

February 25, 2025

## PLANNING JUSTIFICATION REPORT

### Proposed Plan of Subdivision, Official Plan Amendment, and Zoning By-law Amendment

Watermark Subdivision

Concession 2, Part Lot 2, Municipality of Central Elgin (Port Stanley), Ontario

Prepared For:

#### **Wastell Homes Inc.**

c/o Julian Novick

5-1895 Blue Heron Drive

London, Ontario

Our File #: 07-992



Prepared by:

**MONTEITH  
BROWN**   
PLANNING CONSULTANTS

219 Oxford St. W. Unit #302  
London, Ontario, N6H 1S5  
519.686.1300 | [www.mbpc.ca](http://www.mbpc.ca)

## TABLE OF CONTENTS

<b>1. INTRODUCTION.....</b>	<b>1</b>
1.1 Purpose .....	1
1.2 Site Description .....	1
1.3 Land Use Context .....	3
1.4 Pre-Application Consultation .....	4
<b>2. DEVELOPMENT PROPOSAL.....</b>	<b>10</b>
<b>3. BACKGROUND AND TECHNICAL STUDIES.....</b>	<b>15</b>
3.1 Functional Servicing & SWM Report (DevEng, 2024) .....	15
3.2 Geotechnical Investigation (LDS, 2023) .....	19
3.3 Environmental Impact Study (MTE, 2024) .....	20
3.4 Traffic Impact Study (Paradigm, 2024) .....	24
3.5 Stage 1-2 Archaeological Assessment (LEC, 2021) .....	25
<b>4. PLANNING FRAMEWORK AND ANALYSIS.....</b>	<b>25</b>
4.1 Provincial Planning Statement .....	26
4.2 County of Elgin Official Plan (Current) .....	28
4.3 County of Elgin Official Plan (Adopted) .....	33
4.4 Municipality of Central Elgin Official Plan .....	36
4.5 Township of Yarmouth Zoning By-law No. 1998 .....	46
<b>5. PROPOSED PLANNING APPROVALS.....</b>	<b>52</b>
5.1 Draft Plan of Subdivision .....	52
5.2 Official Plan Amendment .....	52
5.3 Zoning By-law Amendment .....	53
<b>6. CONCLUSION .....</b>	<b>55</b>

## 1. INTRODUCTION

### 1.1 Purpose

**Monteith Brown Planning Consultants Limited (“MBPC”)** on behalf of our client, Wastell Homes Inc. (“Wastell”) (c/o Julian Novick), is pleased to submit applications for Plan of Subdivision and to amend the Central Elgin Official Plan (Official Plan Amendment) and Township of Yarmouth Zoning By-law No. 1998 (Zoning By-law Amendment), as it applies to lands legally described as Concession 2, Part Lot 2 (“the subject lands”) in the Municipality of Central Elgin (Port Stanley), Ontario, which are under our client’s ownership.

Watermark Subdivision (also referred to herein as “the proposed subdivision”), at full build out, will serve Port Stanley as a complete community, accommodating a range and mix of housing options and densities, in proximity to key employment, commercial, public service facilities, recreation, parks and open space, services by transportation options with multimodal access, and designed to support a diverse and growing population.

The intent of this report is to analyze the land use planning merits to determine the appropriateness of the proposed development within the context of the surrounding community and the relevant planning documents including the Provincial Planning Statement, County of Elgin Official Plan, the Municipality of Central Elgin Official Plan, and the Township of Yarmouth Zoning By-law.

### 1.2 Site Description

The subject lands, irregular in shape, have a total area of approximately 8.23 hectares (20.33 acres), with approximately 247 metres of frontage along East Road (County Road 23) and approximately 46 metres of frontage along Sunset Road (County Road 4) (rear property line).

The property is located in the northerly portion of Port Stanley, within a predominantly residential area, northwest of the East Road and Dexter Line (County Road 24) T-intersection. Based on aerial photography, the site is currently occupied by a cultivated agricultural field, with significant natural heritage (Mineral Cultural Woodland) along the northerly portion of the site (See **Figure 1**).

**Figure 1 |** Location of Subject Lands



Source: Monteith Brown Planning Consultants Ltd., 2024

**Figure 2 |** Street View of Subject Lands, Looking North-West from East Road



Source: Google Maps, Captured: June 2023

### **1.3 Land Use Context**

The following provides a description to the land use context adjacent to the subject lands.

#### **North**

The northerly portion of the subject lands, along with the lands immediately to the north of the property, are occupied by natural heritage (woodlands), with existing (and planned) commercial uses further north along Sunset Road. For context, the commercial lands (municipally known as 4980 Sunset Drive) north of the subject lands received planning approvals in May 2022 (OPA No. 11) and March 2023 (By-law No. 2774) to support the re-development of the commercial lands for a commercial plaza.

#### **East**

The lands to the east of the property are occupied by established, single-detached dwellings fronting East Road and Dexter Line. The area east of the subject lands also contains a woodland with a watercourse that is associated with Little Creek.

#### **South**

The Port Stanley Water Tower is located immediately adjacent to the south of the property, with single-detached dwellings fronting onto Emery Street (which forms part of the Sunset Bluffs subdivision), East Road, and Gentry Lane further south.

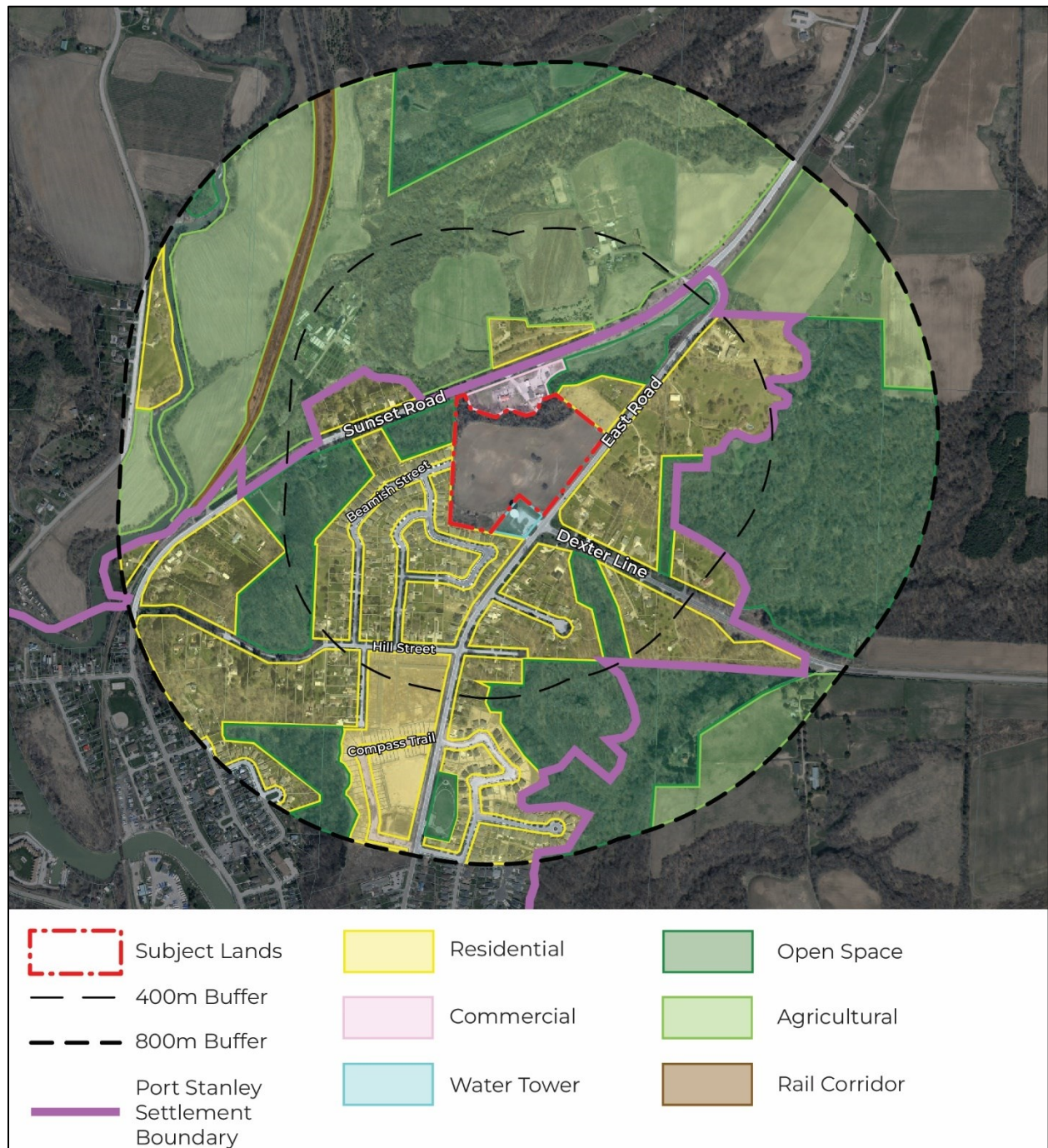
#### **West**

The lands immediately to the west are occupied by recently constructed low-density residential dwellings along Beamish Street, forming part of the Sunset Bluffs Subdivision. Beamish Street currently terminates at the westerly property limit of the subject lands; it is anticipated that, through the proposed subdivision development on the subject lands, that Beamish Street will be extended through the subject lands and provide access to East Road as part of the proposed Watermark subdivision.

The examination of the subject site's regional context (See **Figure 3**, below) indicates that the area surrounding the proposed residential development is intended to be a mix of residential uses, complemented by convenient commercial uses and public recreational opportunities.



**Figure 3 | Regional Analysis at 400 and 800 metres of the Subject Lands**



Source: Monteith Brown Planning Consultants, 2024

## 1.4 Pre-Application Consultation

A Pre-Consultation meeting was held on November 5, 2020, with County of Elgin and Municipality of Central Elgin staff to discuss the proposed residential development (two

high-level Conceptual Plans were provided) for the subject lands to receive input and comments on requirements for the submission of complete Plan of Subdivision and Zoning By-Law Amendment applications.

The following items were identified as requirements for complete Plan of Subdivision, Official Plan Amendment & Zoning By-Law Amendment applications:

- Planning Justification Report;
- Traffic Impact Assessment (TIA);
- Geotechnical Study (to determine stable top of bank and erosion access allowance);
- Scoped Environmental Impact Study (EIS);
- Archaeological Study; and,
- Functional Servicing Report including Stormwater Management ("SWM") and confirmation of SWM outlet.

The supporting materials outlined above are all included as part of this complete submission package and the results are summarized in the sections below. Additional materials may subsequently be provided during the detailed design stage.

## 2. DEVELOPMENT PROPOSAL

Wastell is advancing a comprehensive development plan – in two (2) phases – for the subject lands, known as Watermark Subdivision. The proposed development is envisioned to provide for a new mixed-density (low-, medium-, and high-density) residential subdivision that seamlessly integrates into (and is an extension of) the surrounding residential community in north-east Port Stanley. This residential project, named Watermark subdivision, will bring new life into a vacant site, expanding the range and mix of available housing options in a manner that is complementary to the general character of the surrounding neighbourhood, while also protecting and buffering the existing natural heritage features on the site. Watermark will also serve as a seamless extension of existing residential development to round out the built-up area in northeast Port Stanley.

The proposed subdivision design for Watermark has been informed by consultation with County and Municipal Staff, as well as the results of the various technical studies undertaken, to ensure that the proposed development is appropriately integrated with the surrounding land-use context.

The proposed Plan of Subdivision has a total site area of approximately 8.23 hectares (20.33 acres), and contemplates (at full build-out) the development of 32 single detached lots and 61 street towns (within ten (10) Street Town Blocks), fronting onto public streets, as well as one (1) Medium/High Density Block (1.13 hectares), which is anticipated to accommodate either 72 apartment units **or** 47 townhouse dwellings (the type of housing product will depend on market demand at the time of final approval). The Medium/High Density Block is located at the intersection of East Road and the Beamish Street extension, to bring higher density and intensity to the higher order road, and to provide for a transition in intensity and scale from the existing low-density residential development south and west of the subject lands.

It total, Watermark contemplates approximately 165 units, with varying densities. A Land Use Composition Schedule is provided below in **Table 1**.

The Mineral Cultural Woodland that occupies the northerly portion of the subject lands is proposed to be placed in a Natural Heritage / Hazard Block (1.81 hectares), which includes a 10 metre setback distance from the dripline of the retained woodland edge (defined by the results of the Environmental Impact Study, prepared by MTE Consultants (2024)) in order to protect the significant woodland feature and its functions. The erosion hazard limit has also been defined on the Draft Plan. No grading or structures are permitted within the limits of the Natural Heritage / Hazard Block.

A SWM block (0.39 hectare) is proposed to be provided on the south-easterly corner of the site, adjacent to the Water Tower lands, and is anticipated to service the entire proposed subdivision. The location of the SWM facility has been determined based on site topography



(the development area generally slopes from north to south). The SWM strategy is discussed in greater detail in section 3.1 of this Planning Justification Report.

In lieu of a parkland block, the proponent anticipates providing cash-in-lieu for parkland dedication to be allocated to other existing or planned park facilities and recognizing the sites proximity to other parks (i.e., Little Creek Park to the south).

The proposed Plan contemplates the extension of the existing street network in the Sunset Bluffs subdivision to the south and east. More specifically, an extension of Beamish Street to the west is proposed through the site, providing access and connection to East Road, and servicing as a collector road for the newly proposed Street 'A'. It is anticipated that sidewalks will be provided on at least one side of the street throughout the Subdivision Plan, consistent with the subdivision immediately abutting to the west of the subject lands. The proposed street network has been designed to provide accessible and easily navigable routes into and throughout the new community.

Upon completion, the proposed development will be fully integrated into the neighbourhood, providing a mix of housing types, and based on the siting of the buildings, facilitates and an appropriate transition in residential density for the surrounding land uses. The proposed higher density housing will also address housing attainability in a time of considerable housing demand and rising costs and provide for opportunities for aging-in-place.

The proposed Draft Plan of Subdivision and Conceptual Render Plan is provided below as **Figure 4** and **Figure 5**, respectively. A full size copy of the Draft Plan and Conceptual Site Plan is submitted as part of the complete application submission package.

