

Planning Justification Report

Kemsley Farm

Municipality of Central Elgin

Doug Tarry Ltd.



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1.0 INTRODUCTION

Doug Tarry Ltd. has made an application for Draft Plan of Subdivision approval and an application to amend the Township of Yarmouth Zoning By-Law for lands known municipally as 42477, 42405, and 42537 Southdale Line in Central Elgin, also known as the Kemsley Farm lands (the “subject lands”). The purpose of the Draft Plan of Subdivision and Zoning By-Law Amendment is allow for the development of the subject lands for low-density residential uses, new public roads, new public trails/walkways, servicing infrastructure, and protection of natural heritage features.

The purpose of the following land use Planning Justification Report is to evaluate proposed Draft Plan of Subdivision and Zoning By-Law Amendment (ZBA) applications within the context of existing land use policies and regulations, including the Provincial Policy Statement, the County of Elgin Official Plan, the Municipality of Central Elgin Official Plan, and the Township of Yarmouth Zoning By-law.

We note that an *Environmental Impact Study (EIS)* will be submitted to the County of Elgin, Municipality of Central Elgin, and Kettle Creek Conservation Authority after submission of the ZBA and Draft Plan of Subdivision applications. As such, land use policies that pertain to natural and cultural heritage cannot be fully addressed at this time, but rather will be addressed prior to a planning authority decision on the applications. It is our understanding that this arrangement has been agreed to by the Municipality of Central Elgin, County of Elgin, and Doug Tarry Ltd.

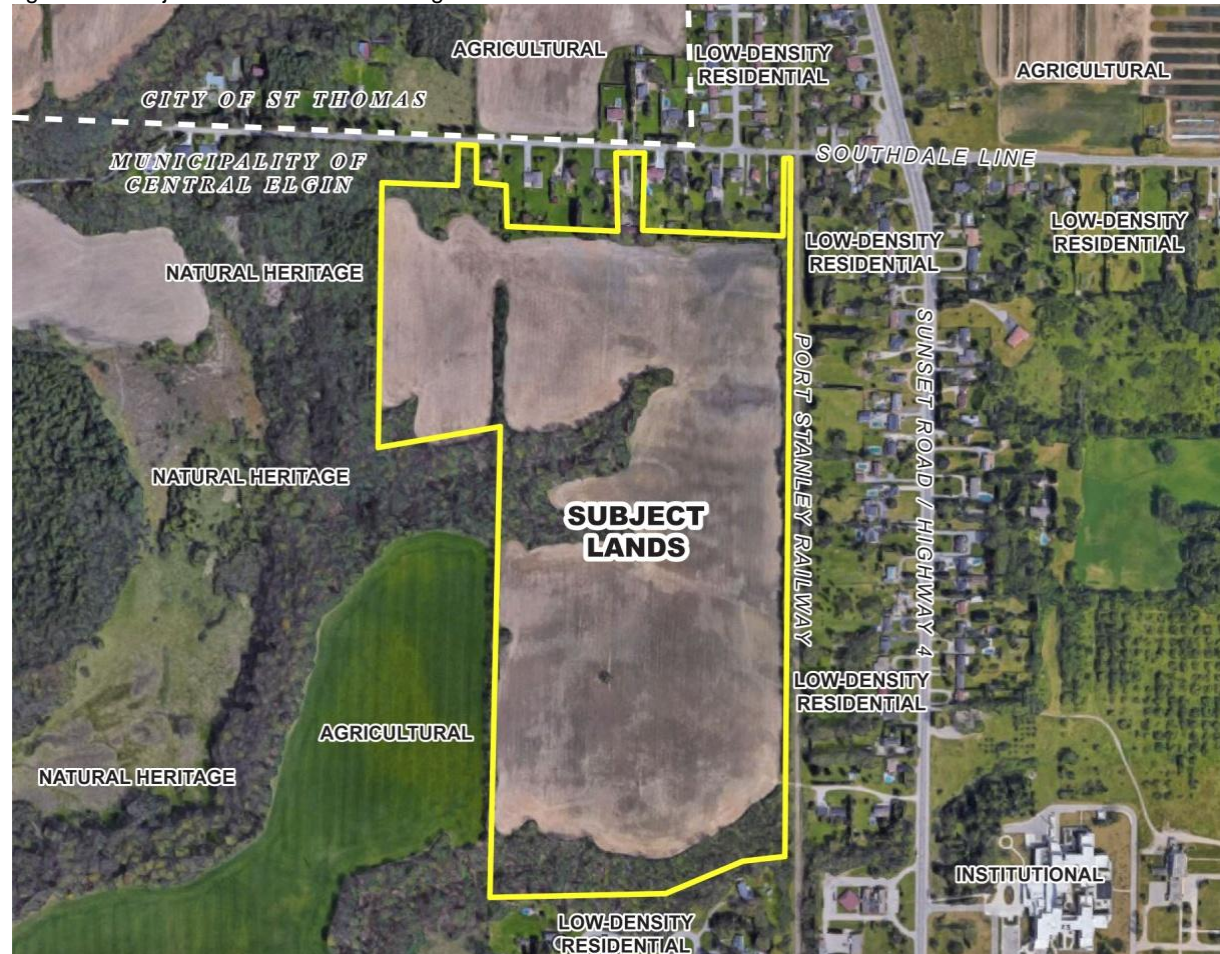
2.0 THE SUBJECT LANDS

The subject lands, known municipally as 42477, 42405, and 42537 Southdale Line, are located in the Norman Lyndale community in the Municipality of Central Elgin, adjacent to the southwest end of the City of St. Thomas (Figure 1). The lands have a total lot area of 29.98ha (74.1ac), with broken frontages along Southdale Line. From east to west, the frontages consist 6.1m (15ft) at a proposed trail connection adjacent to the Port Stanley Railway; 30.5m (100ft) at 42477 Southdale Line (proposed Street ‘A’), and 25.6m (84ft) at 42377 Southdale Line. The lands are currently used for agricultural uses (cultivation), except for approximately 4.6ha (11.4ac) of woodland/ravine area (including a 5m buffer from dripline). An additional small wooded area of approximately 0.4ha (0.99ac) is located in the northwest corner of the property, proximate to 42377 Southdale Line. Several ravine fingers with steep slopes extend into the subject lands from the west. These features are associated with a tributary to Kettle Creek.

The municipal boundary between Central Elgin and the City of St. Thomas is located along the northerly limit of Southdale Line. As such, adjacent properties to the north are under the jurisdiction of the City of St. Thomas.

Abutting land uses consist of single detached dwellings to the north, agricultural lands to the south-west; the Port Stanley Terminal Rail (PSTR) line to the east; and natural heritage (ravine lands) to the north-west, west, and south. Additional land uses in the vicinity of the subject lands consist of low density residential (north, east, and south); natural heritage lands consisting of steep slopes and wooded lands associated with a tributary to Kettle Creek to the northwest and west; and agricultural lands to the west. Agricultural lands on the north side of Southdale Line are designated as residential lands in The City of St. Thomas's Official Plan and are currently under review for the most recent draft approved subdivision as Phase 5 of the Shaw Valley residential subdivision.

Figure 1 – Subject lands and surrounding area



Other notable features proximate to the subject lands include Kettle Creek (west), Parkside Collegiate Institute (northeast), Canadale Nurseries (northeast), Southwest Centre for Forensic Mental Health Care (southeast), and the Elgin County Administrative Building (southeast).

Building heights proximate to the subject lands consist of primarily one- and two-storey buildings, the majority of which are single detached dwellings. Two exceptions to these heights are the Southwest Centre for Forensic Mental Health (4-storeys), and the Elgin County Administration (4-storeys).

