

Title: Recommendation Report: Draft Plan of Subdivision and Zoning By-law Amendment Applications for Allanburg Estates Subdivision (File Nos. D12-02-2020 and D14-10-2020)

Report Number: PDS2021-10

Meeting Date: Tuesday, April 20, 2021

Report Prepared: Tuesday, April 13, 2021

RECOMMENDATION(S):

1. That the Planning and Development Services Report PDS2021-10 Be Received.
2. That the Draft Plan of Subdivision Be Approved, subject to the conditions set out in Appendix A.
3. That the Zoning By-law Amendment to rezone a portion of the subject lands under Zoning By-law 2140 (97) from 'R1A (H)' to 'R1A-21 (H)' and 'R1A-22 (H)' Be Approved.
4. That the Zoning By-law Amendment to rezone a portion of the subject lands under Zoning By-law 60-2019 from 'R1A' and 'EP2' to 'R1A-59 (H)' and 'R1A-60 (H)', Be Approved.

REPORT:

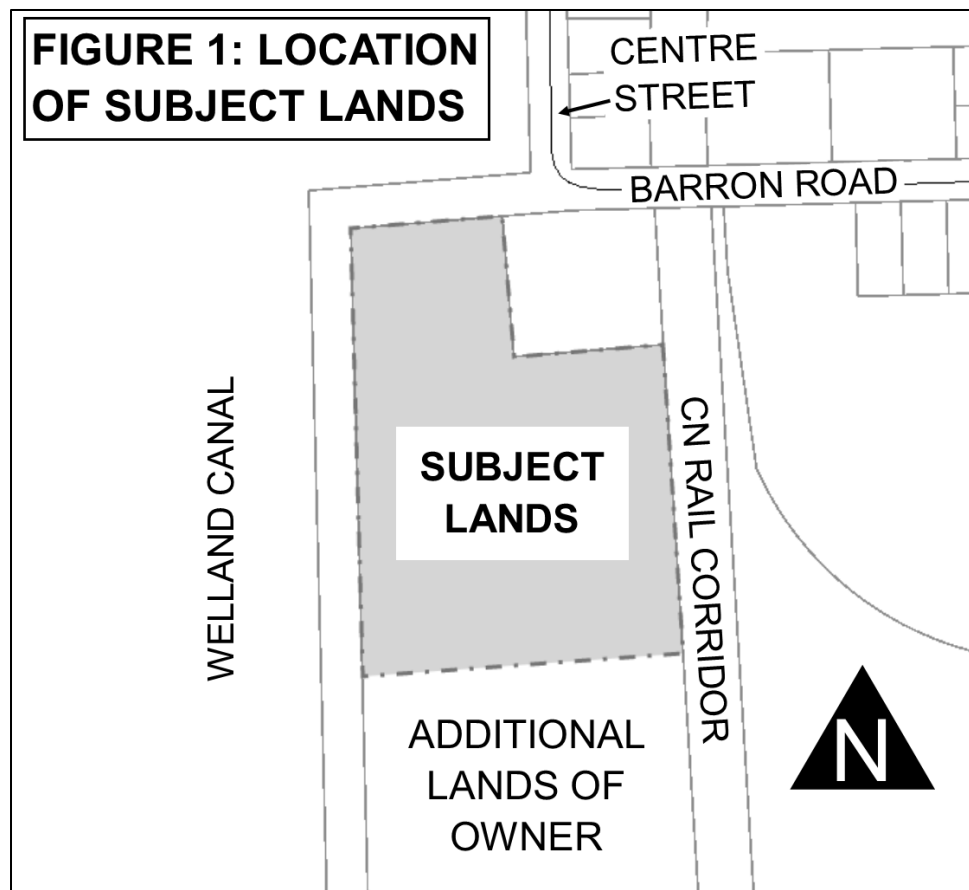
Executive Summary

- Planning staff have received Draft Plan of Subdivision and Zoning By-law Amendment applications to facilitate the subdivision of a portion of the subject property into 22 lots for single detached dwelling units and a new public road allowance;
- The applications are consistent with, or conform to, provincial, regional, and local planning policies, as applicable;
- All comments from internal staff, external agencies, and members of the public have been addressed or will be addressed through conditions of Final Subdivision Approval; and

- Planning staff support the applications, and recommend that they be approved by Council.