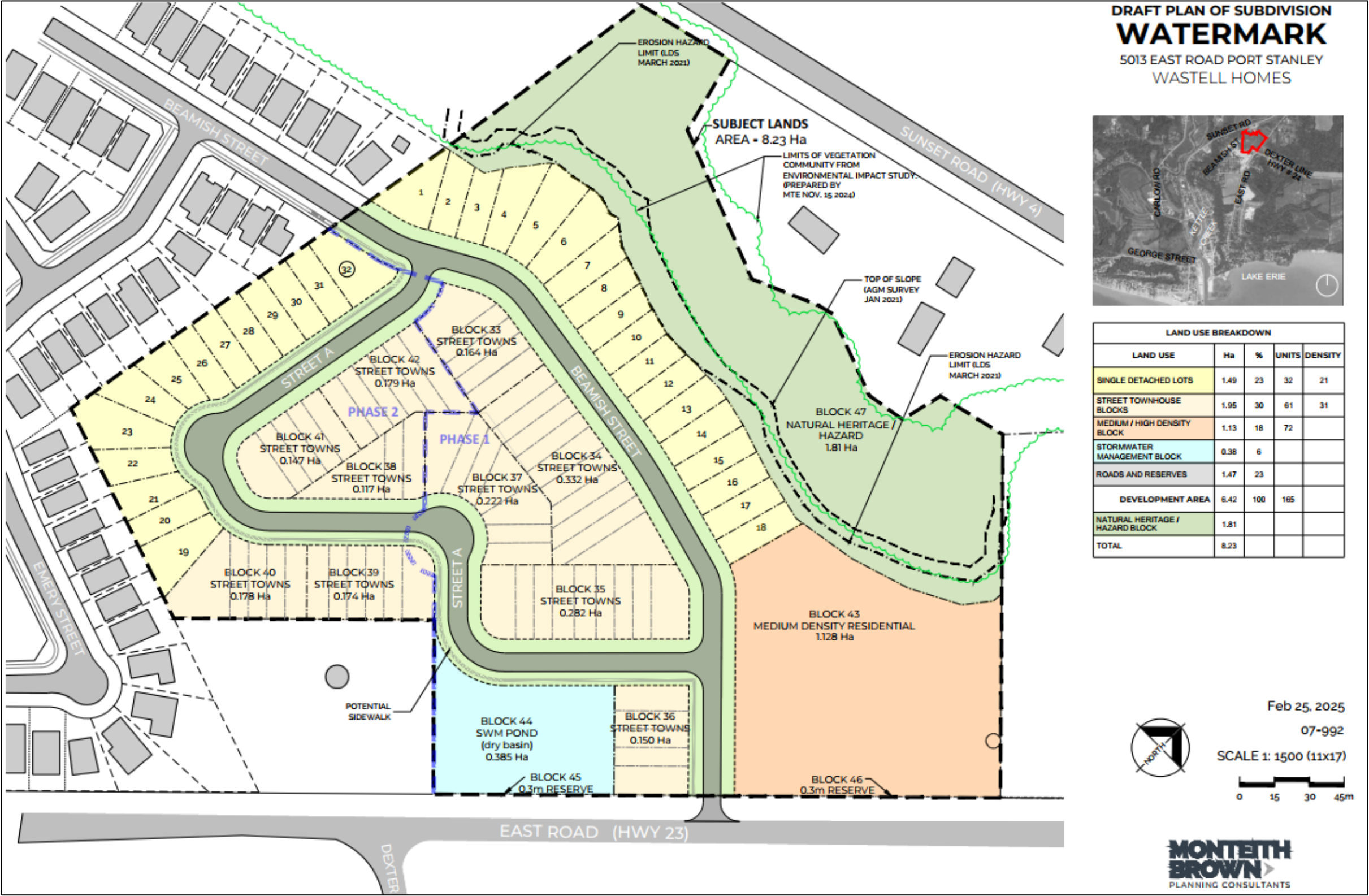
It is anticipated that development components associated with the medium and high-density blocks (with 10 or more units) such as, but not limited to, architectural design and treatment, landscaping, off-street parking, unit layout and composition, garbage and snow storage, and amenity features, will be defined through a subsequent and comprehensive Site Plan Approval process.

**Table 1 | Proposed Land-Use Composition**

Lot / Block Number	Land Use	Ha	% of land area	Units	Net Density (u/ha)
Lots 1 to 32	Single Detached Lots	1.49 Ha	23%	32	21 units per Ha
Blocks 33 to 37	Street Towns	1.95 Ha	30%	61	31 units per Ha
Block 38	Medium- / High-Density Residential	1.13 Ha	18%	72 (max)	64 units per Ha (max)

	(Towns OR Apartment units)				
Block 39	SWM Block	0.39 Ha	6%	--	--
--	Roads & Reserves	1.47 Ha	23%	--	--
<b>DEVELOPABLE AREA</b>		<b>6.42 Ha</b>	<b>100%</b>		
Natural Heritage / Hazard Block		1.81 Ha	22%	--	--
<b>TOTALS</b>		<b>8.23 Ha</b>	<b>--</b>	<b>165</b>	<b>25 units per Ha (max)</b>

Figure 4 | Draft Plan of Subdivision



Source: MBPC, 2025



Figure 5 | Conceptual Render Plan



Source: MBPC, 2025



### **3. BACKGROUND AND TECHNICAL STUDIES**

#### **3.1 Functional Servicing & SWM Report (DevEng, 2024)**

Development Engineering (London) Limited (“DevEng”) has been retained to provide a Preliminary Servicing and SWM Report in support of the proposed subdivision development. The report examines the proposed development plans and their functional serviceability, including requirements and proposed design works.

##### ***Water Servicing***

An existing 300mm diameter watermain is located on East Road and an existing 200mm diameter watermain is located along Beamish Street, extending to a blowoff at the western property line. Both watermains are available to service the subject site. These local watermain connections are of sufficient diameter that friction losses are expected to be minimal.

Currently water pressures are unknown; however, the water tower block abuts the subject development and static water pressures are anticipated to be sufficient. Water pressures will be confirmed through hydrant flow tests during detailed design. The Municipality indicated during the pre-consultation meeting that water capacity is in place to service the subject site.

With respect to proposed water servicing, the proposed subdivision development would be provided with potable water for domestic use and fire protection via a new watermain system with pipe sizes ranging in diameter from 150 to 250mm. The watermain connections would connect to the existing watermain on East Road and the existing watermain along Beamish Street, contributing to the looping of the local municipal water distribution network. Typical residential water services would be proposed with 25mm diameter PEX.

In accordance with the Municipality of Central Elgin Design Guideline Manual, the average daily water demand per capita would be modelled as 250 L/d, with a Maximum Day demand factor of 3.5 and a Peak Hour demand factor of 7.8. Fire flow provisions would be incorporated into the distribution system design and based on proximity to the Port Stanley water tower. It is anticipated that during the Maximum Day domestic plus fire protection flow demands, adequate flows and pressures would be available through the distribution system while maintaining the minimum required residual pressure.

In accordance with the Municipality of Central Elgin Design Guidelines Manual, fire hydrants would be located at 150m maximum spacing measured along the centreline of the watermain. Hydrants would be placed at every second intersection and on the property line between lots whenever possible. Water valves would be placed no greater than 250m apart and be provided at intersections to isolate main sections for maintenance.

A water network model will need to be created to assess the demands, pressures, and water age. At this point, it is not anticipated that water supply will be a limiting constraint.

### ***Sanitary Servicing***

An existing 200mm diameter municipal sanitary sewer is located along Beamish Street, extending to MH SA39 by the western property line of the site. The sanitary sewer has been designed to service the Watermark Subdivision providing a sewage flow allocation of 8.49 L/s and supporting a design population of 362. The MH SA39 outlets northward to the sanitary sewer along Sunset Road (Hwy. 4). The municipality confirmed in a meeting on June 12, 2024, that the Wastewater Treatment Plant is currently allocating a 44 pp/ha for these lands, equating to a design population of 362 people.

With respect to the proposed sanitary servicing strategy, the subdivision would be serviced locally through a system of new 200mm diameter sanitary sewers which would convey sewage to the existing sanitary sewer on Beamish Street to the northwest.

In accordance with the Municipality of Central Elgin Design Guidelines Manual, the average daily sewage flow per capita would be modelled at a rate of 250L/capita/day, the extraneous inflow/infiltration (I/I) allowance would be 0.100 L/s/ha, and the peak sewage flow would be derived using the Harmon Peaking Factor formula.

The population densities were acquired through consultation with Central Elgin and would be as follows; 3.0 people per single family unit, 2.4 people per medium density unit, and 1.6 people per apartment medium/high-density unit. The proposed Draft plan amounts to a maximum design population of 362 people resulting in a Harmon Peaking factor of 4.04. The sanitary catchment area accounts for 6.05 ha as it excludes the SWM block, resulting in an estimated extraneous inflow/infiltration rate of 0.61 L/s.

The peak sanitary outflow from the subdivision is estimated to be 4.84 L/s. This is less than the allocated design flow of 8.49 L/s for the Watermark Subdivision, provided in the Sunset Bluffs Phase 1 & 2 Servicing Plan Record Drawing (See Appendix A in the Functional Servicing & SWM Report (2024), prepared by DevEng).

According to the Union Servicing EA Addendum and in alignment with the Municipality's Official Plan, the subject development is allocated 44 people/ha. The proposed subdivision is 8.23 ha, leading to an allowable population of 362 people, equal to the design population stated above.

### ***Storm Sewers and SWM***

There is currently no existing municipal storm sewer adjacent to the site through the Sunset Bluffs subdivision along East Road available to service the proposed development. Local

drainage outlets appear to be largely available via the Little Creek, located southeast of the site, ultimately discharging into Lake Erie.

With respect to storm servicing, the subdivision storm sewer system would include approximately 730m of sewer to provide conveyance capacity for the minor storm events at an estimated post-development tributary area of 6.05 ha, directing flows to a proposed dry basin SWM facility. The remaining 1.80 ha of the Natural Heritage/Hazard block is not tributary to the SWM facility and will sheet flow north, as per existing conditions, towards Sunset Road.

In accordance with the Municipality of Central Elgin Design Guidelines Manual, the storm sewer would be designed to convey the 5-year storm event, with minimum and maximum allowable flow velocities at 0.90 m/s and 6.0 m/s, respectively. The storm sewer system would be designed to convey this minor discharge along Street A and the proposed Beamish Street extension, discharging into a proposed dry basin within the SWM block at the southeastern development boundary. The minor drainage would ultimately discharge into Little Creek via a proposed new municipal drain outlet.

Major overflow routes would be designed for events greater than the 5-year design storm. The roadway profiles would be designed to facilitate major overland flow conveyance toward the SWM Block through one of two dedicated major overland flow routes (OFRs), converging into the proposed SWMF. The SWMF major outflow would be conveyed east along a road-side ditch on the west side of East Road, ultimately discharging to Lake Erie.

The majority of development runoff will be directed into a dry basin SWM facility to attenuate peak flows and remove suspended solids from stormwater via a manufactured treatment device. The treatment device is to provide quality control and meet local and provincial suspended solids removal requirements, before being released into Little Creek through a controlled outlet system, to improve outflow quality and help reduce turbidity and erosion downstream. The dry basin is proposed to utilize quantity control to restrict post-development stormwater runoff, requiring an approximate active storage volume of 2,400m<sup>3</sup> necessary to attenuate runoff up to the 100-year storm event. Based on the current SWMF footprint, approximately 2,300m<sup>3</sup> of active storage is available to the top of the dry basin, with an additional emergency storage volume of approximately 3,100m<sup>3</sup> available to the top of the overland flow slope.

Quality control will be provided through the SWMF oil/grit separator to achieve Level 1 "Enhanced" level of protection (80% Annual TSS Removal) as defined by the Ministry of Environment, Conservation and Parks ("MECP"). Stormwater discharge from the subdivision will be conveyed to the SWM dry basin and OGS from Street A, for treatment of the minor discharge prior to outletting.

To convey the minor storm event for the site, a 675mm diameter inlet into the SWMF from Street A was proposed at a slope of 0.50%. The dry basin inlet pipe is sized to convey the 5-

year storm event peak runoff generated from the development area, excluding the SWMF subcatchment, under uniform flow conditions. Conveyance of the runoff from the major storm events will be accommodated by an overland flow channel from Street A, discharging into the northwestern extent of the dry basin.

The roadway profiles will be designed to facilitate major overland flow conveyance to the SWM Facility through one of two major overland flow routes. The northern portion of the site will be conveyed along the proposed Beamish Street extension to Street A, and the southern portion of the site will be conveyed southeast along Street A. The overland flow for the subdivision will converge at the western extent of the SWM block and discharge into the dry basin. The major flows in excess of the 100-year design storm event released from the SWMF to the county right-of-way would be conveyed south along a road-side ditch on the west side of East Road.

### ***Roads and Site Access***

A street network has been defined through the proposed Draft Plan. Due to the site's proximity to East Road and Beamish Street, it is proposed that future right-of-way (ROW) access will be available from both roads: a primary access connection opportunity from the east at East Road (County Road 23), and secondary access connection from the west at Beamish Street.

The internal road network across Watermark Subdivision would provide access to each block and parcel through the subdivision development. The design of the public local streets will be completed within 20m right-of-way widths in accordance with the Municipality of Central Elgin design standards. The associated pavement design for local traffic has been established through LDS's Geotechnical Investigation, and at minimum will meet the municipal design standards.

### ***Grading and Drainage Design***

The proposed development grading would be designed to optimize cut/fill balance where feasible and in a manner that facilitates the orderly collection and conveyance of stormwater runoff through a proposed storm sewer system. Overland flow during major storm events would need to be safely conveyed along the internal roadways, to dedicated spillways or the SWM facility.

The existing site topography for the development area tends to slope from north to south across the site while the existing topography of the northern natural heritage/hazard lot of the site slopes north. Pursuant to the servicing strategies to date, and in recognition of topographic trends and proposed road alignments, a dedicated block for the SWM facility is proposed at the southern limit of the subject site.



Grading will conform to typical municipal standards and generally conform to existing topographic constraints and drainage patterns.

### ***Erosion and Sediment Control***

Complementary to the site servicing and grading design for the on-site development, erosion and sediment control (ESC) details will be included with the detailed Engineering design drawings. Temporary ESC measures will be designed to mitigate the offsite migration of sediments by incorporation of various best management practices and control measures. Typical control measures to be implemented on site include:

- Installation of silt control fencing (light/heavy duty) around the site perimeter at down-gradient locations;
- Preventing silt or sediment laden runoff from entering inlets (catchbasins / catchbasin maintenance holes) by installing prefabricated temporary inlet filter bags and incorporating straw bale or rock dam flow checks;
- Temporary sediment traps/basins (dewatering stations where required);
- Sodding the invert of swales as soon as possible after being constructed to mitigate erosion and down cutting; in general, minimizing the duration of soil exposure in erosion prone areas by temporary vegetation coverage (i.e. hydroseeding) is recommended;
- Maintaining sediment and erosion control structures in good repair (including periodic cleaning as required) until such time as the Engineer or the Municipality approves their removal;
- Incorporation of temporary measures at site construction entrances to minimize tracking of mud and debris onto municipal road allowances;
- Scheduling of critical conveyance works during forecasts of little to no precipitation.

