, and maintenance of the trail system would be arranged and formalized as a condition of draft plan approval.

### **The Process**

The purpose of the subject report is as follows:

1. Advise Council of the details relating to the subject applications (as described above);
2. Provide a summary of key planning and development issues; and
3. To hold the statutory meeting to provide an opportunity for the public to identify issues and to provide comments relative to the subject applications prior to a decision being made.

This is a standard approach implemented by the County for applications that are identified as complex and/or those that would have a significant public interest component. This approach allows for the formal public meeting to be held and public input to be received and considered in advance of a decision being made. In this circumstance, there is a need to fully understand and manage the issues relating to a new subdivision in this location. This process will ensure that Council has full and complete information available and public comments are addressed prior to a decision being made.

Public notice of this proposal was provided via a notice of complete application on April 16, 2021 and a notice of public meeting on January 19, 2022. The agent held a virtual neighbourhood open house meeting on Monday, December 20, 2021. Details relating to the neighbourhood meeting circulation and open house are included in the Stakeholder Impacts Section below. No negative comments were received via the proponent's virtual neighbourhood open house. Planning staff have received comments from Lafarge; Lafarge's comments are included in the Provincial Policy Statement section and have been addressed with inputs from the Province.

## ANALYSIS:

The proposal involves two types of planning applications:

1. A Zoning By-law Amendment application intended to address key principle of use matters; and
2. A Draft Plan of Subdivision application which is more technical in nature and relates to the actual layout, servicing, and property division matters.

The subject proposal does not require a policy decision to be made in terms of amending the Official Plan, as this has been completed through Phase 1 of the County's MCR project.

### Planning Act

The *Planning Act* (Act) is provincial legislation that sets out the ground rules for land use planning in Ontario. Under Section 51 (24) of the *Planning Act*, the Act sets out a list of criteria that an approval authority must have regard to when assessing the merits of a plan of Subdivision application. Planning staff have reviewed these criteria against the proposed Subdivision and staff's comments with respect to each item are the following:

**Table 1: Subdivision Criteria**

CRITERIA	COMMENTS
(a) the effect of development of the proposed Subdivision on matters of provincial interest as referred to in section 2	The proposed Subdivision conforms to Provincial interests. Fulsome analysis is provided in the Provincial Policy Statement section below.
(b) Whether the proposed Subdivision is premature or in the public interest	The proposed Subdivision would complete the planned development in this portion of the urban boundary of Hagersville, satisfies density target requirements, and is considered feasible from a servicing perspective. Public interest includes providing housing in a timely manner and protecting the Lafarge quarry and future residents, which will be accomplished. The proposed Subdivision conforms to these criteria.
(c) Whether the plan conforms to the official plan and adjacent plans of Subdivision, if any	The subject lands are located within the urban boundary of Hagersville, are designated 'Residential', and are subject to special policy HCOP-62 which provides quarry setback requirements. The proposed Subdivision will connect into the adjacent Livingston Subdivision and will terminate at the urban boundary/Hydro One Networks Inc.'s high voltage transmission corridor. The proposed Subdivision conforms to the official plan and adjacent plan of Subdivision.

(d) the suitability of the land for the purposes for which it is to be subdivided	The subject lands are designated and planned for residential development.
(d.1) if any affordable housing units are being proposed, the suitability of the proposed units for affordable housing	The proposed Subdivision is not planned to include affordable housing units.
(e) the number, width, location and proposed grades and elevations of highways, and the adequacy of them, and the highways linking the highways in the proposed Subdivision with the established highway system in the vicinity and the adequacy of them	The proposed Subdivision will include an extension of David Street from the Livingston Subdivision to King Street East. A number of local streets will connect into David Street to provide access/egress to the proposed residential blocks. The proposed number, width, and location of the streets are acceptable. The grades and elevations will be determined during the detailed design stage.
(f) the dimensions and shapes of the proposed lots	The dimensions and shapes of the lots are acceptable. They are the same as other recently approved greenfield subdivisions in the County, including the Avalon and Livingston Subdivisions.
(g) the restrictions or proposed restrictions, if any, on the land proposed to be subdivided or the buildings and structures proposed to be erected on it and the restrictions, if any, on adjoining land	The proposed zoning provides adequate regulations. The retained lands within 300 metres of the Lafarge Quarry would be subject to a special zone provision to prevent development on these lands until Lafarge ceases its operation and surrenders its licence or the impacts of the Lafarge Quarry are mitigated. For the subdivision lands, the few lots within 300 metres of the blasting limit would be subject to a holding provision.
(h) conservation of natural resources	The existing woodlot (Block 53) would be preserved with a 15 metre (50 foot) buffer and conveyed to the County for long term protection.
(i) the adequacy of utilities and municipal services	The proposed internal road allowances would be conveyed to the County. The provision of utilities and installation of infrastructure would be approved as a condition of draft plan approval and included within the Subdivision agreement.
(j) the adequacy of school sites	All school boards operating in the County were circulated to review the proposal in connection with school capacities. No objections were received concerning the adequacy of school sites.
(k) the area of land, if any, within the proposed Subdivision that, exclusive of highways, is to be conveyed or dedicated for public purposes	Staff have no concerns with receiving the woodlot (Block 53), the stormwater pond (Blocks 51 and 52), pumping station (Block 50), and other small blocks for buffering and drainage. The application is still under review and staff are reviewing the appropriateness of Street T and its emergency

	access route (Block 54). The construction, ownership, and maintenance of the proposed trail network would be arranged as a condition draft plan approval and downloaded into the Subdivision agreement.
(l) the extent to which the plan's design optimizes the available supply, means of supplying, efficient use and conservation of energy	The proposed Subdivision satisfies the greenfield density targets and provides opportunities for active transportation.
(m) the interrelationship between the design of the proposed plan of Subdivision and site plan control matters relating to any development on the land, if the land is also within a site plan control area designated under subsection 41(2) of this Act	Site plan control will not apply to the proposed Subdivision.

The proposed Subdivision conforms to the *Planning Act* criteria.

