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# HALDIMAND COUNTY

## Report PDD-22-2022 Information Report – Applications for 444 Tamarac Street, Dunnville Subdivision



For Consideration by Council in Committee on May 31, 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 an infill development consisting of nine (9) residential lots together with a stormwater management block in Dunnville, and to hold the statutory public meeting required under the *Planning Act*.

### RECOMMENDATIONS:

1. THAT Report PDD-22-2022 Information Report – Applications for 444 Tamarac Street, Dunnville 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 issue draft plan approval once all conditions of By-law 2082/19 have been met, and advise Council when draft plan approval has been issued for application PL28T-2021-078;
4. AND THAT the by-laws attached to Report PDD-22-2022 be presented for enactment following draft plan approval of application PL28T-2021-078.

**Prepared by:** Ashley Crosbie, MCIP, RPP, M.PI, Senior Planner

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

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

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

### EXECUTIVE SUMMARY:

Planning staff have reviewed a Zoning By-law Amendment application and Draft Plan of Subdivision application to permit the creation of a new infill Subdivision at 444 Tamarac Street, Dunnville. The development includes nine (9) dwelling units consisting of one (1) single detached dwelling, one (1) semi-detached dwelling two (2) units, and one (1) townhouse block with five (5) units, a secondary emergency access, cul-de-sac, and stormwater management ponding area (dry pond).

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, 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 Background**

The subject lands are located in Dunnville and are municipally addressed as 444 Tamarac Street (Attachment 1) and have an area of 0.48 hectares (1.19 acres). The subject lands are a through lot; with frontage onto the east side of (an unconstructed portion of) Maple Street and the west side of Tamarac Street. The subject lands are currently vacant and have no driveway access. The west portion of the subject lands is encumbered by a 20 metre wide emergency access easement that benefits Haldimand Standard Condominium Corporation No. 15 (Wabasso) to the west at 111 South Cayuga Street East. The emergency access on the subject lands is gravel and extends north from Maple Street/South Cayuga Street East into the condominium. Bollards are located at both ends of the emergency access to prevent the general public from using this access to enter the condominium. Primary access to the condominium is located further west on South Cayuga Street East.

The subject lands are formerly part of a railway line. Surrounding land uses include residential and industrial; with a mix of single-storey, semi-detached dwellings to the north, south, and east of the subject lands. Also, there is an existing condominium development to the west that consists of townhouses and two (2), three (3) storey apartment buildings. A future three (3) storey, thirty (30) unit apartment building is approved to be located west of and abutting the subject lands at 205 South Cayuga Street East. A single family dwelling is located southwest of the subject lands at 414 Maple Street. An apartment building consisting of forty-four (44) units is located southwest of the subject lands at 415 Chestnut Street. Industrial uses consisting of Girling Autobody and ministorage warehousing are located southwest of the subject lands at 220 South Cayuga Street East and 216 South Cayuga Street East, respectively. The subject lands are located north of and within walking distance to the central business area of Dunnville.

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

The proponent had a pre-consultation meeting on June 19, 2019 to present a residential development project on the subject lands and to obtain feedback, submission requirements, fees, and the process from the County and partner agencies. Following the pre-consultation meeting, the proponent submitted additional concept plans and worked with staff on the subdivision layout and housing forms. On April 19, 2021, the proponent submitted a Zoning By-law Amendment application and Draft Plan of Subdivision application. The proponent held a virtual neighbourhood information meeting on June 14, 2021. On February 25, 2022, the proponent submitted a subsequent submission (the current applications), which included amendments to the applications, to address staff, agency, and public comments. This timeframe represents numerous and on-going discussions between the proponent and the County, the proponent working with staff to prepare a Draft Plan that would meet the County's (engineering) Design Criteria standards and generally comply with the intent of the County's Zoning By-law provisions, thereby being a supportable development, prior to formal application submission and through the application review process.

The current applications are proposing to create a subdivision for the construction of one (1) single detached dwelling on Lot 1, one (1) semi-detached dwelling on Lots 2 and 3, five (5) street-townhouse dwellings on lots 4 to 8, one (1) future single detached dwelling and emergency access on Block 1, a cul-de-sac on Block 2, and stormwater management ponding area (dry pond) on Block 3 (Attachment 2).