Detailed ESC plans will be provided for review by the Municipality of Central Elgin at the detailed engineering stage.

A copy of the Functional Servicing & SWM Report is provided as part of the complete application package.

## **3.2 Geotechnical Investigation (LDS, 2023)**

LDS Consultants Inc. ("LDS") was retained to complete a geotechnical investigation, for the purpose of providing geotechnical comments and recommendations for the design and construction relating to the proposed development of the subject lands.

LDS carried out a field program consisting of a series of boreholes; three (3) shallow test holes were advanced to depths ranging from 3.9 metres to 4.5 metres below existing grade.

Topsoil was contacted at ground surface in all of the test pits. Below the topsoil, natural silt and silt till soils were encountered within each test pit, extending throughout excavation depths. Within test pit 3, a wet sand seam was encountered from 2.4 to 2.6 m below ground surface and contributed minor sidewall caving and groundwater seepage into the open test pit. Test pits 1 and 2 remained open and dry throughout exploration depths. Generally, the silt and silt till soils were found to be in a stiff to very stiff and moist state.

A review of local well records available through the MECP for this area was carried out to review the water levels recorded in the nearby wells. The location of the wells which are in close proximity to the site have been illustrated on Drawing 2 in Appendix C of the Geotechnical Investigation Letter, included as part of the complete application submission package. The water supply wells are generally set into deep overburden or bedrock aquifers, all of which are 20 to 60 metres below existing grade.

The Geotechnical Investigation Letter also provides geotechnical comments and recommendations to assist with the design and construction of the proposed development, including, but not limited to site preparation, excavations, groundwater control, foundation design, basement construction, site services, and pavement design.

A copy of the Geotechnical Assessment Report is provided as part of the complete application submission package.

### **3.3 Environmental Impact Study (MTE, 2024)**

MTE was retained to complete an Environmental Impact Study (“EIS”) for the proposed development site. An EIS is a requirement for development or site alteration within or adjacent to an area designated as “Natural Heritage” on the Municipality of Central Elgin Official Plan Land Use Schedules, development or site alteration within 50 metres of an Earth Science ANSI shown on Schedule A2 of the Municipality of Central Elgin Official Plan, and/or unmapped natural features. The purpose of the EIS is to demonstrate that the proposed development and/or site alteration will not have a negative impact on natural heritage features or their ecological function.

Field investigations were conducted within the Subject Lands and the Adjacent Lands to the north between May and August in 2022 to classify vegetation communities, inventory plant species, document breeding birds, identify potential habitat for Protected Species, and record incidental observations of wildlife. In addition to the targeted surveys, incidental observations of wildlife and general habitat characteristics were recorded during all site visits.

A summary of significant features and functions identified on or adjacent to the subject lands, in accordance with provincial, county, and municipal policy, is provided in **Table 2**, below.

**Table 2 | Natural Heritage Features or Functions of the Subject Lands**

Policy Category	Policy-protected Natural Heritage Feature	Description of Feature on the Subject Lands and Adjacent Lands (120 m)
Provincial Policy Statement, Elgin County Official Plan and Municipality of Central Elgin Official Plan	Significant Wetlands	Moore Water Garden (KC 5) is a locally significant wetland located on the Adjacent Lands, to the north of the Subject Lands.
	Significant Woodlands	Significant Woodland is present within the Subject Lands and Study Area.
	Significant Wildlife Habitat (SWH)	There is no SWH present on the Subject Lands. Candidate SWH is present on the Adjacent Lands for: <ul style="list-style-type: none"> <li>• Land Bird Migratory Stopover Areas;</li> <li>• Amphibian Breeding Habitat (Woodland);</li> <li>• Woodland Area-Sensitive Bird Breeding Habitat;</li> <li>• Marsh Breeding Bird Habitat (Green Heron);</li> <li>• Terrestrial Crayfish; and</li> <li>• Special Concern and Rare Wildlife Species: Broad Beech Fern, Crooked-stem Aster, Eastern False Rue-anemone, Eastern Ribbonsnake, Eastern Wood-Pewee, Horned Grebe, Monarch, Snapping Turtle, and Wood Thrush.</li> </ul>
	Areas of Natural and Scientific Interest	The Port Stanley Till earth science ANSI is present on Adjacent Lands, north of the property limit and across Sunset Drive.
	Habitat of Threatened and Endangered Species	Potential habitat for three Endangered bat species is present within the subject and adjacent lands: <ul style="list-style-type: none"> <li>• Four trees within the active agricultural field are considered suitable maternity roost trees.</li> <li>• Assumed to be present throughout the Cultural Woodland (CUW1) and the hedgerow west of the Subject Lands.</li> </ul>
KCCA Regulations	Hazard Lands	The regulation limit provided by KCCA is associated with the Hazard Area (slope) to the north of the Subject Lands.

The following impacts and mitigation recommendations have been prescribed:

### **Significant Wetland**

Moore Water Garden swamp – a locally-significant wetland – was present on adjacent lands across Sunset Drive. There is no direct surface water connection between the wetland and the subject lands, and no direct impacts are anticipated as a result of the proposed development.

### **Significant Woodland & Other Vegetation**

In order to accommodate the proposed residential development, the removal of several isolated Shagbark Hickory trees within the agricultural field is required. No other natural vegetation removal is proposed for development of the residential, stormwater management or park blocks. The hedgerow near the western edge of the Subject Lands will be retained.

In order to protect the Significant Woodland feature and its functions, grading and structures should be located a minimum of 10 m beyond the dripline of the retained woodland edge where possible. The setback area shall be naturalized to the extent possible with native plant species, and invasive plant species identified should be removed and best management practices for limiting spread of floral invasive species should be followed during development. The limits of the significant woodland and vegetation communities retained will be flagged prior to construction to avoid inadvertent encroachment.

Tree removal is not anticipated to occur within the woodland setback. If the removal of overhanging branches is required, branches shall be removed by a qualified arborist to ensure limited impacts to understory and remaining trees.

Areas of exposed soil following construction should be stabilized with vegetation or other suitable ground cover, avoiding plant species with the potential to invade the Significant Woodland.

### **Significant Wildlife Habitat ("SWH") and Wildlife**

No SWH was identified within the Subject Lands, but some candidate (unconfirmed) SWH were present or assumed to be present on adjacent lands based on the size and characteristics of habitat available (summarized in **Table 2**, above).

The portion of the Moore Water Garden wetland that occurs immediately adjacent to the Subject Lands is approximately 1 ha in size and is not expected to support the concentrations of wildlife typically required to confirm SWH. Therefore, it is unlikely that candidate SWH would be impacted by the proposed development on the Subject Lands.

Wildlife may experience temporary disturbance during construction when crossing roads or moving through active construction areas. If an animal enters the work site, work at that location will stop and the animal should be permitted to leave un-harassed. Barrier fencing (e.g. silt fence) may be used to direct wildlife away from active construction and toward natural areas, if there are repeat observations of wildlife in the work area.

Timing restrictions on vegetation removal are recommended to avoid disturbance to wildlife that may be using natural areas on the site, including breeding birds and bats. No work is permitted to proceed that would result in the destruction of active nests (nests with eggs or young birds), or the wounding or killing of birds, of species protected under the Migratory



Birds Convention Act, 1994 and/or Regulations under that Act. Some MBCA-protected species, such as Killdeer, may make use of un-maintained areas as they frequently make nests on the ground in construction sites and other disturbed areas.

### **Areas of Natural and Scientific Interest (ANSI)**

The provincially significant Port Stanley Till Earth Science Area of Natural and Scientific Interest (ANSI) is located to the northwest of the Subject Lands, across Sunset Drive. The Natural Heritage Reference Manual for the PPS (MNR, 2010) notes that appropriate land uses adjacent to an Earth Science ANSI are those that conserve topography and other geologically defined features for which the area was identified.

The proposed development will conserve the topography of the Subject Lands and will have no direct or indirect impacts to the adjacent Earth Sciences ANSI.

### **Habitat of Endangered or Threatened Species**

Four trees providing potential maternity roost habitat for the Endangered species Little Brown Myotis, Northern Myotis and Tri-colored Bat are present in the agricultural area within the Subject Lands and are anticipated to be removed to accommodate the proposed development. There is some potential one of the four trees, located within the proposed SWM Block may be retained.

The suitable maternity roost habitat assumed to exist within the Cultural Woodland (CUW1) as well as within the hedgerow along the western boundary of the Subject Lands is anticipated to be retained. Select hazard tree removal within the west hedgerow may be required, pending results of the hazard tree assessment (to be completed at the time of detailed design and/or construction permit). If tree removal is required, removals should occur outside of the bat active season.

Potential habitat for other Protected Species may be present in adjacent lands. No direct impacts to habitat of these species will result from the proposed development. Incidental encounters with wildlife Protected Species during construction are considered unlikely.

Tree removals, if necessary, should occur outside of the bat active season (April 1 – September 30) as to not impact potential maternity roosting trees. No Bank Swallow (THR) were observed within or adjacent to the Subject Lands, however creation of suitable habitat (e.g., soil stockpiles) during construction should be avoided. Best management practices for deterring nesting during construction activities should be implemented (OMNRF, 2017). These measures should include stockpile slope management (i.e., grading stockpiles, eliminating vertical extraction faces, reducing slopes to 70 degrees or less) until at least July 15. Any observation of a Protected Species should be reported to MECP. Protected Species should not be handled, harassed, or moved unless they are in immediate danger.

### **Indirect Impacts**

Natural heritage features may also experience indirect effects during construction, such as sedimentation and erosion or soil/root zone compaction, or post-construction, such as inadvertent encroachment. Indirect impacts on natural features will be mitigated through the implementation of standard environmental protection measures, discussed in detail in section 6.6 of the EIS Report.

Based on the above, provided that the appropriate recommendations for mitigation (provided in the EIS report) are followed during all stages of proposed construction, no negative impacts to the adjacent natural heritage features are expected. MTE has determined that potential impacts to natural heritage features on adjacent lands will be avoided and/or mitigated with the recommendations set out in the EIS report.

A copy of the Environmental Impact Study Report with full results and recommendations is provided as part of the complete application submission.

### **3.4 Traffic Impact Study (Paradigm, 2024)**

Paradigm Transportation Solutions Limited ("Paradigm") was retained to complete a Traffic Impact Study to identify transportation impacts, or lack thereof, associated with the proposed development on the subject lands.

Based on the traffic data collection and trip generation and distribution analysis undertaken, it was concluded that:

- Under existing traffic conditions, the study area intersections are operating with acceptable levels of service.
- The development is forecast to generate 89 and 107 trips during the AM and PM peak hours, respectively.
- Under background traffic conditions, the study area intersections are forecast to operate with acceptable levels of service.
- Under total traffic conditions, the study area intersections are forecast to operate with acceptable levels of service. The Beamish Street Extension connection to East Road is forecast to operate with Level of Service ("LOS") B or better during the AM and PM peak hours.
- With respect to auxiliary turn-lanes, a northbound left-turn lane is not warranted on at the Beamish Street Extension connection to East Road under forecast total traffic conditions.

Based on the findings of this study, it is recommended that the development be considered for approval as proposed, with no transportation related improvements.

A copy of the Traffic Impact Study Report is provided as part of the complete application submission package.

### **3.5 Stage 1-2 Archaeological Assessment (LEC, 2021)**

Lincoln Environmental Consulting Corp. (“LEC”) was retained by Wastell Homes to complete a Stage 1-2 archaeological assessment for the subject lands to meet the requirements of the *Planning Act*. The assessment was triggered by the Provincial Policy Statement (now Provincial Planning Statement) that is informed by the *Planning Act* (Government of Ontario 1990a), which states that decisions affecting planning matters must be consistent with the policies outlined in the larger Ontario Heritage Act (1990b).

In accordance with section 1.3.1 of the Ministry of Tourism, Culture and Sport’s (MTCS) 2011 Standards and Guidelines for Consultant Archaeologists (Government of Ontario 2011), the Stage 1 archaeological assessment of the property determined that the study area exhibits high potential for the identification and recovery of archaeological resources and a Stage 2 archaeological assessment was recommended.

The Stage 2 property assessment consisted of pedestrian survey and test pit surveys. The property assessment was conducted on March 26th, 2021, under archaeological consulting license P1289 issued to Kara Adams, MSc, of LEC by the MTCS.

A total of three archaeological sites – Location 1 (AeHh-169), Location 2 (AeHh-170), and Location 3 (AeHh-171) – were located, all identified as undiagnostic Aboriginal scatters. These locations fulfill section 2.2 Standard 1a of the 2011 Standards and Guidelines for Consultant Archaeologists (Government of Ontario 2011) and, as such, were deemed to retain further cultural heritage value and interest and a Stage 3 site specific assessment was recommended.

It is anticipated that a condition of Draft Plan Approval be for the completion of a Stage 3 Archaeological Assessment prior to registration of the subdivision, to ensure no development impact.

A copy of the Stage 1-2 Archaeological Assessment Report is provided as part of the complete application submission.

## **4. PLANNING FRAMEWORK AND ANALYSIS**

The following section will provide an overview and analysis of the existing planning framework, identify the key policies and by-laws that relate to the subject lands, and discuss the Official Plan and Zoning By-law Amendments required to permit the proposed development.

## **4.1 Provincial Planning Statement**

On August 20, 2024, the Ontario government released the Provincial Planning Statement, 2024 (“2024 PPS”), introducing fundamental changes in how growth planning is carried out in the Province. The 2024 PPS consolidates and replaces the primary policy documents that govern land use planning in southern Ontario, being the former Provincial Policy Statement (2020) and A Place to Grow: Growth Plan for the Greater Golden Horseshoe.

The 2024 PPS came into effect on October 20, 2024, and applies to all decisions in respect of the exercise of any authority that affects a planning matter made on or after that date.

### **Building Homes, Sustaining Strong and Competitive Communities**

The proposed development is consistent with PPS policies with respect to building homes and sustaining strong and competitive communities by proposing growth and development within the Port Stanley Settlement Area and providing for a range and mix of housing and densities which efficiently use land and resources, optimize existing infrastructure and public service facilities, and are transit supportive (Policy 2.3.1.1, 2.3.1.2, 2.3.1.3, 2.4.1.1).

The proposed development will contribute to the provision of a range and mix of residential housing options, in proximity to active transportation facilities, and in proximity to commercial, employment, parks, and recreational uses, as well as other residential uses, to support a mixed-use neighbourhood and the achievement of complete communities (Policy 2.1.6, 2.4.1.1, 2.4.1.2, 2.4.1.3).

