



**STRIK  
BALDINELLI  
MONIZ**

PLANNING • CIVIL • STRUCTURAL • MECHANICAL • ELECTRICAL

**PLANNING JUSTIFICATION REPORT (Revised)  
113 CLYDE STREET, FOREST (LAMBTON SHORES)**

**PROPOSED ZONING BYLAW AMENDMENT**

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**APPENDIX A. SITE PLAN**

## 1. Introduction

Strik, Baldinelli, Moniz Ltd. has been retained by Gold Leaf Properties to coordinate the preparation and submission of a Zoning Bylaw Amendment (ZBA) application to rezone the vacant lands to permit the development of 19 townhouse dwellings at 113 Clyde Street (the “Subject Land”).

This Planning Justification Report presents a land use planning policy review and analysis that provides a basis to support the ZBA application. The following analysis demonstrates that the proposed ZBA application would be in-keeping with the general intent of the Provincial and Municipal land use planning policies, would be suitable for the Subject Land, and would continue to be compatible with neighbouring land uses.

## 2. Site Description

The Subject Land is legally described as Lot 30, Concession 14, in the Municipality of Lambton Shores (Town of Forest) and is generally located south of Clyde Street and east of Argyle Street (**Figure 1**) with frontage provided along both Clyde Street and Argyle Street rights-of-way (ROW).



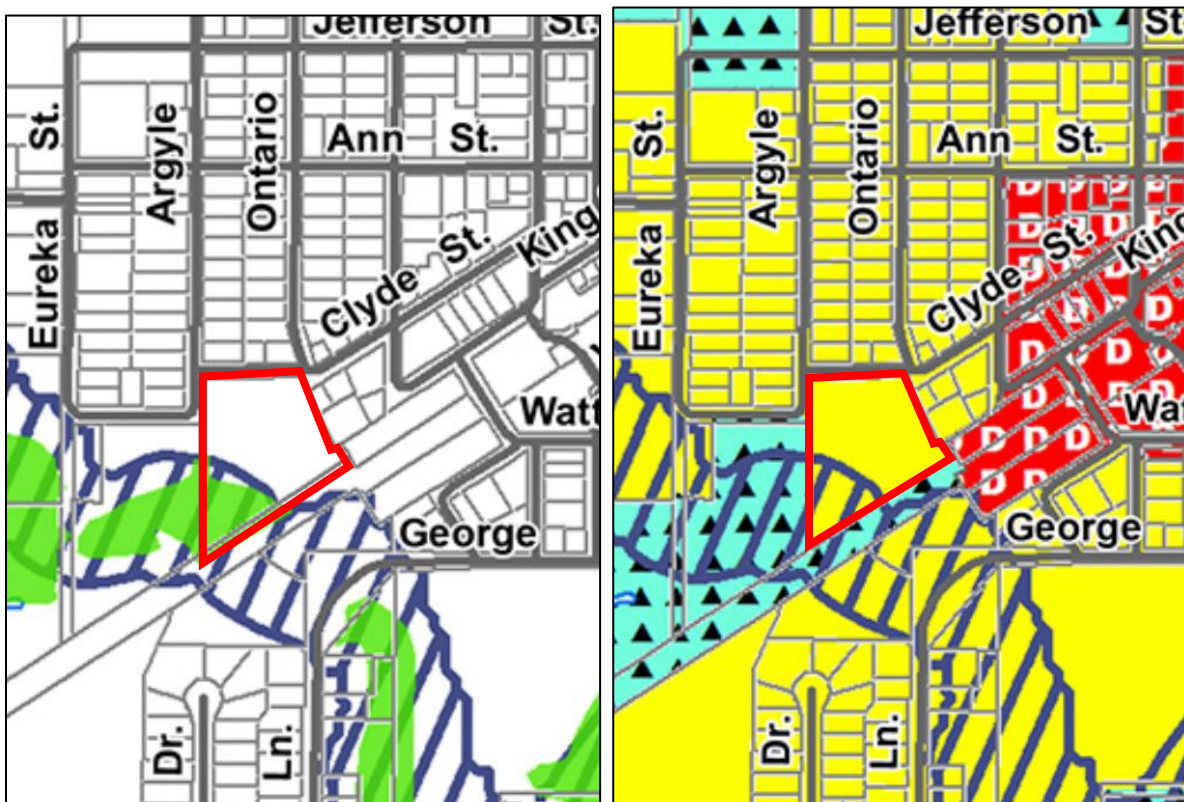
**Figure 1.** Subject Land, Aerial (Google).



The Subject Land is approximately 1.5 hectares in area and is presently vacant (see **Figure 2**). The southwest corner (approximately 0.26 hectares) contains a wooded area, identified as a significant woodlot in the Lambton Shores Official Plan (LSOP) and portion of the Hickory Creek ravine. The developable portion of the site, consisting of the tableland above the top of bank, has been unused and vacant since the 1970s and is designated as Residential within the LSOP (see **Figure 3**).

