

Local Planning Appeal Tribunal
Tribunal d'appel de l'aménagement
local



ISSUE DATE: July 16, 2019

CASE NO(S): PL100665

The Ontario Municipal Board (the "OMB") is continued under the name Local Planning Appeal Tribunal (the "Tribunal"), and any reference to the Ontario Municipal Board or Board in any publication of the Tribunal is deemed to be a reference to the Tribunal.

PROCEEDING COMMENCED UNDER subsection 17(40) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Appellant:	GCSJ Hillsdale Development Inc.
Appellant:	Township of Springwater
Subject:	Failure of County of Simcoe to announce a decision respecting Proposed Official Plan Amendment No. SP-OPA-37
Municipality:	Township of Springwater
OMB Case No.:	PL100665
OMB File No.:	PL100665
OMB Case Name:	GCSJ Hillsdale Development Inc. v. Springwater (Township)

Heard: July 8, 2019 in Springwater, Ontario

APPEARANCES:

Parties

Counsel

GCSJ Hillsdale Development Inc. and Hillsdale Land Corp.	S. Rosenthal
Township of Springwater	B. Kussner
County of Simcoe	M. Green

DECISION DELIVERED BY HELEN JACKSON AND ORDER OF THE TRIBUNAL

[1] This was the first Pre-hearing Conference (“PHC”) in the matter of an appeal to the Ontario Municipal Board (“OMB”), now continued as the Local Planning Appeal Tribunal (the “Tribunal”) by the Township of Springwater (the “Township”), from the failure of the County of Simcoe (the “County”) to make a decision on Official Plan Amendment (“OPA”) 37 adopted by Township Council in October 2008. OPA 37 creates a Secondary Plan for the settlement area of Hillsdale as defined in the Township Official Plan and the County Official Plan. The Secondary Plan updates the land use policies and the land use Schedule A-7 for Hillsdale. The land use designations are primarily residential with some commercial and employment uses.

[2] Appeals from the failure of the County to make a decision were also filed by Catherine Borchuk and GCSJ Hillsdale Development Inc.; however, the Tribunal was advised that these two appeals were previously withdrawn. At this PHC, Susan Rosenthal attended to request party status to this proceeding for her clients as noted in the Appearances section above. Her clients own lands with residential development permissions in Hillsdale. There was no objection to the request from the Township or the County; the Tribunal was satisfied that Ms. Rosenthal’s clients have a genuine interest in the matter and granted party status as requested.

[3] The Township advised that it had a modified OPA 37 to present to the Tribunal; the substance of which was agreed to by the parties to this matter. Mr. Kussner indicated that the only substantive changes to Schedule A-7 was firstly, the addition of a second “Special Policy Area 2” in the southwest area of Hillsdale intended for a Business Park. This is reflected in Policy 8.5.1.11. The second change to Schedule A-7 was the designation of portion of land to “Institutional” use for a fire station that is to be developed in conjunction with a Plan of Subdivision on the lands of Ms. Rosenthal’s clients. Other changes to the OPA are modest policy modifications to align the OPA with more recent provincial policy guidance documents, such as the Provincial Policy Statement 2014 (the “PPS”), and the 2019 Places to Grow - Growth Plan for the Greater

Golden Horseshoe (the “Growth Plan”).

[4] Mr. Kussner indicated that Modified OPA 37, appended to this Decision as Attachment 1, was vetted by the appropriate public agencies, including the Nottawasaga Valley Conservation Authority, and the Ministry of Transportation.

[5] With the agreement of the parties, Mr. Kussner requested that the Tribunal convert the PHC to a Settlement Hearing in order to resolve the Township’s outstanding appeal of OPA 37. The Tribunal agreed; and heard uncontroverted expert land use planning opinion evidence in support of Modified OPA 37 by Brent Spagnol, the Director of Planning Services for the Township, at this PHC. Mr. Spagnol testified that he had been involved with this OPA since its inception.

[6] Mr. Spagnol testified that Modified OPA 37, the Hillsdale Secondary Plan, establishes urban residential uses that allow for the consideration of a variety of dwelling types, including single detached homes, townhouses and multiple residential built forms; subject to the provision of municipal water and sanitary services. He indicated that the Hillsdale Secondary Plan establishes designations for the existing population and future growth in the settlement area, including Institutional and Open Space designations for parks and recreational facilities. He stated that the establishment of a Business Park employment designation in the south is key, as this is a strategic location for Hillside and the Township due its proximity to Highway 400. The Secondary Plan also establishes specific criteria to ensure the protection of environmental features. He testified that the Secondary Plan requires the Township to undertake a traffic study to ensure that there are necessary transportation improvements to support the employment lands north of Flos Road. He testified that the only substantive policy changes are to require a Township-led traffic impact study and a review of community centres; as well as policy modifications due to previous approvals.