To support energy conservation, air quality and climate change (Policy 2.9.1), the proposed development will support the achievement of compact, transit-supportive, and complete communities, support energy conservation and efficiency through appropriate built form and site design, and take into consideration approaches for sustainable development, including, but not limited to, opportunities for bicycle parking spaces, increased glazing for buildings to improve availability of natural light and ventilation internally, enhanced landscaping, and the potential use of full cut-off LED lighting to minimize energy consumption; these design elements will be considered at the time of Site Plan Approval for the higher-density development blocks.

### **Infrastructure and Facilities**

The proposed development is intended to be supported by municipal services (water and wastewater) and infrastructure (existing municipal roads, maintained year round), and the lands are adequately located in proximity to infrastructure and public service facilities for the effective and efficient delivery of emergency management services, to ensure the protection of public health and safety (Policy 3.1.1, 3.1.3). More specifically, the Central Elgin Fire Rescue Station is located 600 metres north of the subject lands, at the Sunset Road and East Road intersection, while the closest Ontario Provincial Police (“OPP”) Station



(Policing services in Central Elgin provided by OPP) is 7 kilometres (6-minute drive) north of the subject lands, along John Wise Line.

The subject lands are also located in proximity to a number of parks, open space, and recreational uses, including Selbourne Park and Port Stanley Area & Community Centre to the west, and Little Creek Park, Little Beach, and Port Stanley Beach to the south. In addition, the Elgin Hiking Trail is located approximately 1.5 kilometres to the west of the property, providing opportunities for active and passive recreation (Policy 3.1.4, 3.9.1).

Based on the Traffic Impact Study completed by Paradigm (2024), no geometric and/or traffic control improvements are required to accommodate the subject development proposal, and the proposed development will not adversely impact traffic operations. As such, it is anticipated that transportation systems will continue to appropriately provide safe and efficient movement of people and goods to appropriately address projected needs (Policy 3.2). Major goods movement facilities and corridors will be protected for the long term (Policy 3.3.2).

As previously discussed, full municipal services are available for the proposed development, to promote the efficient use and optimization of existing services and to support protection of the environment and minimize potential risks to human health and safety (Policy 3.6).

### **Wise Use and Management of Resources**

The northerly portion of the subject lands contains a significant woodland feature that is designated natural heritage and natural hazard on Schedule 'G' of the Central Elgin Official Plan. Based on the EIS completed for the subject lands, an appropriate development limit and ecological buffer have been recommended which has been incorporated into the proposed Draft Plan. Further, provided that the appropriate recommendations for mitigation (provided in the EIS report) are followed during all stages of proposed construction, no negative impacts to the adjacent natural heritage features are expected. As such, it is not anticipated that the proposed development will impact long-term protection of natural features (Policy 4.1.1), nor have any impact on water resource systems (Policy 4.2).

With respect to the general agriculture policies of the PPS (Policy 4.3), the proposed development is contemplated within the built-up area of the Port Stanley Settlement Area and thus will not remove land from the prime agricultural areas within Elgin County.

As previously discussed, a Stage 1-2 Archaeological Assessment (2024), undertaken by LEC, recommended a Stage 3 Archaeological Assessment be completed. At this time, the Stage 3 Archaeological Assessment has not been completed; however, it is anticipated that a condition of Draft Plan Approval will be included for the completion of a Stage 3 Archaeological Assessment prior to registration of the subdivision, to ensure no development impact on archaeological resources (Policy 4.6). Further, the subject lands are

not located on, or adjacent to, protected heritage properties or properties with built heritage resources (Policy 4.6).

### **Protecting Public Health and Safety**

The subject lands are not located on, or adjacent to human-made hazards (i.e., mine hazards, oil, gas and salt hazards, former mineral mining operations, sites with contaminants). An appropriate development limit has been established through the EIS and Geotechnical Investigation; as such, the proposed development will be generally directed to areas outside of hazardous lands and sites (Policy 5.2).

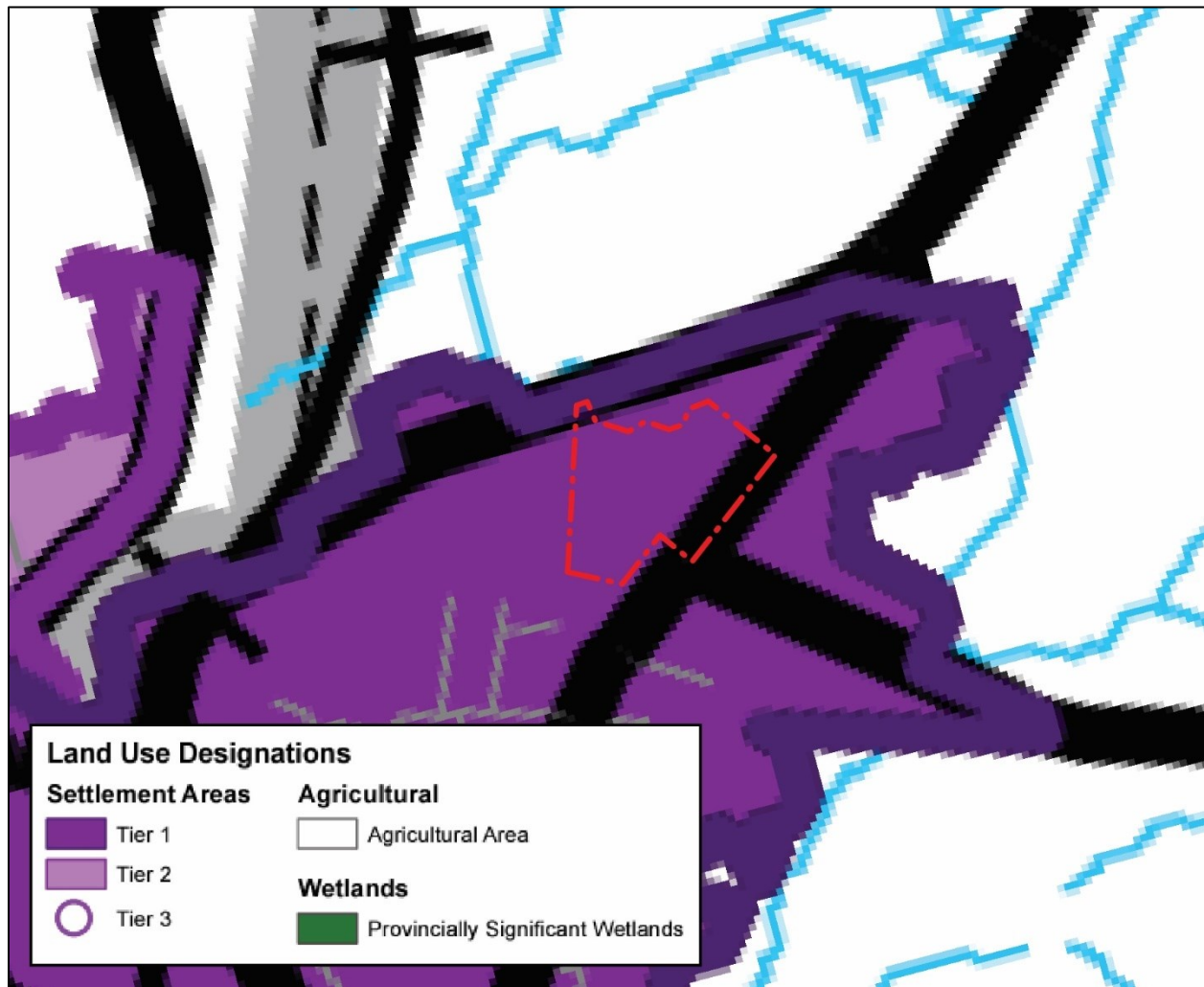
In light of the above analysis, the proposed Draft Plan of Subdivision, Official Plan Amendment and Zoning By-law Amendment are consistent with the policies in the 2024 PPS.

## **4.2 County of Elgin Official Plan (Current)**

The County of Elgin operates under a two-tier planning system that divides planning responsibilities between the County and the local municipalities within the County. Under this system, the current County Official Plan (hereafter, "County OP") provides the overall County planning policy framework for local planning authorities and all local Official Plans and planning decisions must be in conformity with the County OP.

Schedule 'A' (County Structure Plan) of the County OP designates the subject lands as 'Settlement Areas', with Port Stanley, in which the subject lands are located, delineated as a Tier 1 Settlement Area (See **Figure 6**).

**Figure 6** | Excerpt from Schedule 'A' – Land Use, County of Elgin Official Plan (current)

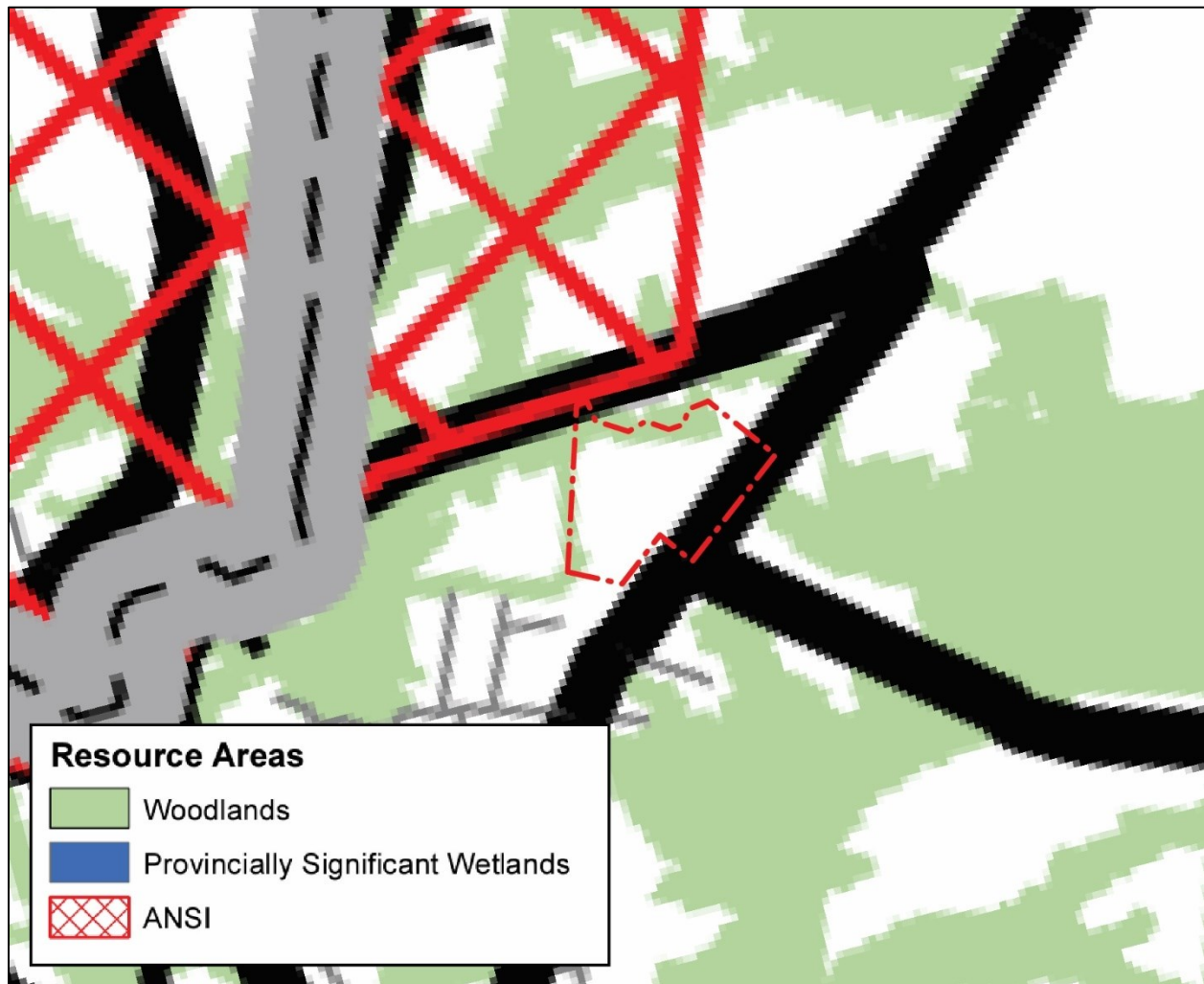


Source: County of Elgin Official Plan

Appendix 'I' of the County OP delineates 'Woodlands' on the northerly portion of the subject lands (See **Figure 7**). The County considers woodlands 10 hectares or greater, or woodlands within 30 metres of the boundary of a significant natural heritage feature (i.e., significant wetland, significant valleyland, fish habitat and/or watercourse) as significant. Development and site alteration shall not be permitted in significant woodlands unless it has been demonstrated through an Environmental Impact Study that there will be no negative impact on the natural features or their ecological functions (s.s. D1.2.6).

Based on the analysis undertaken by the EIS, provided that the appropriate recommendations for mitigation (provided in the EIS report) are followed during all stages of proposed construction, no negative impacts to the adjacent natural heritage features are expected. The significant Woodland feature will further be protected through appropriate development setbacks established through the Geotechnical Investigation and EIS, submitted as part of the complete application submission package.

**Figure 7** | Excerpt from Appendix 1 – Natural Heritage Features and Areas, County of Elgin Official Plan (current)



Source: County of Elgin Official Plan

Tier 1 Settlement Areas generally have the largest populations in the County have full municipal services (municipal water and sewage services). Given the type of servicing that is provided in these settlement areas and the potential for these settlement areas to be central communities where a range of uses and opportunities are and can be provided, the County OP directs the majority of new growth to Tier 1 settlement areas (s.s. 2.5d)

The proposed development is consistent with the primary goals of the Elgin County Official Plan (s.s. A3), namely:

- Directing development to urban areas where full municipal services are available and to support the efficient use of land and infrastructure to meet the needs of present and future residents and businesses;
- Protecting and enhance the character of the Port Stanley settlement areas, and to maintain them as diverse, livable, safe, thriving, and attractive communities;

- Protecting as much of the County's prime agricultural area by directing development to residentially designated lands within the Settlement Boundary;
- Contributing to the supply of housing choices are available for present and future residents; and,
- Protecting significant natural heritage features and areas and their associated ecological and hydrological functions from incompatible development and directing development away from natural and man-made hazardous areas.

Further, the proposed development supports the Strategic Objectives set out in section A4 of the County OP, namely:

- Supporting the creation of compact communities;
- Encouraging the efficient use of land to make the best use of infrastructure and services;
- Promoting the creation of pedestrian-oriented built environments that provide comfort, safety, accessibility and encourage the creation of safe and barrier-free linkages between residential, commercial, institutional, and other areas;
- Ensuring that housing is available to all ages, abilities, incomes, and household sizes;
- Focusing new development in settlement areas;
- Protecting natural heritage features and areas and their associated ecological functions so that they can be enjoyed by future generations and serve as a legacy to all peoples within our communities;
- Directing development and site alteration to areas outside of hazardous lands to minimize the loss of life and property damage caused by natural hazard processes associated with natural systems; and,
- Protecting the County's cultural heritage resources (by directing development outside of these areas) in order to maintain and enhance economic development and tourism opportunities.

