

WT LAND LP

PLANNING JUSTIFICATION BRIEF

303 ARNAUD ST.

MUNICIPALITY OF ARRAN-ELDERSLIE

MARCH 2025

COBIDE Engineering Inc
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Planning Brief

To: Jenn Burnett, MCIP, RPP, Senior Development Planner

From: D. Kieffer, MCIP, RPP, Senior Development Planner

On behalf of our client, WT Land LP., Cobide Engineering Inc. is pleased to submit this Planning Brief in support of the Part Lot Control and Minor Variance applications for the property located at 303 Arnaud Street (hereinafter called the subject lands).

This Planning Brief serves to analyze the land use planning merits of the applications and determine the appropriateness of the proposed uses. The request will be analyzed within the context of the surrounding community and the relevant planning documents, including the Provincial Planning Statement, the Bruce County Official Plan, the Municipality of Arran-Elderslie Official Plan and the Municipality of Arran-Elderslie Comprehensive Zoning By-law.

This Brief has been organized in an issue-based format, speaking to the planning policies within the context of the relevant issues identified in pre-consultation rather than a document-based format where each individual policy is addressed in each planning document. Should the approval authority require more information, please contact the author below.

Site Context:

The subject lands are 2.2 ha in size and are located in the south end of Paisley with frontage on Canrobert St. to the south and Arnaud St. to the north. The subject lands are 10 lots in the original Town Plan of Paisley being Lots 1-5, East of Albert and Lots 1-5, West of George. These lots have been confirmed to be whole lots in a Plan of Subdivision and this correspondence is attached from Ernie MacMillian, LL.B in Appendix B.

The subject lands have seven constructed townhouses on Lot 5, East of Albert. It is noted that the proposal is required to seek relief from the zoning by-law due to the proposed parcelization of the units. As townhouses are a permitted use in the zone, the proposal met the requirements of the zoning by-law to be issued a building permit.

The subject lands are located west of the Saugeen River and are mostly wooded. There is an unopened road allowance to the east of the subject lands. To the west of the subject lands are vacant commercial lands fronting Bruce Road 3/ Queen Street. To the north are Paisley Veterinary Clinic and single-detached homes. There are undeveloped wooded lands to the south of the subject lands.

The proponents have completed the purchase of half of the unopened road to the west of

the subject lands, formerly known as Albert Street.

