



TOWNSHIP OF  
**Elizabethtown-  
Kitley**

**STAFF REPORT**  
Department: Administration

Report Number: A-24-004  
Date: 2024-01-08

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**To: Mayor Burrow and Members of Council**  
**From: Leslie Drynan, Administrator**

**Subject: Community Infrastructure and Housing Accelerator (CIHA) Tool  
Option for the proposed Rows Corners Development**

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### RECOMMENDATION

**THAT**, Report A-24-004 Community Infrastructure and Housing Accelerator (CIHA) Tool Option for the proposed Rows Corners Development be received;

**AND THAT**, the Council of the Township of Elizabethtown-Kitley support the concept of a CIHA request to the Minister of the Municipal Affairs and Housing;

**AND THAT**, staff be authorized to prepare and distribute a notice of public meeting regarding the CIHA request for Rows Corners to be held on Monday, January 29<sup>th</sup>, 2024 at 6:00 pm;

**AND THAT**, staff be authorized to commence the Indigenous consultation process as it relates to the proposed development for Rows Corners;

**AND THAT**, a summary of findings from the community and Indigenous consultations, including a draft CIHA request resolution to MMAH (if appropriate) be presented for consideration at the February 12<sup>th</sup>, 2024, Council meeting.

### BACKGROUND

The More Homes for Everyone Act, 2022 made various amendments to the *Planning Act*, including the addition of a new section 34.1 that provides authority and sets out a process whereby municipalities may request the Minister of Municipal Affairs and Housing to issue a zoning order. The Minister may respond to these requests by issuing a zoning order (a "CIHA Order"). This tool is being referred to as the "Community Infrastructure and Housing Accelerator". It is important to note that CIHA is **not** the same as MZO (Minister's Zoning Order (MZO)). The province has recently paused the use of MZO's, pending a thorough review of their use.

In determining whether to issue a CIHA Order, the Minister is not required to consider a provincial policy statement, a provincial plan, or an official plan.

If another planning approval in addition to rezoning is required, the Minister may also provide that provincial policy statements, provincial plans and an official plan do not apply to those subsequent planning instruments.

Key differences between a CIHA Order and a Zoning By-law Amendment include:

- A CIHA Order can include conditions imposed by the Minister, including the requirement to register an agreement on title to the land. This may allow CIHA Orders to secure community benefits or other matters important for the orderly development of lands that may not otherwise be possible to secure under the existing legislative framework;
- The process for Council to request a CIHA Order does not have the same consultation requirements as Zoning By-Law Amendments;
- A CIHA Order does not need to conform with the Official Plan; and
- A CIHA Order cannot be appealed to the Ontario Land Tribunal.

These differences would allow the Township to expedite the approval process for developments that Council has identified as key priorities, based on the benefits they will provide such as the creation of affordable and/or supportive housing.

Although this report provides an overview of the CIHA program in its entirety, the sole priority project for Council's consideration / use of this tool currently, is the proposed development at Rows Corners.

## DISCUSSION/OPTIONS

The Minister issued Guidelines on the use of the CIHA on October 25<sup>th</sup>, 2022.

The Guidelines speak to, among other things, the types of developments that are considered a priority. The Minister may make a CIHA Order to expedite priority developments, including:

- community infrastructure projects that are subject to Planning Act approval including lands, buildings, and structures that support the quality of life for people and communities that provide public services; e.g. health and long-term health care facilities;
- **any type of housing, including community housing, affordable housing and market- based housing;**
- development associated with transportation infrastructure;
- buildings that would facilitate employment and economic development; and
- mixed-use developments.

The Guidelines clarify that the Minister will only consider an exemption from the application of provincial and local land use policy requirements for subsequent approvals if the approval is needed to facilitate the proposed project, and the municipality provides a plan that would, in the opinion of the Minister, adequately mitigate any potential impacts that could arise from the exemption.

This includes, but is not limited to, matters dealing with community engagement; Indigenous engagement; and environmental protection/mitigation.

### **Steps to Request a CIHA**

To request a CIHA, a municipality must follow specific steps related to public consultation, including:

- Providing public notice. The legislation, however, does not specify any statutory notice requirements.
- Undertaking consultation with such persons, public bodies and communities as the municipality considers appropriate.
- Engagement with Indigenous communities and consideration of their interests prior to making a request for an Order.
- Ensuring the CIHA Order once issued is made available to the public.

In addition, within 15 days of passing the Council resolution to request the CIHA Order, the municipality must provide the Minister with the following:

- A copy of the municipal council's resolution identifying the requested amendments;
- A copy of the draft zoning by-law amendment to facilitate provincial consideration of the request;
- A description of the consultation undertaken;
- A map showing the location of the lands to which the CIHA Order would apply;
- A description of any licenses, permits, approvals, permissions, or other matters that would be required before a use that would be permitted by the CIHA Order could be established; and
- Such information as may be prescribed.

The Guidelines indicate that the Minister may ask for additional information or material to be provided to help make the decision. This may include:

- Certain studies or reports, such as a planning justification report, an archaeological assessment, environmental impact statement and servicing study; and
- Additional information about the engagement completed with Indigenous communities about the proposed project.

### **CIHA versus Zoning By-law Amendment**

The table below summarizes the key differences between the legislated approval processes for a CIHA Order and Zoning By-Law amendment.

	<b>CIHA</b>	<b>Zoning By-law Amendment (ZBLA)</b>
Legislated Approval Timeline	No specified timeline. Staff expect it to be similar to a ZBLA 90-day approval timeline.  There is no prescribed timeline for the Minister to issue a CIHA Order.	90 days
Public Consultation Requirement	No specific consultation requirements or notice requirements. Staff recommend a similar consultation process as would occur for a ZBLA.	One public meeting with at least 20 days' notice provided to the public.
Application of Provincial Policies and Official Plan	Not required.	Required. Applicants can also apply for Official Plan Amendments.
Conditions	The Minister may impose conditions including a requirement that the owner enter into an agreement that may be registered against title to the subject lands to secure such other conditions.	In the absence of the necessary regulations, conditions may not be imposed under section 34 of the Planning Act.
Primary Approval Body	Minister of Municipal Affairs and Housing	Township Council
Appeal Rights	None	Applicant, third parties, public bodies.

If there are no appeals of a ZBLA, a ZBLA would come into force sooner than a CIHA Order issued by the Minister. However, Council's decision with respect to a ZBLA can be appealed to the Ontario Land Tribunal, creating uncertainty around when a final decision may be issued. An appeal would create significant delays for priority projects.