[7] Mr. Spagnol provided his opinion that Modified OPA 37 is consistent with the PPS as it provides for a mix of residential, employment, commercial, and open space

uses which are intended to be serviced by municipal water and sewer services; and it directs growth to established settlement areas. On similar grounds, Modified OPA 37 conforms with the Growth Plan as it provides for growth on full municipal services within a settlement area, and it considers impacts to the natural environment and assigns a variety of housing types, including affordable housing and aging-in-place to assist in the development of a complete community. Mr. Spagnol testified that Modified OPA 37 is also in conformity with the County and Township Official Plans.

[8] In Mr. Spagnol's opinion, Modified OPA 37 provides for land use designations that will assist in achieving a complete community. The OPA provides policy direction for transportation and transit corridors. The lands are serviced and provide the opportunity for employment and can support the existing and future population.

FINDINGS

[9] The Tribunal accepts the uncontroverted opinion of Mr. Spagnol and finds that Modified OPA 37, the Hillsdale Secondary Plan, is consistent with the PPS, conforms with the Growth Plan, the County Official Plan, and the Township Official Plan. The Tribunal finds Modified OPA 37 to be good planning as it provides for all land use designations to help achieve a complete community.

ORDER

[10] The Tribunal dismisses the appeal by the Township, in part, and orders that Modified OPA 37, appended here as Attachment 1, is approved.

"Helen Jackson"

HELEN JACKSON
MEMBER

If there is an attachment referred to in this document,
please visit www.elto.gov.on.ca to view the attachment in PDF format.

Local Planning Appeal Tribunal

A constituent tribunal of Tribunals Ontario – Environment and Land Division
Website: www.elto.gov.on.ca Telephone: 416-212-6349 Toll Free: 1-866-448-2248



Official Plan Amendment No. 37

**To the Official Plan of the
Township of Springwater**

Hillsdale Secondary Plan

Amendment No. 37

To the Official Plan of the Township of Springwater

The attached explanatory text and Schedule "A" constituting Amendment No. 37 to the Official Plan for the Township of Springwater, was prepared and adopted by the Council of the Corporation of the Township of Springwater by By-Law No. 2008 - 102 in accordance with the provisions of Sections 17 and 21 of the Planning Act, R.S.O. 1990, c.P. 13, as amended.

Mayor

Clerk

The Corporation of the Township of Springwater

By-Law No. 2008- 102

**OPA NO. 37- Hillsdale Secondary
Plan A By-law to Adopt an
Amendment to the
Official Plan for the Township of Springwater**

Whereas Sections 17 and 21 of the Planning Act, R.S.O. 1990, c.P.13 as amended provide that a council may initiate an amendment its official plan; and

Whereas the policies of the Springwater Official Plan are approved and in force and effect at this time; and

Whereas Section 8.6.1.2 of the Springwater Official Plan requires that a Secondary Plan or Plans be undertaken prior to the contemplation of any significant changes to the land use designations for the settlement area; and

Whereas the Council of The Corporation of the Township of Springwater deems it desirable to adopt an amendment to the Official Plan of the Township of Springwater to guide future development in the Hillsdale Settlement Area;

Now therefore the Council of The Corporation of the Township of Springwater enacts as follows:

1. That the attached explanatory text and Schedule 'A' which constitute Amendment No. 37 to the Official Plan for the Township of Springwater is hereby adopted.
2. That the Clerk is hereby authorized and directed to make application to the County of Simcoe for approval of the aforementioned Amendment No. 37 to the Official Plan for the Township of Springwater.
3. That this By-law shall come into force and take effect in accordance with the provisions of the Planning Act, R.S.O. 1990, c.P.13. as amended.

Read a first, second and third time and finally passed on the _____ day of _____, 2019.

Mayor

Clerk

Constitutional Statement

The following Amendment to the Official Plan of the Township of Springwater consists of three parts.

Part A - The Preamble, consisting of the purpose, location and basis of the Amendment, does not constitute part of this Amendment.

Part B - The Amendment consisting of the following text constitutes Amendment No. 37 to the Official Plan for the Township of Springwater.

Index

	Page
Part A – The Preamble	
1.1 Purpose of the Amendment	6
1.2 Location of the Amendment	6
1.3 Basis of the Amendment	6
Part B – The Amendment	11
2.1 Land Use Schedule Reference	11
2.2 Policies	11
3.0 Interpretation	20
4.0 Implementation	20

Township of Springwater Proposed Official Plan Amendment No. 37 Hillsdale Settlement Area Secondary Plan

1. The Preamble

1.1 Purpose of the Amendment

The purpose of the Amendment is to upgrade the land use policies and land use Schedule "A-7" for the Settlement Area of Hillsdale through the preparation of a Secondary Plan for Hillsdale.