## Provincial Policy

### ***Provincial Policy Statement (PPS), 2020***

The Provincial Policy Statement (PPS), 2020 provides overall policy direction on matters of provincial interest related to land use planning and development in Ontario. The PPS sets the policy foundation for regulating the development and use of land. The *Planning Act* requires all decisions affecting planning matters to be consistent with the PPS policies.

#### *i. Subject Proposal in Relation to Building Strong Communities*

The PPS requires settlement areas to be the focus of growth and development, promotes efficient use of infrastructure and compact form, and provides high level criteria for creating healthy, liveable and safe communities. This includes avoiding development and land use patterns which may cause environmental or public health concerns. The subject lands are located within the settlement boundary of Hagersville and on lands designated for residential use where development is planned and directed. The proposed development satisfies the minimum greenfield density targets thereby efficiently using existing and proposed infrastructure. The proposed development consists of a mix of single detached dwellings (up to 351) and townhouse units (up to 107). Secondary dwelling units are permitted in the proposed single detached dwellings provided the secondary suite zone provisions for parking (1 additional off-street parking space provided) and side yard access (1 metre) are satisfied as well as applicable Provincial building and fire codes. If approved, Planning staff encourage the proponent to plan the future lots and single detached dwellings for future inclusion of secondary suites to support housing choice, diversity, and affordability. The proposed development shares the park in the Livingston Subdivision. The proponent is proposing to construct a trail system (Attachment 5) for the Smith Farms Subdivision, Livingston Subdivision, and community. The proposed development provides opportunities for active transportation via direct connection to the downtown (1 kilometre), sidewalks, and the proposed trail system, which is planned to connect into Grant Kett Park, Hagersville Arena and a planned community centre, and new library. The proposed development is located approximately 300 metres from the adjacent, quarry blasting limit in accordance with recent Provincial approval.

#### *ii. Subject Proposal in Relation to Adjacent Lafarge Quarry*

The PPS requires major facilities (including resource extraction activities) and sensitive land uses (including residences) to be planned to avoid, or if avoidance is not possible, minimize and mitigate 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 PPS further requires mineral aggregate resources to be protected for long-term use. As much of the mineral aggregate resources as is realistically possible shall be made available as close to markets as possible. Mineral mining operations are to be identified and protected from development and activities that would preclude or hinder their expansion or continued use or which would be incompatible for reasons of public health, public safety or environmental impact.

Mineral aggregate resource protection is required because these resources are non-renewable, used in many forms of construction, and contribute to the provincial economy. Operations must be located where the resources exist in sufficient quantity and quality to meet demand. Protection of operations and resources close to markets reduces scarcity, transportation costs, deterioration of roads, and environmental and social costs. Protecting mineral aggregate resources and operations is in the public interest.

With the above as background, a key aspect of the review has been the compatibility of the subdivision with the adjacent Lafarge Quarry. A key layer to that assessment is the Province's recent approval of Phase 1 of the County's Municipal Comprehensive Review (MCR) project, which permits residential development on the subject lands 300 metres from the adjacent quarry blasting limit. Empire submitted two reports (Attachment 6) with the subject applications to set the starting point of the 300 metre setback and to demonstrate compatibility between the existing Quarry and proposed residential units. The setback started within the Lafarge Quarry property and was based on subtracting rehabilitated areas along the southern property line of the Lafarge Quarry from the setback on their property (Attachment 10). Lafarge provided three letters in response to the subject applications (Attachments 7, 8, and 9). Lafarge raised several concerns, principle among them being the starting point of the 300 metre setback (which it believes should be the property line, not a point within the Quarry) and the number dwellings that would be within its definition of appropriate setback. Following the most recent letter (Attachment 9), County Planning staff met with the Province to discuss the starting point of the 300 metre setback. The Province stated that the 300 metre setback could be measured from the licensed limit of extraction, which is 15 – 30 metres within the Quarry property line (Attachment 11), and should not include rehabilitated areas as quarrying activities were still licensed to take place in these areas. This recommendation from the Province has the effect of placing the setback origin somewhere in between the Empire and Lafarge proposals. In response, Empire has modified its plan and moved the proposed subdivision south, contracting some of the development blocks in the process and reducing the overall number of units. Also, the agent is requesting that the development of Blocks 1, 2, and 6, be permitted within the 300 metre extraction limit because they are in line with the 300 metre limit previously set through the Livingston subdivision, which has a long history of approvals and is not the subject of this report.

It has also proposed subjecting a few blocks to a holding provision in line with HCOP-62 in order to ensure consistency with the PPS (i.e. Blocks 45, 46, 47, 48, 58, and 59 in Attachment 3). The southern shift and use a Holding (H) provision are not dramatic due to errors in Lafarge's property mapping, which have been verified by the proponent's surveyor and reviewed by staff. In sum, Empire's plan has been revised to align with the direction from the Province such that the residential development proposed is setback the necessary distance from the quarry blasting limit.

To support the proposed development, the agent submitted a Land Use Impact Assessment report prepared by IBI Group on November 18, 2018 (IBI report). The IBI report was informed by a Blasting Compatibility Analysis prepared by Explortech Engineering Inc. on April 30, 2018 and August 27, 2018 (Explortech report), and a Noise-Vibration Report prepared by RWDI on April 30, 2018 and November 14, 2018 (RWDI report). The purpose of the IBI report was to assist with a review of potential land use impacts (i.e. blasting, vibration, acoustics/noise, air quality, and dust) from the abutting Lafarge Quarry, and to determine if developing the Livingston and the Smith Farms lands would be consistent with the



policies of the PPS. The IBI report concluded based on expert assessment that development of the subject lands beyond 300 metres from quarry operations can occur and be consistent with PPS policy.

