



Meeting Date: January 20, 2021

Submitted by: Marion-Frances Cabral, Planner

Report No: PLA-13-2021

Subject: Application for Draft Plan of Subdivision (39T-MC2003), Official Plan Amendment (OPA 52), and Zoning By-law Amendment (ZBA-17-2020) known as “Valleyview ‘B’”; Filed by MHBC (Scott Allen) on behalf of Valleyview Developments Inc.

Recommendation:

THAT Report PLA-13-2021 regarding Valleyview B files 39T-MC2003, OPA 52 and ZBA-17-2020 be received for information.

Purpose:

The purpose of this report is to provide Council with background information on the draft plan of subdivision, official plan amendment and zoning by-law for the property known legally as Concession 8 N Part Lot 8 RP 33R19106 Parts 7 to 12, 14 and 15, former Township of Lobo, Municipality of Middlesex Centre.

A location map is included as Attachment 1 and the proposed plan of subdivision is included as Attachment 2.

Proposal:

The applicant is proposing a plan of subdivision to create thirteen (13) building lots for single detached dwellings and blocks for parks and open space along one proposed road. Each lot is proposed to have private on-site servicing.

The land is approximately 4.87 ha (12.03 ac) and is located south of Ilderton Road west of Coldstream Road within the hamlet of Poplar Hill - Coldstream.

Background:

The purpose of the plan of subdivision application is to permit the creation of 13 lots for residential development and blocks for parks and open space and a future roadway.

The purpose of the official plan amendment application is to create a Special Policy Area to permit the development of 13 lots through a plan of subdivision on the subject land utilizing private on-site services.

The purpose of the zoning by-law amendment application is to rezone all the lands from 'Hamlet Residential First Density exception 1 with Hold (HR1-1)(h-4)' and 'Hamlet Residential First Density with Hold (HR1)(h-1)' to 'Hamlet Residential First Density (HR1)'. The effect of the zoning would facilitate the construction of one-single detached dwelling on each of the proposed lots.

The submission is being reviewed comprehensively in concurrence with two (2) other applications for plans of subdivision in the Poplar Hill and Coldstream area (Files: 39T-MC1701 and 39T-MC2002). Materials submitted with the applications are included as Attachments 5 to 9.

A draft approved Plan of Condominium exists on the subject lands. This file, known as 39T-MC-CDM1201 or 'Brown' condominium, permits the creation of 5 lots for residential development.

Policy Regulation:

The lands are designated 'Agricultural Area' in the County Official Plan, designated 'Hamlet' within the Middlesex Centre Official Plan, and zoned "Hamlet Residential First Density exception 1 with Hold (HR1-1)(h-4)" and 'Hamlet Residential First Density with Hold (HR1)(h-1)' in the Comprehensive Zoning By-law.

Provincial Policy Statement, 2020 (PPS):

According to Section 3 of the Planning Act, as amended, decisions made by planning authorities "shall be consistent with" the PPS. The principal policies of the PPS that are applicable to the proposed development include:

Section 1.1.1 of the PPS speaks to 'Healthy Livable and safe communities' and how they can be sustained. Section 1.1.1b) states that 'accommodating an appropriate range and mix of residential (including second units, affordable housing and housing for older persons), employment (including industrial and commercial), institutional (including places of worship, cemeteries and long-term care homes), recreation, park and open space, and other uses to meet long-term needs'.

1.1.3.1 Settlement Areas including hamlets shall be the focus of growth and development, and their vitality and regeneration shall be promoted.

1.1.3.2 Land use patterns within settlement areas shall be based on:

a) Densities and a mix of land uses which:

1. Efficiently use land and resources;

2. Are appropriate for, and efficiently use, the infrastructure and public service facilities which are planned or available, and avoid the need for their unjustified and/or uneconomical expansion

Section 1.4 of the PPS speaks to 'Housing' and the requirement 'to provide for an appropriate range and mix of housing types and densities required to meet projected requirements of current and future residents'.