1.2 Location of the Amendment

The Amendment applies to the Settlement Area of Hillsdale as shown on Schedule "A-7" and to Section 8, Settlement Area Policies, subsection 8.5 Hillsdale. Specifically, the lands subject to the Amendment include:

Lots 50, 51, 52 and 53, Concession 1, W.P.R.

Lots 49, 50, 51, 52, 53, 54, 55, 56 and part of 57, Concession 1, E.P.R.

1.3 Basis of the Amendment

The Hillsdale Settlement Area is located in the northeast section of the Township of Springwater. Highway 400 forms the southern boundary and the Community is bisected by Highway 93. The Copeland Craighurst-Guthrie Provincially Significant Wetland and Significant Biological Area along with the Sturgeon River form the easterly boundary of the existing community. Prime agricultural lands lie to the west of the Settlement Area. The Hillsdale community is designated as a Settlement Area in the Township of Springwater and the County of Simcoe Official Plan.

The last remaining significant area of vacant designated lands for residential development lies in the northeast section of the Community and is the subject of a major development proposal known as "Heritage Village" which has received approval through the Ontario Municipal Board. As provided for in the Township's Official Plan, a Community Plan was generated in conjunction with the Heritage Village proposal. The Plan looked at Hillsdale as a whole, but was oriented towards the provision of context for the specific development and did not provide the details of a planning policy framework for the development of the balance of the community.

In recognition of the anticipated development pressures on the community

resulting from its proximity to Highway 400 and the City of Barrie, the change in circumstances resulting from the improvements to the municipal water system and the introduction of municipal sewage treatment to the community and the growth-related concerns raised by the members of the community, the Township of Springwater initiated a program to develop a Secondary Plan for Hillsdale. The Hillsdale Secondary Plan is intended to provide policy guidance for the future development of the Hillsdale through the more comprehensive and consultative process associated with the generation and consideration of an Official Plan Amendment.

The Secondary Plan is intended to identify areas suitable for development in the context of environmental constraints, servicing, growth management and transportation along with the appropriate policies.

The Hillsdale Settlement Area comprises approximately 700 hectares with an existing population of approximately 912 persons housed in 304 dwelling units. Heritage Village and Sarjeant draft plans of subdivision will add approximately 233 and 120 additional dwelling units respectively serviced with full municipal services. The remainder of the development within the settlement area is primarily serviced with municipal water and private septic services.

The existing Settlement Area and Land Use designations are found on Schedule "A-7" of the Township Official Plan and comprise:

- an "Urban Residential" designation in the existing built up area, the Heritage Village property and lands adjacent thereto;
- an "Open Space" designation which applies to the site of a small community centre and associated ball park and a small subdivision park;
- a "General Commercial" designation in the built up area along Highway 93;
- an "Institutional" designation which applies to the public school, cemetery, churches and public works lands;
- an "Industrial" designation on an existing auto wrecking yard;
- a "Business Park" designation applying to existing uses and lands in Lot 49, Concession 1, E.P.R. Additionally, the lands in Lot 50, 51 and 52, Concession 1, W.P.R. and Lots 48 to 52, Concession 1, E.P.R. are identified as Business Park in the text of the Official Plan under Section 13.
- the remainder of the Settlement Area is designated either "Rural" or "Agricultural" and "Natural Heritage Environmental Protection I" and "Natural Heritage Environmental Protection II".

The Policies relating to the Hillsdale Settlement Area found in Section 8.5 specifically address the required studies through the development of a Community Plan for new Development and protection for the Copeland Craighurst-Guthrie Wetland Complex and Significant Biological Area. The Land Use policies which apply to the designation on Schedule A-7 are those found throughout the Official

Plan, for example, the Urban Residential Policies of Section 9.2.

The development of the Secondary Plan will follow a similar approach. A new Land Use Schedule will be prepared which identifies the land use designations within the Settlement Area. Policies specific to the Hillsdale Settlement Area will be set out in Section 8.5. General policies addressing the specific land use designations are found throughout the text of the existing Official Plan and more detailed direction specific to Hillsdale is provided by the Secondary Plan.

The key specific Official Plan policies which will apply to the Hillsdale Settlement Area are set out below:

- i. The Township Official Plan and the Places to Grow Act promote strong, economically viable urban communities where one can live, work and play. They both direct new growth to Settlement Areas, such as Hillsdale, so that opportunities exist to create a vibrant community planning context in villages and small urban places. It is the intent of the Secondary Plan for the Hillsdale Settlement Area to create an economically viable community which will provide opportunities to live, work and play within the community.
- ii. The Plan promotes a concentration of economic development in nodal locations. New land for commercial, industrial uses in the form of a business park in the Highway 400/93 area is to take precedent over other new locations and can occur adjacent to urban settlement areas.
- iii. The Plan establishes Hillsdale as an area with some growth potential.
- iv. The Plan provides for a mix of residential uses, intensification subject to appropriate servicing.
- v. The "Urban Residential", "General Commercial", "Industrial", "Business Park", "Institutional", "Open Space" and "Natural Heritage" policies apply to the land use designation set out in Schedule "A-7", Hillsdale Settlement Area.