Altogether, it is Planning staff's opinion:

1. A peer review of the technical studies is not required. The Province approved an urban boundary expansion and residential development up to 300 metres from the Quarry blasting limit (extraction limit) through Phase 1 of the County's MCR project. There is also existing and approved development (Livingston Subdivision) adjacent to the Quarry. The interpretation of the setback starting point has been resolved via discussion with the Province and is the limit of extraction. The proponent has submitted additional expert studies to demonstrate compatibility.
2. The Province (including MMAH, MECP, and MNDMNRF) have been directly consulted on these applications and are in support of the 300 metre setback starting distance being the extraction limit.
3. The retained lands closest to the subdivision will be zoned to prohibit residential development and any development on these lands will be subject to future *Planning Act* applications.
4. Planning staff are supportive of the revised draft plan (Attachment 3) and revised zoning request subject to Blocks 45 and 47 also being subject to the holding provision to prohibit development in line with HCOP-62.

If the proposed Subdivision is approved, Planning staff would be drafting the list of conditions and would be including the requirement for a warning clause to be included in the Subdivision agreement and offers of purchase and sale notifying residents of the adjacent Lafarge Quarry and of the potential impacts.

iii. *Subject Proposal in Relation Parkland and Trails*

To support healthy, active communities, the PPS promotes planning and providing for a full range and equitable distribution of publicly-accessible built and natural settings for recreation, including parklands and trails and linkages. As stated above, the proposed development would share the park in the Livingston Subdivision and the proponent is proposing to construct a trail system for the community (Attachment 5).

iv. *Subject Proposal in Relation to Infrastructure*

The PPS states that municipal sewage services and municipal water services are the preferred form of servicing for settlement areas to support protection of the environment and minimize potential risks to human health and safety. Further, planning authorities may only allow lot creation (subdivision) if there is confirmation of sufficient reserve sewage system capacity and reserve water system capacity within municipal sewage services and municipal water services. Discussion relating to water and wastewater will be provided in Haldimand County Official Plan section below. Staff are satisfied that the proposed infrastructure is appropriate and servicing capacity of 750 m<sup>3</sup>/day of wastewater and 625 m<sup>3</sup>/day of water has been allocated to the proposed Subdivision to December 31, 2024. Prior to expiration, the proponent will have the opportunity to request an extension, if required.

The PPS also provides direction on stormwater management. Haldimand County and the Long Point Region Conservation Authority (LPRCA) have reviewed the preliminary stormwater management plan for the proposed development and are satisfied. An overview of the stormwater management plan will be provided in the Haldimand County Official Plan section.

v. *Subject Proposal in Relation to Natural Heritage*

The PPS requires natural features and areas to be protected for the long term. The PPS further prohibits development and site alteration in significant woodlands unless it has been demonstrated that there will be no negative impacts on the natural features or their ecological functions. The PPS also prohibits development and site alteration in habitat of endangered species and threatened species, except in

accordance with provincial and federal requirements. The Environmental Impact Study (EIS) submitted with the subject applications identified that the western woodland on the subject lands (Block 53) is significant. As such, the woodland would be maintained in its entirety with a 15 metre (161 feet) buffer and would be conveyed to the County as a condition of draft plan approval for protection for the long term. The EIS also identified that the subject lands are a habitat for barn swallows, which are listed as a Species of Conservation Concern. To protect the woodland and barn swallows, the following additional draft plan conditions would be required: finalization of stormwater management strategy and details; preparation of detailed enhancement planting plans; installation of permanent fencing at the woodland setback; installation of signage at the woodland setback; *Endangered Species Act* (ESA) registration for barn swallows; installation of barn swallow nesting kiosks and bat boxes; distribution of Homeowner Stewardship Brochure; implementation of Best Management Practices (BMPs) during construction; and finalization and implementation of biological monitoring program.

vi. *Subject Proposal in Relation to Cultural Heritage and Archaeology*

The PPS prohibits development and site alteration on lands containing archaeological resources or areas of archaeological potential unless significant archaeological resources have been conserved. The agent submitted a Stage 1 Archaeological Assessment with the subject applications which recommends that a Stage 2 Archaeological Assessment (pedestrian and test pit) survey be undertaken prior to any land disturbing activities. Archaeological clearance would be required as a condition of draft plan approval; Pre-servicing and/or registration of the proposed Subdivision would not be permitted until the Ministry of Heritage, Sport, Tourism and Culture Industries (MHSTCI) approves archaeological clearance of the site. The proponent has engaged Six Nations and Mississaugas of the Credit First Nations and archaeological works are underway.

***A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2020***

A Place to Grow establishes a unique land use planning framework for the Greater Golden Horseshoe to 2051 that supports the achievement of complete communities, a thriving economy, a clean and healthy environment, and social equity in the face of the magnitude and pace of forecasted growth and changes expected in the Region. A Place to Grow speaks to issues relating to economic prosperity, which include transportation, infrastructure planning, land use planning, urban form, housing, natural heritage and resource protection. The *Place to Grow Act* requires all planning decisions to conform with A Place to Grow. With respect to individual *Planning Act* applications, A Place to Grow echoes the policies of the PPS. As such, it is Planning staff's opinion that the proposed development conforms to A Place to Grow.

**County Policy**

***Haldimand County Official Plan***

The Haldimand County Official Plan (OP) creates the framework for guiding land use changes in the County over the long-term. The OP provides the avenue through which Provincial Policy is implemented into the local context, protects and manages the natural environment, directs and influences growth patterns, and facilitates the vision of the County as expressed through its residents. The *Planning Act* requires the subject applications to conform to the OP policies.

The OP was adopted by County Council in 2006 and approved by the Province in 2009. On November 26, 2021, the Province approved Phase 1 of the County's Municipal Comprehensive Review (MCR) (Official Plan update) to implement the County's growth strategy to 2051. The approval of Phase 1 of the MCR, sets the land use planning framework to permit residential development on the subject lands and 300 metres from the Lafarge Quarry's blasting limit. Phase 2 of the MCR, which seeks to update all other OP policies, is ongoing. As such, the remainder of the OP policies continue to be in effect.