The proposed development conforms to section B2.6 (New Development in Existing Settlement Areas) by providing for new development which serves as a logical extension to the existing built-up area, is compact and minimizes the consumption of lands, providing a range of housing choices, on available municipal services, consistent with the Tier 1 Settlement Area policies of the County OP. Further, the development has been carefully designed to position the higher-intensity residential development (i.e., Blocks 37 and 38 on the Draft Plan) towards the higher-order street, and transitions down in use, height, and scale towards the existing low rise neighbourhood to the south and west.

The proposed development supports the objectives of residential areas (s.s. C1.1.1) and the housing policies (s.s. C1.3.1) of the County OP by supporting development that maintains and enhances the character and identity of existing surrounding residential areas, provides for a range of housing types and densities that also encourages increased density in new development areas to maximize the use of infrastructure and land, promotes the efficient use of existing and planned infrastructure, and directs development to an area



complemented by compatible land uses including other residential uses, public facilities, convenience commercial uses (existing and planned), institutional uses (i.e., Kettle Creek Public Elementary School), parks (i.e., Little Creek Park), and recreation uses (i.e., Port Stanley Arena and Community Centre).

Based on the EIS (2024) completed by MTE, provided that the appropriate recommendations for mitigation (provided in the EIS report) are followed during all stages of proposed construction, no negative impacts to the adjacent natural heritage features are expected. MTE has determined that potential impacts to natural heritage features on adjacent lands will be avoided and/or mitigated with the recommendations set out in the EIS report. Further, As such, the proposed development conforms with the Natural Heritage, Water and Natural Hazards Policies (s.s. D1.1, D1.2, D3.1, D3.4) of the County OP, which aim to identify and protect natural heritage features and their ecological functions from incompatible uses and direct development and site alteration to areas outside of hazardous lands.

As previously discussed, a Stage 1–2 Archaeological Assessment (2024), undertaken by LEC, recommended a Stage 3 Archaeological Assessment be completed. At this time, the Stage 3 Archaeological Assessment has not been completed; however, it is anticipated that a condition of Draft Plan Approval will be included for the completion of a Stage 3 Archaeological Assessment prior to registration of the subdivision, to ensure no development impact on archaeological resources. As such, the proposed applications conform with subsection E2.1 (Archaeological Resources) of the County OP.

The proposed development conforms with the Subdivision Development Policies (s.s. E1.2.3.5) of the County OP, namely:

*a) the approval of the development is not premature and is in the public interest;*

The proposed development will provide for compact and efficient residential development on residentially designated lands within the Port Stanley Settlement Area, on full municipal services, contiguous with surrounding residential development. The proposed development will supply Port Stanley with additional residential units in response to the ongoing housing crisis and demand for housing.

*b) the lands will be appropriately serviced with infrastructure, schools, parkland and open space, community facilities and other amenities;*

The proposed development will be appropriately serviced with municipal infrastructure – including roads and servicing – in proximity to schools (i.e., Kettle Creek Public Elementary School), parkland and open space (i.e., Little Creek Park), community facilities (i.e., Port Stanley Arena and Community Centre), and other amenities.

*c) the density of the development is appropriate for the area;*

The proposed development maintains the general character of the area, specifically the low-density form of the adjacent Sunset Bluffs subdivision, by providing low-density, single detached lots, while also supporting opportunities for complementary, higher-density residential uses (i.e., Street Towns, Cluster Towns, Apartments) to promote compact urban form, a mix of housing options, and a complete residential community.

*d) the application, if approved, conforms to this Plan and the lower-tier Official Plan;*

The proposed Draft Plan of Subdivision application conforms to the County OP and the lower-tier Official Plan (being the Central Elgin Official Plan). Justification on how the proposed development conforms to the Central Elgin Official Plan is provided in detail in section 4.4, below.

*e) the subdivision, when developed, will be appropriately integrated with other development in the area; and,*

The subdivision is intended to serve as a seamless extension of the Sunset Bluffs subdivision adjacent to the west of the subject lands, which will allow the proposed development to appropriately integrate with other development in the area.

*f) the proposal has regard to Section 51 (24) of the Planning Act, as amended.*

The proposal, and proposed development concept, has regard to Section 51(24) of the Planning Act, as amended.

It is anticipated that any medium-density and high-density residential blocks (with more than 10 units) will be subject to Site Plan Control (s.s. F5) in accordance with the Planning Act and the Municipal Site Plan Control By-Law.

In light of the above, the proposed Draft Plan of Subdivision, Official Plan Amendment and Zoning By-law Amendment conforms to the County OP; no amendment to the County OP is required.

### **4.3 County of Elgin Official Plan (Adopted)**

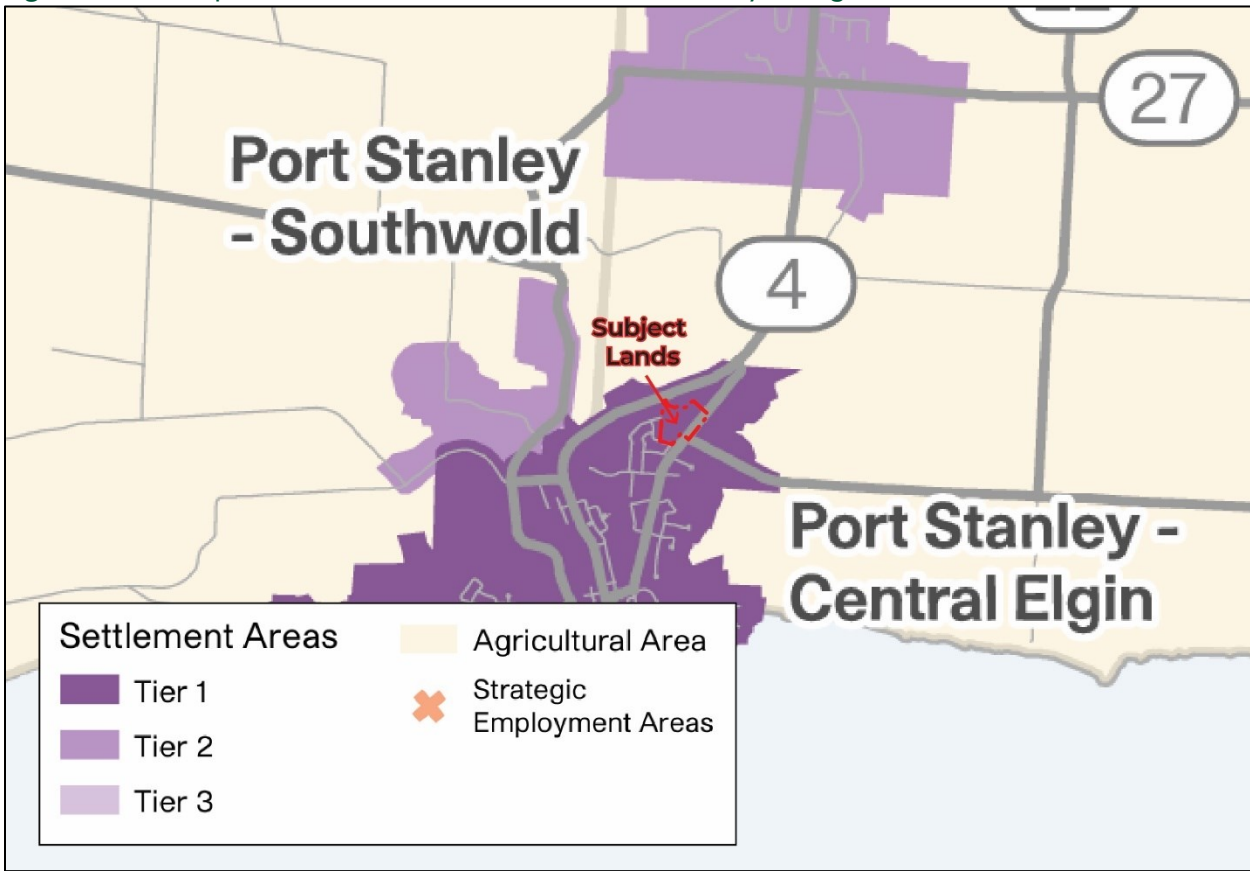
The County of Elgin undertook a comprehensive review of their current Official Plan, which began in the winter of 2021 with the anticipation of the final review and adoption between Winter 2023 and Spring 2024. On May 14, 2024, County Council passed By-law No. 24-17 to adopt a new Official Plan for the County of Elgin. This newly adopted Official Plan ("adopted County OP") has been submitted to the Province for final approval, as the approval authority.

Schedule 'A' (County Structure Plan) of the adopted County OP continues to designate the subject lands as 'Settlement Areas', with Port Stanley, in which the subject lands are located, delineated as a Tier 1 Settlement Area (See **Figure 8**). Schedule 'C' (The Natural System) of

the adopted County OP also continues to delineate ‘Woodlands’ on the northerly portion of the subject lands (See **Figure 9**).

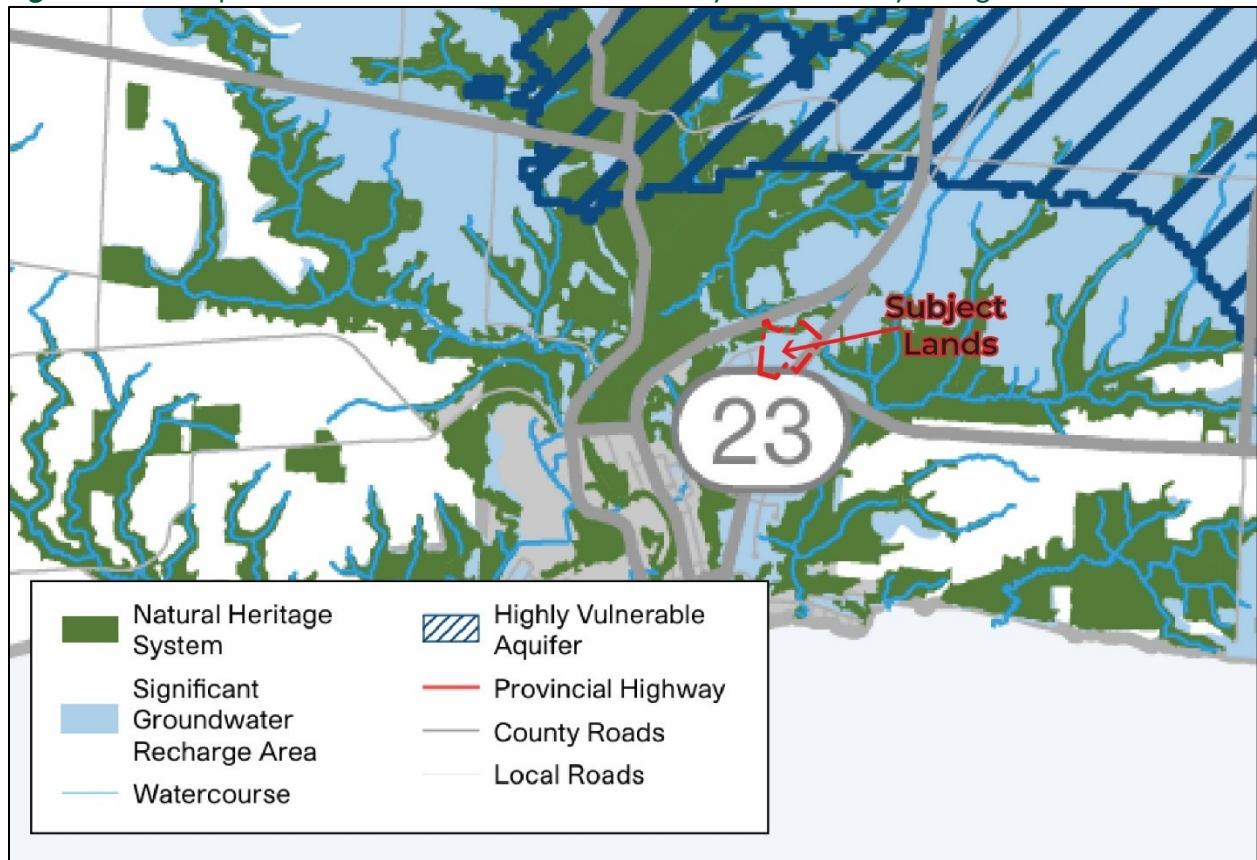
The boundaries between land uses designated on the schedules to this Plan are considered approximate except where they meet with roads, railway lines, rivers, transmission lines, lot lines or another clearly defined physical feature. Where the general intent of the document is maintained, minor adjustments to boundaries will not require an amendment to the adopted County OP (s.s. 13.9).

**Figure 8** | Excerpt from Schedule ‘A’ – Land Use, County of Elgin Official Plan



Source: County of Elgin Official Plan

**Figure 9** | Excerpt from Schedule 'C' – The Natural System, County of Elgin Official Plan



Source: County of Elgin Official Plan

The proposed development conforms with the adopted County OP policies by:

- Directing new growth and development to settlement areas (Tier 1 Settlements) that can accommodate it with sufficient levels of servicing (full municipal services) and infrastructure (s.s. 2.0b, 8.19);
- Ensure that new development extends logically from existing built-up areas and the orderly progression of new development (s.s. 2.4a, 2.4b, 6.8a);
- Protecting the agricultural system by directing development within the Port Stanley Settlement Area (s.s. 3.11);
- Ensuring a healthy supply of residentially designated lands and an adequate mix of housing types and tenures to address the current and future needs of households in the County, and to maintain options for households at all stages of their lifecycle (s.s. 4.0a, 4.0b, 4.3);
- Supporting the creation of compact, complete, and pedestrian-friendly communities, and encouraging the use of environmental best practices for development (s.s. 6.0b, 6.0e);
- Achieving a minimum net density of 20 units per net hectare (s.s. 6.8d);

- Incorporating sustainable construction materials or practices, green infrastructure, energy conservation standards, water efficient technologies, and low impact development, where possible, to mitigate and adapt to the impacts of climate change (s.s. 6.11);
- Identifying and protecting the Natural System including its ecological features and functions, from development, and directing development to areas outside hazardous lands regulated by conservation authorities (s.s. 7.0a, 10.0a);
- Ensuring safe and efficient transportation systems, including automobiles, trucks, cycling, and walking (s.s. 8.0a); and,
- Ensuring new development occurs in a manner that respects the County's rich cultural heritage by protecting, conserving, and enhancing cultural heritage resources (s.s. 11.0).