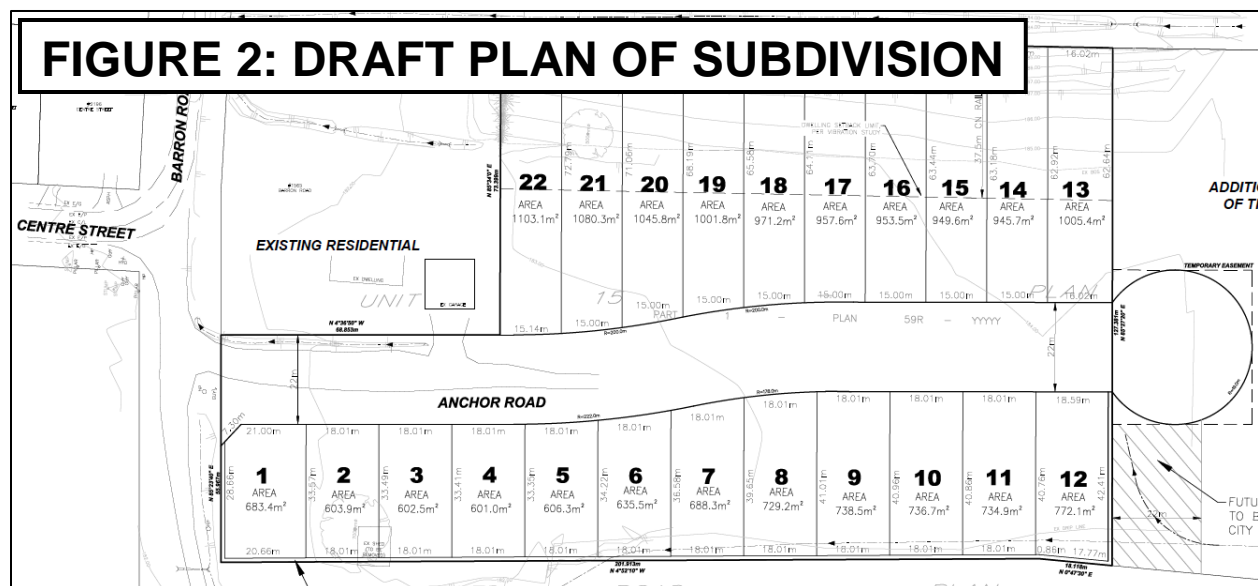
Site Context and Description

The subject lands comprise the northernmost 2.31 ha of a 14.51 ha parcel of land located in the community of Allanburg. These subject lands are located on the south side of Barron Road, near the intersection of Centre Street, and east of the Welland Canal (see Figure 1) and are described as PART OF UNIT 15, PLAN D-5, CITY OF THOROLD, REGIONAL MUNICIPALITY OF NIAGARA. The subject lands contain one derelict building that will be demolished to facilitate the proposed development. The subject lands are currently in agricultural production.



Purpose of Applications

The Draft Plan of Subdivision application proposes the subdivision of the subject lands into 22 lots for single detached dwelling units fronting on a new public road allowance (see Figure 2 and Appendix B). With the exception of the temporary turning circle shown in Figure 2, only the northern 2.31 ha portion of the overall property are proposed to be developed; these lands are designated as 'Urban Living Area' in the City's Official Plan (OP). The remainder of the property is designated as 'Rural Industrial' in the OP; these lands will remain in agricultural production.



A Zoning By-law Amendment application was also submitted. Site-specific regulations are proposed for the new lots in regards to lot frontage, rear yard setbacks, and lot coverage. The proposed regulations are discussed in detail later in this report.

Planning Legislation and Documents

Planning staff have reviewed the applications in accordance with the Planning Act, R.S.O. 1990, c. P.13, and the following provincial, regional, and local planning documents:

- Provincial Policy Statement (2020);
- A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2020);
- Regional Official Plan (2014);
- City of Thorold Official Plan (2016);
- Comprehensive Zoning By-law 2140 (97) (1997); and
- Comprehensive Zoning By-law 60-2019 (2019) [partially under appeal].

