



Working together with our community

Page 1 of 17

Public Hearings Committee – September 07, 2021

Subject: OPNPL2021197 and ZNPL2021198 – An application has been received to amend the Official Plan and Zoning By-law to permit the development of an 8 unit residential street townhouse development. An amendment is proposed to the Official Plan to remove the Hazard Lands designation and a special provision is proposed to amend the zoning by-law to rezone the property from Service Commercial Zone (CS) to Service Commercial Zone (CS) with street townhouses identified as a permitted use. 26403023 ONTARIO INC. OPERATING AS THE DENZO GROUP INC. and agent G. DOUGLAS VALLEE LTD. has put forth the application affecting the lands described as 11 Elizabeth Road.

Report Number: CD 21-81
Division: Community Development
Department: Planning
Purpose: For Information

Executive Summary:

This application for 11 Elizabeth Road proposes to amend the Official Plan and Zoning By-law to permit the development of an 8 unit residential street townhouse development. The application included a proposal to amend the Official Plan to remove the Hazard Lands designation and a special provision is proposed to amend the zoning by-law to rezone the property from Service Commercial Zone (CS) to Service Commercial Zone (CS) with street townhouses identified as a permitted use.

This report is being presented as part of the statutory public meeting required by the *Planning Act* and describes the proposed application and includes an overview of the relevant policies and regulations that will be evaluated as part of a future comprehensive recommendation report. A subsequent report will be brought forward containing a recommendation for Council consideration.

Discussion:

Public Meeting Details

A public meeting is a statutory requirement in accordance with the *Planning Act*, and is intended to allow members of the public to submit written or oral comments in relation to

the proposed development. Additionally, any person may make written submissions at any time prior to County Council making its final decision on the application.

Site Characteristics

The subject lands are located east of the intersection of Elizabeth Road and Mill Pond Court in Simcoe. The area of the subject lands is approximately 1820 square metres, with approximately 60 metres of frontage on Elizabeth Road. The subject lands are currently vacant.



Figure 1. View of Subject Lands from Elizabeth Road

Proposal Summary

The applicant is proposing to amend the Official Plan and Zoning By-law to permit the development of an 8 unit residential street townhouse development. A Site Plan Application is also associated with the zoning by-law amendment and is currently under review.

The proposed official plan amendment is to remove the Hazard Land designation and apply the Commercial Designation to the entire site. The proposed zoning by-law amendment is to rezone the subject lands from Service Commercial (CS) to a site specific Service Commercial (CS & 14.XXX) The site-specific zone would add street townhouses as an additional permitted use with a reduced lot frontage of 6 metres.

In support of the current application, the applicant has submitted the following:

- Functional Servicing Report
- Servicing Drawings
- Site Plan Drawings
- Traffic Impact Study
- Geotechnical Investigation

- Planning Justification Report

All submission materials are available at www.norfolkcounty.ca/government/planning/.

Planning Considerations:

A summary of planning considerations including applicable provincial policy, Official Plan policy, and zoning provisions is summarized in Appendix A.

Consultation:

Notice Provisions

Pursuant to the requirements of the *Planning Act R.S.O. 1990, C. P. 13* (“*Planning Act*”), a notice of the statutory public meeting was posted on the subject lands 20 days in advance of the Public Meeting. Notifications were mailed to neighbours within 120 m on; and a yellow notification sign was posted on the site on August 17, 2021.

Technical Circulation Comments

The application has been circulated to various internal departments and external agencies for review and comments. No major concerns have been identified through this process.

The technical circulation comments are included in Attachment B to this report.


The responses to the technical circulation will be addressed in the technical review and included in the comprehensive report for consideration at a future Council meeting.










Public Comments

No public input has been received for this application as of yet. This report is being presented as part of the statutory public meeting, and any public comments will be considered for future recommendation.

Preliminary Review

The following are the summary of key issues and comments that will be further reviewed before the completion of a recommendation report:

Key Items		Preliminary Review
Park / Trails		No parks or trails are proposed as a part of this development. The nearest park would be Wellington Park. Cash-in-lieu of parkland would be required for this site.

Parking		16 parking spaces are provided as a part of this development (1 space in garage, 1 space in driveway for each of the 8 units)
Natural Heritage (EIS)		The subject lands are also adjacent to a Provincially Significant Wetland (PSW), however, there is existing development between the subject lands and planning staff, in collaboration with LPRCA, have identified an Environmental Impact Study is not required.
Transportation (TIS)		A Traffic Impact Brief, completed by RC Spencer Associated Inc., dated August 2020., was submitted as a part of the application. No perceivable effects are expected, as per the report. The technical review from Development Engineering is pending.
Housing		The development provides 8 additional housing units.
Building Height		Building height is to be determined. Permitted height under zoning is 11 m.
Roads		The proposed development would utilize the existing Elizabeth Road for access to the individual townhouses.
Servicing (W & WW)		As the subject land is within the Simcoe urban area, the proposed development will be serviced by municipal water and sewer services. As per Environmental Infrastructure Services (EIS) recommendation, the current planning applications will be processed and considered by the Council. Zone changes would be subject to an "H" provision. Water and sewer connections will only be confirmed and allocated during the site plan agreement stage as per the availability.
Design / Site Plan		A site plan application is also associated with the zoning by-law amendment application and is under review at this moment. The Official Plan Amendment and Zoning By-law amendment will be required to be approved first before a site plan agreement can be processed.
Hazard Lands		The site is partially designated Hazard Lands under the official plan. However, the applicants identify that the Long Point Region Conservation Authority (LPRCA) floodplain mapping no longer includes the subject lands within the floodplain. The existing Official Plan designation has not yet been updated to reflect

		these changes, thus an Official Plan Amendment is required.
Contamination		The subject lands are known or suspected to be contaminated. A Record of Site Condition will also be required to facilitate the residential development and a condition will be included in the associated site plan approval.

Strategic Plan Linkage:

This report aligns with the 2019-2022 Council Strategic Priority "Foster Vibrant, Creative Communities".

Explanation:

The proposed development would facilitate 8 additional housing units which would provide alternatives to the single detached dwelling in the Simcoe area.

Conclusion:

The purpose of this report is to summarize the planning application proposal, provide the comments received from applicable departments and agencies, summarize comments received from member of the public, and to provide general information in relation to the overall application.

A detailed recommendation report, responding to any outstanding matters, including those brought forward by members of the public, will be submitted to Norfolk County Council at a future meeting.

Recommendation(s):

THAT Report PD 21-81, Public Hearing report for OPNPL2021197 & ZNPL2021198, be received for information;

AND THAT any comments received as part of the statutory public meeting be considered in a future recommendation staff report.