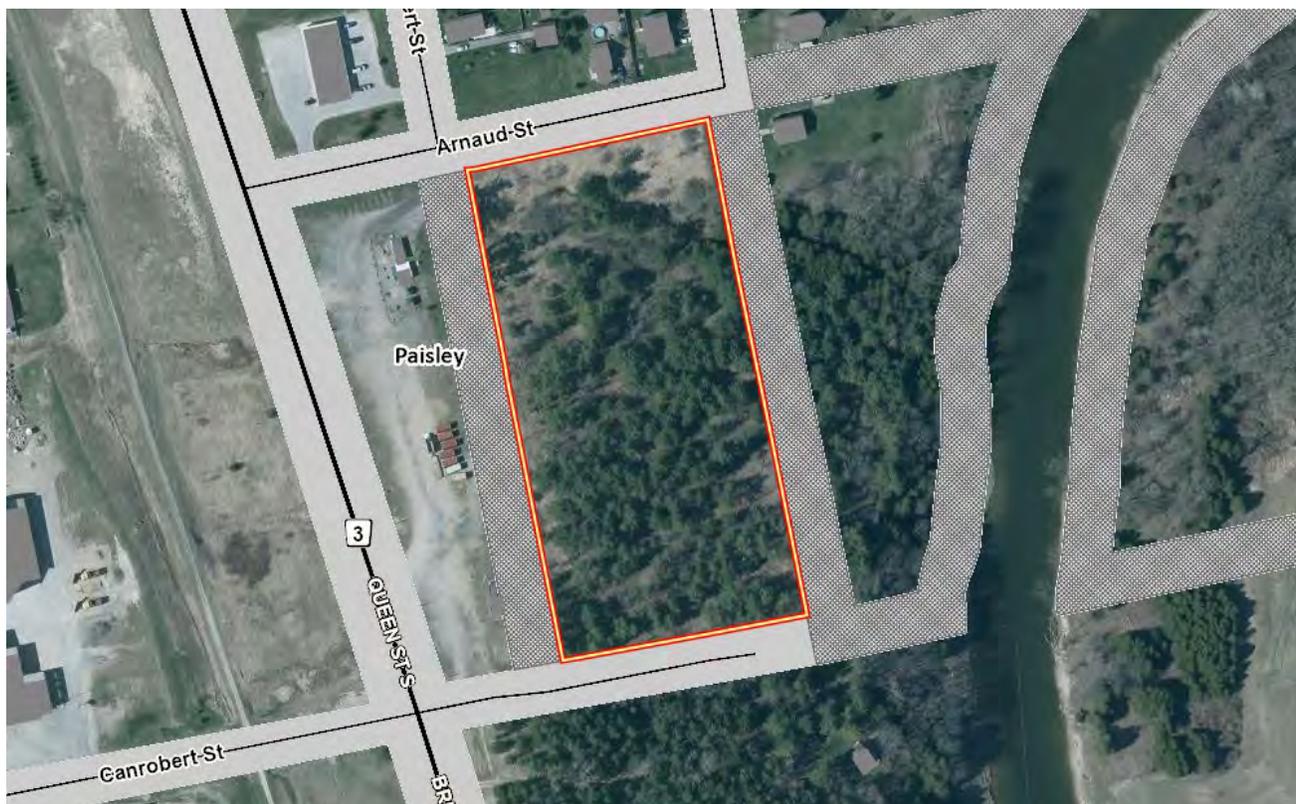


Figure 1: Aerial Photograph of the subject lands. Source: Bruce County Mapping 2020

Planning Context:

The subject lands are designated as Primary Urban Communities in the Bruce County Official Plan, designed Residential in the Municipality of Arran-Elderslie Official Plan. The subject lands are zoned R2 – Residential Low Density Multiple.



Bruce County Official Plan Map



Municipality of Arran-Elderslie Official Plan Map



Municipality of Arran-Elderslie Zoning By-law Map

Development Concept:

The development concept proposes the parcelization of the seven townhouses units to individual lots. This will include access easements to the rear yards of the interior units and drainage easements for the drainage corridor that flows from West to East.