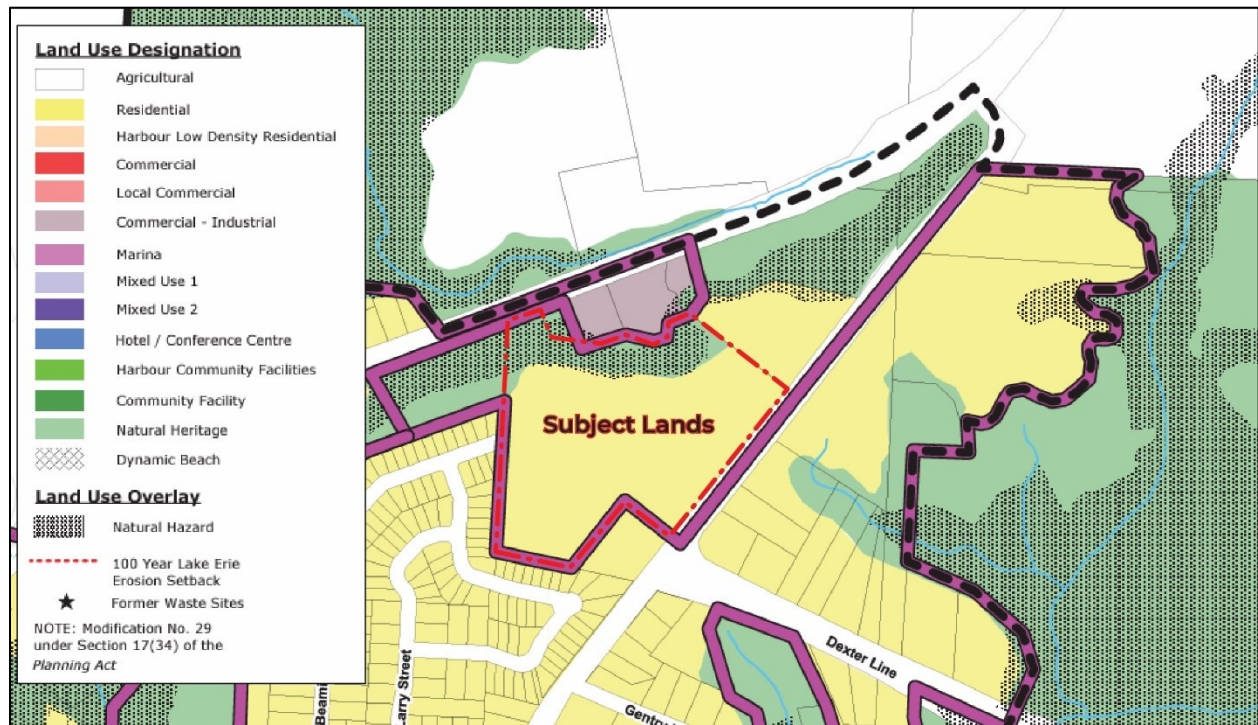
Based on the discussion above, the proposed development and associated applications conform to the policies of the adopted County of Elgin Official Plan. No amendments to the adopted County OP are required.

#### **4.4 Municipality of Central Elgin Official Plan**

Schedule 'G' (Community of Port Stanley Land Use Plan) of the Municipality of Central Elgin Official Plan ("CEOP") designates the majority of the subject lands as 'Residential', with the northerly portion associated with the Mineral Cultural Woodland as 'Natural Heritage' and 'Natural Hazard' (See **Figure 10**).



**Figure 10** | Excerpt from Schedule 'G' – Community of Port Stanley Land Use Plan, County of Elgin Official Plan



Source: County of Elgin Official Plan

## Land Use Structure

The proposed development is in keeping with the Land Use Structure (section 2.1) of the CEOP, by supporting the creation of sustainable, healthy, and complete communities. More specifically, the proposed development directs compact urban development to the Port Stanley Urban Settlement Area, on full municipal services, and provides a full range and mix of housing options, in proximity to economic and recreational uses, while preserving the environment through the protection of natural heritage features on-site, and preparing for a changing climate through appropriate built form and site design that takes into consideration approaches for sustainable development (i.e., opportunities for bicycle parking spaces, increased glazing for buildings to improve availability of natural light and ventilation internally, enhanced landscaping, and the potential use of full cut-off LED lighting to minimize energy consumption).

## Housing

The proposed development supports the goals and conforms to the Housing Policies (section 2.3) of the CEOP by contributing to the supply of housing in the Port Stanley Community and supporting a mix and range of housing options to meet present and future resident needs, and to support opportunities for aging-in-place. The proposed street towns and future development on the medium / high density block will contribute to the alleviate

of the demand for a greater supply of more attainable housing forms, when compared to single-detached dwellings that form the majority of the dwelling unit type in the Community.

### **Cultural Heritage and Archaeology**

As previously discussed, a Stage 1–2 Archaeological Assessment (2024), undertaken by LEC, recommended a Stage 3 Archaeological Assessment be completed. At this time, the Stage 3 Archaeological Assessment has not been completed; however, it is anticipated that a condition of Draft Plan Approval will be included for the completion of a Stage 3 Archaeological Assessment prior to registration of the subdivision, to ensure no development impact on archaeological resources. As such, the proposed development is in keeping with the Cultural Heritage and Archaeology policies (specifically subsection 2.4.4.1) of the CEOP, which states that, *"for a proposed development within an area of archaeological potential, an archaeological assessment will be required prior to final planning approval, **or as a condition of final planning approval**"*.

The subject lands are not located on, or adjacent to, built up heritage resources (i.e., Heritage Properties or Districts) (s.s. 2.4.3.1).

### **Recreation and Leisure**

As previously discussed, the subject lands are also located in proximity to a number of parks, open space, and recreational uses, including Little Creek Park (700 metres south of the subject lands), Selbourne Park and Port Stanley Areen & Community Centre to the west, Little Beach, and Port Stanley Beach to the south. In addition, the Elgin Hiking Trail is located approximately 1.5 kilometres to the west of the property, providing opportunities for active and passive recreation (s.s. 2.5.1.2, 2.5.2.1).

The proposed development, in lieu of providing parkland dedication on site and recognizing that the development is well-served by nearby parks and recreation facilities, is anticipated to provide cash-in-lieu as part of the conditions of Draft Plan Approval (s.s. 2.5.1.2).

### **Public Service Facilities**

In keeping with the Public Service Facilities policies (section 2.7), the proposed development is appropriately and conveniently located in proximity to key public service facilities, including:

- Schools (i.e., Kettle Creek Public School 1.5 kilometres west of the subject lands);
- Emergency services (i.e., Central Elgin Fire Rescue Station located 450 metres north of the subject lands, and OPP Station located 7 kilometres (6-minute drive) north of the subject lands);
- Places of worship (i.e., Port Stanley United Church and Port Stanley Presbyterian Church located 1.5 kilometres south of the subject lands);

- Museums (i.e., Port Stanley Terminal Rail located 1.7 kilometres southwest of the subject lands); and,
- Recreation facilities (i.e., Port Stanley Arena & Community Centre located 1.5 kilometres west of the subject lands).

## **Infrastructure**

The proposed development will be serviced by municipal water and sanitary services, in keeping with subsection 2.8.1.1.1 (Full Municipal Services) which states that, “all development in the Urban Settlement Areas shall be fully serviced by municipal piped water supply and sewage disposal systems.” The proposed development will further be supported by a dry basin SWM facility to address stormwater servicing in keeping with subsection 2.8.4 (stormwater Management) of the CEOP.

Based on the Traffic Impact Study completed by Paradigm (2024), no geometric and/or traffic control improvements are required to accommodate the subject development proposal, and the proposed development will not adversely impact traffic operations. As such, it is anticipated that transportation systems will continue to appropriately provide safe and efficient movement of people and goods to appropriately address projected needs (s.s. 2.8.5.1.1).

Section 2.8.5.1.1e) of the CEOP recognizes that the automobile will continue to be the predominant mode of transportation within Central Elgin due to the largely rural character of the majority of its land area. However, the proposed development supports compact building form and land use patterns, including increased density and a mix of uses to encourage alternative modes of transportation, including active transportation (s.s. 2.8.5.4).

## **Energy**

In keeping with the Energy policies (section 2.9) of the CEOP, opportunities for energy conservation techniques and methods will be explored through appropriate built form and site design, and the proposed development will take into consideration approaches for sustainable development, including, but not limited to, opportunities for bicycle parking spaces, increased glazing for buildings to improve availability of natural light and ventilation internally, enhanced landscaping, and the potential use of full cut-off LED lighting to minimize energy consumption; these design elements will be considered at the time of Site Plan Approval for the higher-density development blocks.

## **Complete and Healthy Communities**

The CEOP states that a complete community, *“meets the daily needs of people throughout their lifetime by providing convenient access to an appropriate mix of jobs, local services, a full range of housing options, and access to community infrastructure like affordable housing, schools, recreation, and open space areas. They are designed to promote transit-*

*supportive infrastructure and be safe and walkable communities” (s.s. 2.13). The proposed development supports the creation of a complete community by proposing a residential community with a mix of housing options, in proximity to jobs, local services, community infrastructure, parks and open space, active transportation facilities, and public services. The proposed development promotes compact urban form, an appropriate mix of housing types on residentially designated lands, while protecting and preserving the natural environment associated with the northerly portion of the property. The proposed development is compatible with the neighbouring residential land uses and serves as a seamless extension of the existing Sunset Bluffs subdivision to the south and west of the subject lands. It is anticipated that sidewalks will be provided on at least one side of the street throughout the Subdivision Plan, consistent with the subdivision immediately abutting to the west of the subject lands, to encourage safe and convenient active transportation for pedestrians and cyclists.*

### **Natural Heritage and Natural Hazards**

Section 3.1 and 3.2 of the CEOP outlines the Natural Heritage and Natural Hazard Policies, respectively. Generally speaking, permitted uses within the Natural Heritage designation include, but are not limited to, passive open space, walking/biking trails, conservation uses, forest and resource management uses, erosion and flood control, low-intensity public and private recreation uses, and necessary public utilities and services, among other uses (s.s. 3.1.1a). Notwithstanding, new permitted uses – including buildings or structures – within a Natural Heritage designation that require a Planning Act approval may be permitted, *“only if it can be demonstrated through an **Environmental Impact Study (EIS)**, prepared to the satisfaction of the Municipality in accordance with the policies contained in section 3.4 of this Plan, that there will be no negative impacts to the natural heritage features and/or their ecological functions” (s.s. 3.1.1.b).*

Further, Schedule ‘A2’ of the CEOP specifically identifies the natural heritage features (designated Natural Heritage on the Land Use Schedule) associate with the property as ‘Wooded Area’. The boundaries have been established through interpretation of aerial photography (2005). **The boundaries may be refined through the preparation of an Environmental Impact Study without an amendment to the Local OP (s.s. 3.1.1.2 b)).**[emphasis added]

The Natural Hazard overlay on Schedule ‘G’ identifies lands which have the potential for hazardous condition due to their susceptibility to flooding, erosion, subsidence, slumping, inundation, the presence of steep slopes or other physical limitations (s.s. 3.2.1a). It is the policy of the CEOP that where Natural Hazard designation overlaps with the limits of another land use designation, the uses permitted in the Natural Hazard designation shall be the same as those in the underlying land use designation (s.s. 3.2.1b). With regard to development, no buildings, structures, or additions thereto are permitted, with the exception of buildings or structures required for flood control, erosion control or other conservation purposes, without

the approval of the Municipality and the conservation authority having jurisdiction in the area.

For development or site alteration adjacent to Natural Hazard lands, the site-specific limits of the natural hazard(s) shall be determined through relevant studies prepared by a qualified professional with recognized expertise in the appropriate principles using accepted methodologies to the satisfaction of the Municipality and the conservation authority having jurisdiction in the area (s.s. 3.2.1c). **Those limits shall be interpreted as the correct limits of the Natural Hazard designation and such interpretation shall not require amendment to this Plan** (s.s. 3.2.1d). [emphasis added]

As such, the development setback limits established through the EIS (MTE) and Geotechnical Investigation (LDS) have been incorporated into the design of the proposed development are in keeping with the Natural Heritage Policies in subsection 3.1 and the Natural Hazard Policies in subsection 3.2 of the CEOP.

### **Air Quality and Climate Change**

In keeping with the Air Quality and Climate Change policies (3.6.2) of the CEOP, the proposed development will:

- Promote compact, mixed-density development that are transit-supportive (i.e., active transportation), pedestrian-friendly, and in proximity to key services and facility to aid in minimizing the reliance on private automobiles;
- Where feasible and appropriate, promote sustainable design and construction standards, and the use of renewable energy systems, as a means of improving air quality and minimizing contributions to climate change. Such standards could include LEED and Low Impact Development approaches to community design;
- Encourage tree planting and landscaping to maintain, restore, and enhance urban forest cover and the natural environment, while also protecting the existing natural heritage features on site and in the surrounding area; and,
- Providing for appropriate stormwater management techniques to recognize the importance of watershed planning for protecting and identifying water resource systems, and mitigating potential risk associated with natural hazards.

### **Residential Designation**

Lands designated as “Residential” on the Land Use Schedules provide the main locations for housing in Central Elgin. A broad range of housing types and compatible services and amenities are permitted within the fully serviced Urban Settlement Areas, in keeping with both local and provincial priorities and to make the most efficient use of available infrastructure.



More specifically, lands designated “Residential” permit a wide range of residential dwelling types and densities, including, but not limited to, single detached, semi-detached, duplex dwellings, triplex dwellings, townhouse dwellings and apartment dwellings. Conversion of existing dwellings to increase the number of dwelling units is also permitted (s.s. 4.3.1a). In addition, ancillary uses such as schools, neighbourhood and community parks, trail connections, places of worship, home occupations, and community and social service facilities, may also be permitted (s.s. 4.3.1c). Accordingly, the proposed single-detached, townhouse, and apartment dwellings proposed (or contemplated) for the proposed development is in keeping with the permitted uses in the “Residential” designation.

The proposed development is consistent with the “Residential” Goals (s.s. 4.3) by:

- Promoting sustainable, efficient, and diverse residential neighbourhoods;
- Providing a diverse range of attainable, market-based housing types and densities;
- Encouraging development that is walkable and supported by all modes of transportation; and,
- Supporting development in proximity to institutional, convenience commercial, personal services and other complementary non-residential uses that service residential areas.

With respect to density, low-density residential uses are permitted up to a maximum density of 22 units per net hectare (9 units per net acre) and shall not exceed 3 storeys or 11 metres in height (s.s. 4.3.2b). The proposed single-detached lots will provide for a net density of 22 units per hectare and will not exceed 3 storeys in height.

Medium-density residential uses, which includes street townhouse dwellings, are permitted with a net density greater than 22 units per hectare (9 units per acre) up to a maximum of 35 units per net hectare (14 units per net acre) and shall not exceed 6 storeys (or 22 metres) in height. The proposed street towns proposed for the subdivision will provide an overall net density of 33 units per hectare and will not exceed the maximum height permitted for medium-density residential uses.