### *i. Designation*

Most of the subjects' lands (with the exception of lands north of Part 3 and east of Part 4 in Attachment 2) are within in the settlement area of Hagersville and are identified as greenfield (unbuilt) area. The subject lands are predominately designated 'Residential' and are subject to special policy HCOP-62. HCOP-62 states:

The residential development of lands in the area having reference to this site specific provision may be impacted by blasting operations of the quarry located on adjacent lands. Residential development of the lands will not be permitted within 300 metres from the quarry blasting limit. Land within the 300 metres of the blasting limit will be subject to a Holding provision in the Zoning By-law. The Holding provision may be removed subject to one of the following conditions being met:

- a) The quarry operator ceases operations entirely and surrenders its Licence on the adjacent lands;
- b) The Licence is amended such that blasting and quarrying operations no longer occur within 300 metres from the lands to be removed from the Holding provision; or
- c) The quarry operator agrees to operational modifications, in compliance with MECP guidelines, to sufficiently mitigate impacts to sensitive uses on the lands to be removed from the Holding provision.

A portion of the retained lands closest to the adjacent Lafarge Quarry (Part 4 in Attachment 2) are designated 'Excess Lands' and are prohibited from being developed to 2051 via Provincial policy, as they have been deemed unnecessary to accommodate forecasted growth. The retained lands within 300 metres of the Lafarge Quarry blasting limit are not contemplated for development at this time.

### *ii. Residential Policies*

The OP states that the residentially designated areas within each of Haldimand County's urban communities are expected 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. It is Planning staff's opinion that the subject applications conform to these policies. More specifically, the subdivision layout is considered functional, and the proponent would be required to provide elevation plans as a condition of draft plan approval to ensure the proposed dwellings are attractive and to prevent the same form and façade side-by-side or in a row in the subdivision. Empire has built other attractive developments in the County, including the Livingston and Avalon subdivisions and the same conditions were required prior to construction.

Further, the OP states that in greenfield areas, low density (single detached houses) shall be provided at 15 to 20 units per gross residential hectare and medium density development (townhouses) shall be provided at 35 to 40 units per gross residential hectare. The proposed Subdivision would consist predominately of single detached houses (75%) and would have a maximum density of 23 units per hectares. The OP (updated through Phase 1 of the MCR project) also requires the County to target an average density of 40 persons and jobs per hectare of new residential applications. The maximum persons per hectare will be 60.52. Given that the proposed development would be approved in lotless block form and the number and size of lots would be determined following draft plan approval, a condition requiring that the minimum density targets be achieved would be included as part of draft plan approval.

The OP also contains development criteria for medium (townhouses) and high density development. The townhouses are proposed to make up 25% of the housing stock in the proposed subdivision. The townhouses are proposed to front along David Street, internal to the subdivision, and would provide

endcaps to the residential blocks. It is Planning staff's opinion that incorporating townhouses in this manner is desirable and appropriate.

### *iii. Functional Servicing*

The OP states that new development and redevelopment in the Urban Areas shall generally proceed where the development is fully serviced by municipal water, sanitary sewers, adequate drainage and stormwater management facilities. Each component is discussed below:

#### Water

The water distribution system would be supplied from a proposed watermain extension of the existing watermain on King Street East and existing watermain at the David Street and Athens Street intersection in the existing Livingston Subdivision. A network of watermain's would generally follow the road network in order to provide a looped system to all areas of the proposed development. Based on preliminary water modelling results, appropriate fire pressure/fire flow is expected to be provided to the proposed development.

#### Wastewater

An external sanitary analysis has determined that the existing sanitary network adjacent to the site is not deep enough to connect via gravity sewer and that there may be capacity concerns within the existing gravity system to accommodate the proposed development. The proponent's team is proposing that the flows from the Subdivision be conveyed to a new sanitary pump station in dedicated Block 50. All flows from the site would be directed toward the pump station, including provisions for a portion of future development to the south (Hunter Estates and Savage Star). Flows would be pumped via forcemain along King Street East to one of two potential connection points and ultimately to the Parkview Road Pump Station (PRPS). An extension to the forcemain directly to the PRPS would be required as the municipal sanitary network on King Street East that drains to the PRPS does not extend along the entire frontage of development. Approval of detailed engineering plans and meetings with Engineering staff would be required as part of the Subdivision process.

#### Stormwater

Proposed stormwater management includes one stormwater management (SWM) wet facility (Blocks 51 and 52 in Attachment 3) which is bisected by the proposed David Street extension. An equalizer culvert is proposed to connect the north (Block 52) and south (Block 51) cells. Major and minor system drainage from the majority of the proposed Subdivision would be directed to this SWM facility for quality, erosion and/or quantity control, with the exception of a few areas which would drain naturally or via proposed drainage swales. The SWM facility would contain a permanent pool and would include areas for access and maintenance. The SWM facility has been designed to address all stormwater related impacts from the proposed development and to satisfy the intent of the Haldimand County Design Criteria and Town of Hagersville Master Servicing Plan. The pre-to post development run-off to the woodlands would be maintained.

### *iv. Traffic*

The OP states that traffic studies may be required as part of any proposal for development where it is determined that the development may have an impact on the road network. Only those development proposals that can be accommodated within the existing roads system will be permitted. Where improvements to the road network are necessary to accommodate development, the County will require that developers improve the system at their own expense or make financial contributions to the improvements.

The agent submitted a Traffic Impact study (TIS) as part of the complete application package. The TIS finds that access to the Subdivision would primarily be provided by the planned extension of David Street (eastwardly with a connection to King Street) which connects to Main Street North. The TIS

states that the intersection capacity analysis results indicate that the study intersections are expected to operate with sufficient capacity and good level of service and therefore with no mitigation is required. No roadway improvements were identified or triggered by the proposed Subdivision. The planned David Street extension would maintain sufficient sight distance. The TIS concludes that intersection capacity analysis results indicate that the study intersections are expected to operate with sufficient capacity and therefore, no mitigation required. No roadway improvements were identified or triggered by the proposed subdivision. Dedicated left turn lands are not required at the intersection of King Street and Parkview Road, and King Street and Future David Street Extension, from a traffic operation and capacity perspectives. The TIS is currently being reviewed by staff, with the intention being to confirm that the conclusions of the TIS are correct and acceptable.

v. *Preliminary Trails Plan*

The OP states that walking and cycling are recognized as alternative modes of transportation that can play a valuable and positive role in improving mobility and the quality of life as part of a balanced transportation system. New development shall be planned considering all forms of travel and be supportive of safe pedestrian and vehicular movement. Where new residential development is within reasonable walking distance to recreational facilities direct connections should be provided to such areas through a suitable form. The County may utilize the measures available through the *Planning Act* to obtain additional lands for park or other recreational purposes, including trail development, as a condition of approval of a plan of Subdivision.