Block 1 (Attachment 2) is fully encumbered by a 20 metre (65 foot) wide secondary emergency access easement that benefits the condominium development to the west (Attachment 3) and the County, which prevents site alteration or development. The emergency access easement was required as a condition of the Condominium's approved site plan due to the length of the private road within the Condominium. The proponent plans to reduce the emergency access and reconstruct it along the west property boundary of the subject lands; sever the Block to convey the emergency access to the Condominium for their ownership; and construct a dwelling on the remaining portion of the Block (Attachment 4). To support the amendment to the easement, the proponent provided a Traffic Brief prepared by Paradigm Transportation Solutions Limited (dated April 14, 2021) to demonstrate that the easement could be reduced to 8 metres (26 feet) and continue to conform with the Design Criteria. The Fire Prevention Officer/Captain and the Development Technologist have reviewed the Traffic Brief and are satisfied that the emergency easement can be reduced and relocated, subject to detailed design of the emergency access. An amendment to the easement and agreement requires approval and signature from the Condominium Corporation and from the General Manager of Community & Development Services. Discussions with the Condominium Corporation are ongoing; an agreement has not been reached at this time such that, it is premature to subdivide or allow development on Block 1. Therefore, the proponent has agreed to sever this area as a Block and to affix a Holding (H) provision to the zoning of the Block to prevent development until the easement has been relocated and reconstructed. If or when the Condominium has approved the easement amendment together with the General Manager and relocated and reconstructed the emergency access, the proponent can apply for a Consent to sever or Part Lot Control application to further subdivide the Block.

To facilitate the development and access off development Maple Street/South Cayuga Street East, a cul-de-sac is proposed and will be constructed on Block 2 within the proposed subdivision (Attachment 2). The lands will be conveyed to the County for ownership and maintenance as a public road. As such, all of the residential units would have frontage on a municipal street.

To accommodate stormwater quality and quantity within the subdivision, the proponent will construct a stormwater management ponding area in Block 3 (Attachment 2), which will be conveyed to the County for ownership and maintenance.

It is important to recognize that this development is a Draft Plan of Subdivision, rather than a condominium. The residential lots will be held in individual, free-hold ownership; the cul-de-sac and storm water management pond will be owned by the County.

To facilitate the Subdivision from a principle of land use perspective, the subject lands must be rezoned. The subject lands are currently zoned "Urban Residential Type 3 (R3)" Zone which permits a number of residential housing types/forms, ranging from a single detached dwelling to a four-plex. The proponent is proposing to rezone the subject lands as follows (Attachment 2):

- Lots 1, 2 and 3 – "Urban Residential Type 2 (R2)" with Special Provisions;
- Lots 4, 5, 6, 7 and 8 – "Urban Residential Type 4 (R4)" with Special Provisions;
- Block 1 – "Urban Residential Type 2 – Holding (R2-H)" with Special Provisions;
- Block 2 – Zoning repealed (zoning does not apply to public roadways); and
- Block 3 – "Open Space (OS)" with Special Provisions.

The 'Urban Residential Type 2 (R2)' Zone permits a single detached dwelling, semi-detached dwelling, and duplex dwelling. The 'Urban Residential Type 4 (R4)' Zone permits a street townhouse dwelling, group townhouse dwelling, stacked townhouse dwelling, and back-to-back townhouse dwelling. Single detached, semi-detached, and street townhouse dwellings are proposed within this Subdivision. The 'Open Space (OS)' Zone permits a variety of uses; however, the uses will be scoped to only permit a stormwater management pond.

While Block 1 is not proposed to be developed at this time, Planning staff recommend that Block 1 be rezoned from 'R3' to 'R2' to permit a single detached dwelling in the future, if an agreement on relocation and reconstruction of the easement can be reached. Planning staff do not recommend that the proposed emergency access area be rezoned to specifically identify the emergency access area as this could change. As stated above, the Holding (H) provision for Block 1 is required to identify that a dwelling cannot be built on this Block unless/until the emergency access easement is amended on title and reconstructed in accordance with the Design Criteria. The special provisions are requested for urban design features, function of the dwellings, privacy, and a result of the irregular shape of the subject lands. The special provisions are also requested to address the emergency access lane and to reduce the open space frontage and size requirements in line with the proposed stormwater management ponding area (Block 3).

To support the subject applications, the proponent 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 as Attachment 5.

