

To: Westville Planning Committee  
Westville Council

From: Sean Day, Planner/Development Officer

Date: March 18, 2024

Reference: Application to enter into a Development Agreement for the property located at 1864 Acadia Ave, Westville (PIDs 01026459, 65072324) to permit the development of a compact neighbourhood which comprises 6, 4-unit residential buildings accessed via private laneway.

### Recommendation

That Council approve the development agreement for 1864 Acadia Ave, Westville to permit the establishment of 6, 4-unit residential buildings on a private road as presented.

	Description
Designation:	Residential
Zoning:	Residential Two Unit (R2)
Identification	PIDs 01026459 & 65072324
Total Lot Area:	4.3 acres
Site Visit:	Feb. 21, 2024

### Background

The prospective owners of the subject property are interested in moving quickly to help address the housing shortage. The opportunity to develop 24 compact, efficient residential units, contained in 6, 4-unit buildings, will prove very helpful in this regard.

In the hierarchy of tools enabled under the Municipal Government Act, Development Agreements are both the most flexible, but also, in some respects, the most challenging and onerous. One may only use this tool if it is supported by policy for the use and location under discussion. As they are typically used only in special conditions, they require public consultation in the form of a public hearing. In certain instances, when a proposed development may be quite impactful, additional public consultation may be called up. The agreements themselves are negotiated between the municipality and the proponent, subject to guidance of policy in the municipal planning strategy. Should council agree to enter an agreement, the decision may be appealed by, 'an aggrieved person' to the Utility and Review Board. This is not a path to be taken lightly. If a council declines to enter an agreement, the proponent may appeal that decision – also to the UARB. Once through the appeal process, agreements are registered as an encumbrance on the deed and, as such, run with the land.

With respect to Public Participation, where this property is set well back from the road within a sparsely populated residential area and is largely surrounded by undeveloped woodland, it was not deemed to be necessary. As is always the case, the notice concerning the hearing will go out well in advance once First reading is given. The notice will contain information about the proposal and provide opportunity to view all relevant documents. Should there be an interest in providing comment, the public will be given the opportunity to write in and/or attend the hearing in person.

Initially, the developer anticipated participating in the Provincial Affordable Housing program however in the end, the process and level of commitment were not felt to be in line with program benefits. That noted, the development is intended to serve the affordable end of the housing market for new housing.

## Site Visit

During a site visit with the applicant on the afternoon of February 21 it was not possible to walk the lands due to deep snow however the small parcel intended to provide access and an adjoining parcel owned by the town were clearly visible. These lead back to the large, wooded site which is proposed for the development. The smaller portion of which is intended as the entrance falls to the east of a town parcel and is somewhat however it is well above a drainage path running along side to the east. As noted earlier, the site is well wooded with a mix of tree species. Two large pines could be seen on the western portion of the site and a large willow to the east. To the extent possible, it will be desirable to keep any large healthy trees.

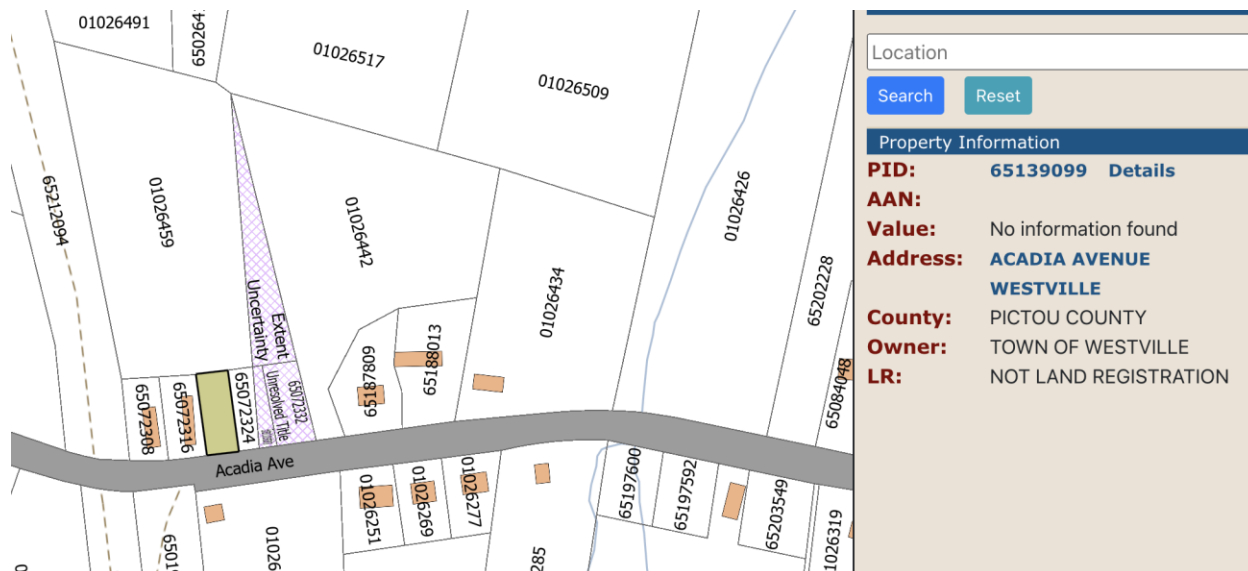
The site is moderately sloped and features the above noted existing drainage course. Care will have to be taken to ensure additional storm water flows resulting from the increase in hard surface will not prove a nuisance on off-site properties. This is noted in the agreement as a condition.