Planning Act, R.S.O. 1990, c. P.13

Section 2 of the Planning Act outlines matters of provincial interest that the Council of a municipality shall have regard to in carrying out their responsibilities under the Act. Matters relevant to the subject applications include:

- the adequate provision and efficient use of communication, transportation, sewage and water services, and waste management systems;
- the orderly development of safe and healthy communities; and
- the appropriate location of growth and development.

Section 3 (5) of the Act states that Council decisions in respect of the exercise of any authority that affects a planning matter shall be consistent with the policy statements in effect on the date of the decision; and shall conform with the provincial plans that are in effect on that date, or shall not conflict with them, as the case may be.

Furthermore, Section 34 of the Act allows Council to consider amendments to the Zoning By-law, and Section 51 allows for the consideration of a Plan of Subdivision.

Planning staff have reviewed the applications in light of the provincial interests highlighted above, as well as the aforementioned planning documents, which are examined in greater detail below.

Provincial Policy Statement (2020)

Municipal decisions affecting planning matters must be consistent with the Provincial Policy Statement (PPS). The PPS provides policy direction on matters of provincial interest related to land use planning and development.

The subject lands are located within a settlement area, as defined by the PPS. The PPS promotes efficient development and land use patterns within settlement areas through an appropriate range and mix of housing types and densities.

The applications would facilitate development in a settlement area where municipal services are currently available. Single detached dwellings are proposed for all of the lots in the subdivision, in accordance with the limited uses permitted in the 'R1A' zoning regulations. More compact lot frontages are requested through site-specific zoning regulations, which aligns with the PPS in regards to promotion of efficient development.

Planning staff are of the opinion that the applications are consistent with the policies of the PPS.

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

A Place to Grow: Growth Plan for the Greater Golden Horseshoe (Growth Plan) sets out a specific policy framework for the Greater Golden Horseshoe area, focusing on sustainable growth and protection of natural and cultural resources and agricultural areas. The Growth Plan directs growth to settlement areas and emphasizes the achievement of complete communities.

The Growth Plan states that the vast majority of growth will be directed to settlement areas that:

- have a delineated built boundary;
- have existing or planned municipal water and wastewater systems; and
- can support the achievement of complete communities.

The applications would facilitate growth within a settlement area, adjacent to the delineated built boundary. Municipal services are available to the development site. The applications contribute to a complete community by adding more housing stock to the area to support future non-residential uses.

The Growth Plan also states that new development taking place in designated greenfield areas will be planned, designated, zoned, and designed in a manner that supports active transportation.

Existing roads in the surrounding area are characterized by rural cross-sections. The applications necessitate the provision of a new urban road and urbanization of an existing portion of Barron Road, which will encourage walking in the immediate area and provide connections to future active transportation facilities, should further road urbanization occur.

Minimum density targets for Designated Greenfield Areas are established in the Growth Plan for municipalities under its authority. The greenfield density target for the Niagara Region municipalities is 50 residents and jobs combined per hectare. The density target is to be applied across all of the greenfield lands in the City. Although the proposed development would fall short of the density target at approximately 25.1 residents and jobs combined per hectare, the City continues to monitor overall greenfield density to ensure compliance with the Growth Plan.

Planning staff are of the opinion that the applications conform to the policies of the Growth Plan.

Regional Official Plan (2014)

The Regional Official Plan (ROP) provides a policy framework for planning matters of regional interest.

The ROP sets out Growth Management Objectives for the Niagara Region, including:

- Direct the majority of growth and development to Niagara's existing Urban Areas;
- Build compact, mixed use, transit supportive, active transportation friendly communities in the Built-up Area and in Designated Greenfield Areas; and
- Direct growth in a manner that promotes the efficient use of existing municipal sewage and water services.

The applications would facilitate growth within an existing urban area. Relief from lot frontage regulations for certain lots is proposed to allow for more compact development and more efficient use of infrastructure on the subject lands.

The ROP states that Designated Greenfield Areas will be planned as compact, complete communities by:

- Creating street patterns that are fine grain and in grid pattern, supporting transit and active transportation within the area and to adjacent areas; and
- Ensuring that Greenfield development is sequential, orderly and contiguous with existing built-up areas.