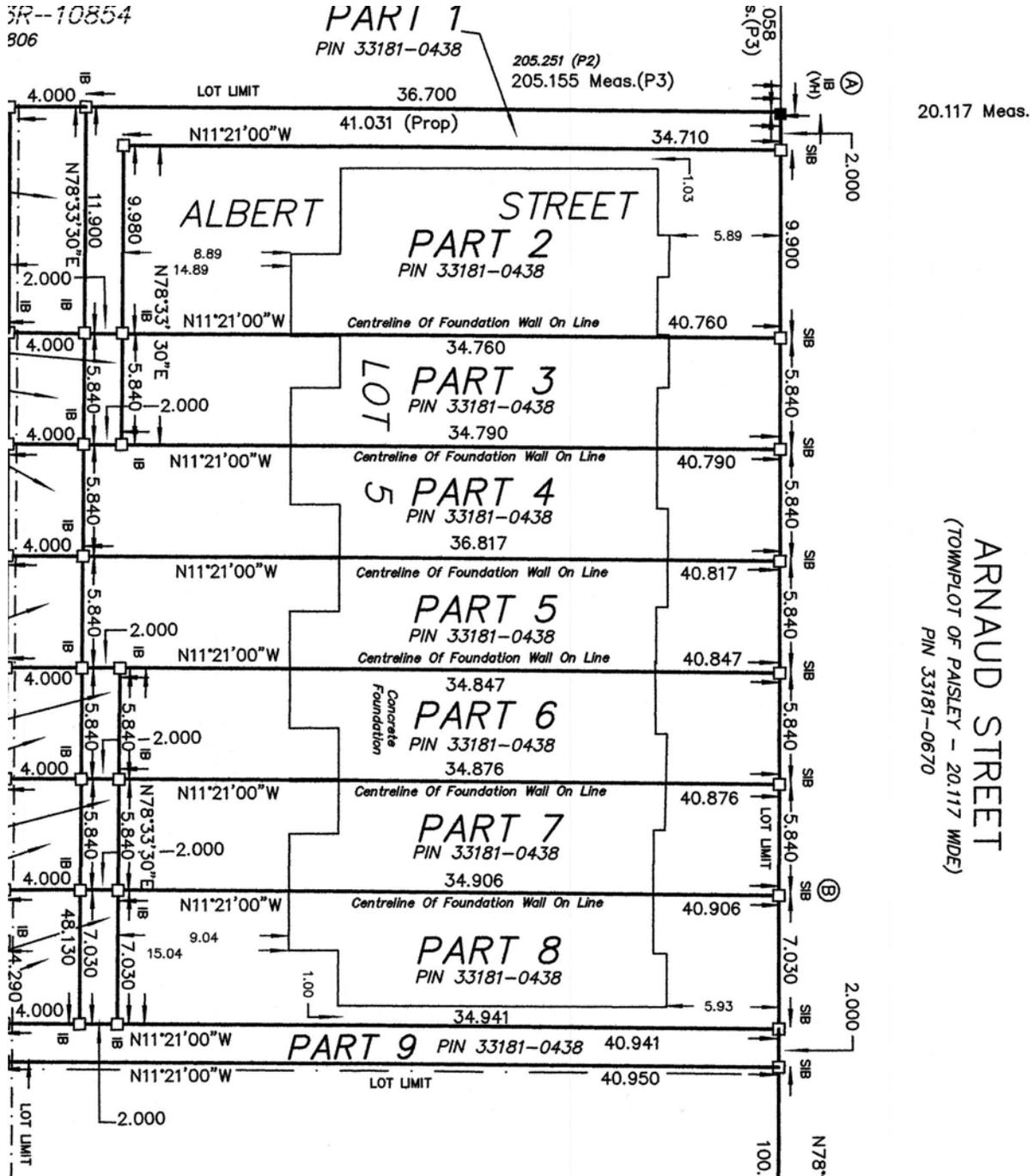


Figure 2: Excerpt of Draft Registered Plan

Requested Applications and Supporting Materials

A Part Lot Control Exemption for Lots 4 & 5 East of Albert and Lot 4 West of George is requested to create:

Lot 5, East of Albert

1. Seven lots for seven units
2. Access easements to the rear yards for the interior units

3. Drainage easements for overland flow from west to east

Lot 4, East of Albert

1. Drainage easement in favour of the units 1-7 on Lot 5, East of Albert

Lot 4, West of George

1. Drainage easement in favour of the units 1-7 on Lot 5, East of Albert

A site plan is attached in Appendix A. The required easements are discussed in further detail in a section in this report.

A Minor Variance is requested from the following provisions of the R2 zone provisions:

1. Minimum lot frontage from 15.0 m to 5.8 m.
2. Maximum lot coverage from 40% to 53%.

The following studies have been completed in support of the applications:

1. A Planning Brief, completed by COBIDE Engineering Inc.
2. An Archaeological Assessment, completed by AMICK Consultants Limited.
3. A Scoped Archaeological Re-assessment, completed by TMHC.

Archaeological Potential:

The subject lands exhibit high archaeological potential due to their location within 300 m of a waterbody (the Saugeen River). A Stage 1 & 2 Archaeological Assessment was completed by Amick Consulting in 2022. Timmins Martelle Heritage Consulting (TMHC) completed a scoped re-assessment with input and review from the Saugeen Ojibway Nation in the fall of 2023. No archaeological resources were recovered through the studies and further archaeological review was not warranted. The report was accepted into the Ontario Public Register of Archaeological Reports on October 5, 2023.

SVCA Regulated Area:

The majority the subject lands fall within the Saugeen Valley Conservation Authority Regulated Area as shown on Schedule B of the Paisley Land Use Plan. Within the Fill Regulated Area, no development is permitted unless it is in conformity with the policies in Table 1.

a) The development proposal is in conformity with the policies pertaining to the underlying land use designation	The development concept is in conformity with the policies pertaining to the residential land use designation.
b) The development proposal complies with the provisions of the zoning by-law	A minor variance is being requested to facilitate the development.
c) A 'Fill and Construction Permit' has been issued by Saugeen Conservation.	A permit from SVCA was obtained to construct the townhouses.

The Two 'I's: Intensification and Infill

The subject lands are located within a settlement area. The Provincial Planning Statement (PPS) states that settlement areas shall be the focus of growth and development (policy 2.3.1.1). Within settlement areas, land use patterns shall be based on densities and a mix of land uses which:

- a) Efficiently use land and resources
- b) Optimize existing and planned infrastructure and public service facilities
- c) Support active transportation
- d) Transit-supportive, as appropriate
- e) Freight supportive

The PPS requires that planning authorities permit and facilitate an appropriate range and mix of housing options and densities to meet the current and future needs of residents and to promote densities for new housing that use land, resources, infrastructure and public service facilities efficiently (PPS 2.2.1). Furthermore, the PPS says that planning authorities should support the achievement of complete communities by accommodating an appropriate range of housing options (PPS 2.1.6).