The following development criteria also apply to medium density residential uses:

1. *The proposed design of the residential development is compatible with the built form and the physical character of surrounding uses, and is consistent with the policy direction in the Community Design and Complete and Healthy Communities sections of the Plan;*

The proposed Street Towns are compatible with the low-rise form and character of the surrounding low-density residential uses, while introducing a higher-density, more attainable housing product to support a mix and range of housing types in the community, supportive of aging-in-place opportunities. The proposed residential use is also consistent with policy

direction in the Community Design and Complete and Healthy Communities sections of the CEOP (discussed in this Planning Justification Report).

2. *The site is physically suited to accommodate the proposed development. Consideration will be given to the preservation of features of the natural environment which may be compromised with more dispersed low-density development;*

The property is physically suited to accommodate the proposed development, acknowledging that the proposed development provides for a seamless extension of existing residential development in the surrounding community, on lands designated for residential development, on full municipal services, in proximity to key services and public services. The development has been carefully designed to position the higher-intensity residential development (i.e., Blocks 37 and 38 on the Draft Plan) towards the higher-order street, and transitions down in use, height, and scale towards the existing low rise neighbourhood to the south and west.

3. *Adequate recreational and amenities are provided on site;*

Adequate recreational and amenity space may be provided via individual unit backyards.

4. *The site is in general proximity to a park, natural area, institutional use, or commercial facilities;*

The property is in general proximity to parks (i.e., Little Creek Park), natural areas, institutional uses (i.e., Kettle Creek Public School, Port Stanley Arena & Community Centre, Port Stanley United Church, Port Stanley Presbyterian Church), and commercial facilities (i.e., existing and planned commercial plaza along Sunset Drive).

5. *Medium density buildings will not exceed 6 storeys or 22 metres in height at the highest grade elevation to ensure building heights and built forms are compatible with the built form and physical character of the neighbourhood. Exceptions may be considered where properties with unusual grade conditions exist.*

The proposed street towns will not exceed 6 storeys in height.

6. *The proposed site can be serviced with adequate water supply and sanitary sewage disposal in accordance with the policies contained in Section 2.8 of this Plan;*

The proposed development will be serviced with municipal water and sanitary services. See Functional Servicing & SWM Report, prepared by DevEng (2024), submitted as part of the complete application submission package.

7. *The property shall have direct access to an arterial or collector road maintained to a municipal standard with capacity to accommodate traffic generated from the site;*

The proposed subdivision development will provide direct access to East Road (Highway 23) which is considered a County Road (higher order road), through the extension of Beamish Street, which is considered a Local Road, on Schedule 'G1' (Road Classification) of the Official Plan. The proposed Street Towns will front onto the extension of Beamish Street, or Street 'A' which connects to Beamish Street.

An amendment to the CEOP is required to add a site-specific special policy for Blocks 33 to 37 that provides relief from subsection 4.3.2c)7. of the CEOP (policy stated above) to allow for medium-density development, in the form of street townhouses, to have direct access to a local road maintained to a municipal standard with capacity to accommodate traffic generated from the site. The proposed site specific special policy is discussed further below (under "Proposed Official Plan Amendment").

8. *Sufficient off-street parking facilities are provided in accordance with the standards set out in the Zoning By-law. Surface parking should be minimized in favour of more intensive parking; and,*

Sufficient off-street parking will be provided in accordance with the standards set out in the Zoning By-law.

9. *Consideration shall be given to matters related to land use compatibility, traffic impacts and proximity effects such as noise and visual impacts.*

No adverse impacts are anticipated with respect to land use compatibility, traffic impacts, and noise and visual impacts.

High-density residential uses, which includes apartments, multiple dwellings, high-rise housing, and special needs housing, permits density in excess of 35 units per net hectare (14 units per net acre) and does not prescribe maximum height permissions. There is currently no defined development plan for the proposed medium / high density block in the proposed subdivision; however, any planned development will be in keeping with the development criteria set out in subsection 4.3.2.d (High Density Policies). Specifically, the proposed future development for the medium / high density block:

- Will be compatible with the built form and physical character of the surrounding uses, while also supporting Provincial, County and Municipal policy to provide for a mix and range of housing forms. Appropriate site design standards will be implemented (i.e., appropriate setbacks, building articulation, enhanced landscaping), to soften intensity and alleviate privacy and intensity concerns;
- Will be physically suited to accommodate the proposed development, acknowledging that the proposed development provides for a seamless extension of

existing residential development in the surrounding community, on lands designated for residential development, on full municipal services, in proximity to key services and public services;

- Will provide for adequate recreational and amenity space on site (subject to Site Plan Approval);
- Will be in general proximity to park, natural area, institutional use, and commercial facilities;
- Will be serviced by adequate municipal water supply and sanitary sewage disposal;
- Will have direct access to a higher-order road (East Road), maintained to a municipal standard with capacity to accommodate traffic generated from the site;
- Will provide for sufficient off-street parking; and,
- Will not create adverse land use compatibility impacts, traffic impacts, or noise and visual impact

### **Community Design**

The proposed development will have regard for the Community Design policies (s.s. 2.10.3) of the CEOP. Namely:

- Implement high-quality urban design techniques and standards, including high quality architecture and site design that complements and enhances the surrounding neighbourhood character and context;
- Promote efficient and cost-effective development patterns that minimize land consumption, are transit supportive, and create pedestrian-friendly streets;
- Promote walkable neighbourhoods with interesting streetscapes, focal points, and destinations;
- Support a mix of land uses in the community, including a variety of housing types, park spaces, schools, shopping areas and employment opportunities in community design;
- Promote the improvement of the physical character, appearance and safety of streetscapes, civic spaces, and parks with an emphasis on pedestrians and cyclists through universal principles of Crime Prevention Through Environmental Design;
- Encourage the conservation and incorporation of natural and cultural heritage resources;
- Continue the existing and traditional street patterns and neighbourhood structure, such as the adjacent Sunset Bluffs subdivision, including aspects related to residential street-scaping, landscaping, setbacks, signage, garage placement, and architectural treatment;
- Consideration for building design, massing, and scale that respects and reinforces the human scale and creates attractive and vibrant streetscapes;
- Consideration for shadowing impacts on adjacent lands and/or impacts to existing views and vistas;

- Implement appropriate compatibility measures, where appropriate, including but not limited to, adequate setbacks, building articulation, separation buffering or screening, and enhanced landscaping; and,
- Consideration for LEED-ND and Low Impact Development approaches to community design, where appropriate.

Based on the analysis above, the proposed development and associated applications conform to the policies of the CEOP. As such, no amendment to the CEOP is required.

### Proposed Official Plan Amendment

As previously discussed, a site-specific special policy is being sought for Blocks 33 to 37 in the proposed Draft Plan, that provides relief from subsection 4.3.2c)7. of the CEOP, which states, *"the property shall have direct access to an arterial or collector road maintained to a municipal standard with capacity to accommodate traffic generated from the site"* for properties proposed for medium-density development.

Accordingly, the site-specific special policy request is as follows:

*Notwithstanding subsection 4.3.2c)7. of the Central Elgin Official Plan, for lands legally described as Concession 2, Part Lot 2, and forming part of Draft Approved Plan XXT-CEXXXX, medium-density residential uses may be permitted to have direct access to a local road maintained to a municipal standard.*

The site-specific special policy would support a mix and range of housing choices along the proposed public roads and will permit a housing form anticipated to be low intensity and not anticipated to create undue traffic hazards.

### 4.5 Township of Yarmouth Zoning By-law No. 1998

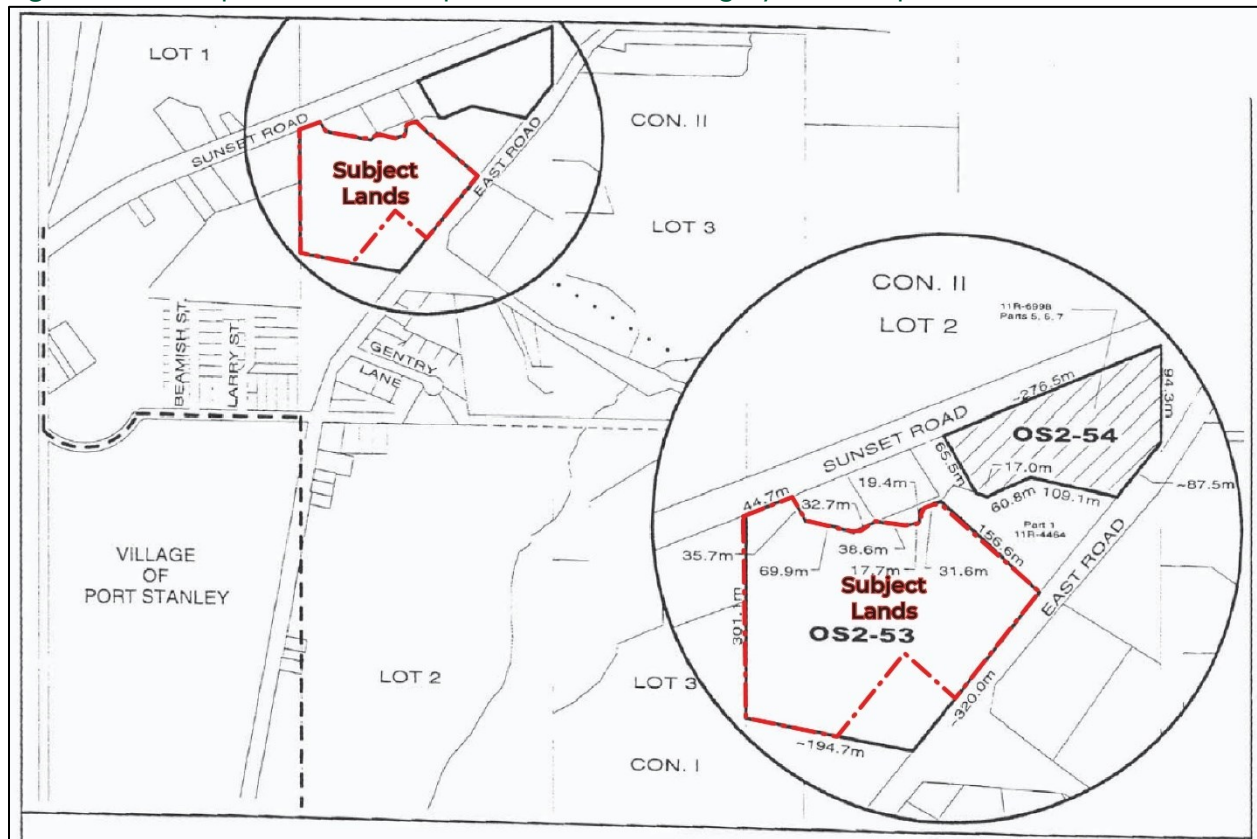
The Municipality of Central Elgin does not have a consolidated Zoning By-law. Instead, the Zoning By-laws from the former Townships and communities continue to be used to establish permitted uses and regulations on properties within the Municipality.

The subject lands are zoned 'Open Space Zone 2, Special Zone 53' ('OS2-53') in the Township of Yarmouth Zoning Bylaw ("Local ZBL") (See **Figure 11**).

In accordance with subsection 8.3.2.53 of the Local ZBL, the only permitted uses on the subject lands are uses existing at the date of the passing of the By-law.



**Figure 11** | Excerpt from Township of Yarmouth Zoning By-law (Map Part 9(t))



Source: Township of Yarmouth Zoning By-law

## Proposed Zoning By-law Amendment

To permit the proposed development, a Zoning By-law Amendment is required.

It is proposed that the subject lands be re-zoned **FROM** 'OS2-53' **TO** 'Residential Zone 1, Special Provision' ('R1-(\*)'), 'Residential Zone 2, Special Provision' ('R2-(\*)' and 'R2-(\*\*)'), and 'Open Space Zone 3, Special Provision 19' ('OS3-19').

See **Figure 12**, below, illustrating the proposed Zoning By-law Amendment Schedule, as well as Table 2 to 4 which provide the Site-Specific Zone Provisions to be requested.

## Proposed R1-(\*) Zone

The proposed R1-(\*) Zone is proposed to be applied to the lands associated with single-detached Lots 1 to 32 in the proposed Draft Plan. Special provisions relating to minimum lot area, minimum lot frontage, minimum front yard setback, maximum coverage, and minimum off-street parking are being sought through the proposed amendment to the Zoning By-law. The special provisions requested are consistent with the lot frontage, front yard setback, coverage, and off-street parking provisions that apply to the Sunset Bluffs Subdivision (zoned R1-75) immediately adjacent to the south and west of the proposed subdivision

which will allow for a seamless extension of the existing development and contiguous development standards. The special provisions requested are also consistent with other R1 special zones in the Municipality (i.e., R1-18, R1-39, R1-43, R1-48, R1-53, R1-60, R1-75).

Further, the proposed minimum lot area and reduced frontages and setbacks allow for smaller residential lots that provides for the efficient use of land and a compact urban form, responds to market demand, land costs, and housing supply shortages, and is consistent with contemporary development standards.

See Table 2 below for the proposed R1-(\*) Zone Regulations, mentioned above. The single-detached lots proposed as part of the Draft Plan satisfy all other regulations of the standard R1 zone.

**Table 2 | Proposed 'R1-\*' Zone Provisions (Single Detached Dwellings)**

Regulation	Standard R1 Zone Regulations	Proposed R1-(*) Zone Regulations
Permitted Use	Residential use; Institutional uses lawfully existing on the day of the passing of this by-law; Home Occupations; Accessory uses	No change
Lot Area (min)	Where public sanitary sewage disposal facilities and piped public water supply is available:  464.5 square metres.	<b>370 square metres</b>
Lot Frontage (min)	15.0 metres	<b>12.0 metres</b>
Lot Depth (min)	30.48 metres	No change
Front Yard Setback (min)	7.5 metres	<b>6.0 metres</b>
Interior Side Yard Setback (min)	1.0 metre	No change
Exterior Side Yard Setback (min)	3.5 metres	No change
Rear Yard Setback (min)	6.0 m	No change
Coverage (max)	35%	<b>50%</b>
Building Height (max)	2 storey	No change
Ground Floor Area (min)	74.3 square metres (one storey); 69.7 square metres (more than one storey)	No change
Off-Street Parking (min)	1-1/2 parking spaces per dwelling unit on the lot on which the dwelling is	<b>2 parking spaces per unit</b>

	located plus one additional parking space for every 100 square feet or portion thereof over the first 100 square feet of floor area devoted to or used for the purposes of a home occupation;	
--	---	--

**\* Special Provisions Required**

### **Proposed R2-(\*) and R2-(\*\*) Zone**

The proposed R2-(\*) and R2-(\*\*) Zones are proposed to be applied to the Street Town Blocks (Blocks 33 to 37 on the Draft Plan) and the Medium-Density Residential Block (Block 38), respectively. The following special provisions are being sought:

#### *R2-(\*) Zone (Blocks 33 to 37) – Street Towns*

- A minimum Lot Area of 1,500 square metres, whereas 3642 square metres is required;
- A minimum Front Yard Setback of 6.0 metres, whereas 15.24 metres is required;
- A minimum Exterior Side Yard Setback of 6.0 metres, whereas 15.24 metres is required;
- A minimum Interior Side Yard Setback of 1.5 metres, whereas 7.62 metres is required;
- A maximum Coverage of 55% per dwelling unit, whereas 10% maximum for the dwelling (5% maximum for the accessory building) is permitted;
- A maximum Building Height of 3 storeys, whereas 2 storeys are permitted; and,
- A minimum Ground Floor Area of 75 square metres, whereas 111 square metres is permitted.