## **Primary Benefits of the CIHA process**

The primary benefits of a CIHA Order, are as follows:

- Arguably, most important (from a staff perspective) is the fact that the CIHA tool would also allow the Township to advance projects that, while supportable, do not conform with the Official Plan.
- The legislation does not impose any limits on the conditions that the Minister can place on the approval of a CIHA Order. This may allow for agreements that secure matters such as infrastructure improvements or community benefits over and above what may already be secured through the Planning Act.
- The restriction on appeals provides certainty around the final approval that is not possible under the normal ZBLA process.

## **Risks in the Use of CIHA**

There are some potential risks in the use of CIHAs. Notably, there may be a perception of insufficient consultation prior to a CIHA being requested. Relatedly, there could be a perception of overreach by the Township since CIHA orders may be seen as taking away appeal rights where they otherwise would have been allowed.

These two risks can largely be mitigated through an appropriate and thorough public consultation process that informs the public of Council's final decision.

There are also risks with respect to CIHA Order itself. These include:

- There is no specified timeline for the Minister to issue an Order;
- The Minister may refuse to issue the Order;
- The Minister may revoke a CIHA Order that has been issued; and
- The Minister may amend the Order requested, creating uncertainty as to the final permissions and/or conditions imposed.

Overall, the use of a CIHA order should be seen as a tool to be used in exceptional circumstances for priority projects, rather than as a general replacement for the Township's standard planning approval process. To this end, the use of the CIHA tool should not replace, or be seen as a replacement for, the Township's overall effort to improve the approval process intended to make the system work better for everyone.

## **Framework for Using the CIHA Tool**

In considering the feasibility of utilizing the CIHA tool, staff recommend that the following elements be evaluated to determine the appropriateness of requesting a CIHA order:

**Delivery of Community Benefits:** It is staff's opinion that CIHAs should be restricted to projects that deliver affordable housing and/or community benefits well beyond what can be secured through the current approval process.

In the instance of the proposed development at Rows Corners, a ZBLA and Township & Counties OPA is required, resulting in a potential approval timeline of 12 months.

**The requested zoning amendments are supportable:** There should be a co-ordinated municipal assessment and position on the proposed changes to the zoning by-law (Township and Counties) to ensure they are supportable by staff and that they can be implemented successfully.

**Any variances to the Official Plan Policies are supportable:** One of the advantages of a CIHA Order is that it does not need to comply with the Official Plan. If there are any variances to the Official Plan (Township and Counties), there should be a coordinated municipal assessment and position on the proposed variances to the Official Plan to ensure they are supportable by staff.

**Opportunity for Appropriate Consultation:** The CIHA requirements provide more flexibility for consultation than a traditional ZBLA process.

**The project is Implementable via Site Plan:** Council recommendations for CIHA Orders should ensure that the associated development can be implemented at the site plan level.

In requesting the CIHA Order, sufficient direction should be provided by the Township so that the Minister is not required to address site plan matters or impose conditions not included in the municipal request.

This condition is generally required for staff to recommend a typical zoning by-law amendment for approval.

**The development will advance in a timely manner:** Staff are of the opinion that the use of CIHA Orders should be limited to projects where the Township and/or project proponent is committed to advancing the project in a timely manner, such as actively advancing site plan approval and building permits or seeking approvals in relation to a funding deadline.

### **Proposed Process for Requesting a CIHA Order for Rows Corners**

**Pre-application:** In consultation with Township and Counties Planning staff and MMAH staff, it is the opinion that the proposed development at Rows Corners may qualify for a CIHA Order. Notably, the pre-application review confirmed that:

- The proposal delivers a substantial stock of affordable housing and appropriate community benefits;
- The proposed amendments to the zoning by-law are supported by staff;
- The adjustments to Official Plan designations or policies are supportable; and
- The Township and developer are committed to advancing the project following issuance of a CIHA Order.

**Application review:** Under the Planning Act, ZBLAs are expected to be approved by Council within 90 days of an application being submitted, and a similar review timeline should be expected of CIHA requests. Where possible, this CIHA request would be expedited by staff.

**Public Consultation:** As with zoning by-law amendment applications, staff recommend that at least one community consultation meeting be held prior to a final report being brought to Council on the matter, including circulation to neighbouring property owners and 20’ days’ notice in advance of the meeting. This consultation session would allow the public to provide input on the requested order in advance of staff drafting an approval report.

**Committee Meeting:** Zoning by-law amendment applications are typically reviewed and recommended by the Township’s Planning Advisory Committee (PAC) prior to advancing to Council. It is the recommendation that the need for such a meeting be waived given the affordable housing component of this application, and that members of PAC be included as part of the public consultation process. In this circumstance, the final report would be advanced directly to the Council for approval.

**Approval:** Following the public consultation, a proposed CIHA Order would be advanced to the Council, requesting approval from the Minister. Following the Minister's approval, staff would notify the public as required by the legislation.

**Proposed Timeline**

January 8, 2024	Township Council considers and support CIHA concept for Rows Corners Development
January 9, 2024 – January 29, 2024	<ul style="list-style-type: none"> <li>Public Meeting Notice prepared, circulated, posted on Township website, social media sources and local print media.</li> <li>Staff commence Indigenous consultation process and continue consultations on proposed site plan.</li> </ul>
January 29, 2024 @ 6:00 pm (Township Council Chambers)	Public Meeting – Proposed Rows Corners Development including presentation of draft Zoning By-law
February 12, 2024	Summary of Consultations and Draft CIHA Request Resolution presented to Council

From an efficiency perspective, the comprehensive Planning Rationale, attached hereto and forming part of this report, that was submitted as part of the Site Plan Application describes in detail the proposed project and legislative details that staff utilized in assessing the validity prior to recommending the CIHA request as opposed to a ZBLA and OP Amendment.

**FINANCIAL IMPLICATIONS**

None currently.

## **LINK TO STRATEGIC PLAN**

This initiative is linked directly to Priority Two, specifically Economic Development Initiatives 2 and 3, in challenging the status quo of current land assets to maximizing value and decisions for Township owned properties (specifically Rows Corners Fairgrounds), while prioritizing growth, streamlining development, and supporting developers in initiating new projects.