The development concept proposes townhouses, which are a denser form of housing compared to single detached dwellings. This will ensure that land and resources are used efficiently while optimizing existing and planned infrastructure and provide a greater range and mix of housing options.

The Bruce County Official Plan (BCOP) include objectives to direct most of the permanent population growth to Primary and Secondary Urban Communities, ensure that land identified for development is used efficiently and to ensure a range of housing types and tenures to meet the needs of residents. The permitted uses in Primary Urban Communities include a variety of residential, home occupations, commercial, industrial and institutional land uses (policy 5.2.2.3).

The Official Plan for The Urban Areas of Chesley, Paisley & Tara/Invermay (AEOP) promotes a mix and affordable supply of housing to meet the needs of current and future residents, while ensuring that new residential development is in keeping with the character of the neighbourhood.

The AEOP states that lands within the "Residential" designation shall be predominately used for 'Low Density Residential' and 'Medium Density Residential' uses. Under Section 3.1.7 of the Official Plan, the Municipality considers buildings with four or more units, such as townhouses, rowhouses, apartment buildings or other multi-unit housing forms as 'Medium Density Residential'. Policy 3.1.7a) states that 'Medium Density Residential' shall not exceed a gross density of 48 units per gross hectare. It is noted that the proposed density of the site is 34 units per hectare, which is below the maximum.

<p>Table 2: Evaluation of the proposal under policy 3.1.7b) When the Municipality is considering the establishment of 'Medium Density Residential' development, the following development criteria shall be used:</p>

ii) The development shall be compatible with existing land uses in the immediate area and the general built form of surrounding buildings	The subject lands are located adjacent to a residential area composed primarily of single-detached homes. The development concept represents a modest increase in density and has been zoned to facilitate this modest increase accordingly.
iii) Adequate off-street parking and appropriate access and circulation for vehicular traffic, including emergency vehicles shall be required	Each unit has a garage and its own driveway to satisfy the requirement for two parking spaces.
iv) Adequate buffering from abutting uses shall be provided	The lands to the immediate west, south and east of the subject lands are largely undeveloped. There are residential and commercial uses to the north across Arnaud St. The proposed buildings meet the required setback from the street.
v) Suitable landscaping, lot grading, and storm water management/drainage shall be provided.	A lot grading plan was submitted to obtain the building permit prior to the construction of the units.
vi) Suitable on-site open space shall be provided in relation to the size and nature of the development	The on-site open space is suitable for the size and nature of this development.
vii) Water supply and sewage disposal services shall be provided in accordance with Section 5.4.1.	The development concept will be serviced by municipal water and sanitary servicing.

While the policies of Section 3.1.8 of the AEOP does not directly apply since the south side of Arnaud Street does not have any residential development, and therefore the development concept does not meet the infilling definition provided *“Infilling shall be considered as the creation of a new vacant lot(s) of record when the new lot is to be created between two existing dwellings, such dwellings being separated by not more than 30 metres (100 feet), on the same side of the road”* Section 7.12.3 iii Part Lot Control requires its consideration and it has been included to satisfy that section of AEOP.

Table 3: Evaluation of the proposal under policy 3.1.8 An application for consent for infilling purposes shall be reviewed with regard to the following policies...:

a) To determine to what extent infilling is compatible with the character of the surrounding neighbourhood, it shall be demonstrated that the proposed development is in keeping with the traditional development pattern in the immediate area.	The townhouses are constructed and are permitted in the zone. While the residential use is proposed to remain the same as the majority of the surrounding uses, the constructed townhouses represent an increase in density in relation to the immediate surrounding areas, which is a low-density, large-lot, older neighbourhood. It is important to note the compatibility does
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	<p>not mean match the existing, it means that the existing and the proposed can co-exist. The proposed residential built form, albeit different from what is established, is still considered to be at a scale, height and massing that is compatible with, just not the same as, the surrounding area.</p> <p>In terms of the vision as outlined by the PPS and the AEOP to utilize land more efficiently, this increase is desirable. It is natural the scale, massing and built form may be changed when increasing density and offering different housing choices to the community.</p>
<p>b) Factors such as lot sizes, lot frontage, lot coverage and density, streetscapes, building form and typical building setbacks shall be taken into consideration in determining the compatibility of proposed infilling developments with the character of the surrounding residential neighbourhood.</p>	<p>As mentioned in the Zoning By-law Section of this report, a reduction in Minimum Lot Frontage is being requested from 15 m to 5.8 m. The Municipality of Arran-Elderslie Comprehensive Zoning By-law sets the minimum lot frontage to be the same across the different housing styles. Single detached dwellings, semi-detached dwellings and townhouses are all required to have a minimum frontage of 15 m. In our opinion, this generalization does not take into account or give consideration to the advantages gained by the common wall(s). Smaller frontages should be considered since the interior units have no side yards.</p> <p>In the case of townhouses, the lot frontage for interior units is the same as the unit width. A reduction in frontage permits a smaller unit, which has the potential to be more affordable and/or unique in the market, to be constructed.</p> <p>A Minor Variance has been requested to address the relief requested.</p>
<p>c) Infill proposals may be required to provide a 'lot grading and drainage plan' that addresses potential impacts on abutting properties.</p>	<p>A lot grade and drainage plan was provided to obtain the building permit. Through the Part Lot Control application, easements are proposed to facilitate a drainage corridor to the Saugeen River.</p>

Part Lot Control

The part-lot control provisions of Section 50(5) of *The Planning Act* have the effect of preventing the division of land in a registered plan, other than that which has already been approved in the plan of subdivision, without further approvals.

The part-lot control exemption provisions contained in 50(7) of *The Planning Act* allow a municipality to pass by-laws to remove part-lot control from all or any part of a registered plan of subdivision. Such a by-law has the effect of allowing the conveyance of a portion of a lot without requiring the approval of the land division committee.

A Part Lot Control Exemption by-law exempts land situated in a Registered Plan of Subdivision from Part Lot Control and therefore allows:

- the division of the lands into smaller parcels
- minor boundary adjustments
- to establish easements

Exemptions from Part Lot Control are often used to facilitate several conveyances at once and are particularly useful in types of housing that share common walls, such as the proposed townhouses, to ensure that the property line runs through the common centre walls between the units.

The subject lands are all of Lots 4 & 5, West of Albert St. and Lot 4, East of George St., Plan of Paisley, geographic Village of Paisley and are therefore considered whole lots in a plan of subdivision. This is confirmed by the survey and legal opinion that has been submitted in support of the application.

Table 4: Section 7.12.3 of the Arran-Elderslie Official Plan speaks to Part Lot Control.

Such approval will only be granted by the County of Bruce when:		
i)	no Municipal and/or County conditions for development are required;	It is not anticipated that conditions for development will be required.
ii)	the policies and objectives of this Plan and the regulations of the zoning by-law have been met prior to the approval of the By-law;	The proposal meets the policies and objectives of the Official Plan, and the property is proposed to be subject to a Minor Variance prior to the Part Lot Control process.
iii)	municipal sewer and municipal water services are available to all the lots;	The lots are proposed to be fully serviced with municipal water and sewer.
iv)	for lands within a 'Residential' designation, the proposed lots and development must conform to Section	Table 3 confirms that the development concept meets Section 3.1.8 of the Official Plan

	3.1.8 “Residential Infill Policies”. Structural and elevation plans must be submitted;	
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Section 7.12.3 further details that Part Lot Control shall not be used when it will have the effect of creating additional lots within existing subdivisions unless the additional lots proposed have been subject to a previous planning application, which clearly indicated the proposed changes to the lot configuration, and which involved public review/participation. Since this property is subject to a Minor Variance in advance of the Part Lot Control application, it will meet the Official Plan’s requirements for public participation.

A Part Lot Control Exemption by-law is requested to establish seven new lots on the subject lands, each containing a townhouse unit. As part of the part lot control process, easements for rear yard access and drainage will be created. More details on these proposed easements are provided below.

Easements

The proposed Part Lot Control application seeks to create seven new lots and the appropriate drainage and access easements.