Attachment 5, illustrates the recreational land for the Livingston and Smith Farms subdivisions. The subdivisions would share a park block that doubles as a dry stormwater management pond in the Livingston Subdivision. The proponent is to construct a trail system that would connect the eastern portion of the Smith Farms subdivision to the Livingston Park and subdivision to Grant Kett Park and the Hagersville Arena. The proposed trail plan would provide space for future development to the north of both subdivisions, when appropriate. The proposed trail system would positively contribute to the recreational system in Hagersville. A detailed trail plan would be required as a condition of draft plan approval. The proponent would be required to fund and construct the trail system as a condition of draft plan approval. The County would hold securities for 100% of the cost of the trail construction to ensure that the trail system is constructed or that the County has the available funds to construct the trail system in the event the proponent fails to do so.

In addition to the proposed trail, the subdivision will also include sidewalks to provide pedestrian accessibility and walkability within the development and connections to local amenities and services.

vi. *Land Use Compatibility*

Similar to the PPS, the OP recognizes that mineral aggregate deposits are non-renewable resources and are an important component of the County's economy which must be protected for future use. The County recognizes all existing pits and quarries and new licensed pits and quarries as legal uses, and will endeavour through the policies of the OP to ensure their continued viability and use for extractive purposes in accordance with licence requirements established under the *Aggregate Resources Act*.

The OP further states that the County recognizes the potential for incompatibility of certain types of development within or near mineral aggregate resource areas. Appropriate land use separations should be applied to new sensitive land uses proximate to an existing aggregate extraction operation or identified resource area. New residential and institutional development within 500 metres of existing operations or resource areas shall be assessed on a case by case basis and appropriate development setbacks shall be established in consultation with the appropriate agencies based on studies carried out in support of the application for land use approvals. Discussion was provided in the PPS section above.

Further, the proposed Subdivision connects into the Livingston Subdivision to the west. The connection is considered functional and the form and densities would be the same; on the ground, the Subdivisions would function and appear to be one subdivision or development.

The proposed Subdivision abuts the Hydro One high voltage transmission corridor to the east. The corridor acts as a logical barrier to the Hagersville settlement area boundary. Approval from Hydro One will be required as a condition of draft plan approval to ensure the corridor is protected. Conditions would relate to grading and drainage adjacent to the corridor, agreements, and construction requirements.

The proposed Subdivision abuts Haldimand Road 20/King Street East to the south. Across the road is a linear row of low density housing. Low density residential development adjacent to low density residential use is considered compatible.

*vii. Lot Creation*

The OP states that the Subdivision 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 and applicable Secondary Plans 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 the OP;
- b) Adequate servicing such as water supply, sewage disposal facilities, stormwater drainage, solid waste collection and disposal, roads, and emergency services can be provided;
- c) The County is able to provide necessary services without imposing undue tax increases in taxation on all residents, and
- d) The Plan of Subdivision is not deemed premature, and is considered necessary in the public interest.

Subject to finalizing staff review of the current fourth submission, the subject applications conform to the lot creation policies and the rest of the OP.

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

The purpose of the Haldimand County Zoning By-law HC 1-2020 is to control the use of land within the County by stating exactly how land may be used, where buildings and other structures can be located, the types of buildings that are permitted and how they may be used, and the lot sizes and dimensions, parking requirements, building heights and setback from the street. The Zoning By-law implements the Official Plan and is legally enforceable.

The subject lands are currently zoned 'Agriculture (A)' Zone. See Attachment 13; the agent is requesting to rezone the subject lands to permit the Subdivision as follows:

- Part 1 is proposed to be rezoned to 'Urban Residential Type 1-B (R1-B)' with a special provision to permit semi-detached dwellings in addition to single detached dwellings, minimum lot area, lot frontage, yards, landscaping, encroachments, etc. Part 1 includes all of the single detached dwelling blocks.
- Part 2 is to be rezoned to 'Urban Residential Type 4 (R4)' with a special provision for the same items. Part 2 includes all of the townhouse blocks.
- Part 3 is proposed to be rezoned the same as Part 1, with a Holding (H) provision in line with HCOP-62.
- Part 4 is proposed to be rezone the same as Part 2, with a Holding (H) provision in line with HCOP-62.
- Part 5 is to be rezoned to 'Open Space (OS)' Zone. Part 5 includes the woodlot (Block 53) and stormwater management pond (Block 52 and 53).

The agent is also requesting that the special provision permit the setbacks for a corner lot to be measured as if the sight triangle at the corner does not exist. With the exception of the sight triangle request, the proposed special provisions are the same as the approved Avalon and Livingston Subdivision zone provisions. The agent prepared a zoning comparison table which is included with this report as Attachment 14. These exact same provisions (with the exception of the site specific holding provision) have been reviewed for approved, large scale plans of subdivision in the County including Avalon and Caledonia Gateway, and are considered appropriate from an urban design, subdivision layout, and technical perspective in the context of the subject applications.

In addition to the agent's request, if approved, Planning staff recommend that Blocks 45 and 47 be subject to the holding provision to prohibit development in line with HCOP-62 as shown in Attachment 13.

Planning staff also recommends that Part 5 include a special provision to permit only a park, pumping station, emergency access, stormwater management pond, woodlot management, and multi-use recreational trail and recreation space to ensure the permitted uses are compatible with the proposed Subdivision.