## **OTHERS CONSULTED**

Township Planning Department

UCLG Planning Department

MMAH Staff

## **Attachments**

Planning Rationale



# *Planning Rationale*

## *Campus Habitations Elizabethtown-Kitley*

*Rev. 0*

*December 19 2023*

for

*3823 County Road 6, Twp. of Elizabethtown-Kitley, Ontario*



prepared by:

**IDEA INC.**

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**Abbreviations:**

GFA – Gross Floor Area

OBC – Ontario Building Code

OP – Official Plan

PSW – Provincially Significant Wetland

TE-K – Township of Elizabethtown-Kitley

ZBL – Zoning Bylaw

## 1.0 Introduction

Caber Group, IDEA Inc and Robinson Consultants were engaged by Campus Habitations to prepare a Planning Rationale and planning documents in support of an Official plan Amendment and Zoning Bylaw Amendment and eventual Site Plan control application for the development of a 14 Building apartment style residential project in the Township of Elizabethtown-Kitley Ontario.

The subject site is located at 3823 County Road 6 North of Centennial Road in the Township of Elizabethtown-Kitley. The subject site is currently used as fairgrounds and a racing track and contains a number of hut type buildings associated with the fairgrounds use. The proposed development is made up of 14 - 3 story residential type buildings with an approximate building area of 600m<sup>2</sup> each, containing a variety of 1, 2 & 3 bedroom apartments for a total of 320 apartments. Additionally, the project proposes construction of a commercial building fronting onto County Road 6. The proposed development will provide on-site car parking through the use of at grade parking lots. As the scale of the site is large (12 ha) the development proposes a new interior ring road surrounding a central park space to provide amenity space to each individual building cluster and encourage ample green space for use by the site occupants.

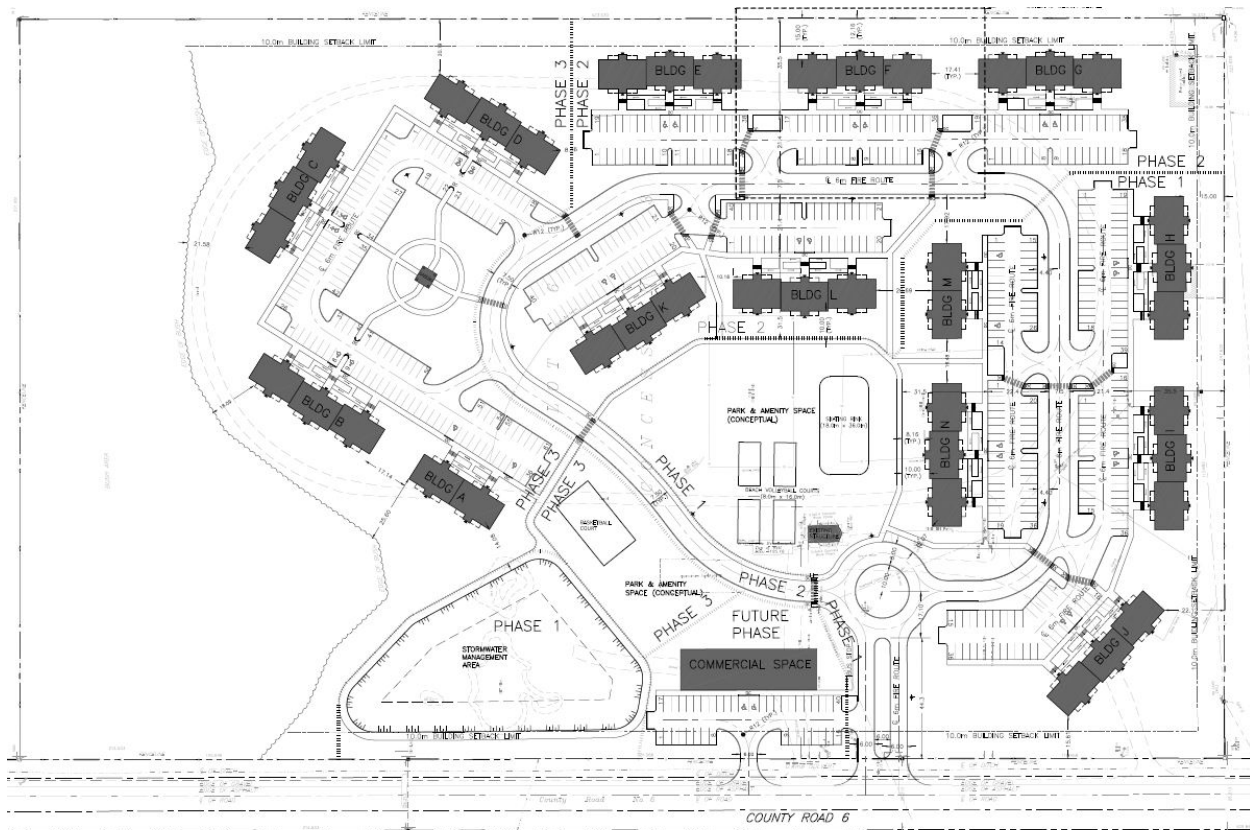


Figure 1: Proposed Site Plan

## 2.0 Subject Area

### a. Subject Site

The subject site is made of a single rectangular lot and is located north of the northeastern municipal boundary of the City of Brockville (Figure 2) The subject site has an approximate total area of 12 hectares with 442 meters of frontage along County Road 6 and approximately 271 meters of depth along the south and north boundaries. The site is currently the Rows Corner fairgrounds and is occupied by a horse racetrack and various hut type buildings associated with fair events and has been identified for development by the Township.



Figure 2 3823 County Road 6, subject site indicated.

### b. Surrounding Context

**North:** North of the subject site is an area identified as the Buells Creek Reservoir PSW. The Official Plan designation of land north of the site is Rural and Natural Heritage PSW. Zoning designations north of the subject site are RU- Rural and EP-PSW – Environmental protection zone. The area north of the site is undeveloped and left as natural treed open space.

**East:** Directly to the East of the subject site is predominately vacant fallow fields. The Official Plan designation of land east of the site is Rural. Zoning designations east of the subject site are RU- Rural.

**South:** Immediately South of the subject site are the closest developed parcels of land. Developed along County road 6 are a row of single detached houses on private lots. The Official Plan designation of land south



of the site is Rural. Zoning designations south of the subject site are RU- Rural and R1 – residential Type 1.

**West:** Immediately west of the subject site is a parcel of land which has been developed for use as a solar farm. Rows of low solar panels are clustered and used for power generation and fed back into the high voltage lines nearby. The Official Plan designation of land south of the site is Rural. Zoning designations south of the subject site is RU – Rural.