In Table 5 below, working from left to right the townhouse unit number is depicted along with the parts on the plan that make up the proposed lot for the unit. *Subject to* refers to when there is easement over one of the parts of the unit. *Together with* refers to an easement that the unit has over other parts/ properties of the plan. The table includes both subject to/together with for the proposed access and drainage easements.

It is noted that all the units will have an easement over Part 13 on the Plan. This part includes the easement to the stormwater outlet, being the Saugeen River.

Table 5: Easements

Unit	Consisting of Parts	Subject to Easement for Drainage	Together with Easement for Drainage	Subject to Easement for Access	Together with Easement for Access
1	1,2,12	No	22,21,20,18,17, 14,13	2	No
2	3,10,22	22	21,20,18,17,14, 13	10	2
3	4,21	21	20,18,17,14,13	No	2, 10
4	5,20	20	18,17,14,13	No	9, 15, 16,19
5	6,19,18	19	17,14,13	19	9, 15,16
6	7,16,17	17	17,14,13	16	9, 15

7	8,9,15,14	14	13	9,15	No
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Zoning Bylaw

Permitted uses include: single-detached dwelling, semi-detached dwelling, duplex, townhouse cluster or townhouse street. The street townhouse provisions have been applied.

Provision	Required	Provided
Minimum Lot Area	155 m ² per dwelling unit	193 m ²
Minimum Lot Frontage	15 metres	5.8 metres
Front Yard Setback (Min)	6 metres	6 metres
Exterior Side Yard Setback (Min)	6 metres	N/A
Interior Side Yard Setback (Min)	3 metres	3 metres
Rear Yard Depth (Min)	7.5 metres	14.83 metres
Lot Coverage (Max)	40%	53%
Landscaped Area/Open Space (Min)	30%	31%
Maximum Height	10 metres	Will meet
Gross Floor Area (Min)	90 m ² per dwelling unit	>90 m ²

Requested Relief:

Minimum Lot Frontage

A reduction in Minimum Lot Frontage is being requested from 15 m to 5.8 m. The Municipality of Arran-Elderslie Comprehensive Zoning By-law sets the minimum lot frontage to be the same across the different housing styles. Single detached dwellings, semi-detached dwellings and townhouses are all required to have a minimum frontage of 15 m. In our opinion, this generalization does not take into account or give consideration to the advantages gained by the common wall(s). Smaller frontages should be considered for housing styles that do not have two side yards.

In the case of townhouses, the lot frontage for interior units is the same as the unit width. A reduction in frontage permits a smaller unit, potentially more affordable and/or unique in the market option, to be constructed.

Lot Coverage

The interior units propose a lot coverage of 53%, the By-law permits up to a maximum of 40% for lot coverage and therefore relief is being requested.

Lot Coverage ensures that there is sufficient area on the lot for amenity space, permeable surfaces for stormwater drainage and provide visual appeal to neighbourhood through natural foliage. Sufficient landscaped open space is provided on this site to implement the drainage plan, and along with the related drainage infrastructure, including the swale and proposed outlet. Therefore, drainage is not anticipated to be an issue.

In summary, the reductions in Lot Coverage will not impact the stormwater management of the site and it is anticipated to not impact the public realm, as the front yard will meet the required setback.

Four Tests of a Minor Variance

When a Committee of Adjustment is considering a Minor Variance application, four tests as prescribed in Section 45(1) of the *Planning Act* are evaluated.

1. Is the Variance in keeping with the general intent and purpose of the Official Plan?

The subject lands are designated as Primary Urban Community in the County of Bruce Official Plan and designated Residential in the Official Plan for the Urban Areas of Chesley, Paisley, Tara/Invermay. Both Official Plans permit a variety of residential development in the designations. This development meets the goals and objectives of both plans to provide variety in types and tenures of housing in locations that can be fully-serviced with sanitary sewers and municipal water. This proposal keeps with the general intent and purpose of the Official Plans.

2. Is the Variance in keeping with the general intent and purpose of the Zoning By-Law?

The application requests variances the Urban Residential Zone (R2) including: decreased minimum lot frontage and increased lot coverage. As previously discussed in this report, the reductions and increases requested through this application will not impact site functionality or impact surrounding properties. Notably, the development meets the provisions of the zone to be constructed but the individualization of the units is resulting in a minor variance. The requested variances maintain the general intent and purpose of the Zoning By-law.