The subject lands are accessed from Southdale Line, a 20.12m wide, rural cross-section road, with no municipal services. Stormwater is currently conveyed via overland flow swales and ditches, including the Titterington Municipal Drain, located in the south boulevard of Southdale Line. It is anticipated that Southdale Line will be required to be reconstructed to an urban cross section road, as servicing of the subject lands is dependent on full municipal services to be installed along Southdale Line. Sunset Drive, classified as a County Road under the jurisdiction of the County of Elgin, is a 30.48m right of way with a full urban cross section, including two paved shoulders acting as active transportation infrastructure (i.e. bicycle lanes) between St. Thomas and Port Stanley. County Roads are intended to convey large volumes of traffic at medium to high speeds.

3.0 PROPOSED DEVELOPMENT

The subject lands are proposed to be developed for low-density residential uses, parkland, and associated infrastructure uses including stormwater management, roads, trails, and sidewalks (Figure 2). This initial phase of development proposes 58 single-detached residential lots fronting onto two new public roads (Figure 3) with the remainder of the lands identified for future development or natural heritage/valley lands, stormwater management, and a park. The development is accessed from a new road connection to Southdale Line, approximately 300m west of Sunset Drive. The proposed Phase 1 residential plan of subdivision provides the following land uses and areas:

LOT / BLOCK	LAND USE	AREA (ha)
LOTS 1-59	SINGLE DETACHED RESIDENTIAL	2.92
STREETS	STREET 'A' AND STREET 'B'	1.76
BLOCK 60	SWM / VALLEY	2.65
BLOCKS 61-64	WALKWAY / SERVICING	0.12
BLOCK 65	TRAIL	0.41
BLOCK 66	PARK	0.73
BLOCK 67	VALLEY LANDS	2.21
BLOCKS 68-72	FUTURE RESIDENTIAL	19.18
BLOCKS 73, 74	RESERVES	0.001
TOTAL		29.98

While only Phase 1 of the development is proposed at this time, a conceptual plan showing the potential development of the entire subject lands is provided in Figure 4.

Proposed Phase 1 lot sizes are generally larger than average for contemporary subdivision design. Lot sizes and quantities are as follows:

12.35 (40.5ft) to 13.0m (42.6ft) 6 Lots	13.1m (43ft) to 14.0m (46ft) 17 Lots
14.1m (46ft) to 15.0m (50ft) 3 Lots	15.0 (50ft) to 16.1m (53ft) 33 Lots

Lot depths are generally between 31m (102ft) and 35m (115ft) with few longer lots due to road configurations. These proposed lot depths are typical for contemporary subdivision design.

A variety of lot sizes are proposed, allowing for a range of single detached dwelling construction options and cost.

Figure 2: Draft Plan of Subdivision

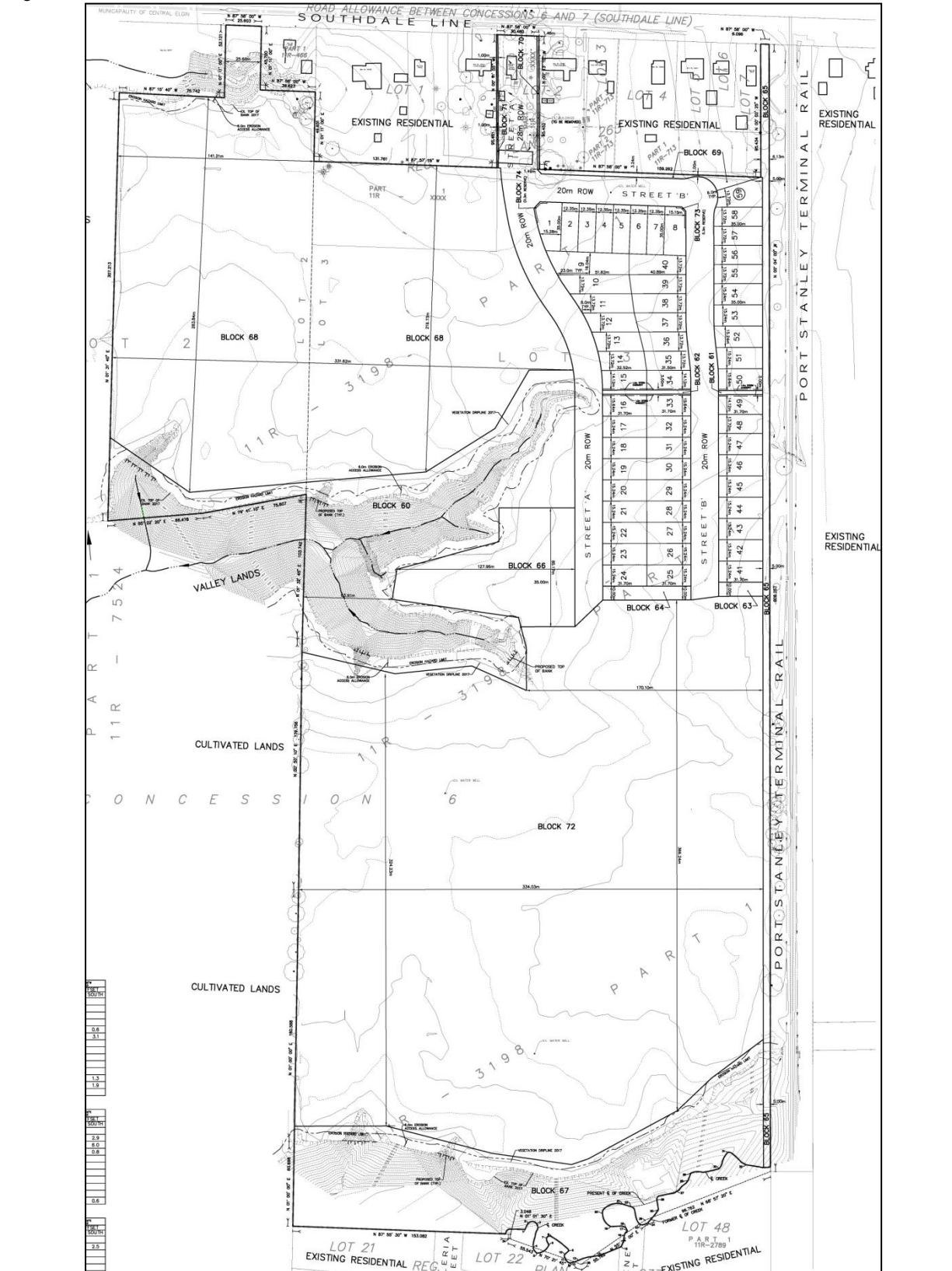
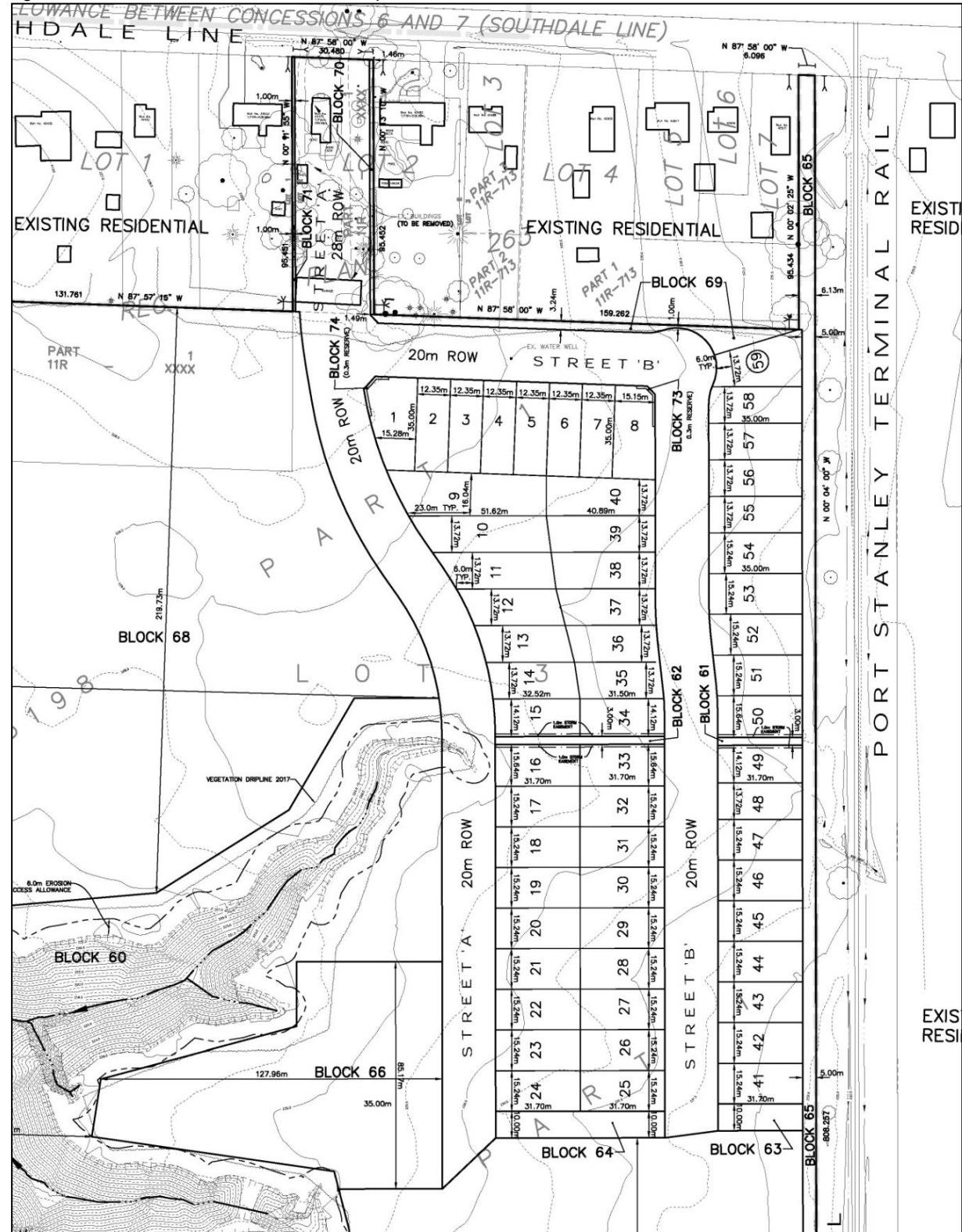