Figure 3 Site context, looking North toward Provincially Significant Wetland/Woodland



Figure 4 Site context, looking south towards Rows Corners Intersection



Figure 5 Site context, looking south showing residential development





Figure 6 Site context, site immediately west containing Solar Farm and Natural Gas Station



Figure 7 Site context, Leclerc Foods factory to the south (1km away)





Figure 8 Site context, Industrial Park at California Ave. (1.6km away)

### c. Transit and Active Transportation Network

The Township of Elizabethtown-Kitley does not have its own public transit system. With this site being located as close to the City of Brockville as it is opportunities exist for extending transit services out to the subject site. As indicated on the 2019 Transit Map and Figure 9 the closest existing transit route to the site is the “Blue Bus” line. The closest bus stop along this line is located at the intersection of California Ave and Laurier Blvd. approximately 2.6km away from the subject site. Providing an extension to the existing transit system benefits this development as it would provide connectivity with all parts of the City of Brockville. Based on the transit plan that is currently in place the outer limits of the City of Brockville is under served by a dedicated transit system. This development can help to encourage extension of the existing system to serve under served areas of the City by providing a critical mass of people who use transit services.

The subject site would benefit from its proximity to the City of Brockville’s potential spine cycling routes and potential neighborhood cycling routes (Figure 10) as per the Schedule 5 (Active Transportation Network) outlined in the City of Brockville’s Official Plan.