## **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 public 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 infill subdivision in this location. This process will ensure Council has full and complete information 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 29, 2021 and a notice of public meeting on May 12, 2022. Public notice signs were posted on both frontages on May 5, 2022. The agent held a virtual neighbourhood open house meeting on June 14, 2021. Details relating to the open house are included in the Stakeholders Impact Section below.

## **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.

## **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 on the proposed Subdivision on matters or 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 Subdivision is premature or in the public interest	The subject lands are surrounded by developed, urban lands. The proposed Subdivision will provide additional residential units on a vacant and underutilized parcel, where existing services are located. The proposed Subdivision conforms to this criterion.
(c) Whether the plan conforms to the official plan and adjacent plans of Subdivision, if any	The proposed Subdivision conforms to the Official Plan. Fulsome analysis is provided in the Haldimand County Official Plan section below. The proposed Subdivision will fit with the existing development in the area and connect into existing infrastructure (to be discussed within the subject report). The proposed Subdivision conforms to this criterion.
(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. The proponent's team has demonstrated that the Subdivision layout and servicing is feasible. The proposed Subdivision conforms to this criterion.
(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/streets, and the adequacy of them, and the highways/streets linking the highways/streets in the proposed Subdivision with the established highway system in the vicinity and the adequacy of them	A new, public (County owned) cul-de-sac is proposed to connect into the intersection of Maple Street and South Cayuga Street East to create a T-style intersection. No additional streets are proposed. The TIS submitted with the subject applications states that the proposed development will have minimal impact. The grades and elevations will be determined during the detailed design stage. The proposed Subdivision conforms to this criterion.
(f) The dimensions and shapes of the proposed lots	Fulsome analysis is provided in the Haldimand County Zoning By-law HC 1-2020 section below. The proposed Subdivision conforms to this criterion.
(g) The restrictions or proposed restrictions, if any, on the land proposed to be subdivided or the buildings and structures	Block 1 (Attachment 2) is encumbered by an emergency access easement that benefits the Condominium to the west and the County. Block 1 will be subject to a Holding (H) provision to

Criteria	Comments
proposed to be erected on it and the restrictions, if any, on adjoining land	prohibit building permits from being issued for a dwelling on this Block until the emergency access agreement is amended on title and the emergency access is relocated and reconstructed. The proposed Subdivision conforms to this criterion.
(h) Conservation of natural resources	The subject lands are not regulated by a Conservation Authority. There are eight (8) Black Walnut trees located within the County right-of-way at the corner of Maple Street and South Cayuga Street East, which can be removed. The proponent will be responsible for covering the cost of removing the trees and paying cash-in-lieu to replace the trees. A tree protection plan will be required for any retained trees. The proposed Subdivision conforms to this criterion.
(i) The adequacy of utilities and municipal services	The provision of utilities and installation of infrastructure in the new cul-de-sac will be required as a condition of draft plan approval and included in the Subdivision agreement. The proposed Subdivision conforms to this criterion.
(j) The adequacy of school sites	The subject development will add minimal students to the existing schools. No objections were received concerning the adequacy of school sites. The proposed Subdivision conforms to this criterion.
(k) The area of land, if any, within the proposed Subdivision that, exclusive of highways, is to be conveyed or dedicated for public purposes	Block 3 (the stormwater ponding area) (Attachment 2) will be conveyed to the County. County staff are accepting to this block. Given the size of the subject lands and scale of development, parkland dedication is not feasible. Cash-in-lieu of parkland will be required. The proposed Subdivision conforms to this criterion.
(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 will utilize a vacant, underutilized property surrounded by urban, developed lands in proximity to the downtown. The development will also be compact. The proposed Subdivision conforms to this criterion.
(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 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 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 and Settlement Areas*

The PPS requires settlement areas to be the focus of growth and development. The PPS promotes efficient use of infrastructure, a mix of residential types, compact form, and provides high level criteria for creating healthy, liveable and safe communities. Land use patterns within settlement areas are to be based on a range of uses and opportunities for intensification and redevelopment, where this can be accommodated taking into account brownfield sites, and the availability of suitable existing or planned infrastructure and public service facilities required to accommodate projected needs. The subject lands are located within the built-up area of the settlement area of Dunnville and on a vacant, brownfield site fronting onto existing services that can accommodate the proposed development. The proposed development is considered to be intensification and redevelopment and includes a mix of residential types and compact form. The subject lands are located within acceptable walking distance to the central business area of Dunnville.

