
HALDIMAND COUNTY

Report PDD-21-2022 Zoning By-law Amendment for Development on Single Service - Chang



For Consideration by Council in Committee on May 10, 2022

OBJECTIVE:

To permit the development of a residential property within the Urban Area of Cayuga on partial municipal services.

RECOMMENDATIONS:

1. THAT Report PDD-21-2022 Zoning By-law Amendment for Development on Single Service – Chang be received;
2. AND THAT Application PLZ-HA-2021-213 to amend Haldimand County Zoning By-law HC-1-2020 to permit residential development on partial services be approved for reasons outlined in Report PDD-21-2022;
3. AND THAT the proposal is deemed to be consistent with the Provincial Policy Statement 2020, and the Growth Plan for the Greater Golden Horseshoe 2020;
4. AND THAT the by-law attached to Report PDD-21-2022 be presented for enactment.

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Reviewed by: Shannon VanDalen, MCIP, RPP, Manager of Planning and Development

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

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

EXECUTIVE SUMMARY:

The subject application is required to facilitate development of an existing lot within Cayuga. This application was previously presented to Council in Committee on March 1, 2022 where the application was deferred. Council reached the decision to defer after hearing from a neighbour citing concerns of environmental contamination on the site. Planning staff have attempted to work with the neighbour to substantiate the claims however, no new information was provided. Additionally, another letter has been submitted to Planning staff by another area resident refuting some of the original claims, while Hydro One has also confirmed its previous comments that it has no records of any issues, equipment failures or contamination in this location.

The subject lands are currently zoned “Residential Type 1-A (R1-A)”, which requires the connection to full municipal services including municipal water and sanitary systems; however, the subject application is seeking relief to permit development with a private on-site sewage disposal system in place of connecting to a municipal sanitary system. The property would be serviced by municipal water.

In addition, a Holding (H) provision will also be applied to the property, thus requiring a service agreement be entered into by the owner prior to the issuance of building permits to require the connection to municipal sanitary services should they ever be extended to the property.

Planning staff are of the opinion that this proposal is in conformity with the Provincial Policy Statement 2020, complies with the Provincial Growth Plan 2020, conforms to the Haldimand County's Official Plan and maintains the general intent and purpose of Haldimand County By-law HC 1-2020. Planning staff recommend approval of this amendment for the reasons set out within this report.

A public notice sign was posted at the site and was visible when the Planner conducted a site visit.

BACKGROUND:

The proposed zoning amendment is required to permit development on the subject lands without connecting to the municipal sanitary system. The subject lands are currently vacant with frontage onto Latham Street, west of Munsee Street North. The parcel is located within the Urban Boundary of Cayuga and legally described as Plan Village of Cayuga EGR PT BLK H and F S/S Indian St PT BLK I N/S Victoria St PT Ottawa ST Closed and RP 18R7521 Parts 1 to 3. A municipal address has not yet been assigned.

The subject lot has a frontage of 20.12 metres and area of 0.88 acres. The General Location map can be found in Attachment 1; with the overall configuration being shown on Attachment 2 (Owner's Sketch). Location Map (Attachment 1), includes a larger parcel of land to the south which currently has the same Tax Roll number, but is a separately conveyable parcel and is separated from the subject lands by an unopened road allowance. The subject application applies only to the northern parcel, identified on the Location Map. The subject amendment will permit the existing lot to be developed in a similar manner to other lots in the area, including the partial servicing aspect.

At the public meeting on March 1, 2022, a neighbouring landowner raised concerns relative to previous contamination of the subject lands resultant from leaking hydro transformers. The application was deferred to allow for staff to further investigate the historical claims and assess if any type of site (soils) condition analysis should be required prior to development. This report summarizes that aspect, as well as, again providing a brief overview of the overall merits of the application.

ANALYSIS:

Planning staff have determined key planning issues related to this application. They are as follows:

Provincial Policy Statement, 2020

The Provincial Policy Statement (PPS) 2020 states that settlement areas, such as Cayuga, shall be the focus of growth and development. Further, 1.3.2 (b) requires that land use patterns within settlement areas shall be "appropriate for, and efficiently use, the infrastructure and public services facilities which are planned or available and avoid the need for unjustified or uneconomical expansion".

Section 1.6.6.4 of the PPS permits the use of on-site servicing in situations where the alternatives are not available, planned or feasible, provided that site conditions are suitable for the long term provision of such services, with no negative impacts.

The subject application will facilitate the development of an existing lot within the settlement area of Cayuga. It is feasible and appropriate for municipal water service to be brought to the lot, however extending wastewater services is not at this time. A private on-site sewage system is proposed for the site. Final review of the septic design and location will be addressed through the building permit process.

It is the opinion of Planning staff that the subject application is consistent with the PPS.

Provincial Growth Plan

The Provincial Growth Plan – A Place to Grow was also reviewed by Planning staff in relation to this proposal. The Growth Plan encourages growth and development in settlement areas with a delineated built boundary, existing water and wastewater systems and that can support complete communities. The subject property is located in Cayuga, a settlement area with a delineated boundary, water and wastewater systems and can support the achievement of a complete community. The subject property will be serviced by the municipal water system, and a private on-site sewage system. A partial servicing agreement will be required, ensuring a connection to municipal wastewater at such a time that it is feasible to connect.

