
HALDIMAND COUNTY

Report PDD-27-2022 Application to Permit Stacked Townhouse Development in Townsend



For Consideration by Council in Committee on June 21, 2022

OBJECTIVE:

To amend the Official Plan and Zoning By-law to facilitate the development of 66 stacked townhouse units within the urban area of Townsend.

RECOMMENDATIONS:

1. THAT Report PDD-27-2022 Application to Permit Stacked Townhouse Development in Townsend be received;
2. AND THAT application PLOP-ZB-2022-037 to amend the Haldimand County Official Plan for the subject lands from Community Commercial and Riverine Hazard Land to Community Commercial and Riverine Hazard Land with a site-specific policy and to amend the Haldimand County Zoning By-law HC 1-2020 from Downtown Commercial to Downtown Commercial with a special exception be approved for reasons outlined in Report PDD-27-2022;
3. AND THAT the Official Plan amendment attached to Report PDD-27-2022 to amend the Haldimand County Official Plan be presented for enactment;
4. AND THAT the Zoning By-law amendment attached to Report PDD-27-2022 to amend the Haldimand County Zoning By-law HC 1-2020 be presented for enactment;
5. AND THAT the application is considered to be consistent with the Provincial Policy Statement, 2020 and the Provincial Growth Plan, 2020 and other matters of provincial interest.

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

Calibrex Developments is proposing to develop a 66 unit stacked townhouse condominium on the subject lands. The development will consist of six blocks, with a range of nine (9) to fifteen (15) units in each block. Two parking spaces will be provided for each unit, as well as seven (7) visitor spaces, which complies with the requirements of the Zoning By-law.

The subject lands are located on Nanticoke Creek Parkway in Townsend. In order to facilitate the development, the proponents are seeking to add a special provision to the existing "Community Commercial" designation and "Downtown Commercial (CD)" zoning. A condominium application will be submitted pending approval of the proposed amendments.

Staff have reviewed the proposal in accordance with Provincial and County policies and are recommending approval.

BACKGROUND:

An application to amend the Haldimand County Official Plan and Zoning By-law HC 1-2020 has been received to facilitate the development of a 66 unit stacked townhouse condominium in the form of six (6) buildings located on the south side of Nanticoke Creek Parkway in Townsend (Attachment 1). A stacked townhouse is defined in the Zoning By-law as “a building containing three or more dwelling units, with each dwelling unit separated from the other both horizontally and vertically that may have a private independent entrance from a yard or a shared entrance from a common corridor, vestibule, or landing”. Essentially, a stacked townhouse is a cross between a low rise condominium apartment and a townhouse; they are multi-unit buildings that “stack” the residential units on top of each other and each unit has its own separate entrance. Concept elevations have been provided (Attachment 3). The applicants have also requested relief of 1 metre (3 feet) from the maximum permitted front yard of 3 metres (9.8 feet) to permit a front yard of 4 metres (13.1 feet).

The subject lands are approximately 0.74 hectares (1.83 acres) in size and are designated “Community Commercial” in the Official Plan. This designation generally does not permit residential uses in the street level storefront portion of a building. The lands are zoned “Downtown Commercial (CD),” which does not permit stacked townhouses on lands fronting onto certain streets, including Nanticoke Creek Parkway. In order to facilitate the development of stacked townhouses on the subject lands, the applications have requested special provisions to be included in the Official Plan and Zoning By-law.

Directly north of the subject lands are single detached dwellings and a park. A large stormwater management pond and some trails are located to the east and south, with office buildings and a partially completed townhouse development (which is also being constructed by the applicant) located to the west. The lands are vacant aside from a paved parking area.

The property was the subject of a Zoning By-law amendment in 2008, which permitted a multi-tenant commercial building abutting Nanticoke Creek Parkway and a forty-eight unit, four storey apartment building together with associated surface parking and underground parking.

ANALYSIS:

A fulsome and detailed policy analysis is included with this report as Attachment 6. Relevant policies are summarized below.