## Discussion

### Land Title

In the diagram below the Town-owned lot is clearly identified. To the right of that lies PID 65072324, the lot which will be used for access.

To the side of this are lands that are deemed to be contended in terms of ownership. These lands are not involved in this development.



### Building and Design

The buildings are designed to be constructed from modules and as such, can be made operational relatively quickly. They will be erected on permanent foundations. The units are also intended to be offered as affordable housing options (within the market spectrum) and so are relatively nondescript. As the units share common walls, are efficient in layout, and will be insulated to the latest energy codes, they will be highly efficient to heat and cool. That the site is within a short walking distance of downtown means they will offer a lifestyle which is less dependent on use of personal automobiles. Shedding a car has been estimated to save Canadians as much as \$13,000 per year in after-tax income.

The nature of the structures generally works well on the lot however the length means it feels a bit forced at times. This is a small price to pay given the other benefits, however. That noted, the DA will be drafted in such a way as to allow some flexibility in site development as may be shown to be desirable.

#### Amenities

Where this project is aimed at the more affordable end of the housing market, specific amenities were not included. That noted, there is substantial greenspace on the property which will easily support non-programmed recreation.

#### Parking

Parking spaces will be provided at a rate of 1 space per unit. Additionally, limited guest parking will be provided on the site. Staff recommends that parking spaces not be provided for free, but rather as an amenity for a price. In that manner, those without cars are not subsidizing those with cars. Further it provides an opportunity for some to utilize more than one space should that be necessary.

#### Mail Facilities

This site falls within the portion of Westville that automatically benefits from a free mailbox at the post office on Main Street. As such, no additional provisions for mail are necessary.

#### Lighting & Site Safety

Site lighting shall be installed in a such a manner as to ensure pedestrian safety while not impinging on adjoining properties.

## Environment

#### Stormwater

In the Environment section of the IPS, the following policy statements are found.

#### **Policy E-1: Minimizing Run-off**

*New development shall be required to achieve no net increases in storm water run-off through innovative site design and engineering aimed at infiltrating, filtering, evaporating, harvesting and retaining runoff, as well as preventing pollution.*

#### **Policy E-2: Natural Drainage**

*The use of existing natural drainage systems shall be encouraged.*

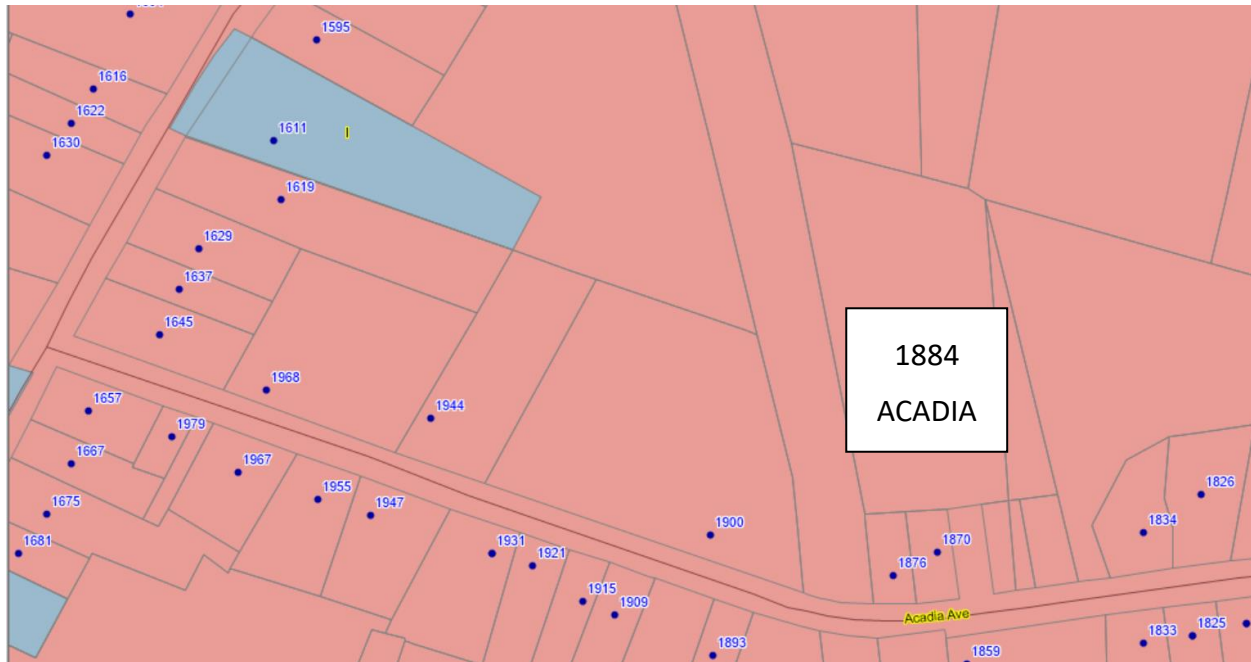
The manner of dealing with stormwater consists of maintaining substantial greenspace around the buildings which will absorb stormwater and recharge ground water, as well as a stormwater conveyance system designed to slowly release of water and collect sediment as it makes its way to the existing waterway. Further, compact units, reduced parking and reduced laneway width all serve to reduce hard-surface which in turn reduces the amount of stormwater management required.