Attachments

Map A Neighbourhood Context / Key Map
 Map B Proposed Official Plan Amendment Map
 Map C Proposed Zoning Bylaw Amendment Map
 Map D Conceptual Plan

Attachment A Planning Considerations and Applicable Policy and Zoning Provisions
 Attachment B Consultation: Department/Agency Technical Comments
 Attachment C Planning Justification Report, prepared by G. Douglas Vallee Consulting (March 2021)
 Attachment D Modified Generic Risk Assessment, prepared by A & A Environmental Consultants (August 2020)

Submitted By:

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Reviewed By:

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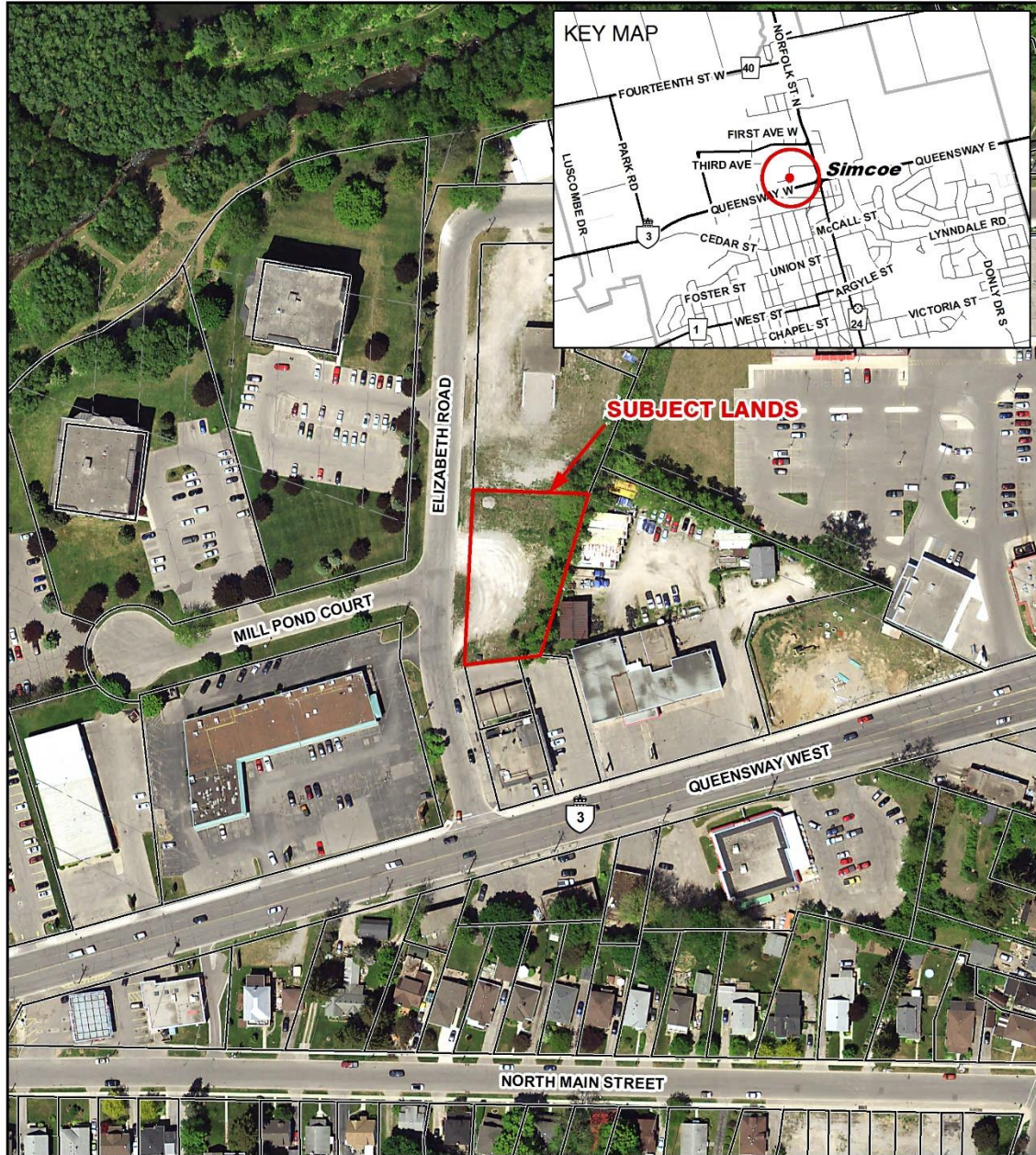
Prepared By:

Nicole Goodbrand, MA, MCIP, RPP
Senior Planner
For more information, call:
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Map A Neighbourhood Context / Key Map

MAP A
CONTEXT MAP
 Urban Area of SIMCOE

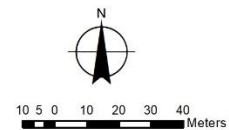
OPNPL2021197
 ZNPL2021198
 SPPL2021199



Legend

Subject Lands

2015 Air Photo



Map B Proposed Official Plan Amendment Map

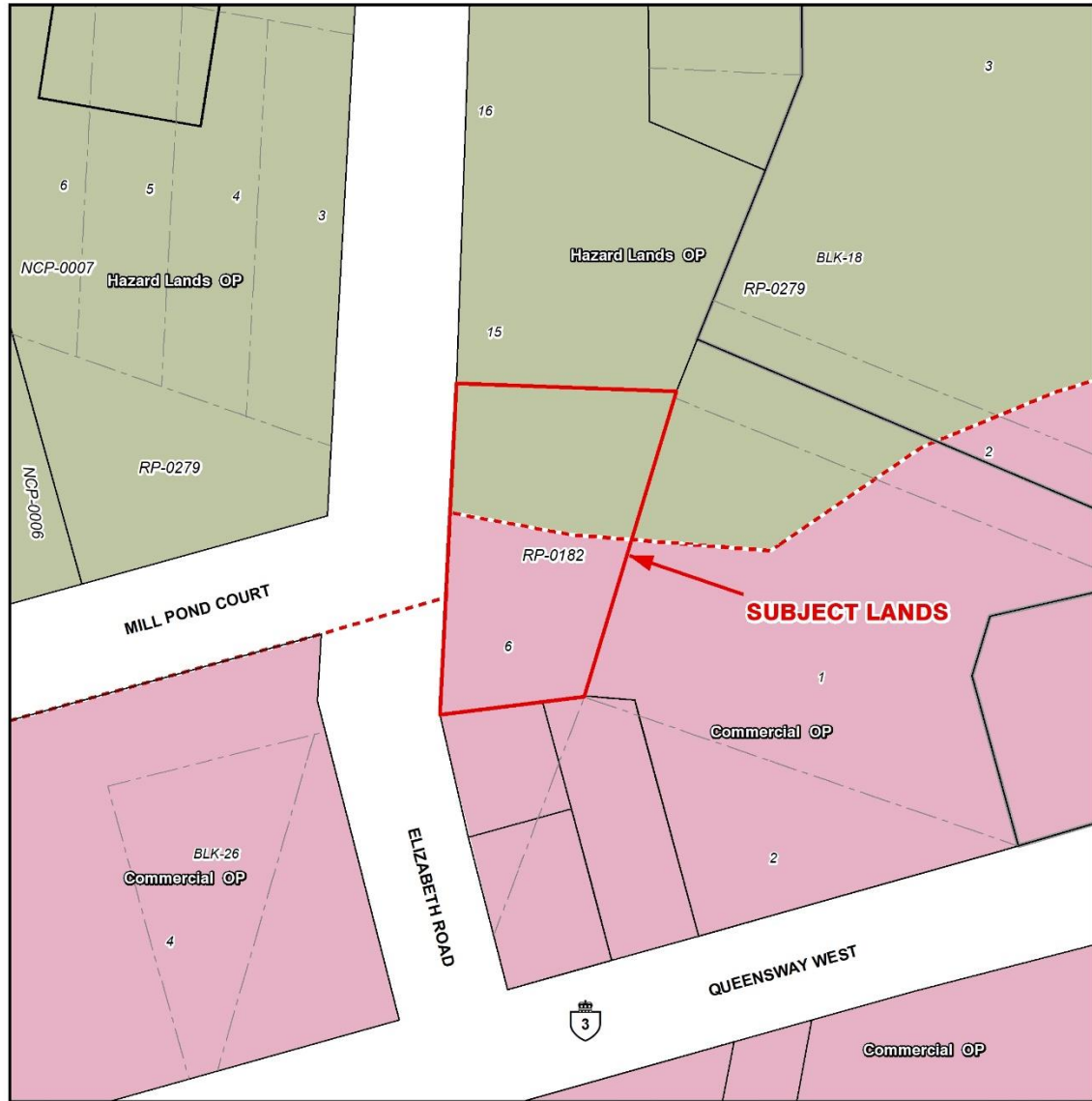
MAP B**PROPOSED OFFICIAL PLAN AMENDMENT MAP**