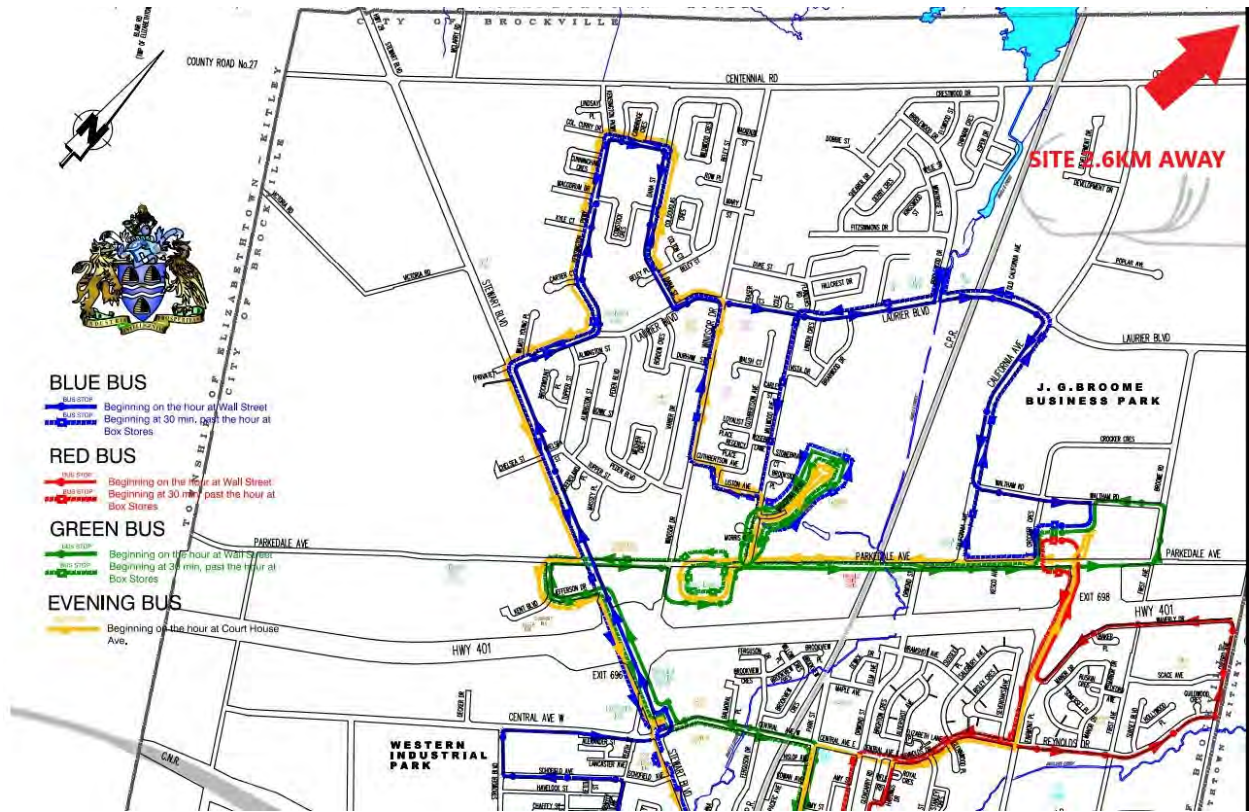


Figure 9 2019 Transit Map, City of Brockville showing nearby bus routes

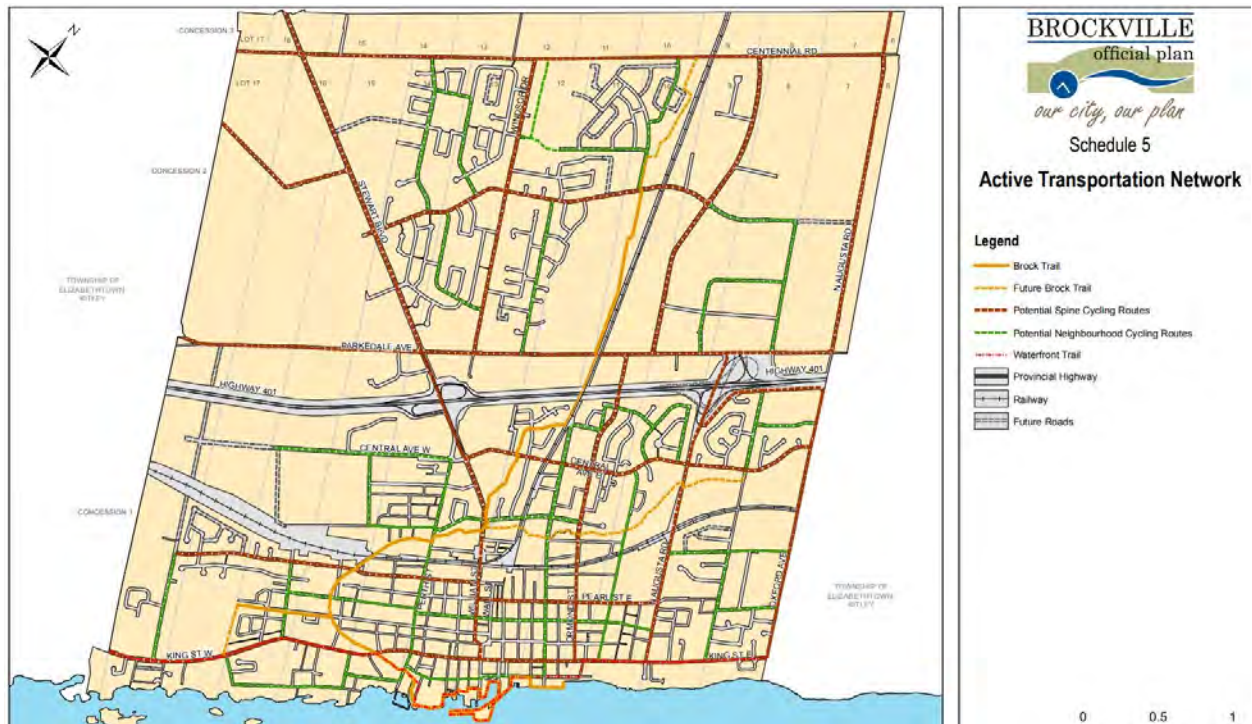


Figure 10 City of Brockville Active Transportation Network



#### d. Neighbourhood Amenities

The subject site's location near the City of Brockville allows it to benefit from the amenities within the City, while providing a sense of country living. This duality is appealing for residents looking to find a balance between rural lifestyle while also not wanting to have a long commute to essential services. Outside of the benefits from nearby natural amenities the site is located very close to a high density employment area. In addition to this the subject site benefits from its proximity to the city's central waterfront area and it's amenities, just a short drive or bus ride away.

Amenities included but not limited to:

- Conservation Area: Mac Johnson Wildlife Area
- Recreational trails: Brock trail
- Employment areas: Leclerc Foods factory, California Ave Industrial park

As the site is a large area the opportunity exists to develop commercial space within the site. At the entrance to the site along County Road 6 the design will incorporate space for commercial rentals in a dedicated building. The purpose of this commercial space will allow for business to develop and serve both the campus community and also the nearby community. Amenities could include doctors and other professional offices, grocery stores or restaurants.

#### e. Relationship of development to Provincially Significant Wetlands

Contained within the appendix is an Environmental Impact statement prepared by Gemtec. As the site is located near the boundaries of a Provincially Significant Wetland and as required by the Provincial Policy Statement an assessment of the impact of the development on this surrounding natural heritage feature must be considered.

The follow recommendation has been provided:

*No negative impacts on the integrity of the local and significant wetlands or fish habitat are anticipated as a result of the proposed development if all mitigation measures recommended below are enacted and best management practices followed. Wetlands on-site can be protected against potential impacts of the proposed development through the implementation of a construction setback.*

*Beacon Environmental Review of Ecological Buffers (2012), provides a range for buffer widths to protect various natural heritage features based on the current science. The buffers are presented in a way that determines the risk of not achieving the desired buffer function (i.e. high, moderate and low). The functions analysed include water quantity, water quality, screening or human disturbance/changes in land use, hazard mitigation zone and core habitat protection. Impacts to the local wetlands and PSW on and off-site were identified to include potential impacts to water quality, human disturbance and core habitat protection (candidate habitat for Blanding's turtle, candidate woodland amphibian breeding habitat and candidate snapping turtle SWH). Wetland buffer widths have a moderate risk of not providing adequate mitigation for water quality*

*impacts at widths between 11 m and 50 m. Wetland buffer widths have a moderate risk of not providing adequate mitigation for human disturbance/land use change impacts at widths between 11 m and 30 m and low risk at widths of 31 m to 50 m. Wetland buffer widths have a moderate risk of not providing adequate mitigation for core habitat protection at widths between 21 m and 60 m. In consideration of the PSW within the study area, pre-consultation with the CRCA indicates that a minimum 30 m setback from the PSW is required. The 30 m setback falls into the moderate risk of not achieving the desired buffer function for mitigating water quality impacts and human disturbance. In consideration of the local wetlands, a minimum 30 m setback from all local wetlands is recommended. The recommended 30 m setback falls into the moderate risk of not achieving the desired buffer function for mitigating water quality impacts and human disturbance. Setbacks are illustrated on Figure A.6 in Appendix A.*

*No negative impacts on the ecological function of the PSW, local wetlands or fish habitat are anticipated as a result of this project if the setbacks proposed above, and all mitigation measures and best management practices recommended below are adhered to. General mitigation measures recommended for the protection of water quality, wetland habitat and fish habitat include:*

- All future development and construction activities within the study area, including ditching, culvert installation, erosion and sediment control and storm water management should be completed in accordance with Ontario Provincial Standard Specification 182 and OPSS 805.*
- In order to protect fish habitat from contamination, it is recommended that all machinery be maintained in good working condition and that all machinery be fueled a minimum of 30 m from the high water mark.*
- Any temporary storage of aggregate material shall be set back from the water's edge by no less than 30 m and be contained by heavy-duty silt fencing.*

#### **f. Relationship of development to Significant Woodland**

Contained within the appendix is an Environmental Impact statement prepared by Gemtec. As the site is located near the boundaries of a Provincially significant Woodland and as required by the Provincial Policy Statement an assessment of the impact of the development on this surrounding natural heritage feature must be considered.

The follow recommendation has been provided:

*... no development is slated to occur within significant woodlands. As such, woodlands on-site will continue to meet the significant woodlands status based on contiguous size and ecological function despite the minor loss. No negative impacts on the ecological function of the significant woodlands are anticipated as a result of this project if all mitigation measures and best management practices recommended...are adhered to.*

### 3.0 Proposed Development and Design Brief

#### a. Development Overview

The development is proposing to erect 14 residential + 1 commercial buildings. It will follow a cookie cutter model for the residential buildings. A single design for a block will be developed that will form the floor plan and exterior aesthetic of the building which will be combined into a cluster of 3 blocks which forms a building. Each block within the building will be 3 story's in building height with 1 additional story partially below grade (a total of 4 floors.) Each typical building will contain one block with 1 bedroom units, another block will contain 2 bedroom units and the last block will contain 3 bedroom units. Each floor level within a block will have 2 units. The total unit count per building will be 24. Amenity space is being proposed through private balconies and private terraces off of each unit. All buildings will be provided with a barrier free path of travel from the parking area to a barrier free entrance where barrier free suites will be provided on the entry level.

Surface parking will be provided at the entrance to each building. Parking lot and fire department access will be provided via a ring road around the interior of the site. Adequate area for bicycle storage will be provided within each building on the lower level. Alternative exterior bicycle racking will be provided at each building.

All existing buildings located on the site will be demolished as part of the development. To accommodate servicing on the site for sanitary and storm water a significant grade raise will be required to avoid the need for pumping stations to allow wastewater to drain to future municipal services that are considered to be brought to the site.