Figure 3: Draft Plan of Subdivision – Development Phase 1



It is noted that the lot frontages, depths, and areas are significantly smaller than the existing lots fronting on to Southdale Road. The existing lots were developed at a time when large, semi-rural residential lots were common and serviced by private septic systems and private individual wells. As subdivision design, market demands, and land use policies have changed over time, the existing lots on Southdale are not representative of contemporary residential development on full municipal services.

The proposed subdivision provides a new public road connection to Southdale Line (Street 'A'), approximately 300m west of Sunset Drive. Street 'B' intersects with Street 'A' at the most northerly opportunity, approximately 95m south of Southdale Line. As the proposed terminus of Street 'A' and Street 'B' are limited only by the limit of Phase 1 development, and will be extended in future phases, turning circles are not provided. All roads are proposed to be a standard 20m right-of-way (ROW), except for the nearly 30m ROW where Street 'A' intersects with Southdale Line; it is anticipated that a divided entrance feature will be provided at this location. Detailed street cross-sections, depicting details such as sidewalks, curb, and boulevard widths, will be finalized through the final approval phases.

The ultimate road layout, as shown in Figure 4, contemplates an additional road connection (Street 'C') to Southdale Road near the westerly limit of the subject lands, opposite a future connection to Shaw Valley Drive to the north.

A 5m wide, multi-use trail (Block 65) is proposed along the westerly boundary of the Port Stanley Railway with connection points internal to the subdivision and to Southdale Line. This trail is to have a 3.0m wide asphalt surface. A 10m wide walkway corridor (Blocks 63 and 64) intersects with the multi-use trail, providing mid-block pedestrian access from the park/stormwater ponds, across Street 'A' and Street 'B', to the 5m multi-use trail. As per the overall development concept, an additional mid-block connection will be provided further south.

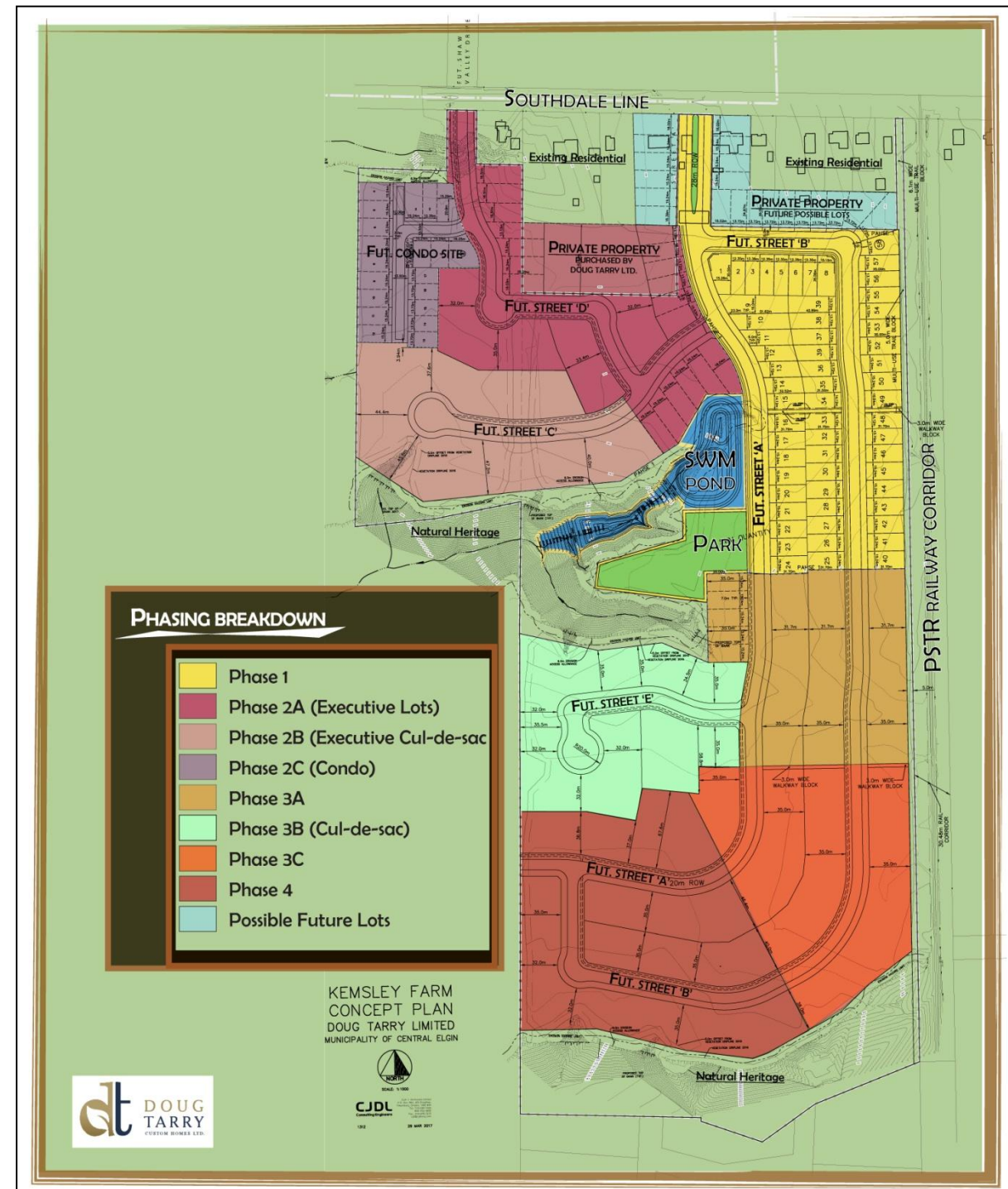
A stormwater management facility is proposed to be located within the northerly ravine finger. A two-pond system is proposed, being a wet pond at the top of the ravine to control water quality, and a dry pond further downstream in the ravine to provide quantity control. The lower, dry pond will attenuate significant stormwater flows to a more regular level, thereby limiting erosion further downstream due to large storm events. It is understood that this type of structure has been implemented within the Lake Margaret Subdivision to the northeast with favourable results. Detailed information regarding stormwater management is provided in the accompanying *Preliminary Stormwater Management Report* ((CJDL), *Functional Servicing Report* (CJDL) and *Geotechnical Investigation and Slope Assessment* (exp Services). All stormwater management designs are subject to outcomes of environmental reports, approvals by the MOECC, Municipality of Central Elgin, and Kettle Creek Conservation Authority (KCCA).