Parts 1 to 5 make up the lands that are proposed to be subdivided via the draft plan. Parts 6 and 7 are not proposed to be subdivided at this time due to their proximity to the Lafarge Quarry. The proponent plans to retain Parts 6 and 7 for future Subdivision planning, when appropriate, on a portion of these lands. If approved, Planning staff recommend that Part 6 be rezoned to the 'Future Development (D)' Zone together with a special provision that permits trail development, emergency access, and implements HCOP-62 with some modifications:

Residential development will only be permitted on lands within 300 metres of the quarry blasting limit subject a Zoning By-law Amendment application and subject to one of the following conditions being met:

- a) The quarry operator ceases operations entirely and surrenders its Licence on the adjacent lands;
- b) The Licence is amended such that blasting and quarrying operations no longer occur within 300 metres from the lands to be rezoned; or
- c) The quarry operator agrees to operational modifications, in compliance with MECP guidelines, to sufficiently mitigate impacts to sensitive uses on the lands to be rezoned.

While HCOP-62 intended to place a Holding (H) provision on Part 6, since a future Zoning By-law Amendment application will be required to rezone these lands for residential development, Planning staff recommend that HCOP-62 be engrained in the zoning of the subject lands rather than included as a H provision.

Part 7 of the subject lands were re-designated through Phase 1 of the MCR project to 'Excess Lands'. This designation permits lands to remain in the urban boundary while prohibiting their development to the horizon of A Place to Grow and the Official Plan (2051). To align the zoning with Official Plan designation, Planning staff recommend that, if approved, Part 7 be rezoned to the 'Future Development (D)' Zone together with a special provision that permits trail development, implements HCOP-62 as described above, and prohibits development on the lands until the 'Excess Lands' designation in the Official Plan is removed.

The portion of lands located outside of the urban boundary are to remain in the 'Agriculture (A)' Zone.

A draft Zoning By-law has been included as Attachment 15 for Council and public review. Planning staff do not recommend that the Zoning By-law be passed at this time. If/once the draft plan of subdivision application is approved, a Zoning By-law will be forwarded to Council for passage.

Overall, it is Planning staff's opinion that the subject applications are consistent and conform with the *Planning Act*, Provincial Policy Statement (2020), A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2020), and Haldimand County Official Plan.

### **Next Steps**

Technical staff are in the process of reviewing the current, fourth submission of the subject applications. Based on review of the previous submissions, the development is generally functional. Any changes to the Draft Plan from a functional perspective are anticipated to be localized around Street T, where a cul-de-sac has been introduced over the submissions.

If no further significant comments are raised by Council or the public and once technical staff review is complete, draft plan conditions will be produced and provided to the General Manager of Community and Development Services for approval. If approved, notice will be provided to Council, all required parties under the *Planning Act*, and those requesting a copy of the notice through the public meeting process. The Zoning By-law will also be forwarded to Council for passage.

The Holding (H) provision will remain in place on the subject lands until the conditions are met (i.e. HCOP-62 is satisfied for the few lots within 300 metres of the Quarry). An H removal by-law has been included with this report as Attachment 16, to authorize the General Manager of Community and Development Services the ability to remove the holding provision to allow for development to proceed when the conditions are met.

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. Registration of the subdivision can take place only when all draft plan conditions are fully met.

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

The proposed pumping station (Block 50) has been sized to accommodate the proposed Subdivision and future development to the south of the subject lands and within the Hagersville urban boundary to negate the need for an additional, separate pumping station which would create additional maintenance and operation costs. Through the Planning Justification Report (PJR), the agent has been made aware that the proponent will be required to front ending the cost of the pumping station, and that the County will require all benefiting owners to enter into a cost sharing agreement with future developments south of the subject site. The requirements for 'best efforts' clauses in future subdivision agreements, will be assessed as part of this and considered as a mechanism to ensure future contributions are made by other developers. As this is the first instance under the County's policy to enact such an agreement, the proponent's team will need to work with Finance staff regarding with respect to this expectation.

Further, the proposed trail system would predominately be located on "Other Lands Owned by the Developer" (Attachment 5). The OP states that where necessary, public access trails may need to be established on lands not under the control or ownership of the County, and in these situations the County should consider long term access agreements and maintenance policies relating to the private lands. An agreement would be required as a condition of draft plan approval, and Planning staff would work with Legal and Support Services on this item. It is anticipated that the costs of developing this trial system would be the responsibility of the proponent and would offset any required parkland dedication fees required under the *Planning Act*, the details of which will also need to be included in a future agreement. Any resulting future maintenance cost will need to be incorporated in annual tax supported budgets along with any associated liability costs.



Any future costs associated with the transfer of the woodlot will also have to be included in annual tax supported operating budgets along with any associated liability costs.

All other financial requirements related to the proposed plan of Subdivision would be addressed through the required Subdivision agreement. Additionally, development charges would be required at the time of building permit application.

If these applications are appealed, this will have additional financial and legal implications.

## **STAKEHOLDER IMPACTS:**

### **Neighbourhood Open House:**

The agent hosted a virtual neighbourhood open house (open house) on Monday, December 20, 2021 starting at 6:00 pm. The proponent invited property owners via standard mail within 120 metres (400 feet) of the subject lands to attend the open house as well as the Ward Councillor and Mayor. Eight residents attended the open house. The agent provided a summary of the development project and next steps via PowerPoint. The residents asked general questions about the Subdivision features and notification process. Concerns raised include the following:

1. Ensuring long-term protection of the woodlot and ensuring construction of the trail system as presented;

**Planning Comment:** The proposed Draft Plan (Attachment 3) has incorporated the significant woodlands together with a 15 metre (50 foot) buffer as Block 53. Block 53 would be conveyed to the County as a condition of draft plan approval and as part of the registration process of the Subdivision. The County would protect the woodlands in the long-term.

The trail plan (Attachment 5) is a preliminary concept. The proponent would be required to provide a detailed trail plan to the County for review and approval as a condition of draft plan approval. The proponent would be required to construct the trail system at the proponent's cost to the satisfaction of the County. The County would take securities for the cost of the trail construction as part of the draft plan approval process to ensure the trail system is constructed by the proponent in a timely manner. If the proponent fails to construct the trail system, the County would have available funds via the proponent's securities to construct the trail system.