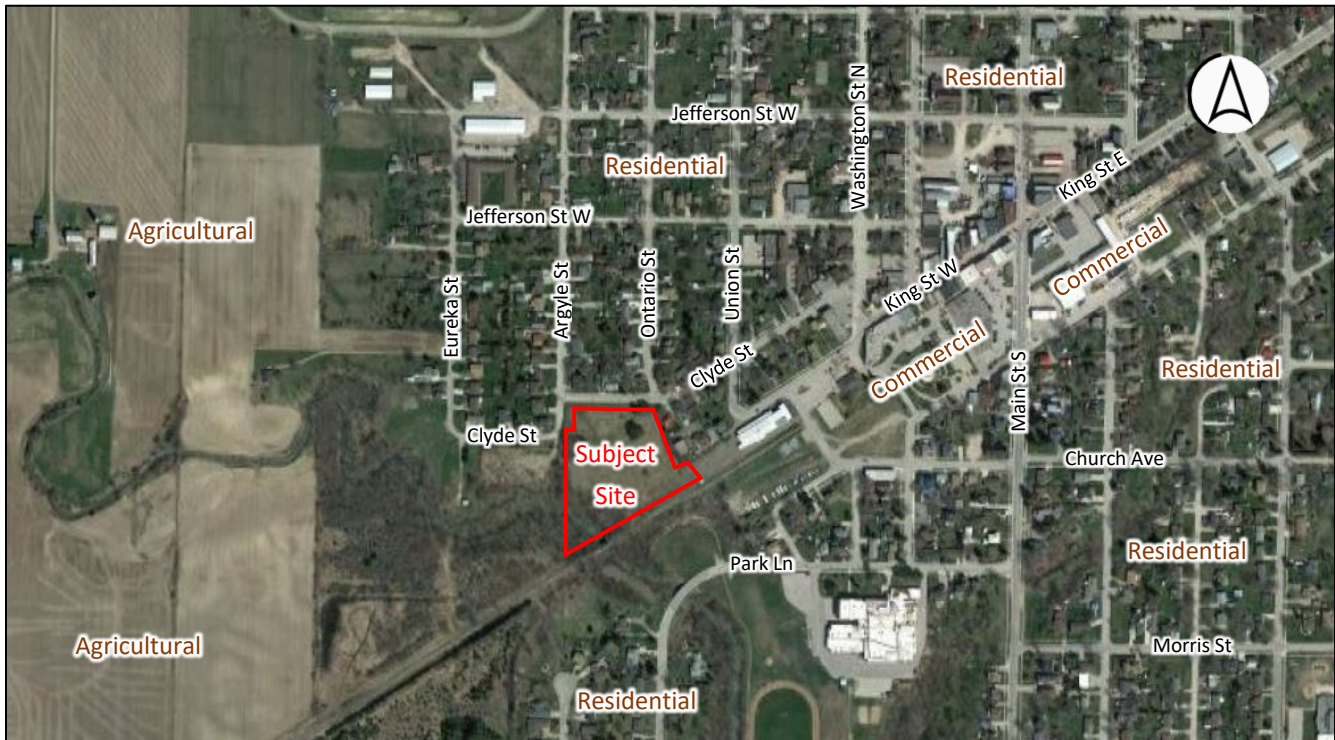


**Figure 2.** Street view of vacant parcel, looking southeast from the corner of Clyde and Argyle streets (Google).



**Figure 3.** Left: Lambton Shores Official Plan Schedule "A6" Natural Heritage (Forest); Right: Lambton Shores Official Plan Schedule "A6"

The Subject Land is primarily surrounded by single family homes to the north and northeast. A former railway corridor is located immediately southeast of the site and has been converted to a multi-use trail. Across the trail corridor are commercial uses to the east with access from King Street West (see **Figure 4**). To the west are vacant lands that have been disturbed and used for storage of soil and building materials, as well as the Hickory Creek and its ravine.



**Figure 4.** Surrounding Area (Google Maps).

### 3. Proposed Development

The proponent is seeking approval to develop the Subject Land with 19 townhouse residential units for senior living. Gold Leaf Properties specialize in providing senior housing for retirement living and currently own and operate several similar properties throughout Lambton and Middlesex Counties.

The proposed development would consist of four buildings to be one-storey in height and contain two bedrooms and two bath dwelling units. The four buildings would be “slab-on-grade” meaning basement or stairs are not proposed within units in keeping with the senior/retirement demographic.

Private water, sanitary and stormwater connections for the proposed development would be connected to existing municipal infrastructure within the Clyde and Argyle Street ROWs. Vehicle access to the Subject Land is proposed to be provided at the south intersection of Argyle and Clyde Streets. The internal private road would provide access to individual driveways and garages, as well as to the visitor

parking spaces. The internal road terminates with a hammer head turnaround for fire and garbage truck manoeuvrability.

A 30-metre buffer from the existing dripline of the southern treed area is proposed as the development setback for this site. This buffer is adequate to protect the natural heritage and ravine's slope within the southwest portion of the Subject Lands.

#### **4. Zoning Bylaw Amendment**

The Subject Land is presently dual-zoned Residential (R1-6) Zone and Environmental Protection – Hazard (EP-H) Zone (see **Figure 5**). The R1-6 Zone is located on the northern portion of the site, where the proposed development would be located, with road frontages along Clyde and Argyle Streets. The remainder of the Subject Lands, abutting the Hickory Creek ravine, are zoned EP-H Zone and would remain unchanged with this application.

The R1-6 Zone only allows single detached dwellings, home occupations and accessory buildings; therefore, a Zoning Bylaw Amendment would be required to permit the proposed development.

The proposed application would request an amendment from the R1-6 Zone to the Residential (R3) Zone to permit the proposed townhouse use. Table 1 below compares the R3 zone regulations to the proposed site plan included as Appendix A. As indicated, the proposed development would not conform with the required minimum Rear Yard Setback of 10m and a site-specific provision would be required to reduce the setback to 7m.

The reduced rear yard setback is required to provide for the proposed 7.0m setback. This reduced 7.0m setback is more consistent with modern urban residential developments where rear yard requirements are more commonly only 6.0m. The required 10m setback creates a rural feeling for new development and is intended to provide a larger separation distance between buildings. For the proposed development, the rear yard abuts a closed rail corridor that has been repurposed with a recreational trail. As such, there are no impacts to neighbouring residential lands. Proposed landscaping would provide separation and privacy from the recreational trail to the proposed building. A 7.0m rear yard would continue to provide outdoor amenity area, as well as providing an adequate separation distance from the recreational trail.

Table 1. Zoning Data Table – R3 Zone

Regulations	Required	Proposed	Complies (Y/N)
Minimum Lot Area (m <sup>2</sup> /du)	300	804.1	Y
Minimum Lot Frontage (m)	30	96.7	Y
Minimum Front Yard Setback (m)	6	7.6	Y
Minimum Interior Side Yard Setback (m)	3	5.6 (3.6 between buildings)	Y
Minimum Exterior Side Yard Setback (m)	6	7	Y
Minimum Rear Yard Setback (m)	10	<b>7.0</b>	<b>N</b>
Maximum Lot Coverage (%)	40	23.9	Y
Maximum Building Height (m)	11	<11	Y
Minimum Landscaped Open Space (%)	30	65.6	Y

#### 4.1. Proposed Text Amendment

The proposal would request a text amendment to Section 9.4 Special Provisions to add anew Exception, as follows:

##### Exception ## to the Residential – 3 Zone

- i) Notwithstanding any provisions of this section, the following provisions apply to lands Zoned Residential 3.## (R3-##) on Schedule “A” to this By-law:
- ii) For the purposes of Zoning, the Front Lot Line is deemed to be Clyde Street.
- iii) Minimum Rear Yard Setback 7.0metres