Provincial Policy Statement, 2020

The Provincial Policy Statement, 2020 (PPS) provides direction on matters of provincial interest related to land use planning and development. The PPS speaks to directing, promoting, and sustaining development to meet the full range of current and future needs, achieving efficient development patterns, and avoiding significant or sensitive resources and areas which may pose a risk to public health and safety. The *Planning Act* requires planning decisions to be consistent with the PPS. The PPS states that healthy, liveable and safe communities are sustained, in part, by accommodating a range of land uses such as housing, employment (including industrial and commercial), institutional, recreational, park and open space, and other uses to meet long-term needs. Applicable PPS policies are outlined and analyzed below.

The PPS states that healthy, liveable and safe communities are sustained by promoting efficient development patterns, accommodating a range and mix of housing types, and avoiding development patterns which may cause environmental or public health and safety concerns or which would prevent

the efficient expansion of settlement areas. The PPS also directs that settlement areas shall be the focus of growth and development. Development is intended to represent the efficient use of land and resources, which includes intensification and infill within the built area boundaries. Appropriate development standards are to be applied to infill development.

The proposed development represents efficient development as it is located within the serviced built boundary of an urban area (Townsend). Stacked townhouses are the proposed form of development, and this area of primarily single detached dwellings. The stacked townhouses would contribute to a greater range and mix of housing types, while maintaining a lower profile for height that is similar to the surrounding uses. There are no environmental or public health and safety concerns that would be caused as a result of the proposed development. The efficient expansion of Townsend would not be compromised as a result of the proposed stacked townhouses, and the development would be cost effective as infrastructure extensions would not be required. The townhouses would be constructed in accordance with the Ontario Building Code, which sets out the accessibility requirements that would need to be implemented. Public service facilities are available in Townsend or surrounding nearby urban areas (Jarvis, Hagersville, or Simcoe). The proposed development would minimize the loss of biodiversity as it is surrounded by development and has been disturbed in the past. Efficient development patterns such as this infill proposal assist with mitigating climate change impacts by limiting sprawl.

The proposed development will efficiently use land and resources, is appropriate for the infrastructure available in the area, and will minimize impacts to air quality and climate change. The subject application supports active transportation as it is located within the core of Townsend, in close proximity to walking trails.

This is an appropriate location for intensification. The lands are vacant and centrally-located in Townsend. This area has no directly adjacent residential neighbours, which results in fewer opportunities for concerns around compatibility/land use change.

Should this application be approved, the development would be subject to site plan control, through which staff can apply appropriate development standards. The proposed stacked townhouses comply with all relevant requirements of the Zoning By-law (i.e. setbacks, height, etc.).

The proposed development of 66 stacked townhouse units is considered to characterize compact form. Stacked townhouses are a medium density development type. The proposed use of land is efficient.

The PPS requires that Planning authorities engage with Indigenous communities and coordinate on land use planning matters. Haldimand County has circulated Six Nations of the Grand River Council and Mississaugas of the Credit First Nations. An on-site meeting was held with staff from Calibrex, Six Nations, and Haldimand County in order to further discuss the comments submitted by Six Nation relating to the natural environment and cultural heritage. An approach was determined which satisfied Six Nations, wherein all comments can be addressed at the site plan stage.

The PPS outlines that municipal sewage services and municipal water services are the preferred form of servicing for settlement areas. The subject lands are serviced by municipal sewage and water services. A functional servicing report was submitted and has indicated that the lands can be appropriately serviced by existing infrastructure. The proposed water servicing would involve connecting to the existing 250 millimetre watermain within Nanticoke Creek Parkway, and sanitary servicing would include connecting to the existing 200 mm sanitary sewer located at the southwest corner of the site. Sufficient system capacity exists in Townsend for both water and sanitary services.

The PPS directs that development and site alteration shall not be permitted on lands containing archaeological resources or areas of archaeological potential unless significant archaeological resources have been conserved. A Stage 1 Archaeological Assessment has been completed. A Stage 2 assessment is required to be completed, and site plan approval will not be granted until the

archaeological study has been registered with the Ministry of Heritage, Sport, Tourism and Culture Industries.