A simple linear road is proposed due to the limited size of the subject lands. The subject lands are adjacent to the existing built boundary.

Planning staff are of the opinion that the applications conform to the policies of the ROP.

City of Thorold Official Plan (2016)

The subject lands are predominantly designated as 'Urban Living Area'. A strip of land along the west property line is designated 'Environmental Protection Two'. The southern portion of the property that is not under application is designated as 'Rural Industrial' and 'Environmental Protection Two'. The entirety of the overall property also falls under the 'Greenfield Overlay' designation.

Section B1.1 of the OP contains policies for lands in the Urban Living Area designation. Permitted uses in this designation are set out in Section B1.1.2 of the OP, and include single detached dwellings, which are proposed in these applications.

Section B1.11 of the OP contains policies and direction for lands within the Greenfield Overlay designation, and establishes a hierarchy of 'high-priority' and 'low-priority' greenfield areas. High-priority lands are ones that the City views as being essential to the accommodation of new development within the first 10 years that the Official Plan is in effect. Low-priority lands are ones that are characterized by servicing or environmental constraints and are not anticipated to be considered for development until the latter tenure of this Official Plan.

Section B1.11.4 references the greenfield lands to the southwest of Lundy's Lane and Allanport Road, where the subject lands are located. The subject lands are noted to be low-priority due to servicing constraints.

Despite the hierarchy outlined above, the OP does not preclude development of low-priority lands within the first 10 years of the tenure of the OP. Since the current OP came into force, lands within the City's high-priority greenfield areas have developed rapidly and continue to do so. The aforementioned servicing concerns are less prominent in the subject area than they were several years ago due to improvements in infrastructure capacity. Nonetheless, City staff continue to monitor servicing capacity and apply appropriate measures to ensure that new development can be sustained in areas affected by servicing constraints.

Because high-priority lands continue to generate consistent development interest, and servicing issues have been mitigated, staff are comfortable with Council's consideration of the subject lands for development at this time, subject to any applicable requirements from the City's Engineering Division.

Section B3.3 of the OP sets out policies for lands designated Environmental Protection Two. Lands along the western boundary of the development site are located within the Environmental Protection Two designation. The designated area is comprised of a significant woodland to the west of the subject lands and a cultural thicket community that overlaps onto the subject lands.

The submission of an Environmental Impact Study (EIS) is required in support of development within the Environmental Protection Two designation, or on adjacent lands. The study must demonstrate that there will be no negative impact to the natural heritage feature or its ecological functions as a result of the development. Where a proposal addresses the requirement of no negative impact, the adjacent OP designation (Urban Living Area in this case) applies and a Zoning By-law Amendment will be required to identify those lands where site alteration and development will be permitted.

An EIS was submitted with the applications and was reviewed by Niagara Region staff. Regional staff were satisfied with the conclusions of the study, which indicates that the proposal can be accommodated without significant negative impacts to natural features. The amending by-laws to be forwarded to Council contain a schedule indicating the extent of the site-specific 'R1A' zones where development can occur, which conform to the lot boundaries proposed in the draft plan.

Section C9 of the OP contains policies on land use compatibility, in terms of the interaction of sensitive uses with uses that generate odour, noise, vibration, or emissions. Due to the Rural Industrial designation of the lands to the south of the subject lands, an analysis of land use compatibility was included in the Planning Justification Report submitted with the applications. This analysis notes that no existing industrial operations would be impacted by the proposed development, and that appropriate setbacks from the proposed development can be incorporated if the industrial lands are developed in the future.

Section D1.4 of the OP notes that any proposal for development will only occur where municipal water and sanitary services, and stormwater drainage are adequate to sustain the development.

A Functional Servicing Report was included in support of the applications and indicates that municipal servicing will be adequate for the proposed development. Furthermore, the Holding 'H' Symbol that currently applies to the property will remain applicable until adequate municipal servicing capacity for the development can be confirmed. When a Holding Symbol is placed on a property, development cannot occur on the property until Council passes a by-law to remove it.