## 4.2. Proposed Amendment to Map

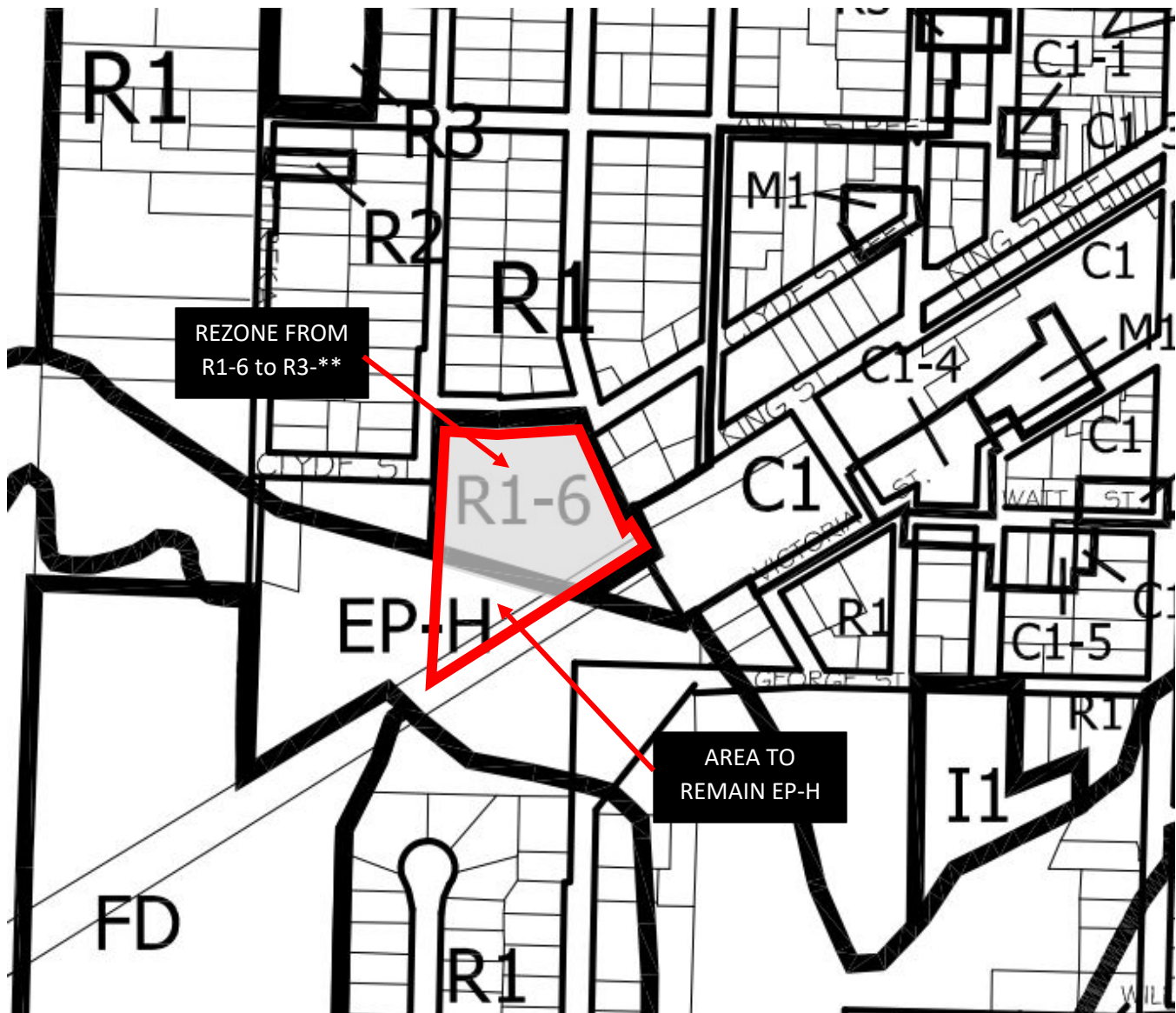


Figure 5. Proposed Zoning Bylaw Amendment to change Schedule "A-8" (Forest), Zoning By-Law No. 1 of 2003.

## 5. Supplemental Reports & Studies

### 5.1. Site Servicing Design Brief

SBM completed a Site Servicing Brief (March 14<sup>th</sup>, 2023) for the Subject Land and submitted under separate cover. This brief looked at Water Servicing, Sanitary Servicing, and Storm Servicing & Stormwater Management. Design requirements were based on the Municipality of Lambton Shore's standards and CLI requirements of 2022.

Water Servicing: there is an existing 150mm watermain in the Argyle St ROW, an existing 200mm watermain in the Clyde Street ROW and an existing 150mm watermain located on the subject site which



is connected to the 200mm watermain in the Clyde Street ROW. It was unclear if this watermain terminates within the site or if it passes through the site. The extents of this watermain are to be confirmed by the contractor prior to decommissioning and removal. A new 150mm water service is to connect to the 200mm Clyde Street watermain. The proposed water service can serve up to 359 fixture units, and sufficient capacity for the residential blocks would be provided (see original report for all calculations).

**Sanitary Servicing:** It was determined that there is an existing 200mm sanitary sewer located in the Clyde Street ROW and an existing 200mm sanitary sewer in the Argyle Street ROW. It is proposed to service the development with a new 200mm sanitary service connected to the 200mm sanitary sewer in the Clyde Street ROW. The study shows that the proposed sanitary sewer connection has a capacity that is sufficient to convey flows from the proposed development. Sanitary capacity analysis was not undertaken as SBM did not have access to sanitary design sheets for the existing sewer, however it should be noted that a 200mm sewer @ 5.9% can convey the anticipated demand generated by this development (see original report for all calculations).

**Storm Servicing & Stormwater Management:** There is an existing 300mm storm sewer located in the Argyle Street ROW. SBM did not undertake a storm sewer capacity analysis as there was no access to storm sewer design sheets. It is assumed that the existing 300mm storm sewer does not have adequate capacity to receive unrestricted post-development flows from the subject site, and it is proposed to restrict to pre-development conditions. Based on site topography, stormwater runoff is generally conveyed towards the Clyde Street and Argyle Street intersection, and a small area is directed towards the creek. Post-development major overland flows will be restricted to match pre-development levels for all outlets. SWM quantity controls are required for this development to attenuate post-development flows to pre-development levels for the 2-year through 100-year design storms. The outlets of the proposed storm structures are to be restricted (see original report for all calculations).

## **5.2. Traffic Impact Brief**

SBM completed a Traffic Impact Brief (March 3<sup>rd</sup>, 2023) to identify traffic impacts, or a lack thereof, associated with the proposed residential development and has been submitted under separate cover. A site visit occurred on February 22<sup>nd</sup>, 2023, confirming existing roadway conditions surrounding the site.