#### *R2-(\*\*) Zone (Blocks 38) – Medium Density Residential (general)*

- A minimum Front Yard Setback of 6.0 metres, whereas 15.24 metres is required;
- A minimum Exterior Side Yard Setback of 6.0 metres (general) and 3.0 metres (for Block 36), whereas 15.24 metres is required;
- A minimum Interior Side Yard Setback of 1.5 metres, whereas 7.62 metres is required;
- A maximum Coverage of 40% per dwelling unit, whereas 10% maximum for the dwelling (5% maximum for the accessory building) is permitted;
- A maximum Building Height of 4 storeys, whereas 2 storeys are permitted; and,
- A minimum Floor Area of 105 square metres, whereas 167.2 square metres is permitted.

The reduced lot area and reduced front yard, exterior side yard, and interior side yard setbacks will allow for greater flexibility in building design and construction of medium-density dwellings and provide for a more compact urban form and efficient use of land,

consistent with Provincial, County, and Municipal Policy directions and consistent with the development standards proposed to be applied to the low-density, single detached dwellings within the proposed subdivision. The proposed reductions will also facilitate the accommodation of a greater variety of housing sizes, types, and forms in Port Stanley.

The proposed increase in maximum coverage is consistent with consistent with existing regulations and form for medium-density residential uses elsewhere in Port Stanley, as well as other urban-rural municipalities in the region. Specifically, the R1-87 Zone permits townhouse dwellings with a maximum lot coverage of 66%. Examples of maximum coverage for general and special provision zones in other municipalities in the region to support the proposed amendment are provided below in Table 3.

**Table 3 | Examples of maximum coverage in Residential Zones – Southwestern Ontario**

Municipality	Maximum Coverage Provision
Township of Southwold (R2-1 Zone – Semi Detached Dwellings)	55%
Municipality of West Elgin (R3-5-H-1 – Townhouse Dwelling)	60%
Municipality of Thames Centre (R3-8 to R3-11 Zone – Street Townhouse Dwelling)	60%
County of Brant (RM1-8, RM1-20, RM1-30, RM2-8, RM2-21, RM2-27, RM3-10, RM3-20, RM3-22, etc. – Street Fronting Rowhouse Dwellings)	55% – 60%
Municipality of Strathroy-Caradoc (R2-18-H-5, R3-11-H-5 – Townhouse Dwelling)	55% – 65%

The increase in coverage is also to afford flexibility in the final design of the site. Further, the additional coverage will continue to provide opportunities for landscaped open space and front and rear private amenity area for residents.

The proposed increase in building height is consistent with the permitted maximum building heights prescribed in the CEOP (Medium Density Residential permits up to 3 storeys, and High Density Residential permits up to 6 storeys in the CEOP). The uplift in building height supports Provincial, County and Municipal policy to provide for a mix and range of housing forms. Appropriate site design standards will be implemented (i.e., appropriate setbacks, building articulation, enhanced landscaping), to soften intensity and alleviate privacy and intensity concerns.

The proposed reduction in minimum Ground Floor Area and minimum Floor Area, is to allow for more compact building forms which supports greater attainability, and consistent with contemporary urban development standards for higher-density residential uses. The proposed buildings will be subject to Site Plan Approval and will be consistent with Ontario Building Code regulations. The minimum floor area for the R2-(\*\*) Zone (Blocks 38) is also

consistent with the floor areas for units within the recently constructed Kokomo Beach Club Apartments at 100 The Promenade in Port Stanley.

See Table 4 below for the proposed R2-(\*) and R2-(\*\*) Zone Regulations, mentioned above. The single-detached lots proposed as part of the Draft Plan satisfy all other regulations of the standard R2 zone.

**Table 4 | Proposed 'R2-(\*)' and 'R2-(\*\*)' Zone Provisions (Street Towns and Medium Density Residential (general))**

Regulation	Standard R2 Zone Regulations	Proposed R2-(*) Zone Regulation	Proposed R2-(**) Zone Regulations
Permitted Use	Residential use; Accessory uses	No change	No change
Lot Area (min)	3642 square metres	<b>1,500 square metres</b>	No change
Lot Frontage (min)	45.72 metres	No change	No change
Front Yard Setback (min)	15.24 metres	<b>6.0 metres</b>	<b>6.0 metres</b>
Interior Side Yard Setback (min)	7.62 metres	<b>1.5 metres</b>	<b>1.5 metres</b>
Exterior Side Yard Setback (min)	15.24 metres	<b>6.0 metres; 3.0 metres (Block 36)</b>	<b>6.0 metres</b>
Rear Yard Setback (min)	7.62 metres	No change	No change
Coverage (max)	10% (main dwelling); 5% (accessory building)	<b>55% per unit</b>	<b>40%</b>
Building Height (max)	2 storeys	<b>3 storeys</b>	<b>4 storeys</b>
Ground Floor Area (min)	111 square metres (2 storeys, one-family dwelling)	<b>75 square metres</b>	No change
Floor Area (min)	167.2 square metres	No change	<b>105 square metres</b>

**\* Special Provisions Required**

### Proposed OS3-19 Zone

The proposed OS3-19 Zone is proposed to be applied to the stormwater management Block (Block 39 on the Draft Plan) and the Natural Heritage / Hazard Lands (Block 42 on the Draft Plan).



For context, subsection 7.1.1 of the Local ZBL states that facilities essential to the operation of any public utility – such as stormwater management systems including any utility service building or structure associated therewith – may be permitted in any zone.

However, the stormwater management block and natural heritage block in the Kokomo Beach Club (“Kokomo”) (formally known as the Seaglass in Port Stanley subdivision) has been zoned OS3-19 through the passing of By-law No. 2296 (the Zoning By-law Amendment that was submitted for Kokomo). As such, for consistency, the same zone is proposed to apply to the Stormwater Management block and Natural Heritage / Hazard Block on the subject lands.

## 5. PROPOSED PLANNING APPROVALS

### 5.1 Draft Plan of Subdivision

An application for Draft Plan of Subdivision is being submitted to support the creation of residential lots and blocks.

The proposed Plan of Subdivision has a total site area of approximately 8.23 hectares (20.33 acres), and contemplates the development of 32 single detached lots and 63 street town lots, fronting onto public streets, as well as one (1) Medium/High Density Block (1.13 hectares), which is anticipated to accommodate either 72 apartment units or 47 townhouse dwellings (the type of housing product will depend on market demand at the time of final approval).

The proposed Land-Use Composition is provided in **Table 1** in Section 2 (Development Proposal) of this Report. Further, the proposed Draft Plan of Subdivision is provided as **Figure 4**, in Section 2 (Development Proposal) of this Report. A full size copy of the Draft Plan is submitted as part of the complete application submission package.

### 5.2 Official Plan Amendment

A site-specific special policy is being sought for Blocks 33 to 37 in the proposed Draft Plan, which provides relief from subsection 4.3.2c)7. of the CEOP, which states, *“the property shall have direct access to an arterial or collector road maintained to a municipal standard with capacity to accommodate traffic generated from the site”* for properties proposed for medium-density development.

Accordingly, the site-specific special policy request is as follows:

*Notwithstanding subsection 4.3.2c)7. of the Central Elgin Official Plan, for lands legally described as Concession 2, Part Lot 2, and forming part of Draft Approved Plan XXT-CEXXXX, medium-density residential uses may be permitted to have direct access to a local road maintained to a municipal standard.*

### 5.3 Zoning By-law Amendment

It is proposed that the subject lands be re-zoned **FROM** 'OS2-53' **TO** 'Residential Zone 1, Special Provision' ('R1-(\*)'), 'Residential Zone 2, Special Provision' ('R2-(\*)' and 'R2-(\*\*)'), and 'Open Space Zone 3, Special Provision 19' ('OS3-19').

The draft Zoning By-law Provisions are listed below, and a proposed Zoning By-law Amendment sketch is shown in **Figure 12**.

#### 9.2.2.x

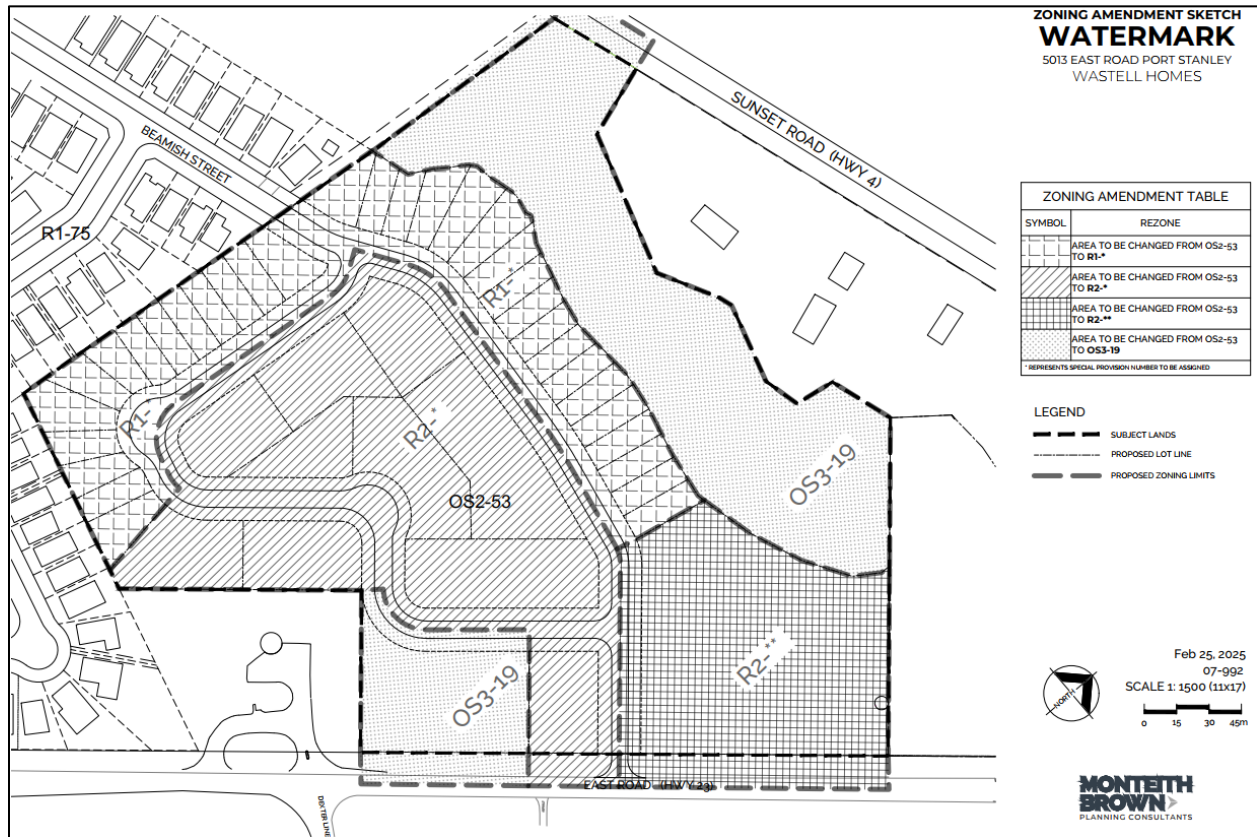
9.2.2.x.x	<u>Defined Area:</u>	R1-(*) as shown on Zoning Map Part 9(t).
9.2.2.x.x	<u>Minimum Lot Area:</u>	370 square metres.
9.2.2.x.x	<u>Minimum Lot Frontage:</u>	12 metres.
9.2.2.x.x	<u>Minimum Front Yard Depth:</u>	6 metres.
9.2.2.x.x	<u>Maximum Coverage:</u>	50% maximum.
9.2.2.x.x	<u>Minimum Off-Street Parking:</u>	2 spaces per dwelling unit.

#### 9.3.2.x

9.3.2.x.x	<u>Defined Area:</u>	R2-(*) as shown on Zoning Map Part 9(t).
9.3.2.x.x	<u>Minimum Lot Area:</u>	1,500 square metres.
9.3.2.x.x	<u>Minimum Front Yard Depth:</u>	6 metres.
9.3.2.x.x	<u>Minimum Interior Side Yard Depth:</u>	1.5 metres.
9.3.2.x.x	<u>Minimum Exterior Side Yard Depth:</u>	6 metres (general) 3 metres (Block 36)
9.3.2.x.x	<u>Maximum Coverage:</u>	55% per dwelling unit.
9.3.2.x.x	<u>Maximum Building Height:</u>	3 storeys.

9.3.2.x.x	<u>Minimum Ground Floor Area:</u>	75 square metres for a dwelling having more than one storey.
<b>9.3.2.x</b>		
9.3.2.x.x	<u>Defined Area:</u>	R2-(**) as shown on Zoning Map Part 9(t).
9.3.2.x.x	<u>Minimum Front Yard Depth:</u>	6 metres.
9.3.2.x.x	<u>Minimum Interior Side Yard Depth:</u>	1.5 metres.
9.3.2.x.x	<u>Minimum Exterior Side Yard Depth:</u>	6 metres.
9.3.2.x.x	<u>Maximum Coverage:</u>	40% per dwelling unit.
9.3.2.x.x	<u>Maximum Building Height:</u>	4 storeys.
9.3.2.x.x	<u>Minimum Floor Area:</u>	105 square metres for apartment dwelling.

**Figure 12 | Zoning By-law Amendment Sketch**



Source: MBPC, 2025

## 6. CONCLUSION

Based on the above analysis, the proposed development, and associated Plan of Subdivision, Official Plan Amendment and Zoning By-law Amendment applications, are consistent with the Provincial Planning Statement, are in conformity with both the current and adopted County of Elgin Official Plan, maintains the general intent and purpose of the Municipality of Central Elgin Official Plan and the Township of Yarmouth Zoning By-law No. 1998, and represents good land use planning.

Respectfully submitted,

**MONTEITH BROWN PLANNING CONSULTANTS LTD.**