Urban Area of SIMCOE

OPNPL2021197

ZNPL2021198

SPPL2021199

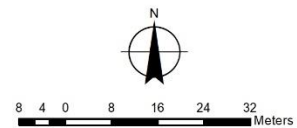
**Legend**

Subject Lands

Official Plan Designations

- Hazard Lands
- Commercial
- Special Policy Area
- Urban Area Boundary

From: CS
To: CS with special provision



Map C Proposed Zoning Bylaw Amendment Map

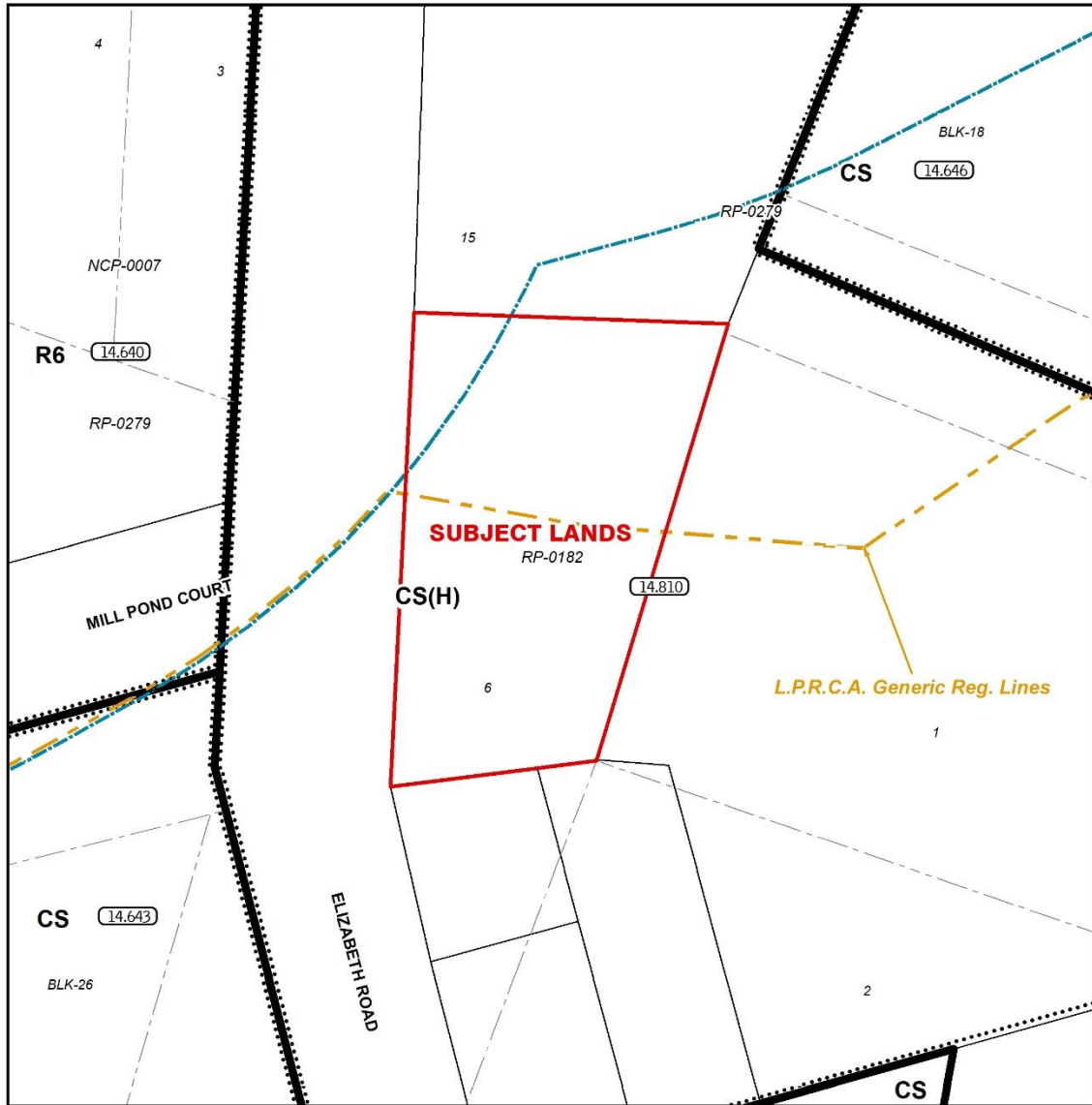
MAP C

PROPOSED ZONING BY-LAW AMENDMENT MAP
Urban Area of SIMCOE

OPNPL2021197

ZNPL2021198

SPPL2021199



2021-07-08

LEGEND

- Subject Lands
- Adjacent Lands
- LPRCA Generic RegLines

ZONING BY-LAW 1-Z-2014

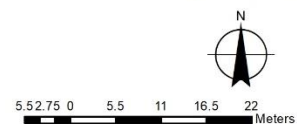
(H) - Holding

CS - Service Commercial Zone

R6 - Residential R6 Zone

From: CS

To: CS with special provision



Map D Conceptual Plan

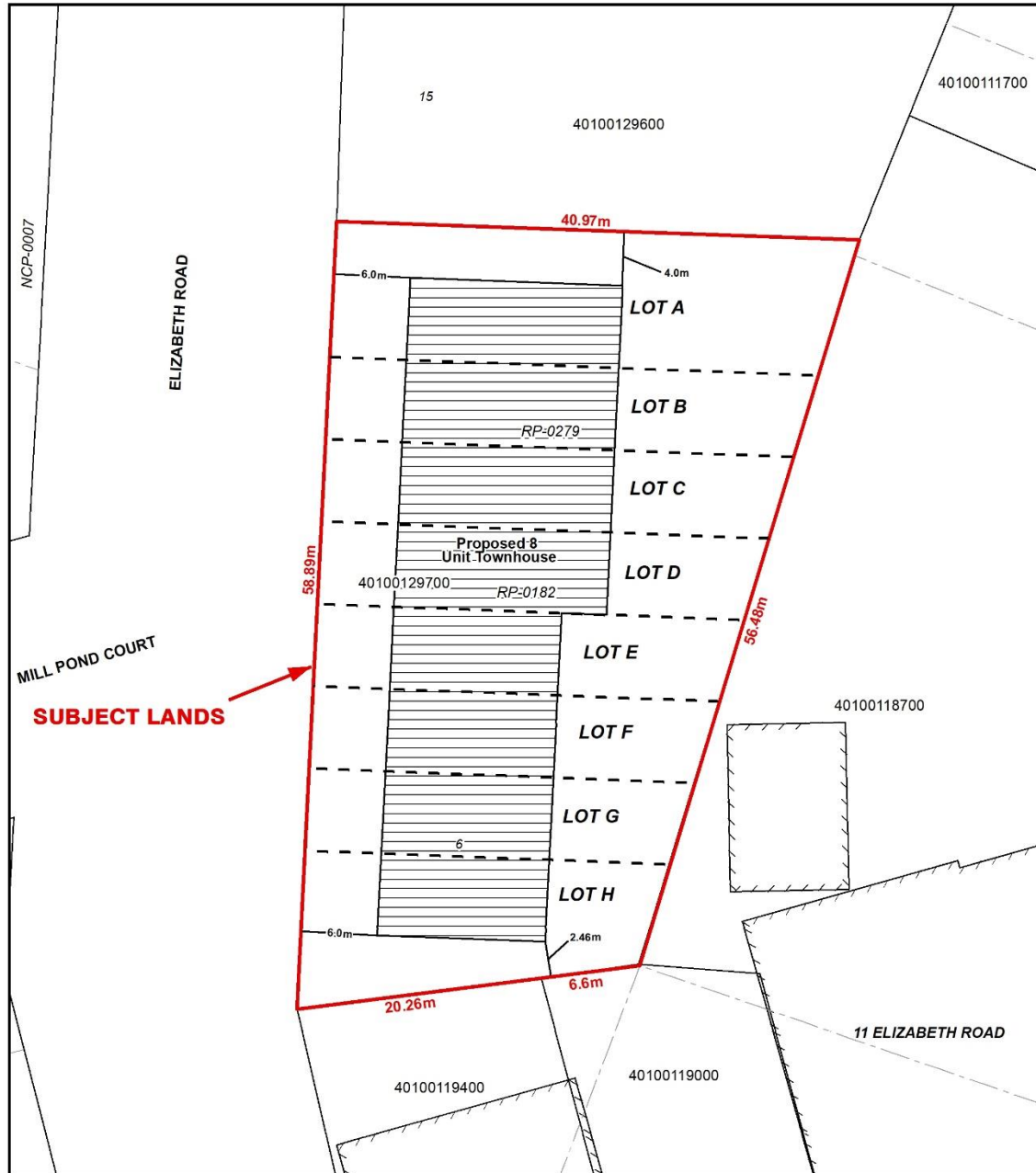
MAP D

CONCEPTUAL PLAN
Urban Area of SIMCOE

OPNPL2021197

ZNPL2021198

SPPL2021199



Attachment A

Planning Considerations and Applicable Policy and Zoning Provisions

Provincial Policy Statement, 2020 Considerations

The Provincial Policy Statement, 2020 (PPS) provides policy direction on matters of provincial interest related to land use planning and development, which is intended to be complemented by local policies addressing local interests. The PPS promotes healthy, livable and safe communities through the efficient use of land throughout the Province of Ontario. The PPS directs municipalities to focus their growth within settlement areas where full municipal services are available.

The subject land is within the settlement area as defined in the Provincial Policy Statement. Section 1.1.3.1 states that Settlement areas shall be the focus of growth and development. Section 1.1.3.4 states that appropriate development standards should be promoted which facilitate intensification, redevelopment and compact form, while avoiding or mitigating risks to public health and safety.

Policy 1.1.3.6 of the PPS states, “New development taking place in designated growth areas should occur adjacent to the existing built-up area and should have a compact form, mix of uses and densities that allow for the efficient use of land, infrastructure and public service facilities.”

Policy 1.4.3 of the PPS states, “Planning authorities shall provide for an appropriate range and mix of housing options and densities to meet projected market-based and affordable housing needs of current and future residents of the regional market through subsections a), b), c) d) e) and f).

The PPS defines Special needs as “any housing, including dedicated facilities, in whole or in part, that is used by people who have specific needs beyond economic needs, including but not limited to, needs such as mobility requirements or support functions required for daily living. Examples of special needs housing may include, but are not limited to long-term care homes, adaptable and accessible housing, and housing for persons with disabilities such as physical, sensory or mental health disabilities, and housing for older persons.”

Section 1.6 of the PPS outlines policies surrounding Infrastructure and Public Service Facilities. Policy 1.6.1 b) states that infrastructure and public service facilities are to be integrated with land use planning and growth management while meeting current and projected needs.

Section 1.6.6 of the PPS outlines policies surrounding Sewage, Water and Stormwater.

Policy 1.6.6.1 a) outlines that planning for sewage and water services shall accommodate forecasted growth in a manner that promotes the efficient use and optimization of existing:

- 1) Municipal sewage and municipal water services; and
- 2) Private communal sewage services and private communal water services, where municipal sewage services and municipal water services are not available or feasible;

Subsection d) outlines that sewage and water services shall be integrated and considered throughout all stages of the planning process.

Policy 1.6.6.2 of the PPS states, that municipal sewage and water services are the preferred form of servicing for settlement areas to minimize potential risks to human health and safety. Within settlement areas existing municipal sewage and water services, intensification and redevelopment shall be promoted wherever feasible to optimize the use of services.