Active transpiration is facilitated through the development via multi-use trails, pathways, and sidewalks. A 5m multi-use trail is proposed, extending from Southdale Line to the southern limit of development, abutting the PSTR corridor. Mid-block connection trails are proposed to provide access to the main north/south trail and link it to the proposed park.

A new neighbourhood park (Block 66) is proposed to be located between the fingers of the ravine limits and Street 'A'. This area will function together with the abutting ravines and stormwater management facility to provide an aesthetically pleasing public space and a portion of the required parkland dedication under the Planning Act.

It is anticipated that road, sidewalk, and other infrastructure will be constructed in accordance with all applicable design standards.

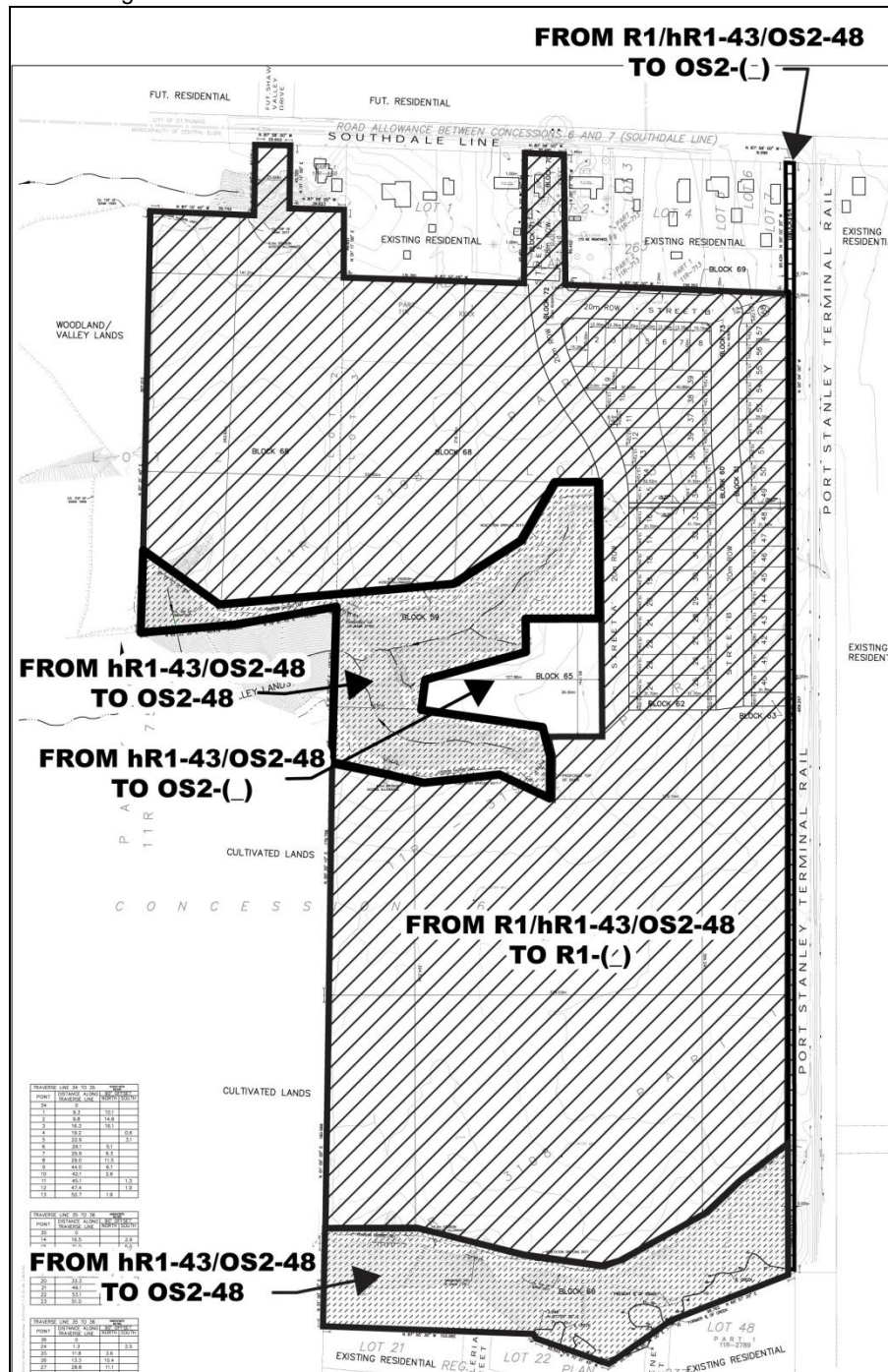
Figure 4: Overall Development Concept and Phasing Plan



4.0 PROPOSED APPLICATIONS

In order to permit the proposed development, the zoning on the lands is proposed to be amended, through a Zoning By-Law Amendment, as shown in Figure 5 below:

Figure 5: Proposed zoning schedule



The specific zoning amendments are as follows:

- From “Residential Zone 1 (R1)”, “Residential Zone 1 (hR1-43)” and “Open Space Zone 2 (OS2-48)” to a site-specific, special provision “Residential Zone 1 (R1-(_))” to permit residential uses on the developable portions of the subject lands. The limit of the proposed R1-(_) is to coincide with the lot limits abutting the ravine lands as set out in the Draft Plan of Subdivision;
- From “Residential Zone 1 (hR1-43)” and “Open Space Zone 2 (OS2-48)” to “Open Space Zone 2 (OS2-48)”. The limit of the OS2-48 zone is to coincide with the lot limits abutting the ravine lands as set out in the Draft Plan of Subdivision. This represents a boundary adjustment of the existing OS2-48 zone to reflect the surveyed development limit and stormwater management facility lands;
- From “Residential Zone 1 (hR1-43)” and “Open Space Zone 2 (OS2-48)” to “Open Space Zone 2 (OS2-(_))” to permit the proposed neighbourhood park; and,
- From “Residential Zone 1 (R1)”, “Residential Zone 1 (hR1-43)” and “Open Space Zone 2 (OS2-48)” to “Open Space Zone 2 (OS2-(_))” to permit the proposed 6.0m multi-use trail.