Section 1.5 speaks to Public Spaces, Recreation, Parks, Trails and Open Space and specifically section 1.5.1 states 'Healthy, active communities should be promoted by:

- a) planning public streets, spaces and facilities to be safe, meet the needs of pedestrians, foster social interaction and facilitate active transportation and community connectivity

Section 1.6.6. of the PPS outlines the hierarchy for sewage and water services. Generally, the preferred method of servicing is full municipal services. Where this is not available communal or partial services may be permitted within settlement areas to allow for infilling or minor rounding out of existing development provided that site conditions are suitable for the long-term provision of such services with no negative impacts.

Section 1.6.7 of the PPS speaks to stormwater management and that planning for stormwater management shall:

- a) Minimize, or, where possible, prevent increase in contaminant loads;
- b) Minimizing changes in water balance and erosion,
- c) Not increasing risks to human health and safety and property damage;
- d) Maximize the extent and function of vegetative and pervious surfaces; and
- e) Promote stormwater management best practices, including stormwater attenuation and re-use, and low impact development.

Thames-Sydenham and Region Source Protection Plan:

The subject lands are within the Thames-Sydenham and Region Drinking Water Source Protection area under the jurisdiction of the St. Clair Region Conservation Authority. The lands are found within the Wellhead Protection Area – C on Map 3-14 and the Moderate and Low Threat Policy Area shown on Map 3-2-4. Policies related to new septic systems are addressed within the source protection plan to reduce the risk to drinking water sources from septic systems or septic system holding tanks in vulnerable areas where this activity is a low or moderate threat.

County of Middlesex Official Plan:

The principal policies of the County of Middlesex's Official Plan that are applicable to the proposed development are as follows:

The subject property is designated 'Agricultural Areas by the County of Middlesex Official Plan. Section 3.2. of the Plan directs growth to settlement areas, and promotes a variety of housing types within Settlement Areas

Section 2.3.8.3 – Hamlets in Agricultural Areas states that within the Agricultural Area there are existing designated hamlets that are not Urban or Community Areas such as the Poplar Hill and Coldstream Hamlet Area. These hamlets may have the potential to accommodate some future development. Infilling, rounding out and minor extensions of these existing hamlets may be permitted subject to the provision of the appropriate types and levels of servicing. A Settlement Capability Study may be required depending on the scale of development proposed. New lots shall generally be created through the consent process.

Further Section 3.3.4 – Detailed Land Use Policies: Hamlets in Agricultural Areas identifies that local official plans may permit development in designated hamlets and development may proceed in these areas. No further land shall be designated for development except by way of a comprehensive review. Infilling, rounding out in depth or minor extensions of existing development may be permitted provided that there is no further outward expansion of the limits of existing development, subject to the following: a) the new development is serviced in accordance with Section 2.4.5 – Sanitary Sewers and Water, and accepted servicing standards; and b) the development complied with the Minimum Distance Separation Formula.

Section 2.3.9 – Agricultural Area Policies directs that non-agricultural activities will be closely scrutinized and directed to Settlement Areas unless the activity is agriculturally related and a location in proximity to agriculture is necessary. Urbanization created conflicts in the agricultural area and continues to encroach on prime agricultural land.

Section 2.4.2 – Transportation Network identifies that County Roads such as Ilderton Road generally function as arterial or collector roads and direct private access is controlled through By-law 5783 of the County of Middlesex. The County road system provides for the efficient movement of traffic between provincial freeways and highways and local roads. The County shall discourage development which would inhibit traffic movement along the County road system. The cumulative impact of individual private accesses to the County Road system compromises the underlying function of this transportation network.

It is a goal of the County that development proposals that are likely to generate significant traffic are accompanied by a transportation study addressing the potential impact on the transportation network and surrounding land uses.

The County Official Plan establishes the minimum right-of-way widths of for collector County Roads constructed to an urban standard within settlement areas of 26 metres.

Generally, the setbacks for building or structures adjacent to a County road is 33 metres from the centre line, or as the local zoning by-law stipulates.

Section 2.4.5 – Sanitary Sewers and Water promotes efficient and environmentally responsible development which is supportable by appropriate water supply and sewage disposal types and levels. Where partial municipal services are considered the supporting studies shall address all servicing options. The County Plan encourages development on municipal water and sanitary sewer systems. Where local municipalities do not provide or demonstrate a strong potential to provide full municipal water and sewage treatment facilities, development other than infilling will require a Settlement Capability Study as outlined in Section 2.3.6 – Settlement Capability Study.