A conformity check of the Official Plan policies will be provided within the recommendation report.

Official Plan Considerations

Existing Land Use Designation: “Commercial Designation” and “Hazard Lands Designation

Proposed Designation: “Commercial Designation” with site specific policy

Section 7.11.1 “Permitted Uses” includes specific criteria that must be addressed when contemplating further development within a designated Commercial Designation Area. A Planning Rationale Report, completed by Eldon Darbyson, Registered Professional Planner, was submitted in support of the proposed development. Following is a summary of key items from the report and staff’s evaluation of the submission.

Section 7.11.1 identifies that the primary permitted use of the Commercial designation shall include include retail establishments and commercial uses, which are destination oriented or are intended to serve the travelling public. It also identifies that Residential uses shall be permitted, provided that the uses do not negatively impact the planned function of the Commercial areas. Specific to the proposed the policy identifies the following:

“ii) in a building of residential character, either single detached or multiple dwelling, residential and/or commercial uses shall be permitted, provided the residential character of the building is maintained.”

The northern half of the subject lands is designated Hazard Lands. This designation identifies lands that have inherent environmental hazards such as flood susceptibility, erosion susceptibility, instability and other physical conditions which are severe enough, if developed upon, to pose a risk to occupants of loss of life, property damage and social disruption.

Section 3 focuses specifically on sustainable natural heritage and the policies of this section generally seek to promote the protection, enhancement and restoration of the natural environment while ensuring the reduction of risk to public safety and property from natural hazards, such as flooding and unstable slopes.

The applicants are proposing that the designation on the north half of the property be amended to remove the Hazard Lands designation. The applicants identify that the Long Point Region Conservation Authority (LPRCA) floodplain mapping no longer includes the subject lands within the floodplain. The existing Official Plan designation has not yet been updated to reflect these changes, thus an Official Plan Amendment is required. The subject lands are also adjacent to a Provincially Significant Wetland (PSW), however, there is existing development between the subject lands and planning staff, in collaboration with LPRCA, have identified an Environmental Impact Study is not required.

Community Design is addressed through Section 5.4 of the Official Plan, and is relevant to the proposed development of this application. Section 5.4 b) identifies that through the review of development applications, the County:

- i. shall ensure that new development is designed in keeping with the traditional character of the Urban Areas, in a manner that both preserves the traditional image of the Urban Areas and enhances the sense of place within the County while maintaining the community image of existing settlement areas;
- ii. shall promote efficient and cost-effective development design patterns that minimize land consumption;
- iii. shall promote the improvement of the physical character, appearance and safety of streetscapes, civic spaces, and parks;
- iv. shall encourage tree retention and tree replacement;
- v. shall ensure that design is sympathetic to the heritage character of an area, including the area's cultural heritage resources;
- vi. shall strongly encourage design that considers and, wherever possible, continues existing and traditional street patterns and neighbourhood structure; and
- vii. may require, at the County's sole discretion, that proponents submit design guidelines with development applications, establishing how the policies of this Section have been considered and addressed. Such guidelines may also be required to address related issues of residential streetscaping, landscaping, setbacks, sidewalks, signage, garage placement, and architectural treatment.