#### *ii. Subject Proposal in Relation to Infrastructure*

The PPS states that municipal sewage 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 is provided in the Haldimand County Official Plan section below. Staff are generally satisfied that the existing and proposed infrastructure is appropriate and servicing capacity has been allocated to the proposed Subdivision to December 31, 2024 through report PDD-52-2021 Servicing Allocation – 2021 Year End Update and Recommendations. Prior to expiration, the proponent will have the opportunity to request an extension, if required.

The PPS also provides direction on stormwater management. Staff have reviewed the preliminary stormwater management plan for the proposed development and are generally satisfied. An overview of the stormwater management plan is provided in the Haldimand County Official Plan section below.

#### *iii. 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 proponent submitted a Stage 1 and 2 Archaeological Assessment prepared by AMICK Consultants Limited (dated October 07, 2020), which clears the site of archaeological potential and the Ministry of Heritage, Sport, Tourism, and Culture Industries (MHSTCI) has filed the Archaeological Assessments which represents confirmation of the completeness and acceptability of the work from the Ministry's perspective.

#### *iv. Subject Proposal in Relation to Human-Made Hazards*

The PPS requires sites with contaminants in land or water to be assessed and remediated as necessary prior to any activity on the site associated with the proposed use, such that there will be no adverse effects. The subject lands previously contained a railway line from approximately 1857 to 1985. The proponent submitted a Phase 1 and Phase 2 Environmental Assessment prepared by A & A Environmental Consultants Inc. (dated December 10, 2020 and October 7, 2020). The author states

that there is no evidence of any contaminants in the soil, ground water or sediment on, in or under the subject lands that would interfere with the proposed residential use of the subject lands. A Record of Site Condition (RSC) has been filed in the Environmental Site Registry with the Ministry of Environment, Conservation and Parks (MECP) for residential use of the subject lands. That filing and registration represents confirmation of the completeness and acceptability of the work from the Ministry's perspective.

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

### ***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.

A Place to Grow takes an intensification first approach to development and city-building by emphasizing optimization of the use of the existing urban land supply and making better use of existing infrastructure and public service facilities, and less on continuously expanding urban areas. A Place to Grow requires the County to plan for an intensification target of 20% for development (20% within the built-boundary and 80% within the greenfield area). The subject development will count towards the County's intensification target.

A Place to Grow supports a range and mix of housing options and densities to meet projected needs. The proposed subdivision includes a range of housing types (single, semi, and townhouse units) in a mixed use area close to the central business area of Dunnville.

Overall, it is Planning staff's opinion that the subject applications conform with 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 subject lands are designated 'Residential' and are located in the built-up area in the OP. The following policy areas are significant to the subject applications:

#### *i. Residential Policies*

The OP states that the residentially designated areas within each of the County's urban communities (including Dunnville) are expected to continue to accommodate attractive and functional neighbourhoods that provide a variety of housing forms and community facilities supportive of a residential environment. The predominant use of lands within the Residential designation shall be for residential purposes, including all forms of residential development in accordance with the policies of the OP. It is Planning staff's opinion that the subject applications conform to these policies. More specifically, the subdivision includes a variety of housing forms and uses underutilized lands within the built boundary efficiently. Also, the subdivision and building layout is considered attractive and functional, and the proponent would be required to provide elevation plans as a condition of draft plan approval to ensure the proposed dwellings would complement existing development in the area. This



is a standard requirement of draft plan approval. Also, the interface between the subject development and lots fronting onto Forest Street East is considered appropriate. Single to townhouse lots (proposed development) backing onto semi-detached lots (existing development) is considered compatible. The zoning for the subject development has been prepared to prohibit windows on the second floor of the proposed dwellings abutting the Forest Street East lots, except in the stairwell and bathrooms, to ensure privacy in the backyards of the existing lots fronting onto Forest Street East.

Further, the OP states that low density development (single and semi-detached housing) generally shall not exceed 20 units per gross residential hectare and medium density development (townhouses and low-rise apartments) generally shall not exceed 40 units per gross residential hectare. The proponent is proposing nine (9) residential lots, which will provide 18.75 units per hectare on the subject lands. Taken at a neighbourhood scale (between Forest Street East, Tamarac Street, Alder Street, and Cedar Street), the subject development will fit with the mixed-use character of the neighbourhood, which includes a range and mix of residential forms and densities equating to approximately 19 units per hectare.