The PPS directs that development shall generally be directed to areas outside of hazardous sites. The subject lands are partially located within Riverine Hazard Lands. The applicant has worked with Long Point Region Conservation Authority to design the site appropriately within the hazardous area.

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

A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2020 ("Growth Plan") establishes a unique land use planning framework for the Greater Golden Horseshoe that supports the achievement of complete communities, a thriving economy, a clean and healthy environment, and social equity.

Forecasted growth is to be directed to the delineated built-up areas within settlement areas, and away from hazardous lands. Development should take the form of complete communities that feature a diverse mix of land uses, a range and mix of housing options, and convenient access to transportation options and other services. Intensification targets are intended to be achieved.

The subject application proposes to develop a lot within a serviced settlement area. The lands are within the delineated built-up boundary. The proposed stacked townhouses would contribute to a more diverse range and mix of housing options in Townsend. They represent a compact built form. The intensification target for Haldimand County is 20%. The proposed development would assist the County in meeting that target.

Proposals for large-scale development are to be supported by a stormwater management plan, subject to specific criteria.

A functional servicing report (FSR) has been submitted which addresses stormwater management at a high level. More in-depth information will be provided at the site plan stage. The FSR has demonstrated that stormwater can be addressed effectively for this development.

The subject application is consistent with the policies of the Growth Plan.

Haldimand County Official Plan

The subject lands are located in the Urban Area of Townsend. The Official Plan (OP) encourages intensification throughout the built-up area of the urban areas, especially in the downtowns. The subject lands are located within the built-up area of Townsend, and within the downtown core. Site Plan Control applies to the subject lands.

Townsend is described in the OP as a planned community with a predominantly residential focus. Townsend is well served by a large retirement and long term care facility. Recreational connectivity is encouraged throughout Townsend by way of trails and linked stormwater management facilities. The proposed residential development would conform to the predominant focus of the area.

The OP states that the basic unit for determining residential density in urban areas shall be the gross residential hectare, which is calculated on a neighbourhood basis including the area of land to be developed for residential use, roads and parkland, and stormwater management facilities. Medium density is described as generally not exceeding 40 units per gross residential hectare.

A number of criteria are to be addressed when considering medium density residential development:

- a) the effect of the development on the overall housing needs of the community;
- b) the effect of the use on neighbouring residential development with respect to the density, form, height and arrangement of buildings and structure;
- c) the ability of the site to provide adequate parking facilities for the use in a manner that does not compromise the provision of other amenities and facilities such as outdoor common areas, landscaped buffers, garbage storage enclosures and emergency vehicle access;

- d) the proximity of the use to arterial or collector roads in order to reduce the need to direct additional traffic to local streets within stable, low density residential areas;
- e) the proximity of the use to public parks and other open space amenities and pedestrian access to these amenities; and
- f) the adequacy of community services and facilities, including special needs facilities, to accommodate the needs of the residents of the use.

The proposed development is considered medium density as sixty-six (66) townhouse units are proposed on a parcel measuring 0.74 hectares (1.8 acres) in size, resulting in a density of eighty-nine (89) units per hectare. However, when measured on a neighbourhood basis, the density is much lower due to the prevailing single detached dwelling form and adjacent open spaces. The 14.4 hectare area to the west of Townsend Parkway was measured and contains approximately 191 units, resulting in a density of roughly 13.3 units per gross residential hectare. The density is appropriate in this instance.

The medium density development criteria have been evaluated and the proposed development conforms to this policy. Housing is needed in Haldimand County, and Townsend has experienced limited growth since its establishment. As such, the stacked townhouse units are a welcome addition to the community. The closest neighbouring residential development is separated from the proposed development by Nanticoke Creek Parkway, and there would be a significant amount of distance between the established neighbourhood and the townhouses. The number of parking spaces required by the Zoning By-law can be provided on the subject lands without compromising the provision of other amenities and facilities. Nanticoke Creek Parkway is able to accommodate all new traffic generated by the site. There is a public park to the northeast of the subject lands, as well as many walking trails within close proximity. There are limited community services and facilities within Townsend, but many services are located in nearby Jarvis, Hagersville, and Simcoe.