Section 6.5 highlights the unique character of specific urban areas. Within this Simcoe Urban Area is identified, and more specifically the Queensway Corridor Special Policy Area is identified. This section promotes development of commercial node and recognizes the need to focus on commercial functions especially for retail, specialty and convenience shopping. The Queensway Corridor Special Policy Area promotes auto-oriented highway and service commercial activities. Section 6.5.1.5 a) states the following: "The Queensway Corridor represents a linear area of auto-oriented highway and service commercial activities. As such, the planned function of the Queensway

Corridor is to be an area of auto-oriented commercial activities, providing for highway commercial uses for the residents of Simcoe and the surrounding area”.

A subsequent recommendation will provide a review of the previously noted sections of the Plan for Council’s benefit.

Zoning By-Law Considerations

Existing Zoning: “Service Commercial Zone (xx)”

Uses permitted in the “Service Commercial Zone” as outlined Zoning By-law, include ambulance services, contractor shop, clinic or doctor’s office, hotel, as well as a single detached dwelling. .

Proposed Zoning: “Service Commercial Zone” (CS) – Special Provision (14.xxx)”

In order to facilitate the development of the site for 8 residential street townhouse dwelling units, the proposal is to rezone the “Service Commercial” to “Service Commercial” with site specific provisions to permit the street townhouses as summarized in the table below. The applicants are proposing specific zoning provisions modelled after Section 5.4.2 which provides zoning provisions for “Urban Residential Type 4 (R4),” where street townhouses are a permitted use.

Table 1: Summary of Existing Zoning Provision for the R4 zone Compared to Proposed Amendments

Zoning By-law Section	Provision	Requirement	Proposed	Relief Requested
5.4.2 Permitted Uses in Urban Residential Type 4 (R4)	Permitted Uses	Street Townhouse	Street Townhouse as additional use in the CS zone	Street Townhouse as additional use in the CS zone
5.4.2 Zoning Provisions for Urban Residential Type 4 (R4)	Minimum Lot Area	156 sq. m.	Min 170 sq. m.	--
	i) Interior			
	Minimum Lot Frontage	6.5 m	6.0 m	0.5m
	i) Interior			
	c) Front Yard Setback	6 m	6 m	--
	d) Exterior Yard Setback	6 m	N/A	
	e) Interior side yard setback	1.2 m	2.4 m	--
	f) Rear yard setback	7.5 m	7.5 m	--

	g) Min separation between townhouse dwellings	2 m	N/A	
	h) Max. Building Height	11	Not Identified	
4.9 Parking Space Requirements for Residential Uses	Street Townhouse Dwelling	2 spaces per unit	1 space in garage, 1 space in driveway	--

The provisions outlined in the table above that require deviations from the standard ones and the proposed new provisions are discussed below. As identified in the Planning Rationale Report, submitted by G. Douglas Vallee Limited, dated March 1, 2021, the proposed new provision for lot frontage is meant to maximize the use of the lands. The proponents propose additional rear yard area for amenity space and to provide an additional buffering from the neighbouring commercial uses.

A full compliance check of the Zoning By-law provisions will be provided within the recommendation report.

Attachment B Consultation: Department/Agency Technical Comments

Building Department - Reviewed – No Comment

Zoning Administrator

The holding zone will need to be removed before a permit can be granted

-If lot lines between units are proposed any rear decks will need to be 1.2m to interior lot lines. All decks cannot be nearer than 3.0m to the rear lot line

-Planning applications may be required for rear decks if they are not built within the standards of the zoning bylaw

Canada Post

Please be advised that these 8 new townhouses will have mail delivery through a nearby Community Mailbox on Riverside Rd.

Finance Department

This application would have a positive impact on assessment growth and tax revenues. The amount of growth is dependent on the assessment of the properties by the Municipal Property Assessment Corporation (MPAC). Based on existing similar properties within Norfolk County an estimate of annual municipal taxes is \$2,200 per unit. Norfolk County would also receive Development Charges as per the most recent Development Charges By-law.

Fire Department

The Fire Department has no concerns.

Long Point Region Conservation Authority

Long Point Region Conservation Authority staff have had an opportunity to review the application and supporting documentation relating to OPNPL2021197/ ZNPL2021198 / SPPL2021199 and can provide the following comments based on LPRCA's various plan review responsibilities for Norfolk County's consideration.

It is LPRCA's staffs understanding that the applicant is proposing to develop an eight-unit residential townhouse.

Site Characteristics

The subject lands are located at 11 Elizabeth Road in Simcoe and the property is adjacent to a Provincially Significant Wetland.

Delegated Responsibility from the Ministry of Natural Resources and Forestry, Section 3.1 of the Provincial Policy Statement, 2020

Conservation Authorities have been delegated responsibilities from the Minister of Natural Resources and Forestry to represent the provincial interests regarding natural hazards encompassed by Section 3.1 of the Provincial Policy Statement, 2020 (PPS). The overall intent of *Section 3.0 - Protecting Public Health and Safety* of the PPS is to reduce the potential public cost or risk to Ontario's residents from natural or human-made hazards. As such, the PPS states "development shall be directed away from

areas of natural or human-made hazards where there is an unacceptable risk to public health or safety or of property damage, and not create new or aggravate existing hazards.”

LPRCA staff are satisfied that the application meets the intent of section 3.1 of the PPS, 2020.

Ontario Regulation 178/06

For the applicant's information, it should be noted that portions of the subject property are located within the Regulation Limit of Ontario Regulation 178/08, made under the Conservation Authorities Act and permission from our office is required for any development on-site.

Please contact the LPRCA if you have any questions.



vallee

*Consulting Engineers,
Architects & Planners*

March 1, 2021

County of Norfolk
Robinson Administration Building
185 Robinson Street, Suite 200
Simcoe, ON N3Y 5L6

Attention: Tricia Givens, M.Sc.(PI), MCIP, RPP

**Reference: Planning Justification Report
Application for Official Plan/Zoning By-law Amendment I-Z-2014
G. Douglas Vallee Limited on behalf of Denzo Group Inc.
11 Elizabeth Road, Simcoe, Norfolk County
Our Project 20-013**

Introduction:

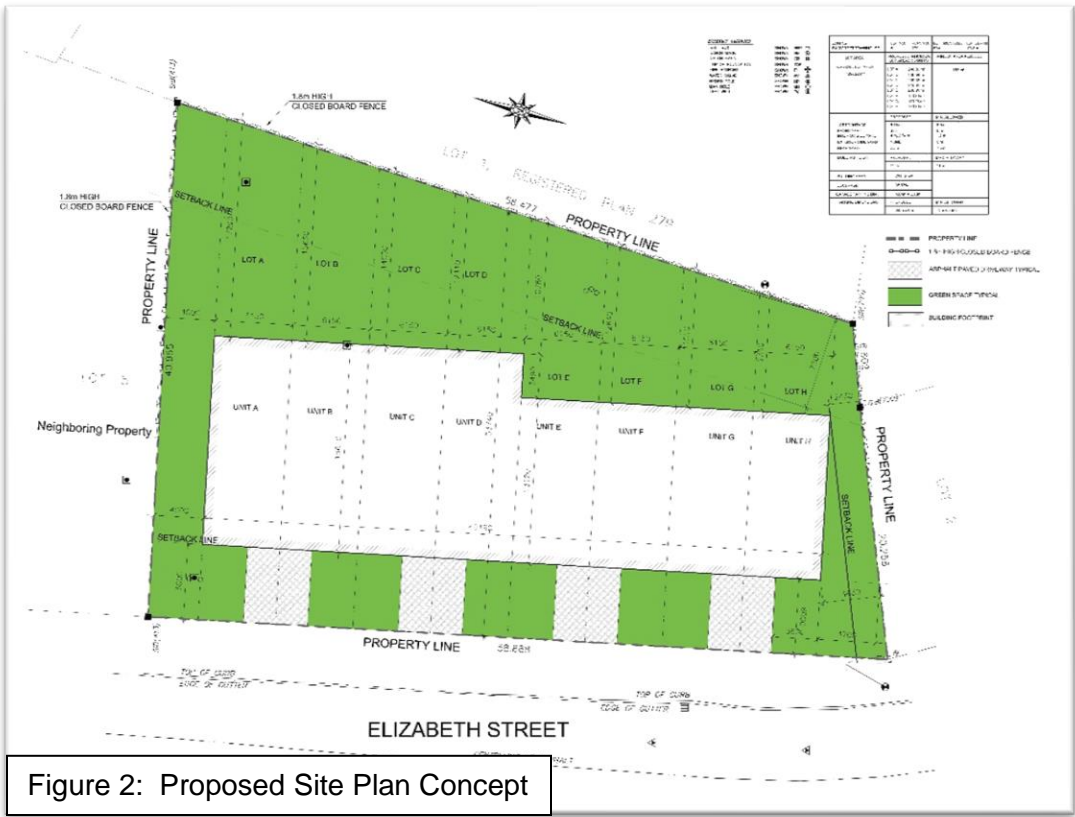
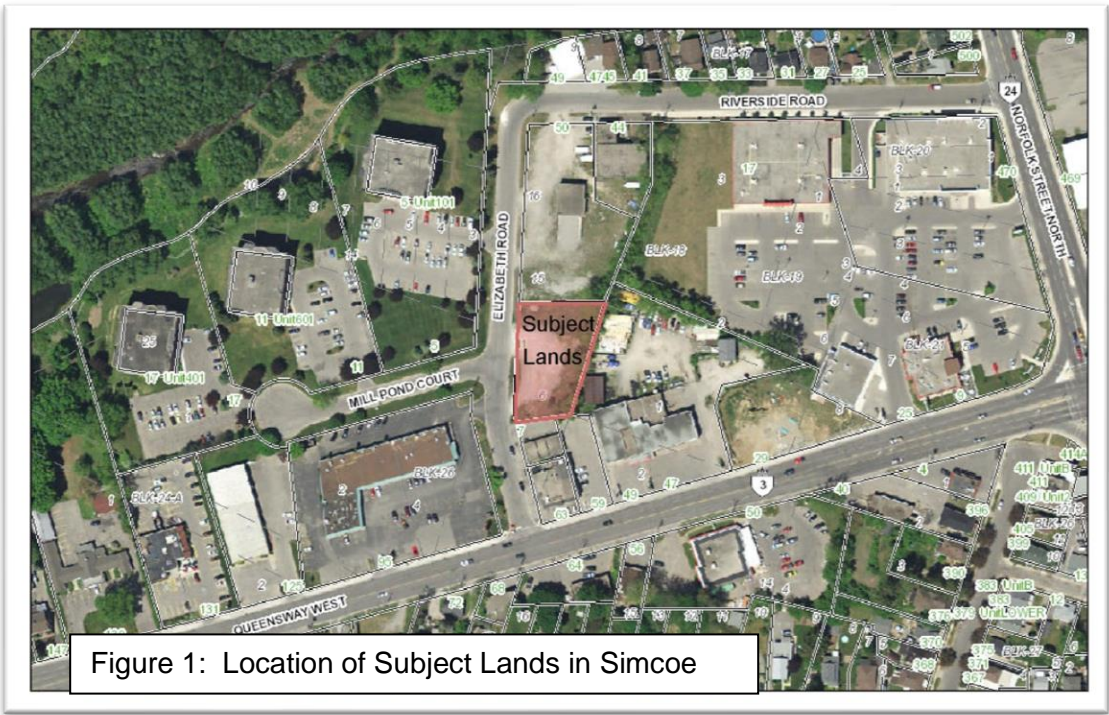
G. Douglas Vallee Limited has been retained by Denzo Group Inc. to make application for an Official Plan Amendment and Zoning By-law Amendment to permit 8 residential street townhouse dwelling units in Simcoe, Norfolk County. The lands are designated Commercial and Hazard Lands in accordance with the Official Plan. The lands are zoned Service Commercial Zone (CS). The purpose of this Planning Justification Report is to provide planning support to amend the Official Plan to remove the Hazard Lands designation and to rezone the subject lands from Service Commercial Zone (CS) to site specific Service Commercial Zone to permit street townhouses.

These applications:

- Comply with the Norfolk County Official Plan.
- Are consistent with the intent of the Provincial Policy Statement 2020.
- Add to the mix of housing types established in the area.
- Generate an acceptable level of traffic.
- Utilize existing infrastructure and do not create adverse affects on the County water and sanitary sewer systems.
- Represent good planning.

Site Description:

The lands are located at 11 Elizabeth Road in Simcoe, within the urban settlement boundary, north of Queensway West and south of Mill Pond Road. The topography represents a gradual slope of approximately 2 metres from the highest elevations from the northerly and southerly property lines towards the centre of the property.



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Surrounding and Existing Land Uses

- The lands abutting to the east are the Queensway Tire Service.
- To the south is the Hi-Way Restaurant.
- To the south-west is the Chamber commercial plaza.
- To the west and north-west is the Mill Pond Residential Apartment buildings.
- To the north is an existing building not currently being used. It is our understanding that these lands are being considered for a residential apartment building.
- The subject lands are currently vacant.

Background:

The proposed development lands appear to have been vacant with the exception for some open storage according to 1964 Aerial photography. Supporting information has been prepared and submitted with these applications including:

- Traffic Impact Study (prepared by RC Spencer Associates Inc. dated August 20, 2020)
- Geotechnical Investigation (prepared by A&A Environmental Consultants Inc. dated July 2, 2020)
- Modified Generic Risk Assessment Letter (prepared by A&A Environmental Consultants Inc. dated August 26, 2020)
- Functional Servicing Report (prepared by G. Douglas Vallee Limited dated February 1, 2021.)

Appendices to this report include the following:

- Appendix A - Draft Site Plan
- Appendix B – Provincial Policy Statement 2020 Policy Compliance
- Appendix C – Norfolk County Official Plan Policy Compliance
- Appendix D – Modified Generic Risk Assessment Letter

This application was submitted to include the information and material required under Section 34 (10.1) and 22 (4) of the *Planning Act* as part of a complete application.

Planning Review:

The proposed Official Plan and Zoning By-law amendments were prepared in light of several planning documents including the Provincial Policy Statement, the County Official Plan and Zoning By-law.

Provincial Policy Statement (2020)

The subject land is identified as being within a Settlement Area according to the Provincial Policy Statement, 2020 (PPS). The PPS provides policy direction for appropriate land use planning and development patterns to achieve healthy, liveable, and resilient communities that will protect resources

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of provincial interest, public health and safety, the quality of the natural and built environment, and will facilitate economic growth.

It is encouraged that planning authorities consider infilling, redevelopment and intensification in a compact form in areas that support active transportation and can take advantage of existing infrastructure.

The PPS requires that no adverse effects occur to human health or jeopardize human safety. The Modified Generic Risk Assessment (MGRA) letter prepared by A&A Environmental Consultants Inc. demonstrates that this company has over 25 years of experience in environmental consulting in Ontario.

“A&A has proposed and been retained to remediate the groundwater and complete a Modified Generic Risk Assessment (MGRA) for the soil in order to comply with O. Reg. 153/04 to file an Record of Site Condition with the Ministry of the Environment, Conservation, and Parks (MECP).”

The letter indicates that they have,

“used the approach of completing MGRA’s to obtain Record of Site Condition approval multiple times and are confident that this is the most cost effective and realistic approach for the site located at 11 Elizabeth Road.”