The OP also supports measures to provide residential intensification such as conversion, infilling and redevelopment in areas designated for residential use for the same reasons that A Place to Grow supports residential intensification. The OP provides criteria on introducing new lots and dwellings within stable residential neighbourhoods, which includes providing similar building height, lot sizes, coverage, setbacks, built form and façade; maintaining the predominant or average front yard setback; and providing a consistent arrangement of parking. It is Planning staff's opinion that the proposed Subdivision conforms to this criteria, given the mix of housing types and densities in the neighbourhood.

Additionally, the subject applications include five (5) townhouses units. The OP provides criteria for considering medium density development (townhouses) which focuses on the effect of the development on the neighbouring residential area, proximity of the subject lands to public parks, and the adequacy of community services and facilities to accommodate the needs of the residents of the proposed use. Five (5) townhouse units is considered minimal. The subject lands are located in a mixed use area that contains a variety of housing forms and densities. The subject lands are an acceptable walking distance to the central business area (80 metres (262 feet) from the northern edge of the built downtown). The dwellings will be attractive and two (2) parking spaces will be provided per lot.

The OP also states that new residential development in proximity to existing commercial uses, industrial uses or other uses requires compatibility analysis. The subject lands are located approximately 50 metres (165 feet) from Girling Autobody; a noise study will be required as a condition of draft plan approval to ensure the dwellings are constructed with noise abatement measures and a noise warning is registered on title, if required by the noise study. This is a similar approach as that taken for the three (3) storey apartment building (Dehaan Homes) that was approved several years ago by Council (but not yet commenced construction) and would satisfy the requirements of the Ministry of Environment, Conservation and Parks (MECP) guidelines.

## *ii. Functional Servicing Policies*

The OP requires new development in settlement areas to proceed on full municipal services. To demonstrate that the proposed development can be accommodated on existing municipal services, the proponent submitted a Functional Servicing Report & Stormwater Management Report (FSR) prepared by WestX Inc. (revised February 10, 2022). The key service areas are examined below.

### Water Supply Distribution

The FSR proposes to construct a water service to wrap the proposed cul-de-sac, connected at both ends to the existing watermain on Maple Street. The five (5) townhouse units and future single detached dwelling that are proposed to front onto the cul-de-sac will connect into the proposed water service in the cul-de-sac. The FSR proposes individual connections into the existing watermain on Tamarac

Street to service the single-detached dwelling and semi-detached dwelling proposed to front onto Tamarac Street. Servicing allocation of 14.4 cubic metres per day is required and can be accommodated.

### Sanitary Distribution System

The FSR proposes to construct a sanitary sewer and will discharge into the existing maintenance hole at the intersection of Maple Street and Cayuga Street. The five (5) townhouse units and future single detached dwelling that are proposed to front onto the cul-de-sac will connect into the proposed sanitary sewer in the cul-de-sac. The FSR proposes individual connections into the existing sanitary sewer on Tamarac Street. Servicing allocation of 8.8 cubic metres per day is required and can be accommodated.

### Stormwater Management

The FSR proposes that stormwater will generally be managed through the use of a stormwater management ponding area (dry pond) to provide the same pre-development to post-development flows for all storms (Block 3 in Attachment 2). The proposed ponding area is a depression proposed within a dedicated stormwater management block between the rear yards of the townhouses and the units fronting Tamarac. The ponding area has an access area that starts at the cul-de-sac and runs along the south property line. The ponding area outlet is controlled and outlets into the storm sewer on Maple Street. The FSR states that the ponding is desirable as it mimics a natural system, is cost effective compared to underground storage (which the County will not assume), and provides sufficient capacity to over control larger storm events.

The Development Technologist has reviewed the FSR and servicing plans and is of the opinion that the development is considered feasible. Additional details and some minor changes to the engineering plans provided will be required following draft plan approval, during the detailed engineering design stage. This will not affect the layout of the proposed Subdivision.