The subject lands are designated “Community Commercial” and “Riverine Hazard Lands” in the OP. A full range of commercial activity is permitted in the Community Commercial designation. Residential uses, primarily in the form of apartments, are permitted in the Community Commercial designation. Residential uses are not permitted in the street level storefront portion of a building to a maximum height of 4 storeys and may be permitted to a maximum height of 6 storeys where considered appropriate. The minimum density for residential and mixed use buildings shall be 40 units per gross residential hectare.

The proponent has applied to amend the Official Plan to permit residential use at the street level. The proposed stacked townhouses would be four (4) storeys in height, and will exceed 40 units per hectare. There are no alternative locations within the built boundary of Townsend to establish residential uses. Much of the lands in Townsend are provincially-owned and not available for development at this time. The subject lands have sat vacant for decades, making it evident that there is not a strong demand for commercial uses in Townsend.

The OP sets out that new development is not permitted in a one-zone flood plain concept. A one-zone sets the entire floodplain (referred to as Riverine Hazard Lands in the OP) as a floodway within which the same level of restrictions apply. Institutional uses, essential emergency services, and uses associated with disposal, manufacture, treatment, or storage of hazardous substances are prohibited in Riverine Hazard Lands. In this case, the Riverine Hazard Lands are applicable to the stormwater management pond to the south and east of the subject property. The applicant has worked with Long Point Region Conservation Authority to determine an acceptable setback from the adjacent stormwater management pond, on which the hazard lands are based.

The subject application conforms to the intent of the Official Plan.

Haldimand County Zoning By-law HC 1-2020

The subject lands are zoned “Downtown Commercial (CD)” with the Natural Hazard overlay in the Haldimand County Zoning By-law. The CD Zone permits a wide range of commercial and institutional uses, as well as some residential uses; however, stacked townhouses are not a permitted use.

The Zoning By-law defines stacked townhouses as “a building containing 3 or more dwelling units, with each dwelling unit separated from the other both horizontally and vertically that may have a private independent entrance from a yard or a shared entrance from a common corridor, vestibule, or landing”. They can be described as a cross between a townhouse and an apartment building.

The proposed development requires 132 resident parking spaces and 7 visitor parking spaces, for a total of 139 spaces. All of the required parking can be accommodated on site and is shown on the owner’s sketch (Attachment 2). Each unit will include one parking space in the garage and one on the driveway, as well as surface parking for the visitor spaces. This development is proposed to proceed as a condominium, and as such, the County will not enforce parking issues on the subject lands. Internal roads are large enough to accommodate emergency services vehicles.

The maximum permitted front yard setback in the CD Zone is 3 metres (9.8 feet), and the applicants are proposing 4 metres (13.1 feet). The relief is minor and appropriate in this situation, as the maximum setback is intended to maintain a downtown commercial character. Since the lands are proposed to be used for residential purposes, and there is no ‘downtown area’ per se, the maximum setback should no longer apply.

The proposed townhouses and requested relief conform to the intent of the Official Plan, and it is appropriate to permit them in the CD Zone in this instance.

The Natural Hazard overlay is subject to the following provisions:

“The areas illustrated on Schedule A are an overlay, and indicate the areas that are subject to the applicable Conservation Authority’s regulation under Section 28 of the *Conservation Authorities Act* for any development (including site alteration), any interference with wetlands and alterations to shorelines and watercourses. In this regard, the applicable Conservation Authority must be contacted prior to any such work taking place in the Regulated Area. The underlying zone category on Schedule A shall apply in addition to the provisions of this Section.

Development in the *Conservation Authorities Act*, is defined as (a) the construction, reconstruction, erection or placing of a building or structure of any kind; (b) any change to a building or structure that would have the effect of altering the use or potential use of the building or structure, increasing the size of the building or structure or increasing the number of dwelling units in the building or structure; (c) site grading; or (d) the temporary or permanent placing, dumping or removal of any material, originating on the site or elsewhere.