The letter further describes the stages to remediation, pre-submission to be approved by the Ministry, the development of a risk management plan,

A decision by Council to approve the Official Plan and Zoning By-law amendment will be consistent with PPS, 2020. Details describing the applicable Provincial policies and how the application is consistent with the PPS are included in Appendix C.

Norfolk County Official Plan

The lands are designated Commercial and Hazard Lands in accordance with the Official Plan. The removal of the Hazard Lands designation can be supported as the Long Point Region Conservation Authority has recently updated their flood line mapping which reveals that the lands are no longer in a floodplain. Furthermore, there are no natural heritage features on the site. The details of compliance with the Official Plan are demonstrated in Appendix D.

Several sections of the Official Plan apply when considering zoning by-law amendments and are discussed in detail under Appendix D. On a high level, details of the Official Plan policies are captured by the overarching Goals and Objectives. Section 2.2 of the Official Plan set out six “Goals and Objectives” to which the following five are applicable to the proposed residential development:

- Protecting and Enhancing the Natural Environment;
- Maintaining and Enhancing the Rural and Small-Town Character;
- Maintaining a High Quality of Life;
- Upgrading and Expanding Infrastructure; and
- A Well Governed, Well Planned and Sustainable County.

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Consulting Engineers, Architects & Planners

The proposed zoning by-law amendment achieves the 'Goals and Objectives' of the Official Plan as demonstrated in Appendix D.

The lands are currently designated Hazard Lands due to floodplain mapping. The Long Point Region Conservation Authority has since updated their floodplain mapping which reveals that the mapping no longer includes the subject property. As such, the amendment to the Official Plan to remove the Hazard designation can be supported.

The lands are contaminated. Prior to development of the townhouse units, the lands will be subject to Ministry requirements for achieving a 'Record of Site Condition (RSC)' to facilitate residential development. This will ensure the health and safety of the future residents of the townhouses.

The subject lands are within the 'adjacent lands' to a Provincially Significant Wetland, however, there is existing development between the subject lands and the Provincially Significant Wetland (PSW) located to the north. No impacts to the PSW are anticipated as a result of the residential development. Therefore, an Environmental Impact Study has not been requested by the County or Conservation Authority.

The proposed 8-unit street townhouse application will provide a compact form of additional housing choices and character to the existing mix of residential and commercial development in the area. This will result in an efficient use of land of high quality providing a variety of housing forms and a level of affordability. The lands are subject to site plan control to ensure County development standards are achieved.

The subject lands are vacant and underutilized. The lands are less than 2,000m² in area and are too small to facilitate a reasonably sized commercial building with associated parking, landscaping and snow storage. The lands are near a network of sidewalks and in accordance with Schedule I-3 "Active Transportation" of the Official Plan, is within 330 metres to a future candidate active transportation trail on Norfolk Street North, and within 1 kilometre of the Trans Canada Trail located on Davis Street West. The County Official Plan supports the development of vacant and underutilized lands that are compact and efficiently used and lends support to the location of the development being within close proximity to active transportation and potential active transportation networks as identified on Schedule "I".

Norfolk County's existing infrastructure will be reviewed by Norfolk County's consultant (RV Anderson Associates) in consideration of the connections proposed to service this development and in light of a Functional Servicing Report prepared by G. Douglas Vallee Limited. Extensions to bring the services along the frontage of the subject lands are required. The proposed infrastructure will be designed and constructed in accordance with Norfolk County's requirements, and will be subject to Norfolk County's approval through the site plan process.

The lands are near existing residential, commercial and institutional uses including the Simcoe Composite School, several places of worship, parks and the Post Office. Through the site plan process, appropriate landscape buffering can be considered to improve compatibility with the adjacent uses.

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Summary of Official Plan review

The proposed Official Plan and zoning by-law amendment meets the policies of the Official Plan. The Hazard land designation can be removed. The development concept represents an appropriate land use considering the size of the property, proximity to existing residential and commercial uses, availability of servicing, avoidance of Conservation Authority regulated floodplains, the provision of buffering and landscaping, and that mitigation and/or cleanup of the contamination on the site must be completed prior to residential development occurring on the lands. Accordingly, the proposed applications meet the intent and purpose of the Official Plan and represent good planning.

Norfolk County Comprehensive Zoning By-law 1-Z-2018

The lands are currently zoned Service Commercial Zone (CS). This zone permits single detached, semi-detached, duplex and apartment dwellings. It is proposed to add another residential dwelling unit type to the list of permitted uses in the form of a street townhouse to the permitted uses of the CS Zone. As such, it is proposed that the street townhouses be subject to the Urban Residential Type 4 Zone (R4) provisions with minor modifications.

Accessory residential dwelling units are permitted with street townhouses subject to section 3.2.3 of the zoning by-law.

The proposed development will comply with the R4 Zone provisions with minor requests for modifications as follows:

Zoning Table for Section 5.4	Urban Residential Type 4 Zone (R4)	Notes:
5.4.2 PERMITTED USES		
	Street Townhouse	Special Exception to permit Street Townhouses in the CS Zone
5.4.2 ZONE PROVISIONS FOR STREET TOWNHOUSE DWELLINGS		
Minimum Lot Area i) Interior	156m ²	Min 170m ²
Minimum Lot Frontage i) Interior	6.5m	Proposed Min Lot Frontage Interior: 6.1 metres
c) Front Yard Setback	6m	6m
d) Exterior Side Setback	6m	N/A
e) Interior Side Yard Setback	1.2m	2.4 metres proposed to improve buffering
f) Rear Yard Setback	7.5m	7.5m
g) Min separation between townhouse dwellings	2m	N/A

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h) Maximum Building Height	11m	TBD
4.9 Parking Space Requirements for Residential Uses		
Street Townhouse Dwelling	2 spaces per unit	1 space in garage, 1 space in driveway

Summary of Zoning By-law review

To improve compatibility, it is proposed to increase to the southerly interior side yard setback from 1.2 metres to 2.4 metres thereby increasing the buffer area between the subject lands and adjacent commercial property. In order to maximize the efficient use of lands and to reflect market trends in unit type and size, a site specific zone provision is proposed to reduce to the interior lot minimum lot frontage from 6.5 metres to 6 metres.

There are no impacts generated from reducing the interior and corner lot minimum frontages. The increase in the southerly side yard setback to Unit H shown in Figure 2 also increases the amenity space enjoyed by this unit. The development will meet all other zone provisions of the County's Zoning By-law.

The property is being designed to incorporate an increased rear yard amenity space. This has the effect of improving the buffer area from the adjacent commercial lands. Through the site plan process, buffering in the form of fencing will be considered.

The proposal to develop a 8 street townhouse units with the above noted site specific provisions facilitates a well-planned and designed development and represents an efficient use of lands that caters to various housing and social needs.

Planning Analysis:

The proposed Official Plan and Zoning By-law Amendment are in keeping with the general purpose and intent of the Provincial Policy Statement (PPS). The PPS contains policies that address human health and safety in respect to the soil contamination on this site. As such the following process will be completed by A&A Environmental to ensure the property can be developed for residential purposes.

A&A Environmental will prepare an Environmental Site Assessment (ESA) to support a Record of Site Condition (RSC) Application in accordance with Ontario Regulation 153/04 (revised December 2009 and implemented July 1st, 2011). They will complete the report and application form for submission to the Ministry of Environmental Conservation and Parks (MECP), that will subsequently provide a Letter of Acknowledgement that the RSC has been filed in the Environmental Site Registry. The letter of acknowledgement can be sent to the ministry, along with the RSC that will be made publicly available on the Environmental Site Registry website.