Section D4.3 contains general policies that are to be considered for all Draft Plan of Subdivision applications. Prior to the consideration of an application for Plan of Subdivision, Council shall be satisfied that:

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

As discussed previously, in reference to the hierarchy of the City's greenfield lands, staff is of the opinion that the proposed development is not premature. The applications are appropriate for the subject lands and would be compatible with the surrounding area. The proposed lot sizes are sensitive to the spacious lots that are typical of the Allanburg community. Staff considers the development to be in the public interest.

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

The subject lands are in the City's urban area and have access to municipal services. Allanburg is a small, predominantly residential area of the City with some parkland and a community centre north of Lundy's Lane (Highway 20). Notably, the area has direct access to the recreational trail system along the Welland Canal. Amenities would continue to remain adequate and proportional to the size of the community.

- c) The density of the development is appropriate for the neighbourhood as articulated in the policies of this Plan that relate to density and intensification;*

The proposed density is respectful of the character of the community, which exhibits a low residential density compared to other urban areas in the City.

- d) The subdivision, when developed, will be easily integrated/connected with other development in the area;*

The development would define the outside edge of the community and would be easily integrated with its surroundings.

- e) The subdivision has incorporated design measures and green standards that will support accessibility, active transportation and transit;*

The subdivision will incorporate urban design standards such as sidewalks, which support accessibility and encourage active transportation. The area is not a candidate for public transit at this time.

- f) *The subdivision conforms with the environmental protection and management policies of this Plan; and,*

The EIS submitted with the applications indicates that the development can occur without significant impacts to existing natural heritage features.

- g) *The proposal conforms to Section 51 (24) of the Planning Act, as amended.*

Section 51 (24) of the Planning Act, as well as staff's comments, are set out below:

In considering a draft plan of subdivision, regard shall be had, among other matters, to the health, safety, convenience, accessibility for persons with disabilities and welfare of the present and future inhabitants of the municipality and to

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

The layout of the Draft Plan of Subdivision is limited to a simple linear configuration by the size of the site and presence of the adjacent rail corridor. The physical elements of the development (i.e. sidewalks, roadway, and landscaping) will incorporate modern standards to address matters such as health, safety, and accessibility.

The following relevant matters of provincial interest were listed earlier in this report:

- the adequate provision and efficient use of communication, transportation, sewage and water services, and waste management systems;
- the orderly development of safe and healthy communities; and
- the appropriate location of growth and development;

The subdivision is proposed in an area that is adjacent to the built boundary, where municipal services are available. The housing types proposed are appropriate in the context of the subject lands and are in accordance with the uses permitted in the Zoning By-law.

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

As discussed earlier, staff opines that the subdivision is not premature and is in the public interest.

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

Based on staff's analysis of applicable policies, the subdivision conforms to the OP. There are no adjacent plans of subdivision.

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

- (d.1) *if any affordable housing units are being proposed, the suitability of the proposed units for affordable housing;*

The lands are designated for residential use in the OP. Compatibility with surrounding uses can be achieved, as discussed earlier in this report. Affordable housing is not proposed through the applications.

- (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;*

The proposed road within the development will be constructed to an urban standard and a portion of Barron Road will be upgraded by the applicant to support the development.

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

The proposed lots are appropriately sized and are generally standard rectangular shapes.

- (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;*

A notable restriction proposed for the lots abutting the adjacent rail corridor through the concurrent Zoning By-law Amendment is a requirement for enhanced rear yard setbacks, based on the conclusions of the Railway Vibration Study.

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

The subdivision layout is mindful of adjacent natural heritage features.

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

Adequacy of municipal services has been considered in the review of this development and servicing capacity will be closely monitored up to the issuance of Building Permits.

(j) the adequacy of school sites;

Existing school facilities in the City are adequate to support the development.

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

The proposed development does not include a park and therefore cash in lieu of parkland dedication will be required.

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

The subdivision does not propose any notable energy-efficient design features.

(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); 2016, c. 25, Sched. 4, s. 8 (2).

Site Plan Control is not applicable to the proposed development.

Planning staff are of the opinion that the applications conform to the policies of the OP.

Comprehensive Zoning By-law 2140 (97) (1997)

The subject lands are currently zoned 'R1A (H)' under Zoning By-law 2140 (97). The Zoning By-law Amendment application proposes site-specific regulations to accommodate the proposed lots and dwellings.