Site generated traffic volumes have been estimated based on trip rate information contained in the Institute of Transportation Engineers (ITE) *Trip Generation Manual 10<sup>th</sup> Edition* (ITE September 2017). Land use "Senior Adult Housing – Detached" was used. New trip generation was forecasted at 5 trips in the AM peak hours and 6 trips in the PM peak hours. It is expected most traffic would use Clyde Street

to travel to/from the east of the site, but some trips may occur to/from the north on Argyle Street. Volumes are quite minor with a maximum of 6 new trips per hour on either road, equivalent to 1 new vehicle every 10 minutes.

Site access design proposes to extend the east curb of Argyle Street southernly around the bend to Clyde Street, with dropped curb through the site access. A stop sign will be installed on the subject site access to ensure motorists exiting the site give priority to any traffic travelling on Argyle Street or Clyde Street through the bend. Overall, there were no concerns about the location, function, or operation of the proposed access.

The proposed 19-unit residential development is expected to generate only 5 new trips in the AM peak hour (2 in and 3 out) and 6 trips during the PM peak hour (4 in and 2 out), which will have no discernible effect on the operations of the surrounding road network.

The proposed site access is expected to operate at satisfactory levels. No intersection improvements to are required to accommodate the proposed development.

### **5.3. Environmental Impact Study**

Natural Resource Solutions Inc (NRSI) was retained to complete a scoped Environmental Impact Study (EIS), dated April 2023. The subject property contains woodlands and is directly adjacent to a valley land and creek regulated under O. Reg. 171/06 St. Clair Region Conservation Authority (SCRCA): Development, Interference with Wetlands and Alterations to Shorelines and Watercourses. The woodland area is identified as Significant Woodlot in Schedule A6 of the Municipality of Lambton Shores Official Plan (OP).

Existing background information was requested from the SCRCA and the Ontario Ministry of Natural Resources and Forestry (MNRF) Aylmer District. An assessment of provincially threatened and endangered Species at Risk (SAR) and provincial Species of Special Concern (SSC) suitable habitat presence within the study area was completed. A preliminary screening for the presence of Significant Wildlife Habitat (SWH) was also completed. No habitat for SAR was confirmed within the Subject Lands. Candidate habitat is considered to be present for 3 SAR bat species.

In total three (3) site visits were completed between June 2021 and February 2022. During completion of field work, all observations of mammals, butterflies, dragonflies, and damselflies were documented on all site visits.

Vegetation community delineation was completed using aerial photography and site investigation (conducted on June 25, 2021), and further refined on February 23 and September 15, 2022.

Standard Ecological Land Classification system for Southern Ontario was applied. All observed species of vascular flora were recorded during the field surveys. An informal inventory of isolated trees was also undertaken June 25, 2021, and September 15, 2022. This vegetation community is considered rare in Ontario.

The cultural meadow is young, tableland. It is mown regularly, and vegetation has been observed to be short. Several isolated trees are present.

In total 44 plant species were inventoried. A single SCC tree was observed, a Honey-locust, in the hedgerow that runs north-south along the western property boundary. This tree is located approximately 10m away from the proposed grading limit, as a result the tree will be retained and will not be affected as a result of the proposed development.

A single early-morning breeding bird survey was carried out following the Ontario Breeding Bird Atlas protocol. 18 bird species were documented within the subject property. 8 were recorded with possible breeding evidence, 3 were considered probable and 1 species was confirmed to be breeding within the subject property. No SAR or SCC birds were observed during site investigations.

Reptile and Amphibian area searches were conducted during the June 25 and August 4, 2021, site visits. Only 1 species, American Toad, was observed from the subject property.

Evidence of 2 mammal species was observed, none are considered federally or provincially significant.

One Butterfly species, Cabbage White, was incidentally recorded. This species is non-native. Monarch species was identified as having potential for occurrence; however, none were observed and on-site suitable patches of milkweed were not found. A single odonate species, Ebony Jewelwing, was incidentally recorded.

An assessment of aquatic habitat within Hickory Creek was completed on August 4, 2021, in accordance with the Ontario Stream Assessment Protocol. No formal fish community surveys were undertaken by NRSI, as none of the 14 documented species historically found in Hickory Creek are considered significant.

Generally, a 10-metre buffer is considered sufficient for the protection of stream valleys. The proposed 30 metre buffer between the proposed development and the Significant Woodland dripline was



determined to be sufficient for mitigating potential negative effects of construction and development. Further proposed restoration and enhanced plantings within the buffer would enhance the natural features and natural heritage system as a whole.

#### **5.4. Geotechnical Investigation and Slope Stability Study**

ASF was retained to complete a Geotechnical Investigation to explore the subsurface soil and groundwater conditions at the site. This study is dated June 2<sup>nd</sup>, 2022, and is submitted under separate cover.

Historically, a canning plant was located on the eastern portion of the site and had been demolished due to fire c. 1974. Building debris and buried old building foundations were excavated and removed from the site. The area was subsequently backfilled and regraded with imported fill materials.

The Geotechnical investigation included 13 boreholes (7 of which were equipped with monitoring wells to permit further monitoring of the groundwater level and sampling) and the excavation of 6 test pits between October 25 and November 2, 2021.

The Subject Land mainly contains surficial topsoil / topsoil fill and fill overlying native cohesive clayey silt / clayey silt till deposits. Groundwater was encountered at various depths within the more permeable fill soils, perched above the less permeable cohesive clayey silt deposits. The stabilized groundwater level at the site likely drops across the site to the creek at the southwest portion of the site.

It was determined that the proposed bungalow unit buildings with slab on grade construction is considered feasible. Preparation should include stripping of any surficial topsoil/topsoil fill, and other deleterious material followed by proof rolling of the exposed subgrade with a heavy roller to ensure uniform adequate support. Engineered Fill may be required where excessively loose, soft or compressible materials are revealed to avoid continued settling.

A supplemental slope stability investigation, dated May 10, 2022, was completed by Sirati & Partners Consultants Ltd. (Sirati), to assess the stability of the existing slopes and identify the Long-Term Stable Top of Slope (LTSTS). This report is contained within the ASF Geotechnical report.

A site visit occurred on December 10, 2021. The existing top of slope at the embankment is approximately 10m in height and vegetated with mature trees. Four slope profiles were prepared and used in the analysis of the slope stability and determine a satisfactory safety slope factor of 1.5. There was evidence of toe erosion at the creek's edge, as a result a toe erosion allowance of 5 metres was added to the Long-Term Stable Slope.

In order to prevent soil erosion at the slope surface, the vegetation and trees on the existing slopes must be preserved and surface water directed away from the slope or carried down the slope in suitable conduits; snow must not be piled near the top of slope; and additional fill cannot be placed near the top of slope.