2. Protection of existing properties in the area from a drainage and stormwater management perspective related to grading and elevation changes on the subject lands; and

**Planning Comment:** The proponent would be required to grade and capture stormwater from the proposed subdivision within the limits of the subdivision in accordance with acceptable engineering standards and practices. The stormwater management system (including the pipes and ponds) would be designed by the proponent's engineer and reviewed by County staff during the detailed design phase which is part of the draft plan approval process. County staff would inspect the stormwater infrastructure and review as-built plans prior to approving final grading and assuming the stormwater infrastructure for County ownership and maintenance.

3. Traffic generation, volume and flow from the Livingston and Smith Farms Subdivisions.

**Planning Comment:** The residents raised the following questions and concerns:

- i. Was traffic reviewed to support the Smith Farms Subdivision? A Traffic Impact Study and Update was prepared by NextEng Consulting Group Inc. for the proposed development.
- ii. Traffic flow, volume, safety, and noise. The Traffic Impact Study submitted in support of the subject applications reviewed traffic flow, volume, and safety and the overall study area. A sightline analysis was completed for the proposed David Street/King Street East

extension to confirm all safety standards are met. A review of the roads was also completed to confirm compliance with the County's design standards. The Study indicated no left turn warrants are required at either Parkview Road/King Street East or the new David Street/King Street East intersections.

- iii. The new left-turn lane on King Street East at Athens Street for the Livingston Subdivision is causing traffic slow downs. According to the agent, the design and length of the left-turn lane at this intersection was prepared by the proponent's traffic engineer and meets proper length and safety requirements. Sightline distances and a review was completed for the Livingston Traffic Impact Study to confirm all safety standards and the County's design criteria are satisfied.

#### **Public Notice:**

A notice of complete application was circulated to property owners within 120 metres (400 feet) of the subject lands on April 16, 2021. A notice of public meeting was circulated on January 19, 2022. Yellow development signs were posted on the subject lands in advance of this meeting on January 11, 2022. At the time of writing the report, Planning staff received no questions or concerns from area residents.

#### **Staff/Agency Comments:**

**Development & Design Technologist** – The current submission of the Draft Plan of Subdivision application is currently under review. The previous versions of the Draft Plan were very similar to the current submission (Attachment 3). Upon review of the previous submissions, it was the Technologist's opinion that the other versions were theoretically feasible from the engineering services point of view. The Technologist's preferred option was retention and protection of the existing, significant woodlands which provides a natural element of vibrancy and offers significant Low Impact Development (LID) measures to stormwater management. The current submission includes retention of the significant woodlands (Block 53).

**Supervisor of Building & Municipal Enforcement Services** – No comment.

**Manager of Community Development & Partnerships** – The Manager provided comments on the trail and pathway connectivity for the proposed trail system. The proposed trail system (Attachment 5) is a preliminary concept. Following draft plan approval, the Manager will be one of the reviewers providing comments on the detailed trail design.

**Emergency Services – Fire Prevention Officer** – No objections.

**Transportation Engineering Technologist** – The Technologist reviewed the Traffic Impact Study (TIS) prepared by NextEng Consulting Group Dated November, 2020. The Technologist accepted the TIS except for King Street East at Parkview Road, however no upgrades are required at this time. The Technologist commented that analysis of King Street East at Parkview Road and left turn lane warrants are to be completed and provided as an update to the County. As part of the third (3<sup>rd</sup>) submission, the agent submitted a Traffic Impact Study Update prepared by NextEng Consulting Group Dated October 2021. The update is being reviewed by the Development & Design Technologist for overall compliance with the Transportation Engineering Technologist's comments regarding the King Street East and Parkview Road intersection.

**Manager of Facilities, Parks, Cemeteries & Forestry Operations** – No objections. Following Draft Plan Approval, the Manager will be one of the reviewers providing comments on the detailed trail design.

**Project Manager of Forestry** – A Tree Protection Plan and Street Tree Planting Plan will be required as a condition of draft plan approval. The Project Manager provided comments and requirements on these plans which were shared with the agent.

### General Comments:

1. The Scoped Environmental Impact Study (EIS) Report prepared by WSP Canada Group Ltd. exceeds the requirements of a General Vegetation Inventory to the satisfaction of Facilities, Parks, Cemeteries and Forestry Operations.
2. The EIS determined that the Woodlands within Block 53 meets the criteria of Significant Woodlands and the Facilities, Parks, Cemeteries and Forestry Operations in not supportive of their removal.
3. The developer shall implement all recommended measures and best practices identified in the EIS to mitigate potential impact to the Significant Woodlands, Species at Risk, aquatic habitat, *Migratory Bird Convention Act* compliance and Ontario ESA Registration process for Barn Swallow including:
  - a setback
  - buffer enhancement
  - permanent fencing
  - 'sensitive area' signage
  - Provision of a stewardship brochure to homeowners and appropriate environmental zoning/anticipated conveyance into public ownership.
4. All tree hazards within the Woodlot block 53 shall be mitigated and signed off by a Certified Arborist, to the satisfaction of Haldimand County, prior to assumption by Haldimand County.
5. Illegal dump sites, garbage, party pits, tree forts and other structures removed from the Woodlot Block 53, to the satisfaction of Haldimand County, prior to assumption by Haldimand County.
6. The developer shall take measures to control invasive species within the Woodlot Block 53 lands, to the satisfaction of Haldimand County, prior to acceptance by Haldimand County.
7. There is an opportunity for the developer to work with the County to afforest the "Other Lands Owned by the Developer" located to the north of future Phase 2, include passive recreation opportunities such as trails and possible conveyance to the County for its ongoing care and protection. The creation of a forested buffer between the Subdivision and the quarry will increase the value of the lots within the Subdivision. The forested buffer will also provide an important connection for wildlife and recreation between the existing Buckthorn Deciduous Shrub Thicket in proposed Phase 2 and the Woodlot Block 53, creating an ecologically valuable block of continuous forest within the urban boundary of Hagersville.

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

**Roads Operations** – No objection.

**Project Manager of Water & Wastewater Capital** – It is the Project Manager's opinion that based on review of the Functional Servicing Report (FSR) prepared by WSP for the first (1<sup>st</sup>) and second (2<sup>nd</sup>) submission, the proposed water and wastewater servicing aspects of this development meet the County's current Design Criteria requirements and it has been noted that all final design parameters will meet the Ministry of Environment, Conservation and Parks (MECP) guidelines for sewer. The Project Manager provided comments and preferences on the proposed options in the FSR for sanitary water discharge from the proposed pump station. Further investigation is to be conducted following draft plan approval by the proponent's consultant in order to ensure the best servicing plan is established.