The Natural Hazard Lands overlay may differ from the area delineated on Schedule A, as it may be subject to changes resulting from new environmental information obtained by the Conservation Authority’s over time. The boundaries of the Natural Hazard Lands shall be determined by the applicable Conservation Authority. In case of a conflict between the description of the Natural Hazard Lands in the text of the regulation and the areas as shown on Schedule A, the description of the Natural Hazard Lands in the regulation prevails. An amendment to this By-law shall not be required to update or revise the limits of the Natural Hazard Lands as illustrated on Schedule A.

The following provisions shall apply to all lands within the Natural Hazard Lands (on Schedule A or to lands that meet the description of regulated areas in the applicable Conservation Authority’s regulation):

- a) Development (as defined above) is subject to the applicable Conservation Authority’s review and may require a permit pursuant to the Conservation Authority’s regulation, prior to any works taking place;

- b) The Natural Hazard Lands shown on Schedule A may be subject to change. The final boundaries of the Natural Hazard Lands shall be determined by the applicable Conservation Authority;
- c) The following uses shall be prohibited in lands identified as Natural Hazard Lands, as determined by the Municipality in consultation with the Conservation Authority:
 - i) institutional uses including hospitals, long-term care homes, retirement homes, day cares, day nurseries and schools;
 - ii) essential emergency services including fire, police, ambulance stations and electrical substations; and
 - iii) uses associated with disposal, manufacture, treatment or storage of hazardous substances.”

Long Point Region Conservation Authority (LPRCA) has been consulted regarding the proposed development on the subject lands. They will also be involved in the site plan review, should the subject application be approved, and no development can occur without a permit from their office. LPRCA is generally supportive of the subject application.

Conclusion

The subject application is consistent with the Provincial Policy Statement and the Growth Plan, and conforms to the overall intent of the Official Plan and Zoning By-law. Staff support the subject application and recommend that it be approved.

FINANCIAL/LEGAL IMPLICATIONS:

Development Charges will apply at the rate in effect at the time of building permit issuance. Haldimand County’s Parkland Dedication By-law will apply to the proposed development, and 5% of the appraised value of the subject lands will be required as payment-in-lieu of parkland at the time of the site plan agreement.

STAKEHOLDER IMPACTS:

Building & Municipal Enforcement Services:

Site plan provided does not provide enough information to complete preliminary review. Here is what we have with the information provided.

Zoning

1. Requires 2 parking spaces/dwelling unit + 1 visitor parking space for every 10 dwelling units or part thereof. Visitor parking spaces to be clearly identified, demarcated and signed accordingly.
2. 6.5 m aisle width required as per 5.2.3. of By-law HC 1-2020.
3. More information required on how covered parking will be done in front of structures. Nothing showing what that will look like.
4. Minimum parking space size and accessible parking space information shall comply with the Zoning By-law provisions.

Comment:

Based on the concept provided, the parking provisions are being met and final technical review will be completed through the Site Plan Approval process.

Ontario Building Code (OBC) Review

1. Assuming they are building these as part 3 buildings.
2. Covered parking area within building will be classified as F2 Storage garage.

3. Spatial separation will apply to building 1 and building 2 setbacks to property lines.
4. Require Building areas to determine stand pipe hose stations, sprinklers not required.
5. 3.8.2 Barrier Free if being built as apartment and not a stacked townhouse.
15% of units must have barrier free path of travel.
Bldg. 1 = 4 units
Bldg. 2 = 4 units
Bldg. 3 = 4 units
Bldg. 4 = 3 units
3.8.2.1.(7) & (8), equally throughout building, meaning each floor, are they providing elevator?
Barrier path of travel must be from parking space to entrance and to suite if this is built as an apartment.
6. Identify location of fire route and appropriate turning radius.
7. Identify location of on-site hydrants.

Servicing

8. As per county water policy one water meter per lot. However, water service will be from water meter box and extend to each building and will have pressure reducing double back flow preventer.
9. Indicate how roof water is to drain and where is it going.
10. Identify fire main and hydrant location must be within 90 meters of each building.
11. Identify all services, storm, water, sanitary, gas, hydro, etc.