Environmental Site Assessment JFM Environmental Consultants were retained to complete an Environmental Site Assessment (ESA) Phase One and supplemental Phase Two studies. These studies dated April 13<sup>th</sup>, 2023, and April 4<sup>th</sup>, 2023, respectively, and are submitted under separate cover.

The findings of the phase one study identified potentially contaminating activities at the Site and surrounding area representing areas of potential environmental concern for the site. A Phase Two study was recommended to assess the environmental condition of the soil and/or groundwater.

The findings of the phase two ESA study focused on the area of the site considered for development, encompassing the lands north of the 30m dripline setback and stable top of slope offset. This portion of the site is designated and zoned for residential uses, therefore evaluated against the residential requirements of the Environmental Protection Act (EPA). This portion of the site has been remediated such that it meets the applicable soil conditions (Table 3) standards of the EPA.

A Record of Site Condition (RSC) may be submitted based on the results of the Phase 2 Supplemental Remediation for the residential zoned portion of the Subject Lands. However, an RSC cannot be submitted for the vegetated Natural Heritage area unless additional assessment can be completed. Refer to original reports for details and technical analysis.

## **6. Land Use Policy Analysis**

### **6.1. Provincial Policy Statement**

ZBA applications must be consistent with the land use policy framework of the PPS. The PPS policies that apply to the proposal are as follows.

#### Part IV: Vision for Ontario's Land Use Planning System

It is equally important to protect the overall health and safety of the population, including preparing for the impacts of a changing climate. The Provincial Policy Statement directs development away from areas of natural and human-made hazards. This preventative approach supports provincial and municipal financial well-being over the long term, protects public health and safety, and minimizes cost, risk and social disruption.

## 1.2 Coordination

1.2.1 A coordinated, integrated and comprehensive approach should be used when dealing with planning matters within municipalities, across lower, single and/or upper-tier municipal boundaries, and with other orders of government, agencies and boards including:

f) natural and human-made hazards;

***RESPONSE: The proposed development respects the natural hazards of the property and provides development buffers that exceed the EIS recommendations. Human-made hazards also have potential on the subject property, due to historical land use. An ESA (Phase I and II) has been completed where all proposed development is located. This study has found that there are no negative impacts on the proposed development.***

## 1.4 Housing

1.4.1 To provide for an appropriate range and mix of housing options and densities required to meet projected requirements of current and future residents of the regional market area.

a) maintain at all times the ability to accommodate residential growth through residential intensification and redevelopment

1.4.3 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 area by:

b) permitting and facilitating:

1. all housing options required to meet the social, health, economic and well-being requirements of current and future residents, including special needs requirements and needs arising from demographic changes and employment opportunities; and

2. all types of residential intensification, including additional residential units, and redevelopment in accordance with policy 1.1.3.3;

c) directing the development of new housing towards locations where appropriate levels of infrastructure and public service facilities are or will be available to support current and projected needs;

d) promoting densities for new housing which efficiently use land, resources, infrastructure and public service facilities, and support the use of active transportation and transit in areas where it exists or is to be developed;



*f) establishing development standards for residential intensification, redevelopment and new residential development which minimize the cost of housing and facilitate compact form, while maintaining appropriate levels of public health and safety.*

**RESPONSE: In our opinion, the proposed rezoning would be consistent with the policies because:**

***i) The proposed development diversifies the existing housing options in a compact form through residential intensification.***

***ii) As required by policy 1.4.3, housing options should meet the needs of current and future residents, including “special needs requirements and needs arising from demographic changes”. The townhouse development supports this policy by targeted towards seniors, including those who may be looking to downsize from current single detached houses but who want to continue to reside in their neighbourhood.***

***iii) There are existing municipal services (water and sewage) available and the proposed development can connect to them.***

***iv) The proposed development will efficiently use the vacant land and available infrastructure.***

## *1.5 Public Spaces, Recreation, Parks, Trails and Open Space*

### *1.5.1 Healthy, active communities should be promoted by:*

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

*b) planning and providing for a full range and equitable distribution of publicly accessible built and natural settings for recreation, including facilities, parklands, public spaces, open space areas, trails and linkages, and, where practical, water-based resources;*

*d) recognizing provincial parks, conservation reserves, and other protected areas, and minimizing negative impacts on these areas.*

**RESPONSE: The proposed rezoning would be consistent with these policies because a main component is to provide interior pedestrian connections to the Forest Trail old railway line that traverses the southern boundary of the subject lands.**

## *1.6.6 Sewage, Water and Stormwater*

### *1.6.6.1 Planning for sewage and water services shall:*

*a) accommodate forecasted growth in a manner that promotes the efficient use and optimization of existing:*

*1. municipal sewage services and municipal water services;*

*1.6.6.2 Municipal sewage services and municipal water services are the preferred form of servicing for settlement areas to support protection of the environment and minimize potential risks to human health and safety. Within settlement areas with existing municipal sewage services and municipal water services, intensification and redevelopment shall be promoted wherever feasible to optimize the use of the services.*

**RESPONSE: The proposed development would utilize existing municipal services along Clyde Street.**

## *2.1 Natural Heritage*

*2.1.1 Natural features and areas shall be protected for the long term.*

*2.1.2 The diversity and connectivity of natural features in an area, and the long-term ecological function and biodiversity of natural heritage systems, should be maintained, restored or, where possible, improved, recognizing linkages between and among natural heritage features and areas, surface water features and groundwater features.*

**RESPONSE: The proposed development and requested rezoning would continue to protect the wooded area on the Subject Land, which would keep its current Environmental Protection Hazard Zone. Furthermore, a 30-metre development buffer has been used to ensure no adverse effects on the wooded area occur.**

## 3.0 Protecting Public Health and Safety

Ontario's long-term prosperity, environmental health and social well-being depend on reducing the potential for public cost or risk to Ontario's residents from natural or human-made hazards.

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.

### 3.1 Natural Hazards

3.1.1 Development shall generally be directed, in accordance with guidance developed by the Province (as amended from time to time), to areas outside of:

b) hazardous lands adjacent to river, stream and small inland lake systems which are impacted by flooding hazards and/or erosion hazards; and

c) hazardous sites.

3.1.5 Development shall not be permitted to locate in hazardous lands and hazardous sites where the use is:

- a) an institutional use including hospitals, long-term care homes, retirement homes, pre-schools, school nurseries, day cares and schools;
- b) an essential emergency service such as that provided by fire, police and ambulance stations and electrical substations; or
- c) uses associated with the disposal, manufacture, treatment or storage of hazardous substances.