3. Is the Variance desirable for the appropriate development or use of the land, building or structure?

The subject lands are designated and zoned for residential development and this is the first phase of the development of the lands. Once completed, the development will provide for more variety in housing tenure arrangements including freehold and dedicated apartment rental units. In considering the test of desirability, the public interest must be reviewed and overall, this increase in tenure variety will provide a net benefit to the community.

4. Is the application minor in nature?

Minor should not be evaluated simply on numbers and increases or decreases, but rather should be evaluated on potential impacts the development may have. In the case of the proposed development, the townhouses are already constructed, the variances are requested to make the properties freehold rather than rental (i.e. on individual lots rather than all seven units on one lot). The drainage has been engineered and constructed to support the increases in lot coverage. Therefore, the application is considered minor in nature.

Conclusions:

This application represents good land use planning for the following reasons:

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1. The development concept is consistent with the Provincial Planning Statement and conforms to the policies of the Bruce County Official Plan and the Official Plan for the Urban Areas of Chesley, Paisley & Tara/Invermay.
 2. The development concept will provide a greater range and mix of housing style and ownership options within the community of Paisley.
 3. The development concept, although different than the existing built form, is compatible with the surrounding context.

Thank you for the consideration of this application, please contact the undersigned with any questions.

Kind regards,

Cobide Engineering Inc.



Dana Kieffer, M.Sc. (Planning), MCIP, RPP
Senior Development Planner,
Cobide Engineering Inc.
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Appendix A

DRAFT REFERENCE PLAN

Appendix B

CORRESPONDENCE

RE: 2024-11-14 Paisley Towns New Plan 06003

From Ernie McMillan <mcmillan@ffmlaw.ca>
Date Thu 11/14/2024 5:58 PM
To Dana Kieffer <dkieffer@cobideeng.com>
Cc Ernie McMillan <mcmillan@ffmlaw.ca>

Good Afternoon Dana

Further to your earlier email and our subsequent telephone conversation this afternoon, I would confirm that from my perspective I have no issue with the manner in which you now intend to proceed.

Please do not hesitate to contact me further if you have any other questions.

Ernie

From: Dana Kieffer <dkieffer@cobideeng.com>
Sent: November 14, 2024 9:07 AM
To: Ernie McMillan <mcmillan@ffmlaw.ca>
Cc: Travis Burnside <tburnside@cobideeng.com>; Donna Dowler <donna@ffmlaw.ca>; Read Shantz <read@wtlandlp.com>
Subject: 2024-11-14 Paisley Towns New Plan 06003

Hi Ernie,

I hope all is well with you.

We are proposing to slightly alter our plan for the Paisley townhouses for WT and just wanted to run it by you before we advanced the applications.

New Plan

Part Lot Control Exemption (PLCE) by-laws for Lots 4 & 5 East of Albert and Lot 4 West of George to create:

Lot 5, East of Albert

1. 7 lots for 7 units
2. access easements for rear yards
3. drainage easement for overland flow from west to east

Lot 4, East of Albert

1. Drainage easement in favour of the units 1-7 on Lot 5, East of Albert

Lot 4, West of George

1. Drainage easement in favour of the units 1-7 on Lot 5, East of Albert
2. Drainage easements in favour of units 1-7 on Lot 5, East of George (if timing allows)

The Why

The reason for the shifting plan is that the townhouses on Lot 5, west of George have an unknown construction date. Since the foundations are not yet in the ground, it is challenging to advance an application on this lot and ensure that the conveyances occur within the time limit of the PLCE .

So, the solution we have come up with is encapsulated on site plan 06003 300 Canrobert Street Base Plan 2024-11-04 attached wherein we would take the drainage easement wholly off Lot 5, west of George thereby preserving it as a whole lot in a plan of subdivision for a future PLCE bylaw. Now, we would apply for PLCE on Lots 4 & 5 East of Albert and Lot 4 West of George as outlined above.

So my thoughts would be that this builds a little more flexibility into our approach and timeline for the future units on Lot 5, West of George. Hopefully, we can still convey the drainage easement needed for these lands across Lot 4, west of George within that timeframe. If not, we will have to do consents in the future (or try for an extension) but it does preserve our ability to create the lots needed for the future units/ access easements for those units.

Please let me know if this conceptually works from a legal perspective. Very open to other creative solutions if you have any!

I am in the office today and tomorrow if you wanted to chat further 519-506-5959 ext. 106.

Thanks again- your expertise is appreciated!
dk



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