General Site

12. Indicate on site walkways and connection to street.
13. Indicate where snow piles will be located.
14. Indicate fencing and pond guard's details?
15. Location of garbage and recycling.
16. 3 parking spaces located in front of building 1, is parking allowed in front yard?
17. Identify barrier free parking spaces.
18. Does loading space required for each building?
19. Where are the mail boxes going to be located?
20. The pond appears to be a park area, will a walkway be required to allow public to walk around.
Looking at site there is a public walkway in parts.
21. Will require a detail drainage and grading plan.

Planning and Development – Development Technologist:

The following documents submitted with this package were reviewed:

Site Electrical & Photometric Summary

- Based on the orientation and the amount of buildings proposed, light poles were placed where possible but light spillage is shown over the property line – Haldimand County Design Criteria V1.02 refers to no spillover of light at property lines.

Servicing Plan

- Sanitary system that will connect with this development is a private system, ownership of this private system should be investigated to avoid potential problems.

No comments or concerns were raised through review of the following:

- Preliminary Tree Inventory and Preservation Plan
- Concept Elevations
- Landscape Plan

- Grading Plan
- Geotechnical Report

Functional Servicing Report

- Hydrant Testing to be required and will be conducted Spring 2022 as per Functional Servicing Report (FSR).
- A review of available sanitary downstream capacity should be provided prior to OPA/ZBA moving forward.
- Quality control level 1 TSS required for discharge to the pond.
- ***“The watermain network will be required to supply approximately 4,139 L/min to service the development.”*** – is this a statement that mentions that this is the requirements to supply this development or that it is calculated as possible to service this development?
- Full Velocity column empty – please elaborate.
- Sanitary system that will be utilized is a private sanitary system – owner of this system should be reflected in the FSR.

Fire Access Route

- Proposed access connecting to a private parking area would not be permitted.

Site Plan

- Clarification on how the second access that connects to neighbouring property will be required
- Any easements that reflect the functionality of the site should be identified (If any)

Public Works Operations – Transportation Engineering Technologist: The Engineering Division is in receipt of the transportation letter prepared by BA Group dated February 16, 2022. There are 66 townhome units being proposed in 6 buildings. The site will operate with two access. Parking will be provided on site. It is expected that the existing road network will be able to accommodate the trips generated.

Bell Canada: Bell Canada has no comments on ZBL or OPAs. We will provide comment on the Draft Plan of Condominium when circulated.

Canada Post: Please be advised that this development will be serviced by Community mailboxes and I will work with the developer on site locations and requirements for concrete pad.

Long Point Region Conservation Authority: Long Point Region Conservation Authority (LPRCA) staff have reviewed application PLOPZB-2022-039 – Townsend Trailside and provide the following comments based on LPRCA’s various plan review responsibilities for Haldimand County’s consideration. It is staff’s understanding that the submitted application for both official plan and zoning by-law amendment will facilitate the construction of sixty-six stacked townhouse units.

Stormwater Management

Through previous correspondence related to this site provided in 2020, the LPRCA provided the following comment:

“For Stormwater Management (SWM) site development, LPRCA uses the 2003 Stormwater Management Planning and Design Manual, MTO Drainage Manual, LID Stormwater Management Manual, and the Municipal SWM guidelines. In addition, the LPRCA reviews:

- Major flow systems, outlet and management to not increase flood risk to life, property and the environment;
- Minor flow systems;
- Erosion and sedimentation control during construction;

- Adequate erosion control on inlets and outlets;
- This information should be clearly addressed in the SWM report, and site plan drawings; and
- It is recommended that a treatment train approach be used for SWM as opposed to end of pipe quality and quantity controls.

It is also recommended that the proposed development outlet to a receiving watercourse as opposed to the existing pond adjacent to the site. Out letting stormwater to this pond will likely add additional phosphorous and speed up its eutrophication leading to excessive growth of algae.”