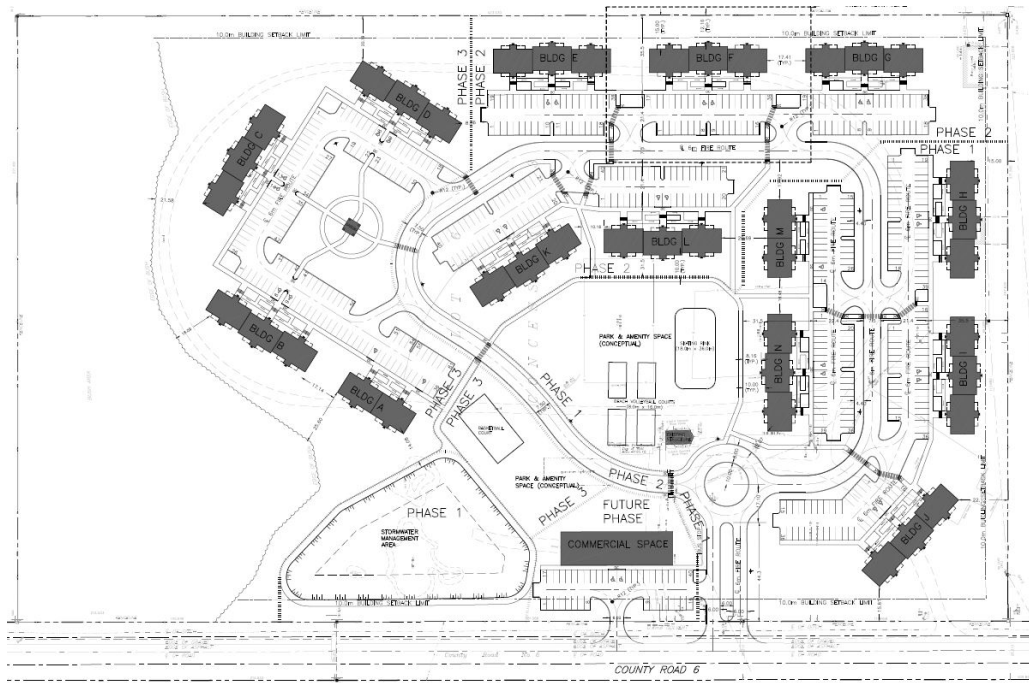


Figure 11 Site Plan of Proposed Development.



Figure 12 Building Elevation of 3 Block Model



Figure 13 Enlarged Site Plan of single building

b. Typical Building Elevations

The following images portray the concept of the building elevations.

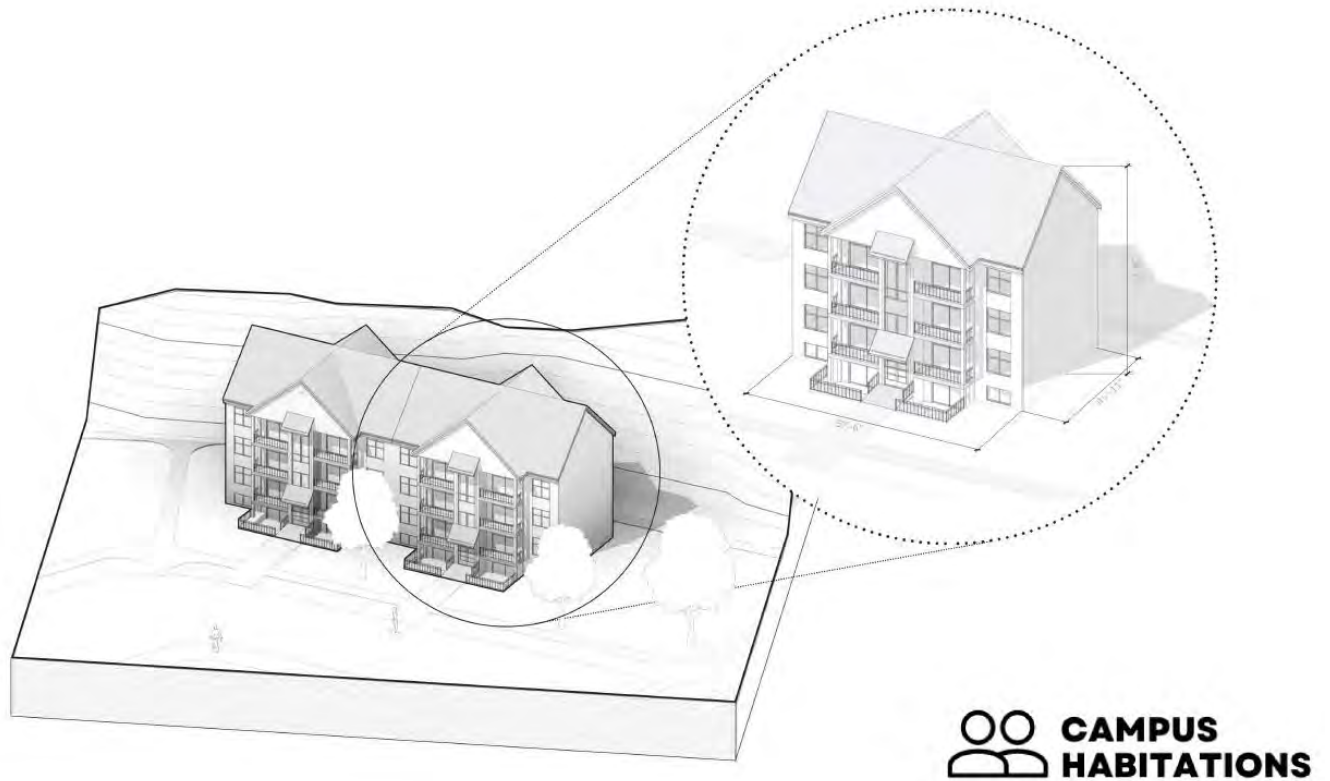


Figure 14 Axonometric view of a prototype building





*Figure 15 Front Elevation of Prototype Block*



*Figure 16 Side Elevation of Prototype Block*





*Figure 17 Side Elevation of Prototype Block*

### c. Building Aesthetic



*Figure 18 Typical Building Elevation*

The proposed building is designed to harmoniously integrate itself with the surrounding low scale residential buildings by preserving a similar style material pallet, character and detailing. The architectural character of the new development suits the existing context and incorporates features derived from recognizable architectural elements through its geometry and materiality. Balconies leading from each unit articulate points of entry and add visual interest to the facade. The material composition of natural material siding applied in traditional lapping methods at a scale consistent with low and small-scale buildings will be employed.