### *iii. Transportation Policies*

The OP requires Traffic Impact Studies (TIS) as part of any proposal for development where it is determined that the development may have an impact on the road network. Only development proposals that can reasonably be accommodated within the existing roads system are 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 proponent submitted a Traffic Brief prepared by Paradigm Transportation Solutions Limited (dated April 14, 2021) to support the subject applications. The TIS states that the overall impact of the proposed development on the study area roadways (South Cayuga Street East, Maple Street, and Tamarac Street) is forecast to be minimal. The trips generated by the nine (9) dwelling units are well within the realm of daily volume variation on collector and local roads and as such will not impact the operations of the study area intersections to such extent that remedial measures will be required.

Further, the creation of the cul-de-sac north of the intersection of Cayuga Street East and Maple Street will form a T-style configuration. The Traffic Brief provides technical recommendations on the connection of the cul-de-sac to prevent driver confusion. This includes painting a cross walk and stop bar at the connection point, painting a centre line in the curve of Cayuga Street East and Maple Street, installing sharp turn signage along South Cayuga Street East and Maple Street, and prohibiting on-street parking 9 metres (30 feet) in proximity to the T-style intersection (Attachment 6). The proponent's team would utilize the recommendations of the Traffic Brief to prepare the technical engineering plans following draft plan approval, and would be responsible for providing these items at their cost.

Lastly, the Traffic Brief states that the relocated emergency access within Block 1 will have sufficient width to accommodate fire truck circulation (Attachment 4). This part of the analysis supports the future

development of a single detached dwelling within Block 1, subject to successful negotiations with the adjacent Condominium Corporation No. 15.

The Development Technologist, Transportation Engineering Technologist, and Fire Prevention Officer/Captain have reviewed the TIS and are generally satisfied with the recommendations. The Transportation Engineering Technologist recommends that the installation of sharp turn signage and prohibition of on-street parking be deferred until build-out in order for the County to assess whether these items are necessary. This recommendation can be accommodated.

*iv. Lot Creation Policies*

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.

For the reasons discussed above, it is Planning staff's opinion that the proposal conforms with these policies and more generally with the OP.

***Haldimand County Zoning By-law 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 zoned "Urban Residential Type 3 (R3)". The proponent is proposing to rezone the subject lands as follows (Attachment 7):

- Parts 1 – 3, 9 (Part 9 = Block 1) – "Urban Residential Type 2 (R2)" with Special Provisions;
- Parts 4 – 8 – "Urban Residential Type 4 (R4)" with Special Provisions;
- Part 10 (Part 10 = Block 2) – Zoning repealed (zoning does not apply to public roadways);
- Part 11 (Part 11 = Block 3) – "Open Space (OS)" with Special Provisions.

A zoning comparison chart is included as Attachment 8 with Planning staff comments.

It is Planning staff's opinion that the requested zoning provisions are appropriate. The special provisions are relate to urban design features, function of the dwellings, privacy, and a result of the irregular shape of the subject lands. The special provisions are also requested to address the emergency access lane and to reduce the open space frontage and size requirements in line with the proposed stormwater management ponding area (Block 3).

A draft Zoning By-law has been included as Attachment 9 for Council and public review. Planning staff do not recommend that Council pass the Zoning By-law at this time. If/once the Draft Plan of Subdivision application is approved, the Zoning By-law will be forwarded to Council for passage.

## Conclusions and Next Steps

To support the subject applications, the proponent's team submitted a Planning Justification Report (PJR) prepared by a Registered Professional Planner (RPP). It is the RPP's opinion that the subject applications are consistent with Provincial and County policy frameworks.

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.

If no further comments are raised by Council or the public, 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 Part 9/Block 1 until the conditions are met. An H-Removal By-law has been included with this report as Attachment 10, to authorize the General Manager of Community and Development Services the ability to remove the H provision to allow for development to proceed when all conditions are met relating to Part 9/Block 1.

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:

Blocks 2 (cul-de-sac) and 3 (stormwater ponding area) will be conveyed to the County for ownership and maintenance. All other financial requirements related to the proposed Subdivision would be addressed through the required Subdivision agreement. Additionally, development charges would be required at the time of building permit application.

## STAKEHOLDER IMPACTS:

### Neighbourhood Open House:

The agent hosted a virtual neighbourhood open house (open house) on June 14, 2021 starting at 6:30 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 Council representatives. The Ward 5 and 6 Councillors and a number of residents attended the open house. The agent provided a summary of the development project. The residents had the following concerns:

- Two storey dwellings close to property lines adjacent to one storey dwellings on Forest Street East. The proponent is proposing to limit glazing (windows) on the second storey along the shared property line (which will be captured in the Zoning By-law) to preserve privacy.
- Soil testing and remediation. The proponent's team has filed a Record of Site Condition (RSC) in accordance with the Ministry of Environment, Conservation and Parks (MECP) requirements.
- Stormwater drainage. The proponent's team has demonstrated that stormwater management is feasible on the subject lands in accordance with the County Design Criteria. Pre-development stormwater management flows will be maintained. Further detailed plans will be required at the detailed design stage.