For this particular site A&A Environmental is completing a Phase II ESA with a Tier III Risk Assessment (RA) that will be support the RSC application, as the contamination on site in the soil and groundwater is not being fully remediated. The RA will provide stipulations for construction, design, and future monitoring, that will need to be carried out in accordance with the Environmental Protection Act.

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Through the RSC process a Certificate of Property Use (CPU) will be issued, outlining the safety measures necessary in order to mitigate the risk to both human and ecological health.

To ensure compliance in this regard, it is recommended that Norfolk County include a condition of Site Plan Approval that an occupancy permit will not be granted until the RSC and CPU is complete. Therefore, there is no risk to the future inhabitants of the 8-unit street townhouse development, the owner or the County.

The proposed Official Plan amendment is in keeping with the general purpose and intent of the Official Plan. The Hazard Lands overlay designation can be removed. A development permit is required by the Conservation Authority subject to O. Reg. 178/06 and will occur subsequent to the approval of a site plan application. This also ensures that the construction plans of the building meet Conservation Authority standards.

The proposed zoning by-law amendment to permit an 8-unit street townhouse development as a special exception in the CS Zone complies with the general intent and purpose of the Official Plan and Zoning By-law. The lands are quite small in size to accommodate a viable commercial use. The most appropriate use of lands is to permit residential development. The amendment to include an alternative form of residential development (street townhouses) is encouraged by the Official Plan and is compatible with surrounding land uses. The reduced frontage is appropriate to maximize the number of dwelling units without compromising usable amenity areas.

Through the site plan process, appropriate screening of the side and rear yard amenity spaces is proposed. This will improve privacy and compatibility with the surrounding uses in addition to the increased setback.

Traffic:

There are no traffic concerns identified as a result of this application. The traffic report prepared by RC Spencer indicates,

“....it can be concluded that the proposed townhome development on Elizabeth Road will have no perceivable effect on area traffic operations.”

Modified Generic Risk Assessment:

Initial soil testing revealed levels of contamination that fail MECP standards. A&A consulting was retained to explore the feasibility of rehabilitating the site to ensure that the property could be cleaned to an acceptable and safe standard to permit residential development. It was determined that remediating all the contamination would not allow the project to remain financially feasible. Therefore, A&A in their experience, proposed a hybrid solution of a partial remediation and a Modified Generic Risk Assessment. These two documents must be reviewed and approved by MECP in accordance with their standards. The MECP is also obligated to protect human health and safety as required in the PPS. Should this process fail, the site would not be developed. A&A has provided a letter to explain the process and their confidence at achieving MECP approval. Therefore, it is recommended that prior to Norfolk County granting site plan approval, a Record of Site Condition be obtained and submitted to the

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County to ensure the protection of human health and safety. A holding provision is not required as the development is subject to site plan control.

Conclusion:

The proposed Official Plan and Zoning By-law Amendment implement the policies of the PPS and the Norfolk County Official Plan. The supporting studies submitted with the application conclude that residential development can occur subject to receiving a Record of Site Condition from the Ministry of Environment, Conservation and Parks. The analysis of this application is supportive. Accordingly, it is our opinion that the applications:

- model good planning;
- avoid natural and human made hazards;
- ensure the protection of human health and safety;
- facilitate a development with the most appropriate land use; and
- ensures efficiency and compatibility with the surrounding land uses.

As such it is requested that Staff and Council consider a favourable recommendation and decision to amend the Official Plan and Zoning By-law to permit 8 street townhouses subject to site specific provisions.

Yours truly,



Eldon Darbyson, BES, MCIP, RPP
Director of Planning
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Consulting Engineers, Architects & Planners

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Offices in: Kirkland Lake North Bay Toronto Woodstock

August 26, 2020

To Whom it may concern:

Re: Modified Generic Risk Assessment to support an O. Reg. 153/04 Record of Site Condition for the Property Located at 11 Elizabeth Street, Simcoe, Ontario

A & A Environmental Consultants Inc. (A&A) has been retained to complete a Phase I & Phase II Environmental Site Assessment (ESA) in accordance to O. Reg. 153/04 to support a Record of Site Condition (RSC) application for the property located at 11 Elizabeth Street, Simcoe, Ontario. A&A previously conducted a Phase II ESA in 2019, along with Canadian Engineering Group also completing a supplemental Phase II ESA in 2019. Both of these reports identified petroleum hydrocarbon (PHC) and volatile organic compound (VOC) contamination in both the soil and groundwater. A&A has proposed and been retained to remediate the groundwater and complete a Modified Generic Risk Assessment (MGRA) for the soil in order to comply with O. Reg. 153/04 to file an RSC with the Ministry of the Environment, Conservation, and Parks (MECP).

A&A is a multi-disciplinary environmental consulting firm offering a wide variety of services; specializing in Phase I and Phase II Environmental Site Assessments, Record of Site Conditions, and Risk Assessments. A&A has more than 25 years of experience in environmental consulting within the province of Ontario. We have performed thousands of projects from small scale Phase I ESAs, to large scale risk assessments for "brownfields" sites. We have a number of senior experience staff who consult in a variety of disciplines and offer our clients expert knowledge in both the technical aspects of a project and the environmental regulations applicable.

A&A has used the approach of completing MGRAs to obtain RSC approval multiple times in the past, and is confident that this is the most cost effective and realistic approach for the site located at 11 Elizabeth Street, Simcoe, Ontario. This approach will be completed in three stages, that will span over the next few years.

The first stage will involve the installation of injections wells across the subject site. The injection wells will be installed into the shallow aquifer to treat the impacted groundwater. The permanent injection wells will provide frequent access to reach the groundwater for treatment during the remediation program. The injections wells will be used to inject the chemical oxidation and the bioremediation reagent. It is proposed that one injection event, lasting up to four weeks will occur before conducting groundwater testing. Subsequent injection programs may be required if the results of the follow up monitoring program after completing the first round of injection

show exceedances in the levels of PHC and VOCs. Injection rounds will continue until the results of analysis of samples collected from four consecutive quarterly sampling event are below the applicable site condition standards for PHCs and VOCs, in accordance with O. Reg. 153/04 subsection 40, paragraph 8, of Schedule E.

After the groundwater remediation program is complete A&A will be completing the MGRA to address the contaminants remaining in the soil. The MGRA will be completed in accordance with O. Reg. 153/04 (as amended) to ensure the structure and technical requirements are performed under a defensible process, while reducing the administrative and documentary requirements. The scope of work will include completing a data gap analysis, preparation of a pre-submission form to be sent and approved by the MECP, development of a risk management plan, preparation of the MGRA for the MECP, response to technical review comments of the MGRA from the MECP, and a review of the Certificate of Property Use (CPU) as proposed by the MECP.

Once the CPU has been issued by the MECP, A&A will file the RSC in accordance with the risk management measures laid out by the MECP. Due to the preliminary stage of the project at this time, the MECP has not been consulted on the risk management measures that will be implemented on site. Some risk management measures that have been commonly used for PHC and VOC contamination in the soil are:

- Engineered Barriers
- Vapour Intrusion Measures
- Site Specific Health and Safety Plans
- Soil Management Plans

Along with risk management measures for the subject site, A&A, in coordination with the MECP will determine the requirements for monitoring and maintenance of the risk management measures implemented on the subject site.

A&A is confident that the approach of completing the groundwater remediation and MGRA to obtain the RSC approval is the most cost effective and realistic option that will supported by the MECP. Please do not hesitate to contact us should you have any questions.

Sincerely,

A handwritten signature in dark ink, appearing to read 'Victoria Sowden', is written over a light blue horizontal line.

Victoria Sowden, HBSc. (Geo), Cert. Env. Mgt.
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