The site-specific, special provision “Residential Zone 1 (R1-(_))” is to retain all the regulations of the existing R1-48 zone, save and except for the minimum rear yard setback, which is proposed to be 7.0m; and, the minimum exterior side yard setback which is proposed to be 3.5m

It is noted that the holding provision currently applied to the subject lands is also proposed to be removed.

The conceptual development plan notes a condominium development in the northwest limit of the subject lands. As the development plan may change over time, and given that the condominium block is not included in the present development phase, specific zoning of this block for condominium residential is not proposed at this time.

In addition to the Zoning By-Law Amendment, a Draft Plan of Subdivision application will be submitted to the County of Elgin, as described in Section 3.0 of this report.

5.0 LAND USE POLICY AND REGULATION ANALYSIS

5.1 PLANNING ACT, RSO 1990

In considering a Draft Plan of Subdivision, the Planning Act states that regard shall be had for the items in Section 51(24). The proposed draft plan of subdivision addresses the items as follows:

(a) the effect of development of the proposed subdivision on matters of provincial interest as referred to in section 2;

- The proposed development is consistent with the policies of the Provincial Policy Statement, as discussed in Section 5.2 of this report, and is consistent with matters of provincial interest.

(b) whether the proposed subdivision is premature or in the public interest;

- The southwesterly area of St. Thomas (which the subject lands abut) is experiencing residential growth and demand for low density dwelling types. The proposed development adds to the supply of single detached residential dwellings and is not considered pre-mature. The Municipality of Central Elgin intends for these lands to be developed for low density residential uses through the policies of the Central Elgin Official Plan. Given the level of development this area has experienced recently, including the nearby Shaw Valley and Lake Margaret developments, and the existing demand for this type of housing, the proposed development is in the public interest.

(c) whether the plan conforms to the official plan and adjacent plans of subdivision, if any;

- The proposed Draft Plan of Subdivision is consistent with the County of Elgin Official Plan, Municipality of Central Elgin Official Plan, as described later in this report. The proposed subdivision provides a contemporary lot and street layout and is consistent with modern subdivision design. No conflicts with adjacent residential uses are anticipated. Furthermore, provisions have been made to facilitate pedestrian connectivity, and a portion of the subject lands is to become a neighbourhood park.

(d) the suitability of the land for the purposes for which it is to be subdivided;

- In addition to flat table lands, the subject lands contain valley lands and slopes. As per the *Geotechnical Investigation* report (exp Services) limits of development have been established to ensure there will be no adverse effects on the valley lands from residential development. The *Functional Servicing Report* sets out how the lands are to be serviced with full municipal services. As such, the subject lands are suitable for the proposed land uses.

(e) *the number, width, location and proposed grades and elevations of highways, and the adequacy of them, and the highways linking the highways in the proposed subdivision with the established highway system in the vicinity and the adequacy of them;*

- New public roads for this initial phase of the Kemsley Farm development consist of two 20m wide roads; Street 'A' which provides access to Southdale Line; and, Street 'B', a double-loaded residential street that connects to Street 'A'. Both new roads are oriented predominantly north/south (except for a portion of Street 'B' which connects to Street 'A') and are intended to be local residential roads. The portion of Street 'A' that intersects with Southdale Line is wider and is expected to include a divided entrance feature.

The *Traffic Impact Study*, prepared by Paradigm Transportation Solutions Limited, provides that road improvements to Southdale Road will be required to facilitate the increased traffic expected from the proposed development. Specific, short term improvements consist of a westbound left turn lane on Southdale Line at Street 'A', and a lengthened eastbound left turn lane on Southdale Line at Sunset Drive. It is noted, however, that full build out of the subdivision will require subsequent traffic monitoring and the potential for additional road infrastructure improvements.

(f) *the dimensions and shapes of the proposed lots;*

- The proposed lot layout is consistent contemporary lot shapes and layouts and is appropriate for the development of the lands.

(g) *the restrictions or proposed restrictions, if any, on the land proposed to be subdivided or the buildings and structures proposed to be erected on it and the restrictions, if any, on adjoining land;*

- Due to the proximity of the Port Stanley Terminal Railway (PSTR), a noise study prepared by HGC consulting recommends that dwellings in along the east side of Street 'B' are to provide a brick exterior wall construction and upgraded window glazing constructions. All dwellings within 300m of the railway are recommended to have a warning clause placed on title to warn of the presence of noise associated with the railway corridor.

(h) *conservation of natural resources and flood control;*

- Minor filling of ravine fingers is proposed in order to limit erosion hazard and regularize the limits of development.

An Environmental Impact Statement (EIS) is currently being prepared for the subject lands and will be submitted prior to the municipality and county rendering any decisions on the present applications. The EIS is intended to confirm that the limits of development, as shown in the proposed draft plan of subdivision, will not pose an adverse impact to the natural heritage attributes on the subject lands.

The *Preliminary Stormwater Management Report* has been prepared for the subject lands which provides a stormwater management strategy designed to preserve groundwater characteristics, protect water quality, and ensure that there will not be any increase in flooding potential. The report provides that the Kemsley Farm

development will provide a two-pond stormwater system with an upper (wet) pond for water quality control and a lower (dry) pond for quantity control.

(i) *the adequacy of utilities and municipal services;*

- It has been determined through the *Functional Servicing Report* that sufficient sanitary and water capacity exists to adequately service full build out of the Kemsley Farm lands. See the *Functional Servicing Report* for additional details.

(j) *the adequacy of school sites;*

- It is understood that new elementary students in this area are being bussed to Port Stanley Public School as Mitchell Hepburn Public School is currently over capacity. All secondary schools in St. Thomas are open to enrollment.

(k) *the area of land, if any, within the proposed subdivision that, exclusive of highways, is to be conveyed or dedicated for public purposes;*

- In addition to the new public roads, it is anticipated that the following lands will be conveyed to the Municipality of Central Elgin:
 - Block 60 – SWM facility and valley lands (2.65ha)
 - Blocks 61-64 – Walkways / servicing (0.12ha)
 - Block 65 – Park and Trail (0.41ha)
 - Block 66 – Park (0.73ha)
 - Block 67 – Valley lands (2.21ha)
 - Blocks 73-74 – 1ft reserves (.001ha)

(l) *the extent to which the plan's design optimizes the available supply, means of supplying, efficient use and conservation of energy; and*

- Energy saving construction materials will be utilized where possible in the construction process.

(m) *the interrelationship between the design of the proposed plan of subdivision and site plan control matters relating to any development on the land, if the land is also located within a site plan control area designated under subsection 41 (2) of this Act or subsection 114 (2) of the City of Toronto Act, 2006. 1994, c. 23, s. 30; 2001, c. 32, s. 31 (2); 2006, c. 23, s. 22 (3, 4).*

- Single-detached dwellings are not subject to site plan control, as per the Municipality of Central Elgin Site Plan Control By-Law 32.

5.2 2014 PROVINCIAL POLICY STATEMENT (PPS)

The Provincial Policy Statement (PPS), issued under the authority of Section 3 of the Planning Act “*provides policy direction on matters of provincial interest related to land use planning*” in order to ensure efficient, cost-efficient development and the protection of resources. All planning applications, including ZBA and Draft Plan of Subdivision applications, are required to be consistent with these policies.