3.1.7 Further to policy 3.1.6, and except as prohibited in policies 3.1.2 and 3.1.5, development and site alteration may be permitted in those portions of hazardous lands and hazardous sites where the effects and risk to public safety are minor, could be mitigated in accordance with provincial standards, and where all of the following are demonstrated and achieved:

- a) development and site alteration is carried out in accordance with floodproofing standards, protection works standards, and access standards;
- b) vehicles and people have a way of safely entering and exiting the area during times of flooding, erosion and other emergencies;
- c) new hazards are not created and existing hazards are not aggravated; and
- d) no adverse environmental impacts will result.

## 3.2 Human-Made Hazards

3.2.1 Development on, abutting or adjacent to lands affected by mine hazards; oil, gas and salt hazards; or former mineral mining operations, mineral aggregate operations or petroleum resource operations may be permitted only if rehabilitation or other measures to address and mitigate known or suspected hazards are under way or have been completed.

3.2.2 Sites with contaminants in land or water shall be assessed and remediated as necessary prior to any activity on the site associated with the proposed use such that there will be no adverse effects.

3.2.3 Planning authorities should support, where feasible, on-site and local re-use of excess soil through planning and development approvals while protecting human health and the environment.



**RESPONSE: The proposed development is consistent with the Natural and Human-Made Hazards policies identified above. Development is proposed outside of the Natural and Human-Made Hazard areas, will have no adverse environmental impacts, and will not aggravate hazards or create new hazards. The proposed use of the development area doesn't include sensitive uses (Schools, Preschools, Hospital, etc...).**

It is our opinion that the proposed Rezoning application would be consistent with the policies of the Provincial Policy Statement.

## **6.2. Lambton County Official Plan**

A review of the relevant land use policy documents indicate that the Lambton County Official Plan designates the subject lands within the “Urban Centre”, per Map 1 “Growth Strategy”.

### *2.3 Housing*

*Goals: To ensure an active, healthy housing market that is able to provide a range of quality housing suitable to the needs and desires of the residents of Lambton County.*

*2.3.2 The County encourages the construction of an adequate supply of dwelling units to meet the needs of the local housing market. This is expected to average 449 dwelling units per year in the beginning portion of the planning period.*

*2.3.4 Local municipal official plans will include provisions that allow for a range and mix of housing forms, types, sizes and tenures to meet local and County housing needs.*

*2.3.6 Proponents of residential development are encouraged to provide a broad mix and range of lot sizes, dwelling types, and tenure choices suited to the needs and desires of the residents of the community.*

*2.3.8 The County and local municipalities will consider the demographics and projected demographics of the local population as part of any application to designate, zone, or subdivide lands for residential purposes.*

*2.3.12 Local municipalities are encouraged to provide opportunities for the intensification of housing. Techniques may include permitting second units in existing dwellings or detached accessory buildings, encouraging the creation of infill lots, directing housing to vacant lots in existing residential areas, the conversion of existing buildings for residential purposes, redevelopment of sites not previously used or underutilized for residential purposes, and higher densities in new development. Rooming, boarding and lodging houses may be permitted where appropriate. It is a goal of this Plan that 20% of the new housing units provided in the County be provided through intensification and redevelopment.*

***RESPONSE: The proposed application would assist with the development target of 449 dwelling units per year with the addition of 19 rental dwelling units in the County. This proposal also works to provide a mix in housing form and tenures while planning for a projected aging demographic. The proposal is an intensification of housing through infill of an underutilized vacant lot within an established residential area.***

### *7.1 Road Network*

*Goal: To ensure the continued provision of a safe, efficient, and high-quality network of roads that primarily meet the needs of traffic with origins and destinations within the County.*

*7.1.2 Where appropriate, road improvement plans will be supported by traffic studies, and undertaken in concert with land use planning efforts.*

*7.1.3 The County encourages the use of landscaping and other techniques that minimize the visual and noise impacts from roadways on adjacent residential development or in the immediate vicinity of existing or proposed arterial roads.*

*7.3.6 The County encourages an interconnected trail system providing links between residential, commercial, recreational, and employment lands, schools and other institutional uses, and the natural heritage system.*

### *7.10 Water and Sanitary and Storm Sewers*

*Goal: To encourage the development of Centres and Settlements on full urban services, to minimize development on private services, and to encourage expansions and improvements to distribution, collection, and treatment systems when required to accommodate new growth or to alleviate environmental concerns.*

*7.10.1 Full municipal water and sewage services, including communal sewage treatment systems, is the preferred method for servicing except as provided in section 3.2, the Growth Strategy. Consistent with the County's Development and Growth Strategy, the majority of growth will occur on full municipal services. Use of private individual water and/or septic systems is permitted where full municipal services are not practical or feasible in which case very limited development may occur on municipal water and private septic systems provided site conditions are suitable for the long term provision of such services with no negative impacts, and only used for infilling, minor rounding out of existing development; or to address failed individual on-site sewage services in existing development, provided such development is consistent with natural heritage goals, provided vulnerable surface and ground water areas are protected and where possible restored and/or improved. The use of private septic systems for development within settlements shall only be permitted if the development is serviced by municipal water services and only in compliance with the conditions contained in Section 3.2.6.*

**RESPONSE: The proposed development would utilize municipal services along Clyde Street and make roadway improvements to the Clyde Street and Argyle Road right of ways through curbing upgrades and road widening.**

### *8.1 Natural Heritage System*

*Goals: To identify, map, protect, restore, and improve natural heritage systems within the County. To promote and protect the biodiversity of species found within the ecosystems in the County. To promote education and stewardship of the natural heritage system. To ensure development results in no negative impacts to significant natural features or their ecological functions.*

*8.1.2 Group A and B natural heritage features identified on Map 2 or otherwise identified by the Natural Heritage policies of Chapter 8 are to be considered as overlays to the designations on Map 1. Corridors and core areas on Map 2 are provided for information only and are not considered land designations. Despite the designation lands may have on Map 1 and the Growth Strategy, development of lands will be generally directed away from Group A and B features and/or subject to such evaluations and conditions as required by the Natural Heritage policies (see policy 8.8.3.8 also).*

### *8.4 Woodlands*

*Goal: To protect the remaining forest cover of the County and encourage its rehabilitation and expansion through management and stewardship initiatives in conjunction with the Natural Heritage System, with specific focus on strengthening Primary Corridors and linkages.*