The Heritage Village development undertook detailed background work in their development of a Community Plan. While the major focus related to their specific development, the background studies in order to address connectivity with the Hillsdale Community had applicability to the entire community. This included, for example, an assessment of the municipal water and sewage requirements and traffic impacts applicable to the Hillsdale Community. These reports were reviewed and considered in the broader context of the Hillsdale Community and the Secondary Plan.

The land use categories as they relate to the future Urban Residential, Commercial and Business Park lands would provide for:

1. Urban Residential

The proposed future Urban Residential lands comprise the following areas:

- i. Lot 57, Concession 1 EPR, 206 Scarlett Line consisting of a total of 30.89 hectares draft plan approved subdivision of 120 lots (360 persons).
- ii. Part Lot 55, Concession 1 EPR, Scarlett Line, 114 Scarlett Line representing a subdivision proposed with 15 draft approved Estate Residential lots (45 persons).
- iii. Martin Street lands consisting of 13 hectares and a development potential with an estimated lot count of some 173 lots (519 persons).
- iv. Old Penetanguishene Road area consisting of 29 hectares and an estimated potential for some 384 units (1,152 persons).

The number of lots were determined by reducing the existing zoning by-law lot area requirements by 30% yielding a lot size of 525 square metres. Based on 3 persons per unit and an estimated total of 692 lots, an additional population of 2076 persons would result. The existing population of 912 and the potential population of 699 at Heritage Village, in addition to the 2076 additional persons will bring the ultimate future population of the Hillsdale Settlement Area to 3,687 persons, at full build out.

2. Commercial

The Hillsdale Settlement Area presently provides a total of 2,080 square metres of retail and service space with an additional 150 square metres of vacant space. Most of the uses are local in nature as the current population is unable to support larger convenience services such as a supermarket, drugstore or higher order retail. Thus, residents must travel to other communities to obtain these services. Urban Metrics undertook a commercial review as part of the review for Heritage Village and estimated the Community could accommodate an additional 3,250 – 4,180 square metres of commercial floor space which could accommodate uses such as specialty foods, supermarkets, drugstore, florist, hardware and personal service uses. In addition to the commercial area on Highway 93 and the single lot on the Heritage Village Plan, an additional 4 hectares has been designated on Schedule “A-7” in the south part of the Settlement Area.

3. Employment Lands/Business Park

The lands originally set aside for the Business Park designation within the existing Official Plan, comprising:

- Lots 48, 49, 50, 51 and 52, Concession 1, E.P.R.
- Lots 50, 51 and 52, Concession 1, W.P.P.

represent 273 hectares of which a significant portion would be considered as Natural Heritage lands.

This location has strategic economic importance to the Township as a Business Park as it meets the following criteria:

- excellent highway transportation linkages, being served by 2 Provincial Highways and a Major Arterial;
- poor agricultural lands; level topography;
- non-aggregate lands;
- relatively isolated from residential areas;
- within a defined Settlement Area.

The revised figures on proposed Schedule A-7 would result in an area of 64 hectares to 136 hectares. These figures do not include those lands on which existing employment uses exist and the lands adjacent to Highway 93, south of Cassels Drive which are subject to a site plan for a service centre. The lower figure, 64 hectares, represents those lands which fall under the Business Park designation. The upper figure represents the maximum Business Park land area if all lands under the Natural Heritage Environmental Protection Category 2 lands were found not to be significant. Lots 51 and Part of 52, 2108 Flos Road Four East have been developed and effectively have removed 56% of the available employment lands or 36 hectares.

As part of the Hillsdale Secondary Plan process, it is necessary to ensure that the Secondary Plan is in conformity with the Provincial and County policy direction. The Provincial Growth Plan, Provincial Policy Statement and the County Official Plan have been reviewed. The intent of the Secondary Plan is to:

"accommodate new population and employment opportunities to develop a compact vibrant complete community in which opportunities are available for the existing and future residents to live, work, sleep and pursue recreational activities within the existing Settlement Areas while at the same time protecting the natural heritage features within the Settlement Area."

The vision of the Provincial Growth Plan is to build strong prosperous communities:

- by directing growth to built-up areas with the capacity to accommodate new population and employment opportunities;
- by developing compact vibrant communities;
- by providing a balance of jobs and housing that: reduces the need for commuting;
- promotes the development of a complete community;
- directs development to settlement areas; while protecting the natural

heritage features.