The general land use framework for the subject lands has been established by the “*Residential*” and “*Open Space*” land use designations currently applied to the lands. The proposed ZBA seeks to provide a zone that permits the specific lot dimensions provided on the Draft Plan. The proposed applications are consistent with the PPS for the following reasons:

- The proposed residential subdivision provides a contemporary lot layout and lot sizes that make efficient and appropriate use of the subject lands (*Sections 1.1.1.a), 1.1.1.e) 1.1.3.2.a)*);
- Although the residential uses proposed in this phase of the development are entirely single detached dwellings, the market demands of the St. Thomas area, and locational qualities of the subject lands, are such that a broader range of land uses (i.e. medium density residential, commercial, or institutional) are not appropriate at this location. (*Section 1.1.1.b) 1.4.3.b)*);
- The subject lands are within a settlement area and abut existing low-density residential development (*Sections 1.1.3.1, 1.1.3.6)*);
- Public open space and recreational trails are provided in the form of a new neighbourhood park adjacent to the proposed SWM facility, and a 3.0m wide multi-use trail (*Section 1.5)*);
- As discussed in the accompanying *Functional Servicing Report* and *Geotechnical Investigation and Slope Assessment*, the proposed development is appropriate for existing and planned services, including proposed service and infrastructure improvements (*Sections 1.1.1.g), 1.1.3.2.a.2)*);
- Active transit is supported by providing pedestrian and cycling linkages, and by placing residential development proximate to a cycling transportation corridor (Sunset Drive) (*Section 1.1.3.2.a.4)*); and,
- Any impacts from the proposed development on natural heritage features, including the biological function of the ravine lands and any species at risk, will be assessed

through the *Environmental Impact Statement (EIS)*, which will be submitted at a later date.

5.3 COUNTY OF ELGIN OFFICIAL PLAN

The subject lands are designated Tier 1 Settlement Area as per Schedule 'A' – Land Use in the County of Elgin Official Plan, which contemplate the proposed subdivision. **Section B2.6** provides policies regarding new development in existing settlement areas, in that new development shall be a logical extension to the existing built up area, be compact and minimize land consumption, and that adequate services are provided. Policies regarding settlement areas are found in **Section C.1**, which generally provides that residential areas should maximize the use of infrastructure and minimize the amount of land for new development, and ensure compatibility between land uses. The proposed development satisfies these policies by being contiguous with existing low density residential development to the north, making efficient and appropriate use of existing and new infrastructure, and providing appropriately sized contemporary residential lots.

Section D1.3 provides policies for environmentally significant lands. This section provides that, on lands within 120m of significant woodlots or valley lands, no development will be permitted unless the ecological function of the lands has been evaluated and it has been demonstrated that, through an Environmental Impact Study (EIS), that there will be no negative impact on the natural features and their ecological functions. It is understood that an EIS will be submitted at a later date that will address these requirements to the satisfaction of the County of Elgin and the Kettle Creek Conservation Authority. Furthermore, it is acknowledged that should the EIS determine that additional setbacks are required beyond which are provided in the draft plan, amendments to the plan may be required.

Portions of the subject lands abut natural hazard lands, and are subject to the policies of **Section D3**, which provides that development shall be directed to lands outside of the erosion hazard limit. The *Geotechnical Investigation and Slope Assessment* has been prepared to provide appropriate development setbacks in proximity to natural hazard lands.

As the County of Elgin is the approval authority for Draft Plan of Subdivision applications within the Municipality of Central Elgin, the Elgin County Official Plan contains policies in **Section E1.2** to be applied to new development. Subdivision review criteria include appropriate infrastructure, conformity with the County and local Official Plan, any effects on adjacent land uses including environmental features, and integration with adjacent development. Geotechnical, servicing, and traffic reports prepared for the proposed development address the policies of **Section E1.2**, and are elaborated further in Section 2.3 of this report. It is also noted that the forthcoming EIS will also address the policies of Section E1.2.

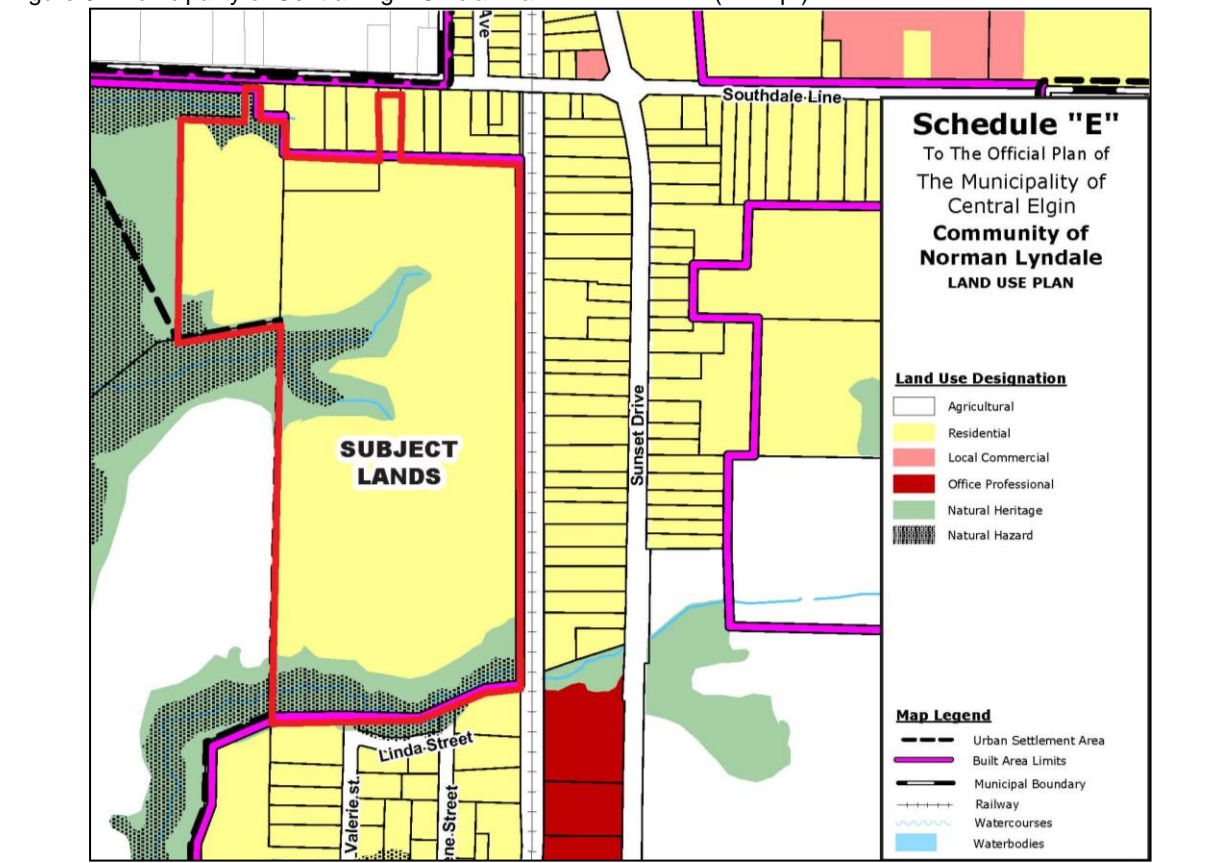
The proposed subdivision is to be accessed via Southdale Line, which intersects with Sunset Drive, a County arterial road. As such, a *Traffic Impact Study* has been prepared to address access concerns for the subdivision, in accordance with **Section E5.3** of the Official Plan. The study concludes that road improvements to Southdale Line are required, consisting of a new westbound turning lane on Southdale Line at Street 'A' (movements into Kemsley Farm), and an significant extension of the eastbound turning lane on Southdale Line at Sunset Drive. It is anticipated that these road improvements will be implemented when services are extended along Southdale Line.

Based on the above analysis, the proposed Zoning By-Law Amendment and Draft Plan of Subdivision, comply with the policies of the Elgin County Official Plan.

5.4 MUNICIPALITY OF CENTRAL ELGIN OFFICIAL PLAN

The subject lands are within the Norman-Lyndale Urban Settlement Area and are designated “Residential”, “Natural Heritage”, and “Natural Hazard” on Schedule E of the Municipality of Central Elgin Official Plan (Figure 6). Lands to the north and east are also designated “Residential” as well as lands to the south, beyond of the southerly ravine.