Carefully crafted landscaping elements will be provided at the entryway of each building which will allow for the integration of barrier free ramps and stairways up to the entry level from the parking area.

#### d. Relationship of building to the Public Realm

The proposed development takes the form of a low-rise building. Its relationship with the public realm is presented by creating a building with space to breath around it. By leaving space between buildings it allows the development to feel more like it is in a country setting rather than in a dense urban space.

## 4.0 Policy and Regulatory Review

### a. Provincial Policy Statement

Issued under the Authority of Section 3 of the Planning Act the Provincial policy Statement (2020) outlines that planning matters related to development in the province shall be consistent with this Provincial Policy statement. Acknowledging that planning often involves the complex interconnection between environmental, economic and social factors. The intention of the provincial policy statement is to *“set the policy foundation for regulating the development and use of land for the purpose of enhancing the quality of life for all Ontarians.”*

Planning authorities are encouraged to permit and facilitate a range of housing options, including new development as well as residential intensification, to respond to current and future needs.

Policies that support the development of the site include:

### 1.0 ***Building Strong Healthy Communities***

#### 1.1.1 ***Healthy, livable and safe communities are sustained by:***

- *accommodating an appropriate affordable and market-based range and mix of residential types (including single-detached, additional residential units, multi-unit housing, affordable housing and housing for older persons), employment (including industrial and commercial), institutional (including places of worship, cemeteries and long-term care homes), recreation, park and open space, and other uses to meet long-term needs*
- *avoiding development and land use patterns which may cause environmental or public health and safety concerns;*
- *promoting the integration of land use planning, growth management, transit-supportive development, intensification and infrastructure planning to achieve cost-effective development patterns, optimization of transit investments, and standards to minimize land consumption and servicing costs;*
- *promoting development and land use patterns that conserve biodiversity;*

#### 1.1.4.1 ***Healthy, integrated and viable rural areas should be support by***

- *building upon rural character, and leveraging rural amenities and assets;*
- *promoting regeneration, including the redevelopment of brownfield sites;*
- *accommodating an appropriate range and mix of housing in rural settlement areas;*
- *using rural infrastructure and public service facilities efficiently;*
- *conserving biodiversity and considering the ecological benefits provided by nature;*

#### **1.1.5 Rural Lands in Municipalities**

- *On rural lands located in municipalities, permitted uses are:*
  - *residential development, including lot creation, that is locally appropriate;*
  - *agricultural uses, agriculture-related uses, on-farm diversified uses and normal farm practices, in*
- *Recreational, tourism and other economic opportunities should be promoted.*

### **1.4 Housing**

- *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:*
  - *permitting and facilitating:*
    - *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*
    - *all types of residential intensification, including additional residential units, and redevelopment in accordance with policy 1.1.3.3;*

### **1.8 Energy Conservation, Air Quality and Climate Change**

Planning authorities shall support energy conservation and efficiency, improved air quality, reduced greenhouse gas emissions, and preparing for the impacts of a changing climate through land use and development patterns which:

- *encourage transit-supportive development and intensification to improve the mix of employment and housing uses to shorten commute journeys and decrease transportation congestion;*

The development that is being proposed is aligned with the guidelines of the provincial policy statement 2020. By developing on an existing brownfield site the project utilizes previously developed and under utilized spaces to regenerate the surrounding sites. By building new medium density residential buildings within a natural setting the project responds to the urgent need for housing while providing a healthy and natural space to promote wellbeing. In addition to this the proximity to natural protected areas promotes a healthy lifestyle while preserving these natural features for enjoyment by the broader community.

## b. Township of Elizabethtown-Kitley Official Plan

The Township of Elizabethtown-Kitley's Official Plan was approved as amendment by the United County of Leeds and Grenville on October 25 2018. Goals of the Official plan as they relate to the development of the subject property include:

- *To encourage the provision of an adequate supply and range of housing types and supporting amenities to satisfy the needs of existing and future residents, including those with special needs.*
- *To manage future growth and development in a logical and orderly manner in response to anticipated needs, having regard to economic, social, cultural, environmental and other considerations;*
- *To protect the natural and cultural heritage resources of the Township from development-related impacts in recognition of the long-term environmental, economic and other values of these resources;*
- *While pursuing the foregoing goals, the Township seeks to: Focus population growth to Settlement Areas and Residential areas;*
- *To protect significant natural heritage features such as wetlands and areas of natural and scientific interest from development-related impacts.*
- *To provide a safe, efficient and well maintained transportation system, including the encouragement of alternatives to automobile use.*

Within the Official Plan a number of policies have been established to guide development patterns, the planning outlook and parameters that development is to abide by. Text in the following section which is italicized is quoted from sections of the official plan.

### a. General Development Policies

Per Policy 2.3 Housing and Affordability Policies

*It shall be the policy of the City that:*

- *There is at least a ten-year supply of land designated and available for future residential development;*
- *A variety of housing options, including second units, are accommodated to meet the needs of present and future residents, including those that require special needs, housing for persons with physical, sensory or mental health disabilities, and housing for older persons, subject to the limitations imposed by servicing and environmental considerations;*

Per Policy 2.9 Parks, Trails and Recreational Facilities

*It shall be the policy of the City that:*

- *The Township may request the dedication of parkland or cash-in-lieu thereof as a condition of the approval of planning applications, pursuant to the provisions of the Planning Act.*

Per Policy 2.21 Natural Heritage Features and System  
It shall be the policy of the City that:

- *Development and site alteration such as filling, grading and excavating on lands adjacent to the Natural Heritage - PSW and Natural Heritage designations shall not be permitted unless the ecological function of the adjacent lands has been evaluated and it has been demonstrated that there will be no negative impacts on the natural features or their ecological functions. An environmental impact assessment will be required in accordance with the requirements of the Environmental Impact Assessments section of this Plan.*
- *Development and site alteration such as filling, grading and excavating on lands within significant woodlands shall not be permitted unless it has been demonstrated that there will be no negative impacts on the woodland's natural features or their ecological functions. An environmental impact assessment will be required in accordance with the requirements of the Environmental Impact Assessments section of this Plan.*

#### b. Land Use Policies

The current designation of the site under the official plan is Rural. Residential development is permitted under this designation however as the OP indicates typically development is limited to single dwellings developed on the basis of one dwelling per lot. Further to this rural lands are intended for limited, low density residential development that complements the character of the rural environment. It will be a requirement of this development to apply for a redesignation under the official plan to move the designation from rural to be Residential.