Similarly, the Provincial Policy Statement directs new growth to settlement areas where an appropriate range of housing, employment, recreation and open space uses can be provided to meet the community's long term needs. The policy statement provides that a range of suitable sites for employment uses are to be maintained.

The County Official Plan directs growth to settlement areas to provide the opportunity for people to live, work, sleep and find recreational opportunities in a compact community. The Plan encourages municipalities to develop plans and secondary plans that accommodate up to 20 years growth for residential, commercial, industrial and institutional development within a Settlement Area. Hillsdale is recognized as a Settlement Area in the County Official Plan.

The Hillsdale Secondary Plan generally conforms to and is consistent with the above planning initiatives and specifically:

- has addressed the extent and sensitivity of the Natural Heritage System; addressed the appropriate growth of residential, employment and commercial lands;
- provided through the Housing and Urban Residential designation appropriate housing mix;
- addressed capability and linkage with the existing community;
- addressed necessary and appropriate transportation infrastructure;
- addressed servicing options.

2. The Amendment

2.1 Schedule “A-7” to the Township of Springwater Official Plan is hereby deleted in its entirety and replaced with a new Schedule “A-7”, Hillsdale Secondary Plan Land Use and Road Plan attached hereto as Schedule “A”.

2.2 Section 8 Settlement Area Policies, Subsection 8.5 Hillsdale, is hereby amended by deleting this subsection in its entirety and replacing it with the following:

8.5 Hillsdale Secondary Plan

8.5.1 Development Policies

8.5.1.1 Applicable Policy

The policies of this Section 8.5.1 and all applicable policies of this Official Plan apply to the land use designations within the

Settlement Area as shown on Schedule "A-7" Hillsdale Secondary Plan Land Use and Road Plan. To determine the permitted uses and policies applicable to the Land use designation, the Official Plan must be considered in its entirety.

8.5.1.2 Development Potential

The Hillsdale Settlement Area is recognized as having a major settlement area potential. Development of the community shall occur in conformity with the land use designations as provided within the Settlement Area and shown on Schedule "A- 7".

8.5.1.3 Development Pre-Requisites

Prior to any new development occurring, the proponent shall show to the satisfaction of the Township that:

- a) The lands are suitable for development and shall not adversely impact significant natural heritage features of the Copeland Craighurst-Guthrie Wetland Complex, and adjacent lands the Copeland Forest Significant Biological Area, and adjacent environmentally sensitive lands. Suitability will be determined through the preparation and approval of an Environmental Impact Study.
- b) Stormwater drainage through a Master Drainage Plan shall not impact on the natural heritage features.
- c) The development site does not contain significant archaeological resources.
- d) The proposed development can be adequately serviced with sewage and water facilities.
- e) A hydrogeological investigation is undertaken to ensure the proposed development does not impose adverse impacts on the groundwater system.
- f) A Traffic Impact Study is undertaken to provide adequate access to the development while not adversely affecting the function of Highway 93 and the safety issues of the Community.

All studies prepared in support of a development application may be subject to a peer review at the expense of the proponent.

8.5.1.4 Residential Transition

The lands designated as Urban Residential in Schedule A-7 in Lot 54, Concession 1, W.P.R. immediately adjacent to the existing development to the north shall be developed with larger Lot sizes so as to provide for a transition to the smaller urban lot sizes anticipated on the lands to the south.

8.5.1.5 Buffering

Within the Zoning By-Law, appropriate buffering setbacks shall be required for any residential development located adjacent to the existing wrecking yard located in the Old Penetanguishene Road area.

8.5.1.6 Community Centre

Within the Urban Residential designation located on the western side of the Old Penetanguishene Road in Lots 52, 53, Concession 1, W.P.R., lands shall be provided for the development of a future Community Centre subject to a feasibility study.

8.5.1.7 Open Space Access

Council through the acquisition of land through the subdivision process or acquisition shall provide an access for the existing park in Lot 55 to Martin Street.

8.5.1.8 Natural Heritage Environmental Protection Category 2 Lands

Notwithstanding the policies of Section 16 of the Official Plan, the lands shown as Natural Heritage Environmental Protection 2 Lands, shall be subject to an Environmental Impact Study (EIS) to define the significance of the Natural Heritage feature. The lands not determined to be significant in terms of the Natural Heritage feature through the EIS process may be used for the same purposes as the adjacent land use designation without an amendment to the Official Plan.

8.5.1.9 Transportation/Pedestrian Network

While it is important to maintain Highway 93 as a transportation corridor and restrict access, it is important to provide:

- protection to the local residents within the defined settlement area;
- provide for the future development of the settlement area;

- provide efficient feasible transportation networks/road patterns to service new 'Business Park', 'Residential' and 'Commercial' designations North of Flos Road 4 West in the Old Penetanguishene Road area.