Figure 6: Municipality of Central Elgin Official Plan – Schedule ‘E’ (excerpt)



According to **Section 4.2** of the Official Plan, the “*Residential*” land use designation permits a variety of residential land uses including single detached dwellings, duplexes, and semi-detached dwellings, as well as ancillary uses such as schools and parks. The Official Plan further defines *Low Density Residential* uses as being less than 22 units per net hectare.

The “*Natural Heritage*” land use designation recognizes, and is intended to protect, biological features of provincial, county, and local significance. Development is generally directed away from natural heritage areas.

The “*Natural Hazard*” land use designation recognizes lands that pose a hazard to development, such as steep slopes, erosion prone areas, flood-prone areas, and other natural hazards. Generally, development, except for certain types of infrastructure, is not permitted within “*Natural Hazard*” lands.

Along with the ‘*Residential*’ land use designation policies found in **Section 4.2** of the Official Plan, the proposed Zoning By-Law Amendment and Draft Plan of Subdivisions are subject to additional policies in the Official Plan.

The proposed residential development is to be serviced by full municipal services, in accordance with **Section 2.8** of the Official Plan. The *Functional Servicing Report*, (CJDL Consulting Engineers) outlines provisions for water, sanitary, and stormwater services for the proposed development. Water service is to be provided by extending an existing 300mm watermain from Sunset Drive to the west along Southdale Line. Sanitary service is to be provided by extending sanitary sewers along the Shaw Valley Drive right-of-way to Southdale Line then east to Street ‘A’. Stormwater flows are to be accommodated by a two-pond stormwater facility making use of a wet quality control pond, and a dry quantity control pond. The stormwater management facility is to be located largely within the northerly finger of the centrally located ravine feature, adjacent to the north of the proposed park.

Section 3.1.2 provides that development may not be permitted within 120m of natural heritage features unless it can be demonstrated that there will be no negative impacts on the natural features and/or functions for which the area is designated. As the subject lands contain natural heritage features, an EIS will be submitted in accordance with the policies of **Section 3.4**.

Section 3.2 provides policies for lands subject to natural hazards. As portions of the subject lands are designated ‘*Natural Hazard*’, the Official Plan requires that the site specific limits of natural hazards be determined through relevant studies. As such, *Geotechnical Investigation and Slope Assessment* has been prepared to establish a Recommended Development Limit Setback; a safe distance away from the natural hazard area where development may occur. It has been determined that a 6m lotline setback from the existing safe slope line is a sufficient

setback for residential development. The report also recommends infilling of wash-out areas on table lands adjacent to slopes, in order to provide for stable developable land.

Section 2.10.3.1 provides policies to evaluate the design of development applications in Central Elgin. Generally, subdivisions will be reviewed to ensure that new development is designed to:

- Remain in keeping with the traditional character of the Settlement Areas in a manner that both preserves their traditional community image and enhances their sense of place within Central Elgin;
- Promote cost effective and efficient land use patterns;
- Promote the improvement of the physical character, appearance and safety of streetscapes, civic spaces, and parks;
- Be respectful of traditional street patterns and neighbourhood structure.

The proposed residential subdivision addresses the above noted policies by being, in essence, an extension of the Shaw Valley subdivision to the north; both developments are located to the west of the established Norman-Lyndale community. The existing character of Norman-Lyndale, adjacent to the subject lands to the north, east, and south, is that of large residential lots developed on private individual services with predominantly mid-century housing styles. The proposed development consists of smaller, more contemporary lot sizes with smaller yard setbacks and fully urbanized street cross-sections. This relationship of lot sizes will not have an adverse negative impact on the existing character of Norman-Lyndale, and, based on other proximate developments by the proponent, a high degree of dwelling and streetscape design is expected which will enhance the character of the community.

The proposed land use is cost effective and efficient by maintaining moderately sized lots on full municipal services. As noted in the *Functional Servicing Report* full municipal services are proposed to be extended to service Kemsley Farm. A new neighbourhood park is proposed, which will provide a recreational and community gathering place.

Section 2.13 provides policies for healthy communities. The proposed development addresses these policies by being compatible with adjacent land uses (residential, natural heritage), and providing quality open space for the future residents of the subdivision. Active transportation is supported in the proposed development through mid-block pedestrian connections and a multi-use trail adjacent to the PST. The subject lands are proximate to an active transportation corridor (bicycle lanes on Sunset Drive) which allows for bicycle commuting to and from the City of St. Thomas. A 0.73ha (1.8ac) park is proposed adjacent to the stormwater management facility and ravine lands, providing active and passive recreational space for area residents.

Section 2.4.4.1 requires that an archaeological assessment be required for proposed development on lands within an area of archaeological potential. A Stage 1-2 Archaeological Assessment, prepared by Amec Foster Wheeler Environmental and Infrastructure, details test pitting on the subject lands and concludes that no additional archaeological work is required.

The Official Plan requires that new development is compatible with adjacent uses. The subject lands abut existing residential uses, a tourism railway corridor, open space, and agricultural uses. **Section 3.9.2** provides that a noise analysis may be required where residential development is proposed adjacent to an arterial road and/or railway. As the PSTR abuts the subject lands to the east, a Noise Feasibility Study (HGC Engineering) has been prepared. The study recommends that exterior walls of the most easterly dwelling units (east side of Street 'B') provide a brick exterior and that all lots within 300m of the railway have a noise warning clause registered on title. PSTR recommends a 15m building setback from the railway itself.

Policies regarding Plans of Subdivision are provided in **Section 5.3.8.1**, which generally provide that proposed Plans must conform to the policies of the Official Plan and the provisions of the Planning Act; must not be premature; must be appropriately serviced; that natural heritage features will be protected; and that development agreements be entered into with the Municipality. As discussed in this report, the proposed residential subdivision conforms to the policies of both applicable Official Plans and the Planning Act; is not premature; will be appropriately serviced; natural areas will be protected in accordance with the findings of a forthcoming EIS; and appropriate development agreements will be entered into with the Municipality of Central Elgin and the County of Elgin.

The community of Norman-Lyndale is provided specific land use policies in **Section 4.6.4.1** of the Official Plan. Subsection d) provides that development on the subject lands will not be permitted until full municipal services are available (including a Servicing Study, financial strategy, and potentially an Environmental Assessment); a subwatershed study has been completed (Dillon Consulting, 1993); and a Traffic Impact Study has been completed to the satisfaction of the Municipality. These items have all been satisfied by the materials submitted with this application, as discussed in this report.

The proposed development provides for contemporary sized, freehold single detached dwelling lots within an appropriately designed street layout and infrastructure plan. The policies of the Municipality of Central Elgin Official Plan permit residential development within the 'Residential' land use. Studies have been prepared for the proposed development which address the policies in the Official Plan concerning traffic and access, natural heritage and natural hazards, noise, and services. As such, the proposed Zoning By-Law Amendment and Draft Plan of Subdivision are consistent with the policies of the Official Plan.

5.5 TOWNSHIP OF YARMOUTH ZONING BY-LAW

As described in Section 4.0 of this report, the zoning on the subject lands is proposed to be amended to permit the proposed Draft Plan of Subdivision. A Zoning By-Law Amendment is required to provide the following zoning regulation changes:

- Provide a minor adjustment to the provisions of the existing hR1-43 zone to permit a rear yard setback of 7.0m (23ft);
- Adjust the boundary of the existing OS2-48 zone to reflect the established development limit and limits of the stormwater management facility block;
- Provide two new “Open Space Zone (OS2-(_))” segments to permit a new neighbourhood park and the proposed 6.0m multi-use trail; and,
- Remove the existing holding provision (h).