*8.4.4 Development will generally be directed outside of the dripline of significant woodlands and adjacent lands unless it has been demonstrated through an Environmental Impact Study that there will be no negative impacts on the natural features and their ecological functions.*

### *8.7 Natural Hazards*

*Goal: To prevent property damage and potential loss of life by preventing new development from encroaching into areas subject to natural hazards including areas prone to flooding, dynamic beaches, erosion, unstable lands and groundwater recharge areas.*

*8.7.11 New development will be required to locate outside of areas of long-term erosion and instability unless the nature of the problem has been recognized, remediation techniques employed, and the hazard addressed. The proponent is responsible for the completion of such investigations. The methods for addressing the hazards cannot create new or aggravate existing hazards or result in adverse environmental impacts.*

*8.7.13 Development setbacks are encouraged as the preferred method for protecting new development in natural hazard areas as opposed to relying on structural or nonstructural protection measures that require maintenance and upgrading over time.*



**RESPONSE: The proposed rezoning continues to protect the Environmental Protection – Hazard lands. Appropriate setback distances have been established and maintained.**

#### 10.4 General Severance Policies

10.4.1 Lots created by consent will meet the following requirements:

e) no consent will be granted for land that has a natural or human-made hazard;

**RESPONSE: The subject property is not subject to a consent application.**

It is our opinion that the proposed ZBA to rezone the residential lands to facilitate the proposed townhouse units is in conformity with the Lambton County Official Plan.

### 6.3. Lambton Shores Official Plan

*The Lambton Shores Official Plan has placed the “Residential”, and “General Regulated Area” land use designations, per Official Plan Schedule “A6” (Forest) on the subject lands. Official Plan Schedule “A6” Natural Heritage (Forest) designates a portion of the subject lands “General Regulation Area” and “Significant Woodlot (LCNHS)”.*

#### 2. PLANNING FRAMEWORK

##### 2.2 Goals and Objectives

*To protect and wisely use and manage Lambton Shores’ agricultural, natural and cultural heritage resources, for the long term. These resources will be used and managed in order to protect essential ecological processes and public health and safety and minimize environmental and social impacts. Development will be directed away from areas of natural and human-made hazards.*

**RESPONSE: The proposed development respects the natural hazards of the property and provides development buffers that exceed the EIS recommendations. Human-made hazards also have potential on the subject property, due to historical land use. An ESA (Phase I and II) has been completed where all proposed development is located. This study has found that there are no negative impacts on the proposed development.**

#### 3. NATURAL HERITAGE SYSTEM 1

##### 3.1 Goals and Objectives

*Consistent with Provincial policies, a key goal of the Official Plan is the preservation, protection and enhancement of Lambton Shores many amazing natural heritage areas.*

*Significant development pressures along the lakeshore, potentially threaten Lambton Shores many unique features.*

*To achieve this goal, the Official Plan is based on the following objectives:*

*To prohibit development and site alteration: in woodlands (see definition, Section 2.5), valleylands (see definition, Section 2.5), wildlife habitat (see definition, Section 2.5) wetlands (see definition, Section 2.5) and areas of natural and scientific interest (ANSI) (see definition, Section 2.5), unless it can be demonstrated that no negative impacts (see definition, Section 2.5) will occur to features or ecological functions.*

#### *3.4.2.4 Significant Woodlands*

*Part of the Huron Fringe Forest, Lambton Shores was historically heavily forested. By the mid to late 1800's, Lambton Shores was basically deforested, as large tracts were cleared for the lumber industry and agriculture. The location and size of remaining woodlots reflect land survey and historic settlement patterns.*

*Woodlots are a viable component of farming operations since they enhance soil conservation, provide wind protection, help retain soil moisture and support locally based wood processing industries. Woodlots are also a renewable resource.*

*Significant woodlands (see definitions, Section 2.5) are shown on Schedules A and Schedules A1 to A8 to the Official Plan. Significant woodlands are located in Primary or Secondary natural heritage corridors and are:*

*Ecologically important in terms of species composition, age of trees and stand history.*

*Functionally important due to their location in a Primary or Secondary Corridor and contribution to the landscape, in terms of location, size and the amount of forest cover in the Municipality. Woodlots larger than 2 hectares in size with interior forest are particularly valuable as wildlife habitat.*

*Economically important due to quality, species composition or past management history.*

*Development and site alteration is not permitted in a significant woodland unless it can be demonstrated that there will be not negative impacts on the natural features or their ecological functions. An Environmental Impact Study (EIS) will be required for any development, site alteration, etc. within 120 metres of a Significant Woodland as outlined in Section 3.5 of the Official Plan. (Natural Heritage Reference Manual for Natural Heritage Policies of the Provincial Policy Statement, 2005 Second Edition)*

***RESPONSE: The proposed rezoning continues to protect the Environmental Protection – Hazard lands. Appropriate setback distances have been established and maintained as a part of the application process. An EIS has been completed (included in the submission package) and has determined there are no expected impacts on the Natural features.***

### 3.3.1 Hazard

#### 3.3.1.1 Permitted Uses

*New development and site alteration are generally not permitted in “Hazard” areas. Buildings and structures are generally not permitted, except for those required for flood or erosion control, conservation and passive recreational purposes. Development shall not adversely affect the ability of the floodplain to pass floodwaters and new development is not permitted in the floodway or floodplain where a floodway has not been established on a watershed basis.*

#### 3.3.1.2 Policies

*New development is not allowed in the long-term erosion hazard (see definition, Section 2.5) standard which represents the 100-year erosion rate (see definition of erosion hazard, Section 2.5), a stable slope allowance and an erosion allowance. The limits of the hazard are determined in consultation with the Conservation Authorities. Structural and non-structural measures are not permitted to allow new development to encroach within the hazard limits; setbacks are required for new development including lot limit setbacks.*

***RESPONSE: The proposed development respects the hazards of the property. There will be no adverse effects on the floodplain and floodway to pass floodwaters. Per the submitted Site Plan, a long-term stable slope 5m offset has been established (by Sirati & Partners). This area is within the proposed naturalization area and will be seeded and planted accordingly. Development is not proposed within this area.***

### 3.5 Ecological Buffers, Development Approvals Process and Environmental Impact Studies (EIS)

*The key tools for preserving Lambton Shores’ natural heritage system are the land use designations and policies included in the Official Plan and the approvals process for development and site alteration permitted by the Plan. Critical elements of the process are:*