In this regard then the following policies will apply:

- a) A Community Safety Zone be established between Robert Boulevard and McFadden Street on Highway 93.
- b) The Old Penetanguishene Road be developed from Mill Street southward as a roadway and municipal trail system to service lands in Lots 52 and 53, Concession 1 E.P.R. It is not the intention of this Plan for a road connection of the Old Penetanguishene Road with Highway 93 at its present location. In this regard, a Township initiated Traffic Impact Study will be required to provide traffic projections for the Old Penetanguishene Road Area, 'Business Park', 'Residential' and 'Commercial' designations located north of Flos. Road Four West to provide recommendations regarding locations for access roads needed to feasibly service these lands.
- c) Intersection improvements as shown on Schedule "A-7" be made as follows:
 - i. At the intersection of McFadden Street and Highway 93, a signalized crosswalk be provided.
 - ii. A signalized intersection be established at the intersection of Robert Boulevard and Highway 93 and Cassell Drive and Highway 93.
 - iii. An intersection with Highway 93 be established to:
 - service the residential Lands within Lots 53/54, Concession 1, E.P.R.
 - service the Business park between Lots 51 and 52, Concession 1, W.P.R. In addition, it is the intent of this Plan to provide a linkage to service the wrecking yard and connect to the road network in Lots 53 and 54, Concession 1, E.P.R.
 - iv. An intersection along Flos Road 4 be established to service the Business Park Lands within Lots 51, 52, and 53, Concession 1 W.P.R.
 - v. Highway 93 with the exception of the built up area is a controlled access highway and, thus,

all intersection improvements, access and commercial entrances require the approval of the Ministry of Transportation.

- d) As applications arise, the Township may pursue the creation of a trail network in Hillsdale including connections to adjacent lands with regard to the implementation of the Township of Springwater Trails Master Plan.

8.5.1.10 Servicing

Notwithstanding the servicing policies of the Official Plan in the Urban Residential designation, alternative servicing methods may be considered provided a detailed servicing feasibility study and a hydrogeological study are prepared to the satisfaction of the Township in consultation with relevant agencies. The servicing feasibility study should address among other things the financial impact on the municipality and justification as to why a connection to the existing Heritage Village System is not feasible.

8.5.1.11 Special Policy Areas

The Special Policy Areas shown on Schedule “A-7” relate to lands presently shown as Natural Heritage Environmental Protection Category 1. These lands are under review to determine their Natural Heritage significance. Subject to the completion of an EIS to the satisfaction of the Township and relevant agencies, the future use of these lands should they be determined not to have Natural Heritage significance shall be Urban Residential in Special Policy Area 1 and Business Park in Special Policy Area 2.

8.5.1.12 Urban Design Guidelines

As part of the Site Plan Control process, all proposed buildings under that process may be subject to architectural review which may include review of exterior design, character, scale, appearance and design features. Appendix 1 Urban Design Guideline of the Official Plan shall provide guidance for such reviews. At the discretion of the Township, the development of Architectural Design Guidelines may be required for any proposed subdivision within the Secondary Plan Area.

8.5.1.13 Heritage District

In accordance with provincial policies and guidelines, consideration can be given to the development of a Heritage District for the Hillsdale Community.

8.5.1.14 Environmental Impact Studies

In addition to the policies contained in Section 16 Natural Heritage Environmental Protection Policies, the following specific Environmental Impact Studies (EIS) policies shall apply to Hillsdale.

- a) The purpose of an EIS is to:
 - i. Collect and evaluate all appropriate information in order to have an understanding of the boundaries, attributes and functions of all natural heritage and related ecological and hydrological feature(s); and,
 - ii. Make an informed decision as to whether or not a proposed use will have a negative impact on natural heritage features or their ecological functions.
- b) Any EIS required by this Plan must describe the natural features and ecological functions and related hydrological features, identify their significance and sensitivities and describe how they could be affected by a proposed use. The EIS should consider the relevant aspects and inter-relationships of various components of the natural heritage system on and off the site. In addition, the EIS must address how the proposed development will protect, maintain or restore significant natural heritage features or their ecological functions.
- c) The determination of the level of effort required to prepare an EIS shall be determined in advance with the appropriate agencies and may be scoped as required.

