
HALDIMAND COUNTY

Report PDD-26-2022 Zoning By-law for Smith Farms Subdivision For Consideration by Council in Committee on May 10, 2022



OBJECTIVE:

To obtain Council's approval for the Smith Farms Zoning By-law to implement the Subdivision.

RECOMMENDATIONS:

1. THAT Report PDD-26-2022 Zoning By-law for Smith Farms be received;
2. AND THAT application PLZ-HA-2021-009 to amend the Haldimand County Zoning By-law by rezoning the subject lands from the 'Agriculture (A)' Zone to various zones to implement the Smith Farms Subdivision be approved for reasons outlined in Report PDD-26-2022;
3. AND THAT the application is deemed to be consistent and conform with the Provincial Policy Statement (2020), A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2020), and Haldimand County Official Plan;
4. AND THAT the General Manager of Community & Development Services be authorized to remove the Holding (H) provision when all conditions have been satisfied;
5. AND THAT the by-laws attached to Report PDD-26-2022 be presented for enactment.

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Reviewed by: Shannon VanDalen, MCIP, RPP, CMMI, 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:

On February 8th, 2022, a public meeting was held to inform Council of the Draft Plan of Subdivision and Zoning By-law Amendment applications for the Smith Farms subdivision and to hold the statutory public meeting required under the *Planning Act* prior to a decision being made.

The General Manager of Community & Development Services approved the Draft Plan of Subdivision subject to 65 conditions on April 20, 2022 on the basis that the Subdivision satisfied Provincial and County policy frameworks, was considered functional and feasible, and all public comments had been addressed. On this basis, Council is now being asked to approve the Zoning By-law Amendment application and pass the attached by-laws to implement the Subdivision from a zoning perspective.

BACKGROUND:

At the February 8th, 2022 Council in Committee meeting, a public meeting was held to inform Council of the Draft Plan of Subdivision and Zoning By-law Amendment applications for the Smith Farms

Subdivision in Hagersville and to hold the statutory public meeting required under the *Planning Act* prior to a decision being made. At the meeting, Council received Report PDD-03-2022 Information Report – Applications for Smith Farms Subdivision.

The subject lands are located on the east side of Hagersville (Attachment 1) and consist of two lots municipally addressed as 29 and 61 Haldimand Road 20 that will be developed together to form the Subdivision. The Subdivision will consist of approximately 25 hectares (62 acres) of the 47 hectares (116 acres) of the subject lands (Attachment 2). The Subdivision will accommodate a maximum of 107 detached residential units, 407 townhouse units, one stormwater management pond bisected by the David Street extension into two cells (blocks), a pumping station, and a woodlot. Approximately 22 hectares (54 acres) of property will be retained by the developer, which are within 300 metres of Lafarge Canada Inc.'s (Lafarge) extraction limit and are not proposed to be developed at this time. These lands are retained by the proponent for future development opportunities, based on quarry operation. A trail system will also be developed on the retained lands in conjunction with the development of the Subdivision to provide open space and active transportation opportunities (Attachment 3); an easement for the trail lands benefitting the County is required as a condition of draft plan approval. A condition of draft plan approval has also been included to require that the trail system be built at the same time that the hard infrastructure (water mains, sewer mains, roads, etc.) so that the trail system will be in place prior to occupancy of the Subdivision.

Lafarge Canada Inc. (Lafarge) attended the public meeting to express concerns regarding proximity of the development to their active quarry. Following the meeting, County staff worked with the proponent's team and Lafarge to resolve the concerns through the use of a Holding (H) provision and draft plan conditions. More specifically, a Holding (H) provision will apply to residential lots within 300 metres of the extraction limit of the quarry (up to 57 units are impacted and are identified in Attachment 2) and the following draft conditions have been implemented:

- That the Owner agrees to register on title and include in all Offers of Purchase, Sale or Lease related to all units within the Plan of Subdivision clauses informing future purchasers and tenants of the following: *"The Lafarge Quarry is active and will operate drilling, blasting, processing, stockpiling, shipping, and other associated activities permitted on their Licence and Site Plan issued under the Aggregate Resources Act. Purchasers/Tenants are advised that due to the proximity of the adjacent Lafarge Quarry, sound levels from these facilities may at times be audible, ground vibrations experienced and/or dust encountered, which could on some occasions interfere with occupants of the subdivision. Lafarge advises that it will not be responsible for any complaints or claims arising from any of the activities at or relating to the operation of the Quarry."*
- That prior to final approval and registration, the Owner shall agree to install and maintain permanent chain-link fencing in a singular style approved by the County prior to registration of the Subdivision. The permanent chain-link fencing shall be installed along the entire length of the public trail (Attachment 3) that is to be built between Grant Kett Memorial Park and the east end of the subject lands. The fence shall be placed immediately north of the maintained portion of the trail and is to be installed at the cost of the Owner. The chain-link fence shall be fully installed along the entire length of the public trail prior to building occupancy permits being granted.

Warning and trespass signage, in a form to be approved by the County, is to be installed on the fence by, and at the cost of, the Owner.

- That prior to final approval and registration, the Owner shall agree to construct a permanent vegetated earth berm, which is 3 metres in height along the entire length of the north property line of the Subdivision lands as shown on the draft plan of Subdivision. The vegetated earth

berm shall be approved by the County prior to final approval and registration. The vegetated earth berm shall be fully constructed prior to building occupancy permits being granted.

The Owner acknowledges and agrees that it is responsible for maintenance of the permanent, vegetated earth berm, including all costs associated with said maintenance.

The lands adjacent to and north of the fence shall be left in a naturalized state and no maintenance of those lands will be completed except for the required earth berm and any required strategic tree plantings referred to in the condition above.

- That prior to final approval and registration, a copy of the lot grading and drainage plan, showing existing and final grades including the permanent vegetated earth berm, be reviewed and approved by the County.
- That the Owner complete a line of sight study or survey to the satisfaction of the County. The study or survey shall assess the potential for any visibility issues between the upper floors of dwellings to be constructed in the subdivision and the existing quarry. The study or survey shall identify if any strategic tree plantings are required near the most northern edge of the Owner's lands within the naturalized area referred to in the condition above.

With the proponent and Lafarge being agreeable to the above, and all staff and agencies being satisfied with the Subdivision, the General Manager of Community & Development Services approved the Draft Plan of Subdivision (PL28T-2020-196) subject to 65 conditions on April 20, 2022 in accordance with delegation By-law 2082/19. The proponent must clear the conditions of approval before registering the subdivision and starting house construction. On this basis, Council is now being asked to approve the Zoning By-law Amendment application (PLZ-HA-2021-009) and pass the attached by-laws (Attachments 4 & 5).

Further, the Draft Plan of Subdivision was revised following the public meeting to amend the southern stormwater management block to add up to 15 single detached dwellings fronting onto Street R to increase the residential unit count from 499 to 514. The original draft plan is included as Attachment 6 and the approved draft plan is included as Attachment 2. The revision areas in both Attachments are highlighted with a red box. The revision was based on a Municipal Servicing, Grading and Stormwater Management Brief prepared by WSP and planning justification prepared by the proponent's Registered Professional Planner (RPP) on March 1, 2022. The Development Technologist reviewed the brief and the Planner reviewed the planning justification, and were satisfied. The General Manager of Community & Development Services approved the revision as part of the overall draft plan of Subdivision approval in accordance with delegation By-law 2082/19 on the basis that the revision was minor. More specifically, the revision represented a three percent (3%) increase in residential units, maintained the overall subdivision limits, respected the 300 metre setback from Lafarge's extraction limit and did not affect the lots subject to the Holding (H) provision, and no public concerns were raised through the planning process with respect to the revision area.

Given the revision to the Subdivision, the Zoning By-law (Attachment 4) has been amended to rezone the additional lots to a site specific 'Urban Residential Type 1 (R1)' Zone. For the same reasons listed above, it is Planning staff's opinion that a public meeting is not required to consider the minor amendment.