## **Haldimand Standard Condominium Corporation No. 15:**

The proponent and staff have had discussions with the Condominium Corporation and residents regarding relocation and reconstruction of the emergency access that benefits the Condominium. The Senior Planner, Development Technologist, and Fire Prevention Officer/Captain met onsite with the Property Manager and a few condominium residents to discuss relocation of the emergency access. The Traffic Brief was also shared with the Property Manager and condominium residents. Further discussions and agreement will be required to sever and build on Part 9/Block 1.

### **Public Notice:**

A notice of complete application was circulated to property owners within 120 metres (400 feet) of the subject lands on April 29, 2021. A notice of public meeting was circulated on May 12, 2022. Development signs were posted on both frontages on May 05, 2022.

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

**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.”

The Owner is advised to contact Bell Canada at [planninganddevelopment@bell.ca](mailto:planninganddevelopment@bell.ca) during the detailed utility design stage to confirm the provision of communication/telecommunication infrastructure needed to service the development.

It shall be noted that it is the responsibility of the Owner to provide entrance/service duct(s) from Bell Canada’s existing network infrastructure to service this development. In the event that no such network infrastructure exists, in accordance with the *Bell Canada Act*, the Owner may be required to pay for the extension of such network infrastructure.

If the Owner elects not to pay for the above noted connection, Bell Canada may decide not to provide services to development.

**Planning Comment:** The requested statements will be included in the subdivision agreement.

**Canada Post Corporation** – Please be advised that this development will be serviced by door to door delivery as there are 2 separate streets (Maple St. (6 new houses with a cul-de-sac) and Tamarac St. (3 new houses)) affected.

**Trans-Northern Pipeline (TNPI)** – TNPI has no comments.

**CP Rail** – No comments received.

**CN Rail** – We have revised the information and site location. CN Rail does not have any comments with regards to this application.

**Mississaugas of the Credit First Nation** – We have no comments at this time.

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

**Union Gas** – No comments received.

**Hydro One (High Voltage/Corridor)** – We have revised the documents concerning the noted Plan and have no comments or concerns at this time.

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

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

**Roads Operations** – Roads Operations have no issues or concerns.

**Transportation Engineering Technologist** – The Engineering Division is in receipt of the Traffic Brief prepared by Paradigm dated April 2021. Engineering offers the following comments.

The methodology of using 2016 volumes for establishing the existing traffic counts is acceptable. The trip generation, distribution and the assignment used is acceptable for the intersections reviewed. The growth rate of 2% per year to calculate the future traffic growth to the horizon year of 2028 is acceptable.

The cul-de-sac review recommends stop control for proposed street, reduced pavement width at the entrance to the main road, a painted centerline on Maple St. and South Cayuga St. and painted crosswalks. These items can be addressed in the subdivision for review. Parking in residential areas is typically not restricted. The curve warning signs proposed is not typically applied to residential areas. The parking and curve warning sign can be deferred for the County to assess after build out.

The sight distance review finds that it is acceptable for the area.

Emergency access review provided shows the path of the fire vehicle trespassing over the west property line of Lot 9 on entry and exit. The County should consider an agreement with the property owner to prohibit fencing, landscaping and out buildings that will interfere with the fire vehicle path as shown.

**Planning Comment:** The Transportation Engineering Technologist's recommendations will be implemented as conditions of draft plan approval and at the detailed engineering design phase.

**Design Technologist** – Servicing is feasible. Minor revisions to the plans and additional details will be required at the detailed engineering design stage. This includes amending the proposed 150mm watermain system to 50mm loop within the cul-de-sac.

**Project Manager, Water & Wastewater Capital** – Standard comments include:

- Only one set of services per-premise, as defined in the Water Use By-law.
- Any installation of a watermain or large water service must adhere to County Disinfection Procedures.
- All watermains must be a closed loop system. Note: the identified large watermain loop can be reduced to a 50mm diameter loop around the cul-de-sac provided that size meets the demand needs of the proposed dwellings.
- Sanitary sewer services must connect into a sewer main, not directly into a collection system manhole.