The area under study shall generally include the lands that are subject of the application and any adjacent lands that may be subject to impacts from the proposed development. Once the scope of the EIS is determined, all or some of the items below may be required as determined by the Township and relevant agencies:

- i. a description of the proposed undertaking;

- ii. a three season survey of trees, shrubs and herbaceous vegetation on-site and classification of community types using criteria as standardized by the Ecological Land Classification for Southern Ontario (Lee, et al, 1998);
- iii. a three season survey of bird, mammal and reptile and amphibian species and an assessment of potential wildlife species based on available habitat types with the bird survey being undertaken during the peak period for migratory and breeding bird activity;
- iv. a list, based on the above mentioned inventories, of any vegetation or wildlife species observed and reported on-site that are designated rare, threatened or endangered under the Endangered Species Act;
- v. a description of the location and characteristics of all wetlands, all permanent and intermittent watercourses or water bodies and the associated quality and type of aquatic or fish habitat (including observed and recorded fish species present with reference to fish sampling data or benthic/invertebrate studies should accompany the field data on watercourses/fisheries. This may include preparation of an updated wetland evaluation in accordance with the Ministry of Natural Resources and Forestry classification system;
- vi. An overview of site geology, topography and soil types, including data obtained from hand-augured holes or test pits;
- vii. An overview of site hydrology describing recharge and discharge areas, and characteristics of existing or new wells;
- viii. A discussion of existing and proposed sources of potential contamination (e.g. gas stations, machinery repair operations, etc.);
- ix. A description of ecological functions and inter-relationships (e.g. ground water discharge maintaining a cold water trout stream, wildlife passage corridors, provision of habitat for rare species, vegetation of steeply sloped lands that function to prevent erosion, etc.);
- x. How the proposed use affects the possibility of linking components of the natural heritage system by natural corridors that may or may not

- be identified on the schedules to this Plan;
- xi. A Management Plan identifying how the adverse effects will be avoided over the construction period and the life of the undertaking and how environmental features and functions will be enhanced where appropriate and describing the net effect of the undertaking after implementation of the Management Plan. The Management Plan shall also establish the limits of buffers and setbacks adjacent to watercourses, water bodies, valleys, wetlands and vegetation to protect the natural feature and its attributes and/or function from the effects of development; and
 - xii. In relation to woodlands, the delineation of the woodland to be protected and the mitigative measures required, if applicable, shall be based on an evaluation of the ecological importance and function of the feature with regard to its size and form, health and quality, species composition and diversity, areas of core habitat, history of use, including presence or absence of areas of plantation, and the presence of rare or endangered species.
- d) Any EIS shall describe what changes the proposed development and/or site alteration will have on the following, if applicable:
- i. ground and surface water recharge and discharge;
 - ii. predicted ground water use and potential for interference with nearby wells (e.g. well yield, water quality);
 - iii. ground water quality or quantity as it affects the natural environment (e.g. discharge to surface, aquifer conditions);
 - iv. surface water quality and quantity (e.g. sedimentation, temperature, flow volume);
 - v. terrestrial wildlife habitat quantity or quality (e.g. loss of deer wintering yards, cover for wildlife movement, increased potential for bank erosion);
 - vi. aquatic or fish habitat or quality (e.g. water warming from removal of stream bank vegetation, potential for destruction or alteration of a fisheries resource);
 - vii. wildlife movement corridors;

- viii. the ecological function of the natural environmental features;
- ix. noise and traffic levels and their impacts on wildlife as compared to existing conditions (e.g. truck traffic from excavation activities);
- x. the potential for fragmentation or isolation of portions of a significant natural heritage feature or breakage of an identified linkage as a result of the proposed change in land use;
- xi. the potential for off-site discharge of materials (e.g. stormwater runoff, effluent, odours, air emissions) as a result of the proposed development;
- xii. erosion potential from grading and construction techniques and proposed mitigation measures for steep slopes or unstable soils;
- xiii. the compatibility of the proposed land use with surrounding land uses within the Greenway System and/or associated linkages;
- xiv. flooding or changes in storm water retention capabilities as a result of the proposed land use or changes to flood attenuation capabilities of lands in the area; and,
- xv. the duration of the effects, the size of the area affected, the sensitivity of the feature to change and any loss of ecological functions within the area proposed for development.

In addition to the above, the EIS shall describe the positive impacts or enhancements that may occur as a result of mitigation.

- e) The EIS should demonstrate, where applicable, that the relevant policies of this Plan are met and, in particular, that the proposed use will not have a negative impact on significant natural features or their ecological functions.

8.5.1.15 Policy to Prevail

In the event of a conflict between the policies of this section and other policies of the Plan, the policies of Section 8.5 shall prevail.

8.5.1.16 Financial Agreements

- a) In order to ensure that property owners contribute their proportionate share towards the provision of community facilities such as schools, parks, roads and road improvements as well as shared infrastructure such as external services and storm water management facilities, property owners will be required to enter into one or more agreements, including a developer cost sharing agreement, as a condition of development approval for their lands that provides for the equitable distribution of the associated costs of the aforementioned community facilities and infrastructure, including that of land.
- b) Prior to the registration of any development, the owner shall have entered into a Servicing Agreement, including front end requirements or accelerated payments, with the Township of Springwater that will identify the capital expenditures associated with servicing the lands.
- c) Prior to any development approvals, an assessment of infrastructure cost requirements to accommodate the Secondary Plan development including development phasing, the timing of infrastructure emplacement, and methods of financing including developer front-end or accelerated payment agreements shall be addressed in conjunction with other proponent's developments in the Secondary Plan Area to the satisfaction of the Municipality.