In reference to Figure 2 and Appendix B, lots 1-12 of the subdivision would be subject to the proposed 'R1A-21 (H)' regulations and lots 13-22 would be subject to the proposed 'R1A-22 (H)' regulations noted in Tables 1 and 2 below.

Table 1: 'R1A-21 (H)'		
Regulation Type	Existing 'R1A (H)' Zone Regulation	Proposed 'R1A-21 (H)' Zone Regulation
Maximum Lot Coverage	45%	50%

Table 2: 'R1A-22 (H)'		
Regulation Type	Existing 'R1A (H)' Zone Regulation	Proposed 'R1A-22 (H)' Zone Regulation
Minimum Lot Frontage	18.0 m	15.0 m
Rear Yard Setback	7.5 m	37.5 m

The proposed zoning regulations would facilitate compatible and appropriate development of the subject lands that would not result in any substantial impacts to the surrounding area.

The requested lot coverage increase and lot frontage reduction would not detract from the character of the area, as the subject lands abut only one residential lot and are flanked by the rail corridor to the east, an agricultural use to the south, and wooded areas to the north and west. The frontage reduction would facilitate more compact lots than the current zoning regulations permit, and compact development of greenfield lands is encouraged in both provincial and regional policy.

The rear yard setback applicable to lots 13-22 is necessitated by the recommendations of the Railway Vibration Study, and would not hinder the development of these lots due to their substantial depth.

Staff recommends that the Holding 'H' Symbol currently applicable to subject lands remain in place under the amending By-law until the applicant can demonstrate to the City's satisfaction that sufficient servicing capacity can be provided for the development. Provided no capacity issues exist closer to the time when Building Permit applications are ready to be submitted, the Holding Symbol can be recommended for removal by Council.

Staff are of the opinion that the proposed zoning regulations would align with applicable planning policies while remaining appropriate in the context of the subject lands.

Comprehensive Zoning By-law 60-2019 (2019) [partially under appeal]

The subject lands are zoned 'R1A' and 'EP2' under the new Zoning By-law 60-2019, which is intended to replace Zoning By-law 2140 (97) in its entirety. However, the new By-law remains partially under appeal, including all of its proposed Residential Zones. The 'R1A' regulations of Zoning By-law 2140 (97) therefore remain applicable to the

subject lands. Staff will bring forward by-laws to Council to amend the both current and pending by-laws to reflect the same site-specific regulations, as discussed in more detail in the previous section of this report.

It should be noted that the Holding 'H' Symbol applicable to the subject lands was not transferred from Zoning By-law 2140 (97) to the new Zoning By-law. Thus, staff recommend that the Holding Symbol be added to the proposed by-law to amend Zoning By-law 60-2019.

In reference to Figure 2 and Appendix B, lots 1-12 of the subdivision would be subject to the proposed 'R1A-59 (H)' regulations and lots 13-22 would be subject to the proposed 'R1A-60 (H)' regulations noted in Tables 3 and 4 below.

Table 3: 'R1A-59 (H)'		
Regulation Type	Existing 'R1A' Zone Regulation	Proposed 'R1A-59 (H)' Zone Regulation
Maximum Lot Coverage	45%	50%

Table 4: 'R1A-60 (H)'		
Regulation Type	Existing 'R1A' Zone Regulation	Proposed 'R1A-60 (H)' Zone Regulation
Minimum Lot Frontage	18.0 m	15.0 m
Rear Yard Setback	7.5 m	37.5 m

Supporting Documents

Various supporting documents were submitted with the applications to satisfy City and external agency requirements. Submission requirements were determined during the pre-consultation meeting for the applications, which was held on November 1, 2018. The purpose and conclusions of these documents are summarized below.

Planning Justification Report

A Planning Justification Report was submitted in support of the applications to provide details on how the applications are consistent with or conform to applicable planning policies.

The report notes that the proposed Draft Plan of Subdivision and Zoning By-law Amendment are appropriate for the subject lands and are consistent or conform to applicable provincial, regional and local land use policies.

Environmental Impact Study

An EIS was submitted with the applications due to the presence of natural features along the west property line of the subject lands.

