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# HALDIMAND COUNTY

## Report PDD-47-2022 Zoning By-law Amendment for Development on a Single Service - DePagter



For Consideration by Council in Committee on November 1, 2022

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### OBJECTIVE:

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

### RECOMMENDATIONS:

1. THAT Report PDD-47-2022 Zoning By-law Amendment for Development on a Single Service - DePagter be received;
2. AND THAT Application PLZ-HA-2022-137 to amend Haldimand County Zoning By-law HC-1-2020 to permit residential development on partial services be approved for the reasons outlined in Report PDD-47-2022;
3. AND THAT the proposal is deemed to be consistent with the Provincial Policy Statement 2020, and the Growth Plan for the Greater Golden Horseshoe 2020;
4. AND THAT the by-law attached to Report PDD-47-2022 be presented for enactment.

**Prepared by:** Neil Stoop, MCIP, RPP, Senior Planner

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

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

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

### EXECUTIVE SUMMARY:

The subject application is required to facilitate the development of a lot within Cayuga. The creation of the lot was conditionally approved by Committee of Adjustment at the July 2022 meeting, through application PLB-2022-007. The subject lands are currently zoned "Residential Type 1-A (R1-A)", which requires connection to municipal water and sanitary systems; however, the subject application is seeking relief to permit development with a private on-site sewage disposal system in place of connecting to the municipal sanitary system. In addition, a Holding (H) provision will be applied to the property, thus requiring a service agreement be entered into by the owner prior to the issuance of building permits to require the connection to municipal sanitary services, should they ever be extended to the property.

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

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

## **BACKGROUND:**

The proposed zoning amendment is required to permit development on the subject lands without connecting to the municipal sanitary system. Further, the application is required as a condition of consent for the creation of a residential building lot in the Urban Area of Cayuga.

The subject lands are currently vacant with frontage onto Monture Street, north of Talbot Street. The parcel is located within the Urban Boundary of Cayuga and legally described as Plan Village Cayuga East of the Grand River Lots 25 & 26 North of Mohawk Street, Part Lots 25 & 26 South of Norton Street, Part of Snow Street and Parts 7 & 8 plan 18R7803.

The subject lot has a frontage of 27.9 metres and area of 0.77 acres. The General Location map can be found in Attachment 1; with the overall configuration shown on Attachment 2 (Owner's Sketch). Attachment 1 depicts the severed, subject lands and the retained lands subject to consent PLB-2022-007. The subject application applies to the severed lands, labelled as the subject lands. The amendment will permit the existing lot to be developed in a similar manner to other lots in the area, including partial servicing.

## **ANALYSIS:**

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

### **Provincial Policy Statement, 2020**

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

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

The subject application will facilitate the creation and development of a residential building lot within the settlement area of Cayuga. It has been determined it is feasible and appropriate for municipal water service to be brought to the lot, however extending sanitary services is not available due to the location of the sanitary line and topography. A private onsite sewage system is proposed for the site and the lot is of sufficient size to accommodate the septic system. Final review of the septic design and location will be addressed through the building permit process.

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

### **Provincial Growth Plan**

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

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

## **Haldimand County Official Plan**

The subject lands are designated 'Residential' and subject to the related policies within the Official Plan. The intent of this designation is accommodate all forms of residential development in accordance with the policies of this plan. The Official Plan generally requires that new development within an urban area occur where the development is fully serviced by municipal water, sanitary sewers, and has adequate drainage and stormwater management facilities. The Official Plan does provide the opportunity for minor development of an infilling nature in an area largely developed and presently on partial or no services. A nearby area of Cayuga to the north of the subject lands is subject to a special policy (HCOP-22) that permits development within the Urban Area on private or partial municipal services. The current location of services in Cayuga and the existing policy fabric is such that it is unlikely that servicing is installed on Monture Street, along the frontage of the property. Several lots have been created adjacent to the subject property in the past few years under similar partial servicing arrangements. The subject application represents minor infilling in an area that is predominantly residential on partial services.

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

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

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

A Holding (H) provision will also be applied to the property. The holding provision can be lifted at such a time as a servicing agreement is entered into by the land owner and registered on title. The servicing agreement would acknowledge that the County is not obligated to extend sanitary sewers to the subject lands, however, if services are extended in the future the land owner would be obligated to connect to the services. The agreement would also require the land owner submit a grading and drainage plan prior to obtaining building permits, to ensure the site has adequate drainage and development will not adversely impact drainage on neighbouring properties. A servicing agreement that addresses these two technical matters (servicing relief/future hook-up and grading/drainage) is standard for these types of applications. The agreement can be signed by the General Manager of Community and Development Services and does not require a return report of by-law to Council.

Planning staff are of the opinion that the subject proposal will facilitate appropriate development.

## **FINANCIAL/LEGAL IMPLICATIONS:**

Not applicable.

## **STAKEHOLDER IMPACTS:**

**Emergency Services** – No objections.

**Planning and Development (Development Technologist)** – Development Engineering has previously provided comments for Severance Application PLB-2022-007 pertaining to this property which are to be addressed. Development Engineering has no objections to the zoning application based on the information submitted by the Applicant.

**Hydro One** – No objections.

## **REPORT IMPACTS:**

Agreement: Yes

By-law: Yes

Budget Amendment: No

Policy: No

## **ATTACHMENTS:**

1. General Location Map.
2. Location of Lands Affected – Owners Sketch.
3. Draft Zoning By-law Amendment HC 1-2020.
4. Draft Zoning By-law Amendment (H) HC 1-2020.
5. Zoning Confirmation Chart.