3. Interpretation

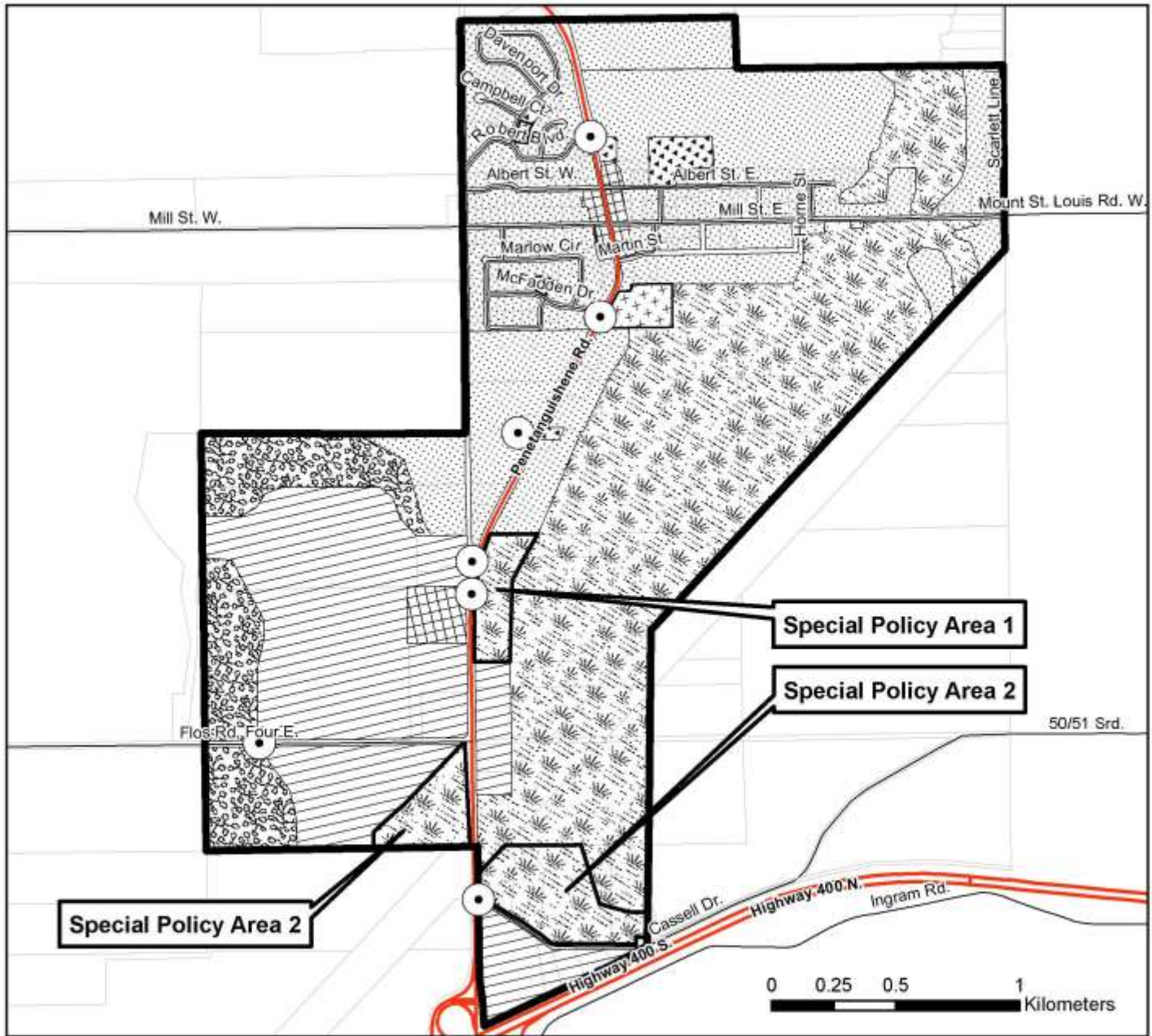
This Amendment shall be interpreted in accordance with the policies of the Township of Springwater Official Plan.

4. Implementation







This Amendment shall be implemented in accordance with the policies of the Township of Springwater Official Plan.

Township of Springwater Proposed Official Plan Amendment No. 37
 Hillsdale Settlement Area Secondary Plan

Schedule A-7: Hillsdale



Legend

- | | |
|--|---|
|  Urban Residential |  Natural Heritage Environmental Protection 1 |
|  General Commercial |  Natural Heritage Environmental Protection 2 |
|  Institutional |  Open Space |
|  Business Park |  Transportation Network Improvements |