These requirements were reiterated during the May 2021 pre-consultation meeting. The preliminary Functional Servicing Report, as provided in this submission, is not consistent with the 2020 LPRCA comments. The pond located to the southeast of the property was designed many years ago and does not have quality control measures. As a result, LPRCA staff do not support proceeding with the submitted design because it has not addressed quality control and phosphorous mitigation before entering the pond to the southeast. Quality control to Level 1 TSS removal is required for discharge to the pond.

Alternatively, quality control to the 70% “normal” TSS removal could be provided on-site if discharging to the Nanticoke Creek watercourse and not the pond.

Ontario Regulation 178/06

A portion of the subject property is located within the area regulated by Ontario Regulation 178/06. As such, a permit from our office is required prior to site development.

The LPRCA has previously provided comments related to the development of this property in both 2020 and 2021. The conceptual plans which our office provided comment on in May 2021, proposed development of lower density which was setback further from the property line than is seen in the most recently submitted conceptual plans. Staff can advise the concerns provided previously regarding development on this site have not been adequately addressed and therefore, LPRCA staff does not support this application as proposed. For staff to support an application for development on this property, the following concerns must be addressed:

- All buildings/structures must be setback a minimum of 7.5m from the property line along the pond;
- A site grading plan demonstrating how the slopes along the pond will be accommodated must be provided;
- All basements and garage floors must be at or above 206.0m (CGVD1928);
- A Stormwater Management Plan is provided demonstrating the major flow system and how the quality control objectives will be met;
- A Sediment and Erosion Control Plan is provided; and
- A permit from this office is obtained prior to development taking place in the regulated area.

Planning staff comment: Additional comments were received from LPRCA stating the following:

“The 7.5 metre setback can be measured from the edge of the pond if it is understood that this means all development (including all walls and retaining walls) meets the 7.5m setback. Our general setback for development in instances such as this is 15m. Our office has already reduced the setback in consideration of this development.”

Calibrex has indicated that they are agreeable to this requirement.

Ministry of Municipal Affairs and Housing: There are no Provincial comments on this application at this time.

Enbridge: Based on a review of the application materials provided, Enbridge has expressed no objections to this project as proposed.

Trans-Northern Pipeline: We can confirm that Trans-Northern Pipeline has no infrastructure in the mentioned area.

Mississaugas of the Credit First Nation: The Mississaugas of the Credit First Nation has no comments on this application.

Six Nations Council: Six Nations of the Grand River Territory is within the most highly urbanized land in Canada. Development has occurred on Six Nations' traditional territory without consultation or consent of our Nation. The cumulative effects of this intense development has contributed to significant environmental degradation and, as a result, Six Nations has experienced severe impacts on our ability to exercise our Aboriginal and Treaty Rights that are not only set out in the treaties themselves, but are also recognized and affirmed in Section 35 of the *Constitution Act*, 1982.

Six Nations is concerned about any development relating to air, land, water and resources which occur throughout our treaty territory and any archeological issues associated with such development(s).

Based on available information, Six Nations of the Grand River opposes Calibrex's application to amend the Official Plan and Zoning By-law HC 1-2020.

Considering the property in question, both an Environmental Impact Statement and Cultural Heritage Report should be required before any development is considered.

The proposed development is directly adjacent to fish habitat, which according to the county's Official Plan are Natural Environment Areas subject to an Environmental Impact Study (EIS). The property also appears to contain significant valleylands and the Nanticoke Creek is nearby. These natural features are highly valued in Haudenosaunee culture and need to be thoroughly studied if anything is to be built on or adjacent to them.

I am concerned about the minimal cultural heritage information in the county's Official Plan. The Plan states that "A Strategic Plan will be prepared that will establish standards and guidelines for identifying, designating and preserving cultural heritage resources." But I haven't been able to locate such a plan, so please send me a copy if one is available.