ANALYSIS:

The Zoning By-law Amendment application seeks to amend the subject lands from the Agriculture (A) Zone to the following (parts laid out in the associated Attachment 7):

1. Urban Residential Type 1-B (R1-B) Zone for Part 1 to permit single and semi-detached dwellings

with special provisions for customized setbacks, lot area, frontage, etc.;

2. Urban Residential Type 4 (R4) Zone for Part 2 to permit street townhouse dwellings with special provisions for customized setbacks, lot area, and frontage, etc.;
3. Urban Residential Type 1-B (R1-B) Zone for Part 3 to permit single and semi-detached dwellings with special provisions for customized setbacks, lot area, frontage, etc. and subject to a Holding (H) provision because the lands are within 300 metres of the blasting/extraction limit of the adjacent quarry;
4. Urban Residential Type 4 (R4) Zone for Part 4 to permits street-townhouse dwellings with special provisions for customized setbacks, lot area, frontage, etc. and subject to a Holding (H) provision because the lands are within 300 metres of the blasting/extraction limit of the adjacent quarry;
5. Open Space (OS) Zone for Part 5 for trail development, woodlot management, and pumping station and stormwater management facilities;
6. Development (D) Zone for Part 6 for trail and emergency access development with residential development prohibited until the impacts from the adjacent quarry are removed or mitigated; and
7. Development (D) Zone for Part 7 for trail development with residential development prohibited until the 'Excess Lands' designation in the Official Plan is removed and the lands are required to accommodate forecasted growth, and the impacts from the adjacent quarry are removed or mitigated.

The Holding (H) provision can only be removed from Parts 3 and 4 when:

- a) The Quarry Licence holder ceases operations entirely and surrenders its Licence in accordance with the *Aggregate Resources Act*, and the Licence holder and/or the Ministry confirms this in writing to the County; or
- b) The Quarry Licence holder and/or the Ministry confirms in writing to the County that the Licence or Site Plan is amended such that the extraction limit is modified and the lands from which the Holding (H) provision is to be removed maintain a minimum distance of 300m from the modified extraction limit; or
- c) The Quarry Licence holder agrees to operational modifications and/or physical mitigation measures, in compliance with Ministry of Environment, Conservation and Parks noise guidelines and as determined through the appropriate technical studies. The completion of any technical studies would be the responsibility of the Owner and would need to be peer reviewed by the County.

Planning staff recommends that Council delegate authority to the General Manager of Community & Development Services to remove the Holding (H) provision to allow for development to proceed when the conditions are met. Ultimately, this process recognizes that the Holding (H) provision removal process is largely a technical matter and it allows the process to proceed in a more expeditious manner.

A fulsome policy analysis is provided in Report PDD-03-2022. It is Planning staff's opinion that the Zoning By-law Amendment application continues to be consistent with the Provincial Policy Statement (2020) and conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2020) and Haldimand County Official Plan. Staff and agencies have completed their review and are satisfied that the Subdivision is considered functional and feasible. All public comments (including Lafarge's) have been satisfactorily addressed. The General Manager of Community & Development Services has approved the Draft Plan of Subdivision application. Approval of this Zoning By-law Amendment application and passage of the attached by-laws will implement the Subdivision from a zoning perspective. As such, Planning staff recommends approval.

FINANCIAL/LEGAL IMPLICATIONS:

All commenting agencies and departments have provided their input regarding the principle of land use during the processing of the draft plans of subdivision applications, and all technical items will be addressed through the subdivision approval process. Further, the required statutory Public Meeting was held on February 8, 2022, when Report PDD-03-2022 was presented to Council in Committee. The draft plans of subdivision and zoning requests were also presented at that time, as attachments to the report. The Notice of Public Meeting was provided to area residents on January 19, 2022, more than two weeks prior to the meeting in accordance with the requirements of the *Planning Act*. Concerns that were raised at the meeting were addressed by the proponent's team through private engagement and consultation with County staff and the concerned parties. The General Manager of Community & Development Services approved the draft plans of subdivision as they satisfy Provincial and County policy frameworks, are considered feasible from an engineering perspective, and addressed the public's concerns (following subsequent consultation).

Following Council approval of the Zoning By-law Amendment, Notice of Passing of the Zoning By-law will be circulated to all parties as required under the *Planning Act*. The required 20 day appeal period will apply to the zoning amendment.

STAKEHOLDER IMPACTS:

Stakeholder Impacts were provided in Report PDD-03-2022. No further comments.

REPORT IMPACTS:

Agreement: Yes

By-law: Yes

Budget Amendment: No

Policy: No

ATTACHMENTS:

1. Location Map.
2. Draft Plan - Feb 28 2022.
3. Trail Plan.
4. Zoning By-law.
5. Holding Provision Removal By-law.
6. Draft Plan - January 26, 2022.
7. Zoning Map.