The existing R1-43 zone is representative of contemporary low-density residential subdivision lots, with a minimum required frontage of 12.0m and a minimum area of 380m². All of the proposed lots are larger than these established minimums. As the R1-43 zone is already applied to the lands proposed to be developed for residential uses, the existing zoning regulations are considered appropriate. The requested rear yard setback of 7.0m (23ft) and exterior side yard setback of 3.5m (11.5ft) allow for flexibility in dwelling placement and size, and is also considered appropriate for the proposed subdivision.

The boundary between the existing OS2-48 and proposed R1-(_) zone is required to be amended in order to reflect the development limit as established by the *Geotechnical Investigation and Slope Assessment*. The existing zone boundary is not reflective of the physical features of the site and therefore requires an update. The OS2-48 zone permits infrastructure development in the form of drainage features, which includes the proposed stormwater management infrastructure, both above and below the top-of-bank. As such, it is appropriate to use the existing provisions of the OS2-48 zone to recognize the natural heritage features and proposed stormwater management facility on the subject lands, albeit with a boundary adjustment to reflect the physical conditions of the site.

A new “Open Space Zone (OS2-(_))” is required in order to permit the proposed neighbourhood park and 5.0m recreational trail. Typically, abutting OS zones are appropriate to recognize and permit public parks and trails; however, the existing OS2-48 zone does not permit recreational uses, and therefore cannot be utilized to permit the park or trail blocks. As such, a new OS2-(_) zone that permits passive recreational uses (i.e. a park) is proposed to be applied to the lands identified as Block 65 and Block 66.

It is noted that the mid-block pedestrian walkways (Blocks 63 and 64) are to be zoned R1-(_). This approach allows for minor adjustments in lot boundaries through the Draft Plan of

Subdivision process while maintaining zoning compliance, and has been utilized in recently approved subdivisions in Central Elgin and St. Thomas with favourable results.

The holding provision (*h*) is a means for ensuring that development on the subject lands does not proceed until certain conditions are met. The present Zoning By-Law Amendment and Draft Plan of Subdivision applications are intended to satisfy the requirements (listed in *italics*) for removal of the holding provision as follows:

i) Plan of Subdivision - to ensure the orderly development of lands, the "h" symbol shall not be deleted until a subdivision agreement is entered into for the lands in question with the Township Corporation.

The purpose of the Draft Plan of Subdivision application is to enter into a subdivision agreement with the County of Elgin. This will occur at the Draft Plan Approval stage and therefore this condition will be satisfied.

ii) Municipal Services - to ensure that there is sewage capacity [or the lands in question, the "h" symbol shall not be deleted until the Director of Engineering certifies that in his opinion, the Township Corporation has adequate uncommitted reserve sewage capacity [or the orderly development of the lands in questions.

The *Functional Servicing Report* accompanying the present application provides that water service will be provided to the subject lands via extension of an exsition watermain along Southdale Line from Sunset Drive. Sanitary services will be extended to the subject lands from the north via the Shaw Valley Drive ROW and then along Southdale Line; flows will be directed to the Shaw Valley pumping station.

iii) Survey Requirements - where the limits of development abutting or in the vicinity of the Open Space Zone (OS2-48) have not been surveyed based on a geotechnical assessment, which is satisfactory to the Township Corporation and the Kettle Creek Conservation Authority, to ensure that such limits are adequately defined, the "h" symbol shall not be deleted until each lot or parcel within the lands in question has been surveyed and the limits of development established by an amendment to this By-law in relation to a line surveyed by an Ontario Land Surveyor and the location of such line shall be satisfactory to the Township Corporation and the Kettle Creek Conservation Authority and shall be based on a geotechnical assessment which is also satisfactory to each of them.

The *Geotechnical Investigation and Slope Assessment* and survey used to prepare the Draft Plan of Subdivision are intended to satisfy this condition. The resultant proposed lot lines are reflective of appropriate geotechnical setbacks and are survey accurate.

iv) Environment Impact Study - to ensure that all environmental concerns are addressed in respect of lands abutting or in the vicinity of the Open Space Zone (OS2-48), the "h" symbol shall not be deleted until an environmental impact study has been finalized in respect of such lands that is satisfactory to the Township Corporation and the Kettle Creek Conservation Authority.

As previously noted in this report, an EIS will be submitted prior to Draft Plan Approval in order to ensure all environmental concerns and land use policies are sufficiently addressed. It is acknowledged that should the EIS recommend additional setbacks or adjustments to the proposed draft plan of subdivision, amendments to the plan may be required.

Overall, the proposed Zoning By-Law Amendment represents minor changes to the existing zoning that applies to the subject lands and, together with the materials and reports submitted, satisfies the conditions of the existing holding provision. The development of the subject lands has been anticipated by the present zoning and Official Plan designation; the proposed Zoning By-Law Amendment seeks minor modifications to refine zoning boundaries and permissions on the subject lands. The proposed development plan implements the principles and regulations of the existing zones, and is appropriate to facilitate the development of the subject lands.

6.0 ADDITIONAL CONSIDERATIONS

6.1 FUNCTIONAL SERVICING REPORT

A *Functional Servicing Report*, has been prepared by CJDL Consulting Engineers to examine the existing conditions of the site and provide a conceptual servicing solution for roads, water sanitary services, and stormwater management. The report provides that water service is to be provided by extension of an existing 300mm watermain along Southdale Line from Sunset Avenue. New watermains to service the subject lands will then connect to the extended watermain on Southdale Line, providing water service for the subdivision. Completion of a watermain loop is expected to occur with the connection of Shaw Valley Drive with Southdale Line.

Sanitary servicing requires the extension of a sanitary sewer from Shaw Valley Drive to Street 'A'. Sanitary sewers will be extended through the Shaw Valley Drive ROW, intersecting with the future road Street 'C', and then proceeding east along Southdale Line to Street 'A'. Flows from the subject lands will be conveyed north to the Shaw Valley pumping station, located at Shaw Valley Drive and Garrison Street.

6.2 NOISE

A *Noise Feasibility Study* was prepared by HGC Engineering to examine the potential impacts of development proximate to the PSTR corridor adjacent to the east of the subject lands. The report concludes that “*sound levels are in excess of the MOECC limits at the first [most easterly] row of dwellings with exposure to the railway line due to the train whistle*” and that sound levels are within MOECC criteria for the remaining dwellings. In order to mitigate the the train whistle noise, dwellings in along the east side of Street ‘B’ are recommended to provide a brick exterior wall construction and upgraded window glazing constructions. All dwellings within 300m of the railway are recommended to have a warning clause placed on title to warn of the presence of noise associated with the railway corridor.

6.3 KETTLE CREEK CONSERVATION AUTHORITY GUIDELINES

Portions of the subject lands lie within the KCCA’s regulated area and are subject to KCCA’s land use policies and regulations. Development within KCCA’s regulated lands will require approval and appropriate permits from KCCA.

7.0 CONCLUSIONS

The proposed Zoning By-Law Amendment and Draft Plan of Subdivision are consistent with contemporary low-density residential subdivision design, and are a planned use for the subject lands. No land use conflicts are anticipated by the proposed development. The proposed lot and road layout is compatible with existing uses, and future development of subsequent phases for low-density residential uses. It is noted that an EIS will be submitted prior to any decisions on the present applications, and that if the EIS recommends differing setbacks the proposed development plan and zoning schedule may be required to be amended.

The proposed development is consistent with the policies of the Provincial Policy Statement, the County of Elgin Official Plan, the Municipality of Central Elgin Official Plan, are appropriate and desirable for the subject lands, and represent good land use planning practice.