From my experience working with other municipalities, Cultural Heritage Reports are generally required for properties with potential heritage value. In lieu of substantial information in the OP, I'd like to cite the following pertinent sections of A Place to Grow and the Provincial Policy Statement:

- "Cultural heritage resources will be conserved in order to foster a sense of place and benefit communities, particularly in strategic growth areas." [4.2.7 A Place to Grow]
- "Significant built heritage resources and significant cultural heritage landscapes shall be conserved." [2.6.1 PPS]
- The PPS's definition of Cultural Heritage Landscapes is as follows: "A defined geographical area that may have been modified by human activity and is identified as having cultural heritage value or interest by a community, including an Indigenous community [Indigenous Nations]. The area may include features such as buildings, structures, spaces, views, archaeological sites or natural elements that are valued together for their interrelationship, meaning or association."

Beyond the cultural heritage value this land has for Haudenosaunee, there are strong indications of significant cultural heritage value from a settler perspective as well. As you are undoubtedly aware, Townsend is a unique community, planned by the provincial government. By both design and the passage of time, the pond and its associated landscape of open and green spaces have become integral to the vision of Townsend itself.

Planning Staff comment:

Planning & Development staff met on site with representatives from Six Nations and from Calibrex on May 6, 2022. The above comments were discussed. In follow-up conversation, Six Nations staff

agreed that the environmental and cultural heritage impacts can be addressed through mitigation at the site plan stage. Six Nations will be included in the site plan approval process to ensure their comments are appropriately addressed.

Hydro One: Hydro One does not respond to Official Plan Amendment and Zoning By-law Amendment, only these proposals affect Hydro One corridor. If you can provide detailed information of municipal address, site grading plan, and main intersection of area we would like to have a review for you.

Planning Staff comment:

Hydro One will be circulated for comments on the site plan/condominium application.

Emergency Services: No comments from Emergency Services.

Forestry Operations:

General Vegetation Inventory – Completed.

Tree Protection Plan – Completed.

Street Tree Planting Plan – Required.

General Comments

1. The proposed new trail along the eastern boundary of the subject property is not required and most likely not feasible due to the slope (see below screenshot area outlined in red).
 - a. The existing trail that forks off of the pond-side trail and crosses the subject property needs to be removed back to the fork located on the County property.
 - b. The area where the existing trail was removed on County-property should be replanted with native tree species to close and infill the old trail location.



2. The permanent fencing needs to be extended along the eastern property boundary adjacent to the County-owned property to prevent future encroachment and illegal dumping of garbage/yard waste in the natural areas.
3. The County is supportive of the County-owned trees that are proposed to be preserved along Nanticoke Creek Parkway.
4. The County is supportive of the County-owned trees that are proposed to be removed along Nanticoke Creek Parkway. All County-owned street trees that are approved for removal as part

of this application must be replaced at a rate of one (1) new 50mm wire basket tree for every 20cm in diameter, measured at the breast height of the trees removed. If all of the replacement trees cannot be accommodated on the site, the remaining tree quantiles will be accepted as a cash-in-lieu payment to the County. This replacement tree planting is in addition to any other tree planting requirements for this application. Cost to plant one (1) new, 50mm wire basket tree is \$518.97 (2022 rate).

Street Tree Planting Plan

Street trees provide many community benefits such as sequestering carbon, reducing stormwater runoff, 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 planted at the following densities:

- a. Minimum (1) tree per residential dwelling planted within the 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 institution lots planted within the 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 along the County-owned right-of-ways. The developer shall be responsible for planting trees along private roads.

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 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 Street Tree Planting Plan.

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

Haldimand-Norfolk Health Unit: No comments received.

Community Development & Partnerships – Heritage and Culture: Based on the information provided, Heritage and Culture has no comments at this time.

Metro Loop: No comments received.

Rogers: No comments received.

Public: A community meeting was hosted by the applicant on Tuesday, May 31, 2022 at 7:00 p.m. The meeting took place at the Townsend Lions Club, and there were no significant concerns raised at this session.

REPORT IMPACTS:

Agreement: No

By-law: Yes

Budget Amendment: No

Policy: No

REFERENCES:

None.

ATTACHMENTS:

1. Location Map.
2. Owner's Sketch.
3. Concept Elevations.
4. Draft Official Plan Amendment.
5. Draft Zoning By-law Amendment.
6. Detailed Policy Analysis.