**Forestry Operations** – A Tree Protection Plan and Street Tree Planting Plan are required.

#### General Comments

There are eight (8) Black Walnut trees that appear to be located within the Haldimand County right-of-way at the corner of Maple Street and South Cayuga Street East and will be negatively impacted by the proposed development.

#### Option 1

The preferred option is to retain the Black Walnut trees as part of the proposed development and design a subdivision layout that works for the existing trees.

## Option 2

If it is unreasonable to retain the Black Walnut trees then the County will permit the Black Walnut trees to be removed. It will be the developer's responsibility to cover the cost for removal of the trees and as well as a cash-in-lieu payment for replacement trees. As per the Haldimand County Forestry Management Plan, street trees are to be replaced at a rate of (1) new tree for every 20cm in diameter of the tree(s) removed.

Total diameter of existing trees: 240cm/20cm = (12) replacement trees required. Our standard street tree is a 50mm Wire Basket with installation costs of \$518.97 each \*(12) replacement trees = \$6,227.64.

The County will require a cash-in-lieu payment of \$6,227.64 from the developer prior to the removal of the existing Black Walnut trees. These funds will be used by Haldimand County to plant new trees in other suitable locations.

The reforestation costs are in addition to the County's street tree planning requirements for subdivisions.

## Tree Protection Plan

For our community to continue to receive the benefits of Woodlands and trees, these features need to be properly protected during the development and construction of a site.

The County owned Norway Maple located at 415 Maple Street and any of the Black Walnuts that are retained will require protection.

A detailed Tree Protection Plan shall be submitted for review by Haldimand County in conjunction with stormwater management, grading and servicing plans as a condition of plan approval.

The Tree Protection Plan shall be prepared by an International Society of Arboriculture Certified Arborist, Ontario Ministry of Training, Colleges and Universities Arborist Journey Person Class, Landscape Architect or Registered Professional Forester and shall be submitted with the planning application for review by staff.

Please contact the Haldimand County Project Manager, Forestry for the terms of reference for the Tree Protection Plan.

## Street Tree Planting Plan

Street trees provide many community benefits such as sequestering carbon, reducing stormwater run-off, shade, filtering air pollution, wildlife habitat and contributing to beautiful communities. Each development must make a positive contribution to the urban environment to help sustain and enhance the quality of our urban forest. Street trees shall be planting at the following densities:

- (a) Minimum (1) tree per residential dwelling planted within right-of-way.
  - Minimum (2) trees shall be planted for residential dwellings on corner lots.
- (b) Minimum (1) tree per 10 lineal meters of right-of-way frontage for lot-less, multi-residential, commercial and institutional lots planted within right-of-way.

Haldimand County recognizes the difficulties in coordinating tree planting within the development process and has instituted a cash-in-lieu process, whereby the developer will participate in providing a street tree planting plan during the planning stage of the development and Haldimand County will implement the tree planting.

The Street Tree Planting Plan shall be prepared by an International Society of Arboriculture Certified Arborist, Ontario Ministry of Training, Colleges and Universities Arborist Journey Person Class, Landscape Architect or Registered Forester and shall be submitted with the planning application for review by staff.

Please contact the Haldimand County Project Manager, Forestry for the terms of reference for the Street Tree Planting Plan.

**Planning Comment:** Option 2 (removal of Black Walnut trees and payment of cash-in-lieu) has been chosen. All other items will be included as conditions of draft plan approval.

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

**Building & Municipal Enforcement Services** – No objections. Comments provided on Zoning By-law, which have been addressed.

**Municipal Property Assessment Corporation (MPAC)** – No comments received.

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

**Legal and Support Services** – No comments.

## **REPORT IMPACTS:**

Agreement: Yes

By-law: Yes

Budget Amendment: No

Policy: No

## **ATTACHMENTS:**

1. Location Map.
2. Draft Plan.
3. Haldimand Standard Condominium Corporation No. 15 Site Plan.
4. Future Plan for Block 1.
5. Application Materials.
6. Cul-de-Sac Plan.
7. Zoning By-law Map.
8. Zoning Comparison Chart.
9. Draft Zoning By-law.
10. Draft Holding Provision Removal By-law.