The EIS notes that with the implementation of mitigation measures, no significant long-term negative impact to the natural features or functions of the Natural Heritage System of the Niagara Region or the City of Thorold will occur as a result of the proposed development. The EIS also notes that the proposed development is in conformity with the Official Plans and Natural Heritage System policies of the City of Thorold and the Niagara Region as well as the NPCA development policies and Province's Natural Heritage Policies under the Provincial Policy Statement (PPS 2014).

Functional Servicing Report

The applicant submitted a Functional Servicing Report to identify water, sanitary, stormwater management needs for the proposed development.

The report concludes that the existing 200 mm watermain and sanitary sewer available to the subject lands can sufficiently service the proposed development. The report also identifies that stormwater will discharge from the site into the Welland Canal. Most of the stormwater discharging from the site will be treated by an oil grit separator to improve its quality before it outlets into the canal.

Environmental Noise Feasibility Study

An Environmental Noise Feasibility Study in support of the applications was required due to noise sources in the vicinity of the subject lands. The primary noise sources are the CN Stamford Subdivision principle main line corridor, located approximately 250 m southeast of the subject site, and two spur line corridors which connect to the Stamford Subdivision corridor. One of the spur line corridors runs north-south, directly east of the subject lands.

The study concludes that the applicable noise guidelines of the Ministry of the Environment, Conservation and Parks can be met, and a suitable acoustic environment can be provided for the proposed development, provided recommended noise mitigation measures are incorporated. The mitigation measures consist of: mandatory air conditioning; upgraded exterior wall and window construction; and the use of warning clauses in the Subdivision Agreement, Offers of Purchase and Sale, and lease/rental agreements.

Railway Vibration Study

The presence of the aforementioned rail corridors also necessitated the submission of a Railway Vibration Study. The study indicates that ground-borne vibration would not exceed applicable guidelines if building foundations are set back a minimum distance of 37.5 m from the rail corridor. A minimum rear yard setback of 37.5 m for lots 13-22 will be included in the amending by-law for the proposed development. The study also recommends foundation isolation from the surrounding soil and backfill with resilient isolation pads for these lots.

Comments Received

The applications were circulated to various agencies and municipal departments for comment on November 20, 2020. Notice of the Statutory Public Meeting for the applications was provided in accordance with Planning Act requirements through notices that were mailed to nearby property owners, and through the erection of notice signs on the property. The Public Meeting was held virtually on December 15, 2020.

Department/Agency Comments

All City department and external agency comments received in regards to the applications are included in Appendix C. No objections to the proposal were received, but Conditions of Final Subdivision Approval were requested by the following City staff and external agencies:

- City of Thorold Engineering Division;
- City of Thorold Planning Division;
- Canada Post;
- CN Rail;
- District School Board of Niagara;
- Hydro One; and
- Niagara Region.

The Conditions of Final Subdivision Approval are included in Appendix A.

Public Comments

All public comments on the applications are included in Appendix D, including minutes of the Statutory Public Meeting, which note the oral submissions from the meeting. The following concerns noted in the public comments are summarized and addressed below.

Traffic, intersection alignment, and emergency access

The City's Engineering Division has reviewed the applications and has not expressed any concerns regarding impacts to the traffic conditions of the area.

Nonetheless, Engineering staff are working with the applicant and other parties to address the broader issue of detouring and heavy traffic that exists in the Allanburg community when the Lundy's Lane / Highway 20 lift bridge is raised for ship traffic passing through the Welland Canal. The issue is compounded by the presence of rail crossings through the community.

Issues such as traffic volumes, emergency access, and the alignment of Barron Road and Centre Street will be reviewed through staff's review of the current conditions and Council will be apprised of the staff's progress at a future time.

Increased density

The proposal would result in an increase in dwelling units in the Allanburg community. The density proposed is quite low in comparison to typical greenfield development standards. Development of the property is warranted due to the underlying 'Urban Living Area' and 'Greenfield Overlay' OP designations.

Provision of sidewalks

Sidewalks will be provided, as appropriate on the subject lands. Urbanization of the adjacent portion of Barron Road will be required, which will necessitate the provision of new sidewalks in the area.

Road widening

A portion of Barron Road in proximity to the subject lands will be upgraded and the asphalt area will be widened if necessary. Widening of other roads in the community such as Centre Street and Gainer Street is not warranted or required through the approval of the proposed development.