**Bell Canada** – We have reviewed the circulation regarding the above noted application. The following paragraphs are to be included as a condition of approval:

“The Owner acknowledges and agrees to convey any easement(s) as deemed necessary by Bell Canada to service this new development. The Owner further agrees and acknowledges to convey such easements at no cost to Bell Canada.

The Owner agrees that, should any conflict arise with existing Bell Canada facilities where a current and valid easement exists within the subject area, the Owner shall be responsible for the relocation of any such facilities or easements at their own cost.”

Bell Canada provided contact information and further requirements for infrastructure construction that has been passed onto the agent.

**Canada Post** – Canada Post does not have any comments on this application as this area will be serviced by Community Mailboxes and Canada Post will update the plan and work with the developer on locations.

**CN Rail Proximity** – No comment.

**CP Rail Proximity** – No comment.

**Enbridge Gas Inc. (operating as Union Gas)** – It is our request that as a condition of final approval that the owner/developer provide to Union Gas the necessary easements and/or agreements required by Union Gas for the provision of gas services for this project, in a form satisfactory to Enbridge.

**Hydro One Networks Inc. (HONI)** – HONI provided conditions of Draft Plan Approval which must be satisfied before they will release a clearance letter for approval. HONI also provided contact information and stated that works in their transmission corridor are not permitted without express written permission of HONI. HONI also provided precautions which were shared with the agent. The conditions include:

1. Prior to HONI providing its final approval, the developer must make arrangements satisfactory to HONI for lot grading and drainage. Digital PDF copies of the lot grading and drainage plans (true scale), showing existing and proposed final grades, must be submitted to HONI for review and approval. The drawings must identify the transmission corridor, location of towers within the corridor and any proposed uses within the transmission corridor. Drainage must be controlled and directed away from the transmission corridor.
2. Any development in conjunction with the Subdivision must not block vehicular access to any HONI facilities located on the transmission corridor. During construction, there must be no storage of materials or mounding of earth, snow or other debris on the transmission corridor.
3. At the developer's expense, temporary fencing must be placed along the transmission corridor prior to construction, and permanent fencing must be erected along the common property line after construction is completed.
4. The costs of any relocations or revisions to HONI facilities which are necessary to accommodate this Subdivision will be borne by the developer. The developer will be responsible for restoration of any damage of the transmission corridor or HONI facilities thereon resulting from construction of the Subdivision.
5. This letter and conditions therein should in no way be construed as permission for or an endorsement of proposed location(s) for any road crossing(s) contemplated for the proposed development. This permission may be specifically granted by Ontario Infrastructure & Lands Corporation (OILC) under separate agreement(s). Proposals for any secondary land use including road crossings on the transmission corridor are processed through the Provincial Secondary Land Use Program (PSLUP). HONI, as OILC's service provider, will review detailed engineering plans for such proposals separately, in order to obtain final approval.

Should approval for a road crossing be granted, the developer shall then make arrangements satisfactory to OILC and HONI for the dedication and transfer of the proposed road allowance directly to the Haldimand County.

Access to, and road construction on the transmission corridor, is not to occur until the legal transfer(s) of lands or interests are completed.

**Hydro One (Local)** – No comments provided.

**Long Point Region Conservation Authority (LPRCA)** – LPRCA staff have had an opportunity to review application PL28T-2020-196 and PLZ-HA-2021-009 and can provide the following comments based on LPRCA's various plan review responsibilities for Haldimand County's consideration.

Delegated Responsibility from the Ministry of Natural Resources and Forestry, Section 3.1 of the Provincial Policy Statement, 2020

Conservation Authorities have been delegated responsibilities from the Minister of Natural Resources and Forestry to represent the provincial interests regarding natural hazards encompassed by Section 3.1 of the Provincial Policy Statement, 2020 (PPS). The overall intent of Section 3.0 – Protecting Public Health and Safety of the PPS is to reduce the potential public cost or risk to Ontario's residents from natural or human-made hazards.

Staff can advise that the proposed Subdivision application is consistent with section 3.1 of the Provincial Policy Statement, 2020. The subject property does not contain natural hazards and LPRCA has no objection to the concept of this application.

Ontario Regulation 178/06

For the applicant's information, the subject property is not regulated under Ontario Regulation 178/06. A permit for development is not required from this office.

Stormwater Management

LPRCA reviewed the stormwater management design using the 2003 MECP Stormwater Management Planning and Design Manual, MTO Drainage Manual, LID Stormwater Management Manual, and the Municipal SWM guidelines. Six aspects of Stormwater Management were reviewed; quantity, quality, major systems, minor systems, erosion and sediment control and outlet erosion control.

The proposed Stormwater Management design meets LPRCA design criteria.

**Mississaugas of the Credit First Nation** – The archaeological concerns are being addressed by ASI and Empire, but the work is not done. We have no comment for now, as long as the work is eventually completed appropriately.

**Six Nations Council** – Six Nations confirmed they received the application package. No comments have been provided to Planning staff.

## **REPORT IMPACTS:**

Agreement: Yes

By-law: Yes

Budget Amendment: No

Policy: No

## **ATTACHMENTS:**

1. Location Map.
2. Approved Hagersville Growth Strategy Plan for Subject Lands.
3. Draft Plan.
4. Application Materials.
5. Preliminary Trail Plan.
6. Land Use Impact Assessment Addendum.
7. Lafarge Letter – March 10, 2021.
8. Lafarge Letter – June 3, 2021.
9. Lafarge Letter – January 7, 2022.
10. Original 300 Metre Setback from Extraction Limit.
11. Revised 300 Metre Setback from Extraction Limit.
12. Armstrong Planning Response Letter – January 25, 2022.
13. Zoning Map.
14. Zoning Comparison Table.
15. Draft Zoning By-law.
16. Draft Holding Provision Removal By-law.