The County plan requires site specific development proposals to be accompanied by an evaluating of servicing options within Settlement Areas. The evaluation shall address the County's preferred servicing hierarchy: i) extension from existing municipal system; ii) extension from existing communal system; iii) new municipal or communal system; iv) individual septic systems and private wells.

Section 2.4.7 – Groundwater Management and Protection identified that groundwater is a major source of water for domestic, industrial, commercial and agricultural uses in the County and it is imperative that this resource be protected in order to ensure a sustainable and safe supply to those residents and businesses that rely on it. General policies will provide guidance with respect to the protection and management of groundwater resources including the "(c) implementation of restrictions on development and site alteration to protect all municipal drinking water supplied and sensitive groundwater features".

Middlesex Centre Official Plan:

The principal policies of Middlesex Centre's Official Plan that are applicable to the proposed development include:

As mentioned above, Middlesex Centre's Official Plan designates the subject property as 'Hamlet' within the Poplar Hill and Coldstream Hamlet Area.

Section 5.1.3 – Hamlet Settlement Areas states that lands within the 'Hamlet' designation include residential, commercial, industrial, and parks and recreation uses. Specific lands shall be established in more detailed through the zoning by-law. Hamlet Areas are expected to accommodate only limited future development, through infilling within the existing settlement boundaries. New lots shall generally be created through the consent process, however, plans of subdivision will be utilized where vacant lands exist within Hamlets between the existing built up area and the existing settlement boundary.

New development within Hamlet Areas must be serviced by acceptable servicing standards. Where partial municipal services are considered, supporting studies must address all applicable servicing options and establish that the development may proceed

appropriately on partial municipal services. Significant or major new development, such as the development of more than three new lots through plan(s) of subdivision, will require provision of full municipal services.

Section 9.3.1 – Settlement Area Municipal Services recognizes that Poplar Hill-Coldstream is serviced by private sanitary service systems and individual wells. It is a policy of the Official Plan that future development within settlement areas proceed on the basis of full municipal services, with partial services potential being permitted on an interim basis where proper justification is provided. Further, all lots affected by an application for severance or plan of subdivision shall be sized such that there is sufficient space for a building envelope, sewage envelope, sewage system contingency area, and potable water supply if municipal water is not available.

Section 6.2 – Design Policies – Plans of Subdivision identify policies to enhance the public realm and high quality subdivision design. Policies address a number of factors including connectivity for pedestrians, cyclists and automobiles; adherence to municipal design standards for rights-of-way and urban design guidelines; and block patterns.

The applicant is requesting to maintain the existing designations on the subject land and create a new Special Policy Area (SPA) to permit the development of 13 lots on private on-site services.

Middlesex Centre's Comprehensive Zoning By-law:

The subject land is zoned 'Hamlet Residential First Density exception 1 with Hold (HR1-1)(h-4)' and 'Hamlet Residential First Density with Hold (HR1)(h-1)', and the northern portion of the land contains regulated area as identified by the local conservation authority.

The site-specific 'Hamlet Residential First Density exception 1 with Hold (HR1-1)(h-4)' addresses an increased Minimum Lot Frontage of 30 m (98 ft) instead of the 20 m (66 ft) required in the general 'Hamlet Residential First Density (HR1)' zone.

The hold symbol (h-4) has a precondition that a development agreement be registered against the title of the lands to which the holding symbol applies before removal.

The hold symbol (h-1) has a precondition that a subdivision agreement, including but not necessarily limited to the requirement for the development to be connected to a public water supply system and a public sanitary sewer system, has been entered into with the Corporation for the affected lands before removal.

The regulated areas are delineated by shading on Schedule A – Key Map U-12 Poplar Hill - Coldstream. Applications for building permits will be referred to the conservation authority having jurisdiction for review prior to issuing the permit.

The applicant has requested to rezone all the lands to 'Hamlet Residential First Density (HR1)' which will be consistent with a portion of the subject land.