It is the aim of the Residential designation to provide for the bulk of new residential development over the planning horizon. While the policy still identifies that the goal of the residential designation would be to only permit single dwelling developments on the basis of one dwelling per lot, this project seeks a special exception to this policy to permit a campus style development.

#### c. Township of Elizabethtown Kitley Zoning Bylaw

Under the existing Elizabethtown-Kitley Zoning Bylaw the subject site is currently zoned OS- Open Space which permits a very limited range of uses.

The following is the summary of zoning requirements for this Zone.

##### **Open Space (OS) Zone**

1. Permitted Uses
  - accessory dwelling
  - accessory dwelling unit
  - agricultural use
  - conservation use
  - golf course
  - marine facility

- park
- 2. Zone Provisions
  - Lot Area (minimum):
    - Agricultural use that includes the keeping of livestock 4 ha
    - All other uses None
  - Yards (minimum):15 m
  - Building Height (maximum): 10 m
  - Lot Coverage (maximum): 20%
  - Accessory Dwellings or Dwelling Units per Lot (maximum): 1

Table 1: Zoning Provision summary of existing zoning designation referencing proposed development

Provision	Required by Current ZBL	Provided in Design	Compliance
Minimum Lot Frontage	No requirement	442.5m	Yes
Minimum Lot Area	None	12ha	Yes
Minimum Front Yard	15m	~25m	No
Maximum Front Yard	No Requirement	N/A	N/A
Minimum Exterior Side Yard	15m	N/A	N/A
Minimum Interior Side Yard	15m	~12m	No
Minimum Rear Yard	15m	~12m	No
Maximum Lot Coverage	20%	6.6%	Yes
Minimum Landscaped Open Space	No requirement	N/A	N/A
Minimum Ground Floor Height	No Requirement	N/A	N/A
Minimum Building Height	No requirement	N/A	N/A
Maximum Building Height	10m	14.2m	No
Maximum Number of Dwelling Units	1	320	No

As can be seen in the table above under the current zoning designation the site can not be developed as proposed without major exemptions being applied to the current zoning.

Further analysis of other zoning designations within the TE-K ZBL identify 3 existing zoning designations potentially suitable for residential development. These designations include

- R1- Residential Type 1
- R2 – Residential Type 2
- ER – Estate Residential

Review of the provisions for each of these zone concluded that similar challenges exist that would restrict development if the subject site were to be redesignated to any of the zone types listed above. The main restrictions relate to building height and number of dwelling units.

Due to this, a new zoning designation will need to be provided under the existing TE-K ZBL.

#### a. Proposed New Zoning Bylaw Designation

Based on the conclusion above a new zoning designation will need to be provided within the existing ZBL. To accommodate this project an increased density zone would be required. A determining factor behind the development of this zone type would be allowing higher density dwelling types to be permitted. The intention of the zone would also be to continue to match the character of the rural setting, and would also provide for minimums related to open space and lot coverage.

The following dwelling type would form the basis of the dwelling types that would need to be considered as part of this zone to allow for this development . The following definition is taken from the existing TE-K ZBL.

**MULTIPLE DWELLING** shall mean a dwelling which contains three or more dwelling units, and which is not a townhouse dwelling, as defined herein.

We would recommend that a zoning type with provisions similar to those listed in the table below be considered as parameters for the new zoning designation.

#### **Residential Type 3 (R3) Mixed Use Zone**

This zone provides for and regulates medium density residential developments. Zone regulations are designed to allow for and encourage a mixture of several types of multi-unit residential uses.

1. PERMITTED USES;
  - Single detached dwelling
  - Semi-detached dwelling
  - Duplex dwelling
  - Multiple Dwelling



- Day care
  - Group Home
  - Park
  - Personal Service
  - Professional or Business Office
  - Restaurant
  - Retail Store
2. Zone Provisions
- Lot Area (minimum): No Requirement
  - Front Yard: 7.5m
  - Exterior Side Yard: 7.5m
  - Interior Side Yard: 7.5m
  - Rear Yard: 10m
  - Maximum Building Height: 5 story's
  - Maximum Lot Coverage: 30%
  - Landscaped Open Space: 30%

Table 2: Zoning Provision summary of proposed zoning designation referencing proposed development

Provision	Proposed Zoning	Provided in Design	Compliance
Minimum Lot Frontage	No requirement	442.5m	Yes
Minimum Lot Area	No Requirement	12ha	Yes
Minimum Front Yard	7.5m	~25m	Yes
Maximum Front Yard	No requirement	~25m	Yes
Minimum Exterior Side Yard	7.5m	N/A	N/A
Minimum Interior Side Yard	7.5m	~12m	Yes
Minimum Rear Yard	7.5m	~12m	Yes
Maximum Lot Coverage	30%	6.6%	Yes
Minimum Landscaped Open Space	30%	>30%	Yes
Minimum Ground Floor Height	No requirement	N/A	N/A
Maximum Building Height	5 story's	3 story's	Yes
Maximum Number of Dwelling Units	No Requirement	320	Yes



## 5.0 Supporting Studies

Contained within the appendix are a number of studies and descriptive documents that have been prepared in support of this proposed development. The following is a list of these documents including the Consultant who prepared them:

- *Environmental Impact Statement - Prepared by Gemtec*
- *Geotechnical Report - Prepared by Gemtec*
- *Transportation Impact Study - Prepared by Robinson Consultants*
- *Conceptual Servicing and Stormwater Management Report Prepared by Robinson Consultants*
- *Site and Phasing Drawings Prepared by Robinson Consultants.*

## 6.0 Conclusion

It is the professional opinion of IDEA inc. that the proposed development is in line with the intention of the planning documents guiding development with the Province of Ontario and the Township of Elizabethtown-Kitley. The project reflects good planning practice and is an example of the types of development that are being successfully implemented in other areas within the province and neighboring provinces.

The project responds to a number of planning documents enacted by the Township of Elizabethtown-Kitley including the Official Plan, and Provincial Policy Statement which encourage increased efforts for housing development strategies. This project also responds to the needs of the Township and adjacent City of Brockville in providing much need housing stock.

Although revisions are sought for a number of provisions in the Official Plan and Zoning Bylaw this development does not propose structures which will negatively impact the surrounding areas. The revisions to the OP and ZBL would also not set a negative precedent for future development.

We believe that this proposal is the type of project that the Township aims to promote. Redevelopment within growing areas around municipal boundaries serves to continue the legacy of the Township of Elizabethtown-Kitley and will serve as a positive example of the benefits that campus style developments provide in responding to the current housing crisis.