Based on Planning review, staff are of the opinion that the subject proposal is not in conflict with, and is in keeping with the overall intent of the Provincial Growth Plan.

Haldimand County Official Plan

The subject lands are designated 'Residential' and subject to the related policies within the Official Plan. The intent of this designation is to accommodate all forms of residential development in accordance with the policies of this plan. The Official Plan generally requires that new development occur where the development is fully serviced by municipal water, sanitary sewers, and adequate drainage and stormwater management facilities. The Official Plan does provide the opportunity for minor development of an infilling nature in an area largely developed and presently on partial services. The subject application represents development of an existing lot of record and represents the only vacant lot fronting onto Latham Street. Lots in this area are not connected to sanitary sewers and have been developed on partial services with just municipal water being provided. Existing sanitary servicing terminates at the intersection of Indian Street East and Munsee Street North (Highway 54). It has been determined it is not feasible to extend services north along Munsee Street North to service this small cluster of homes at this time.

The Official Plan requires servicing exceptions be permitted by an amendment to the Zoning By-law, and shall only be permitted in accordance with the requirements of the *Ontario Building Code*. The subject application represents the amendment to the Zoning by-law. Review of the on-site sanitary system will be conducted as part of the building permit application process. A building permit is required prior to the construction of a dwelling, or the installation of an on-site sanitary system. A preliminary review of private system capabilities has been completed, and it is anticipated that the site can accommodate a standard septic system with no issue.

It is the opinion of Planning staff that the subject application conforms to the Official Plan.

Haldimand County Zoning By-law HC 1-2020

The subject lands are zoned "Urban Residential Type 1-A (R1-A)" in the Haldimand County Zoning By-law. Section 4.38 of the Zoning By-law outlines the minimum servicing standards and requires that development within any urban settlement area, as defined by the County Official Plan, be connected to municipal servicing including water and sanitary systems. The subject application is seeking relief from this provision to permit development without connecting to municipal sanitary system; all other servicing provisions would continue to apply.

A Holding (H) provision will also be applied to the property. The holding provision can be lifted at such a time as a servicing agreement is entered into by the land owner and registered on title. The servicing agreement would acknowledge that the County is not obligated to extend sanitary sewers to the subject lands, however, if services are extended in the future the land owner would be obligated to connect to the services. The agreement would also require the land owner submit a grading and drainage plan prior to obtaining building permits, to ensure the site has adequate drainage and development will not

adversely impact drainage on neighbouring properties. A servicing agreement that addresses these two technical matters (servicing relief/future hook-up and grading/drainage) is standard for these types of applications. The agreement can be signed by the General Manager of Community and Development Services and does not require a return report or by-law to Council.

Planning staff are of the opinion that the subject proposal will facilitate appropriate development of the lands. A draft Zoning By-law has also been completed and included within Attachment 3.

FINANCIAL/LEGAL IMPLICATIONS:

Not applicable.

STAKEHOLDER IMPACTS:

Canada Post – No objections.

Hydro One – Underground hydro infrastructure exists in the area of the proposed development. Hydro One will work directly with the applicant regarding the infrastructure.

Grand River Conservation Authority (GRCA) – No objections.

Emergency Services – No objections.

Forestry Operations – No objections.

Planning and Development (Development and Design Technologist) – A grading plan should be required prior to the issuance of building permits. Based on land contours and existing conditions, it is likely that Stormwater currently collects on the subject property. Grading of the property should not impact existing conditions. Further, an entrance permit will be required prior to construction.

Public Comments:

In addition to the agency and division comments above, letters were received from two nearby landowners. As discussed at the March 1 CIC meeting one nearby land owner, 1 Latham Street West, brought forward concerns related to various possible contamination claims, including contaminants related to old electrical transformers in the area. Following the March 1st meeting, a second letter was submitted by the same individual containing the same details relayed at the Committee meeting.

Following the meeting and deferral, staff reached out to the neighbour numerous times to discuss the contamination matter and have requested further information to substantiate the concerns. At the time of writing this report, no additional information has been provided. Staff also subsequently inquired with Hydro One regarding the concerns, and Hydro One was unable to find evidence of the cited concerns or history of any transformers on any lands in vicinity of the subject property.

A second area land owner, 3 Latham Street West, submitted a letter relating to the application. This letter refutes some of the claims made in the above referenced letter. All three letters submitted, at the time of writing this report are included as Attachments 6, 7 & 8.

Based on the foregoing public input, staff recommend approval of application PLZ-2021-213 as it was presented on March 1st to Committee with no additional requirement for soils/site analysis. Following a comprehensive review of the applicable policies and correspondence with appropriate internal and external agencies, it is the opinion of Planning staff that the subject application represents good planning.

REPORT IMPACTS:

Agreement: Yes

By-law: Yes

Budget Amendment: No

Policy: No

ATTACHMENTS:

1. General Location Map.
2. Location of Lands Affected – Owners Sketch.
3. Draft Zoning By-law Amendment HC 1-2020.
4. Draft Zoning By-law Amendment (H) HC 1-2020.
5. Zoning Confirmation Chart.
6. Wawrzyniak – February 21 Letter.
7. Wawrzyniak – March 2 Letter.
8. Powell – April 6 Letter.