The standards of the 'Hamlet Residential First Density (HR1)' are as follows:

	Hamlet Residential First Density (HR1) zone
Permitted Uses	<p>Accessory use</p> <p>Bed and breakfast establishment</p> <p>Converted dwelling</p> <p>Home occupation</p> <p>Single detached dwelling</p>
Minimum Lot Area (a) where a public water supply and public sanitary sewage systems are not available	2, 000 m ² (0.5 ac)
Minimum Lot Frontage	20 m (66 ft)
Minimum Front Yard Setback	<p>In accordance with Section 4.18 of the Zoning By-law;</p> <p>6 m (20 ft) for all other roads</p>
Minimum Side Yard Setback (a) Interior lot (b) corner lot	<p>1.5 m (5 ft) on one side and 2.5 m (8 ft) on the other side;</p> <p>6.0 m (20 ft) on the side abutting the road and 1.5 m (5 ft) on the other side</p>
Minimum Rear Yard Setback	8 m (26 ft)

	Hamlet Residential First Density (HR1) zone
Minimum Floor Area	90 m ² (969 ft ²) for single detached dwelling
Maximum Height	12 m (39.4 ft) for single detached dwelling
Maximum Lot Coverage	35% for the main building 38% for all buildings including accessory buildings subject to Section 4.1 a)

Consultation:

Notice of the application has been circulated to agencies, as well as property owners in accordance with the *Planning Act* and Ontario Regulation 544/06.

Public Comments:

Staff received a few comments from area residents ahead of the public meeting and are summarized as follows:

- Comments related to servicing issues specifically stormwater and ground water. Please provide information related to the review completed by the municipality's engineers.

Agency Comments:

At the time of writing the subject report the following comments were received:

The Municipality's Chief Building Official has reviewed the applications and requests lot grading and servicing plans showing wells, septic, contingency and building locations. Also, consideration must be made of water quality and quantity impacts.

The Municipality's Public Works and Engineering Department has reviewed the applications and note that the studies submitted to the municipality are under review. Detailed comments will be provided in the future regarding the engineering matters. These comments could potentially affect the lot size and layout of the subdivision.

Middlesex County Engineer has not provided comments at the time of writing this report.

The St. Clair Region Conservation Authority (SCRCA) has reviewed the applications and provides the following comments. SCRCA did review the servicing reports to ensure that quality and quantity of stormwater was being maintained and not directed towards the Provincially Significant Wetland. SCRCA requests some minor review of any site grading as it pertained to access through the CA's regulated area.

Additional detailed comments are provided within Attachment 4 of this report.

In summary, it is the opinion of the SCRCA that:

1. Consistency with Section 3.1 of the PPS has been demonstrated;
2. Ontario Regulation 171/06 does apply to the subject site. A permit from SCRCA will be required prior to any development taking place within the regulated area;
3. Consistency with Section 2.1 of the PPS can be demonstrated through conditions relating to natural heritage feature protection, stormwater management, and landowner stewardship; if the control of nitrates from on-site private servicing can be demonstrated; and
4. The subject site is located within an area that is subject to the policies contained in the Source Protection Plan.

Canada Post reviewed the initial and current applications and will provide mail delivery services to the subdivision through centralized Community Mail Boxes and offered comments that will be reflected in the draft approval or subdivision agreement of the plan of subdivision.

Financial Implications:

None.

Strategic Plan:

This matter aligns with following strategic priorities:

- 1a. Planning & Positioning: Diversifying future residential development.
- 1c. Planning & Positioning: Realizing development potential.
- 3c. Quality of Life: Meeting the needs of both current and future citizens.

Attachments:

Attachment 1 – Location map

Attachment 2 – Draft plan of subdivision

Attachment 3 – Draft Official Plan Amendment

Attachment 4 – St. Clair Region Conservation Authority comments, November 13, 2020

Attachment 5 – MHBC Letter, June 2020

Attachment 6 – Planning Justification Report, June 2020

Attachment 7 – Functional Servicing Report, May 2020

Attachment 8 – Hydrogeological Assessment, September 2018

Attachment 9 – Septic System Feasibility Report, May 2020