- *Implementation of Buffer Zones.*
- *Preparation of Environmental Impact Studies (EIS), as outlined in Section 3.5.*
- *Implementation of the ecological buffer zones required by Section 3.5.*
- *Preparation of Official Plan Reviews and amendments, and Zoning By-laws. Land dedications of ESAs and other natural heritage features, as outlined in Section 8. Cash-in-lieu of parkland dedications may also go toward a fund to purchase or protect ESAs.*
- *Planning, design and development of Plans of Subdivision/Condominium, consents, minor variances and Site Plans.*
- *Preparation of Tree and Natural Vegetation Preservation Plans to identify and preserve trees and natural vegetation. Preservation of trees and natural vegetation is preferred over removal*

*and replacement. Any trees removed for development, site alteration, infrastructure and public service facilities must be replaced at twice the area removed.*

### *3.5.1 Ecological Buffer Zones*

*Designed to protect natural heritage system features (see definition, Section 2.5) and their ecological functions, an ecological buffer zone is a strip of land and vegetation between development sites and these features. Buffers act as “filters” to minimize impacts from adjacent development (such as sediment, fertilizers and pesticides), provide wildlife corridors and linkages, function as windbreaks and contribute to habitat species and diversity.*

### *3.5.2 Environmental Impact Studies (EIS)*

*Environmental Impact Studies are required for all development and site alteration in a significant natural heritage feature or within a certain distance, being the buffer zone (adjacent lands), of significant natural heritage features as shown on TABLE 3. Development and site alteration are defined in Section 2.5 of the Official Plan.*

***RESPONSE: As part of a complete application, an EIS study and ESA Phase I & II studies have all been completed. These studies have assisted in the creation of the development limits and proposed naturalization areas. Development of the site based upon the established limits and setbacks, would allow for the existing Natural heritage system to be preserved.***

## *5. RESIDENTIAL*

### *5.2 Residential*

*The policies included in this section apply to lands designated “Residential”. Generally new lot creation and residential development is directed to lands where full municipal services are provided. See Section 13.3 for Water and Sanitary Servicing Policies.*

### *5.3 Permitted Uses and Densities*

*Future residential development in Lambton Shores will consist of:*

*Medium density development, consisting of townhouses, cluster houses and lowrise multiple dwellings (apartment buildings), is permitted at the following densities:*

*1. not exceeding 40 units per hectare gross (16 units per acre gross) for townhouses and cluster houses; and*

### *5.4 Land Use and Design Policies*

*The following policies apply to “Residential” areas:*

*All new large scale development will be on municipal sewage services (see definition, Section 2.5) and municipal water services (see definition, Section 2.5). However, Council may consider the use of private communal services subject to Section 13.3.*

*New development will consist of extensions to the existing built-up area to encourage compact development and minimize infrastructure extensions.*

*New development/uses will be compatible with the scale, density and character of existing surrounding land uses.*

*Preference will be given to residential intensification, infilling and redevelopment of under-utilized lands and obsolete uses over the development of “greenfields”. Intensification, etc. must not adversely affect surrounding uses.*

*All new development (see definition, Section 2.5) must comply with the community’s Community and Site Design policies and are subject to the Plan’s policies for Subdivision and Site Plan Control, as applicable.*

*New development adjacent to Environmentally Sensitive Areas (ESAs) requires an Environmental Impact Statement (EIS), based on the potential presence of Species at Risk (SAR) species. Section 3.5 includes the Official Plan’s requirements for the preparation of an EIS.*

*Permission will be required from the conservation authority for new development and infilling on lands subject to the Authority’s flood and fill regulations.*

***RESPONSE: The proposed residential development would infill a vacant underutilized site with a medium density (40 uph) residential development with 19 townhouse units. The site is located proximal to a natural heritage feature and has completed an EIS (refer to section 5.3).***

#### **8.3.2.1 Forest**

*Forest’s major parks, open space and recreational facilities have allowed it to earn its nick-name “Town in the Park”. Centred on the valley lands of Hickory Creek, major facilities include Coultis/MacCrae Park, the Fairgrounds, a golf course and the Esli G. Dodge Conservation Area. The Conservation Area includes an amphitheatre which can hold up to 10,000 people and is home to the Forest Excelsior Band, the oldest continuing band in Canada. Additional policies applying specifically to Forest include:*

*The main objective in Forest is to make the open space system more continuous with multi-use trails to link commercial areas and other community facilities and provide corridor habitat connections. This is a major focus of the 2008 Community Design Plan for Forest, as outlined in Section 15.4 of the Official Plan.*

*Lambton Shores may continue efforts to secure portions of the former CN Rail line traversing the Municipality from private owners in an effort to extend both the Lambton Shores and the County of Lambton trail system across the Municipality.*

*Markers and switches associated with the former CN Rail line will be incorporated into the trail system as important reminders of Forest's past as a railway town.*

***RESPONSE: The proposed development is situated adjacent to the Hickory Creek and its ravine. The proposed development would be setback from the natural heritage feature and would create a naturalized transition between the ravine and the proposed buildings. The former railway to the east of the site also features a shared use path for pedestrian and bicycle recreation. A private connection to the site would be encouraged to allow residents to access the trail system.***

### *13.3 Water and Sanitary Sewage Servicing Policies*

*Consistent with Section 1.6.6 of the PPS, the Lambton Shores' Official Plan:*

*directs growth in a manner that promotes the efficient use of existing municipal sewage and water services;*

*Municipal sewage services are the preferred form of servicing for new development and the required form of servicing for new development in Lambton Shores' urban areas, including Forest, Grand Bend, Arkona and Thedford. (Section 1.6.6.2 of the PPS).*

*Municipal water service (see definition, Section 2.5) is required for all new development in Lambton Shores' Planning Areas and for non-agricultural uses in the Agricultural Planning Area and agricultural portions of other planning areas.*

### *15.3 Community Improvement*

#### *Residential Areas*

*Provide for the special housing needs of seniors, low income families and the disabled;*

***RESPONSE: In our opinion, the proposed rezoning would be consistent with the policies because:***

- i) There are existing adequate municipal services (water and sewage) available to service the vacant Subject Land for the proposed development.***
- ii) The development is a medium density townhouse development not exceeding 40 units per hectare.***
- iii) The proposed intensification would have no negative impacts on surrounding uses.***

It is our opinion that the proposed ZBA conforms with the policies of the Lambton Shores Official Plan.



## 7. Conclusion

Based on the aforementioned planning analysis, the nature of the proposed land use, and the adequacy of servicing, it is our professional planning opinion that the proposed ZBA and SPA applications are in keeping with the overall land use policy framework and constitute sound land use planning.

Respectfully submitted,

### **Strik, Baldinelli, Moniz Ltd.**

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