Wildlife

Wildlife activity in the area was investigated in the EIS submitted with the applications. The open field where the majority of development is proposed is referred to as a 'cultural meadow' in the EIS. In addition, a strip of 'cultural thicket' habitat along the rear of lots 5 through 12 will be removed to accommodate the development.

The EIS notes that the cultural meadow and thicket communities to be removed do not support significant wildlife habitat or rare species of flora or fauna, and the removal of these small areas of habitat will not result in a significant impact to the local populations of common species of flora and fauna that occur in the area.

Potential for archaeological resources

During pre-consultation for the proposed development, Niagara Region staff noted the archaeological potential of the site to be low. An archaeological assessment of the site was not requested to be submitted in support of the application. This statement is noted in the Region's comments, which are included in Appendix C.

In response to concerns from the public regarding potential archaeological resources on the subject lands, Planning staff followed up with the Region to confirm that there are no archaeological concerns associated with the site. Regional staff reiterated that the site did not meet the Region's criteria for requesting an archaeological assessment.

Nonetheless, Regional staff recommends the inclusion of a standard warning clause in the Subdivision Agreement relating to deeply buried archaeological materials that may be encountered during grading and construction activities (see Regional comments in Appendix C).

Recreational use of the subject lands

A member of the public noted that they have used the subject lands recreationally for walking and four-wheeling, and that the proposed development would eliminate future opportunities for these activities.

It should be noted that the subject property is privately owned. Use of the property is not permitted without permission from the property owner. The property owner has the right to pursue development of the subject lands, and the fact that the lands have not been developed to this point does not indicate their available for public use.

Infrastructure capacity for new development

Historically, there has been limited servicing capacity for the area known as the Peel Street Sewershed. The subject lands are located within the Peel Street Sewershed area, and concerns of limited servicing capacity for the proposed development were raised.

Engineering staff have reviewed the applications and are not concerned that servicing capacity will be an issue for the proposed development. To ensure that capacity is available close to the time of construction, the Holding 'H' Symbol applicable to the subject lands will remain in place until Council passes a by-law to remove it.

Privacy, noise and damage to homes adjacent to rail corridor

Studies of rail noise and vibration were submitted in support of the applications. Mitigation measures to address the above-noted concerns are recommended by the studies, and would be implemented through the amending Zoning By-law Amendment, the Final Subdivision Approval process, and the Subdivision Agreement.

Berm to address future increase in rail traffic

The desire for a berm adjacent to the rail corridor was noted during the Public Meeting in light of the potential for increased rail traffic along the adjacent corridor. A safety berm adjoining and parallel to the rail corridor was noted as a requirement for the development by CN Rail in their comments on the applications (see Appendix C). This requirement will be included as a Condition of Final Subdivision Approval (see Appendix A).

Fencing along City-owned right-of-way

The need for fencing along the west boundary of the subject lands was also mentioned during the Public Meeting due to the presence of an adjacent City-owned right-of-way that could be utilized as a future traffic connection.

As per the EIS recommendations, fencing is already required along the western boundary of the development for the purpose of restricting access and human impact to the Significant Woodland to the west of the subject property rather than for providing privacy.

To address the EIS and Council's comment, conditions are included in the Conditions of Final Subdivision Approval document requiring that permanent privacy fencing be installed on private property along the west boundary of the subject property. The conditions also specify that no gates are permitted in the fence, as per the EIS recommendation.

Conclusion

It is the opinion of planning staff that the proposed Draft Plan of Subdivision and Zoning By-law Amendment applications are consistent with the PPS, conform to provincial, regional, and local policies and requirements, are appropriate for the subject lands and are compatible with the surrounding area.

Planning staff recommend that Council approve the applications to facilitate the proposed development.

BUDGETARY STATUS:

Not applicable

STRATEGIC PLAN:

Responsible Community Growth and Infrastructure Planning

CANADIAN CONTENT:

Not applicable

ATTACHMENTS:

Appendix A – Conditions of Final Subdivision Approval
Appendix B – Draft Plan of Subdivision
Appendix C – City and Agency Comments
Appendix D – Public Comment

PREPARED BY: “original signed” Paul Klassen, Senior Planner

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