#### Trees

See discussion in Site Visit and elsewhere in this document.

## Zoning

The property is zoned Residential Two Unit (R2). In Clause 36.1.2 of the Land Use By-law, it states that multiple unit residential developments may be considered in the R2 Zone through policy RD-9.



Guidance provided in policy RD-9 is concerned with the following:

- a) Lot requirements of the relevant zones as applicable as a guideline to negotiate DA terms;
- b) Architectural design compatibility with adjacent uses, including scale and exterior finish;
- c) Outdoor Storage area and year-round artificial or natural screening;
- d) Landscape preservation by minimizing tree and soil removal;
- e) Municipal water and sewer servicing;
- f) Open Space, amenity space, and like considerations; and
- g) Proposals satisfy the review criteria of IM-12

Each of these will be addressed in turn.

Note that implementation policy IM-12 is the standard set of criteria that is reviewed for all development agreements, large or small. As such, there is some overlap with the requirements contained in RD-9.

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### **Policy RD-9: New Multiple-Unit Dwellings by Development Agreement**

Development Agreement applications shall consider, without limitation, factors as follows:

RD-9 (a) notes that lot requirements of the applicable zone be used as guidelines. In this instance, the R3 zone provides for as-of-right development of multi-unit residential projects provided any new lot features 90 feet of frontage and 9,000 ft<sup>2</sup> plus 1,500 ft<sup>2</sup> for each unit in addition to 3. This would result in a minimum lot area of 43500 square feet (just under an acre) as compared with 3.2 acres for the portion of land on which the units will be located. It is important to note that the lot is existing and features

access to Acadia via the small lot adjoining the town lot. While frontage will be less than that required in an as-of-right application is not felt to be a concern as the development does not front on the road.

RD-9 (b) requires us to consider architectural consideration of surrounding uses. In effect, there are none as the proposed buildings are one storey and the lot, which is set back from the street and public views, will be blocked by development between the street and the buildings contained in this project.

Moreover, Acadia Ave features a mix of building types – defying any unifying categorization.

RD-9 (c) is concerned with visual impact on surrounding uses – in particular with regard to outdoor storage and perimeter buffering. In this case there is only one property which will have direct views into the development and a solid tree line will be maintained in this area. Further, trees will be planted (or maintained) around the perimeter and especially in areas abutting existing houses. Outdoor storage would only relate to storage of solid waste. Tree planting and shielding of solid waste storage facilities will be a requirement of the development agreement.

RD-9 (d) asks that we keep existing landscaping where possible. While the site is wooded now, certain species, especially spruce, do not tolerate selective cutting and will come down in future wind events. This will be reviewed as site conditions permit and large, healthy trees noted for retention. The site will require moderate grading and all topsoil will be retained for areas intended to feature grass or gardens.

RD-9 (e) requires that the project is connected to municipal water and sewer. This will be the case.

RD-9 (f) In regard to open and amenity space. In this instance, all units have grade access and would have personal outdoor amenity space at their front and rear doors.

RD-9 (f) requires that we consider Implementation Policy IM-12 (as is the case in all development agreements).

#### **Policy IM-12: Criteria for Amendments, Development Agreements and Site Plan Approval<sup>1</sup>**

Evaluation criteria for LUB or policy amendments, Development Agreement proposals and Site Plan Approvals, are set out in MGA Part VIII and other Provincial legislation, and shall also include consideration of factors as follows, without limitation:

- a) Proposal consistency with MPS policies and LUB requirements and all Town By-laws and regulations;

*In staff's opinion, this proposal is in keeping with related policies and bylaws except as noted for modification under the development agreement.*

- b) Capacity to absorb development, operating or capital costs;

*As an infill development on a road already provided with municipal services, it is not anticipated that there will be extra development costs or challenges.*

- c) Water and sewer service capacity or private on-site sewer and water systems approval;

*There are no concerns regarding provision of water or sewer. An evaluation of storm water capacity in the area will be conducted.*

- d) Street networks;
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*The Traffic Authority for the Town has reviewed the plans and location and agrees that site lines are good at the entrance and that recent testing proves neither traffic volume nor speed are a concern in this area. Further, where the project is located within easy walking distance and where reduced parking is provided on site, it is expected that daily trip counts by automobile will not be high.*

*Looking at pedestrian movement, the nature of the site does not suggest a sidewalk is required. As more development occurs in this area, Council may wish to budget for sidewalk installation from this area to Main Street.*

*An alternative development standard approach (narrow roads) will be employed as this not only reduces hard-surface challenges, but also reduces road speeds. It is also quite familiar in Westville.*

- e) Proximity to schools, recreation and other community facilities;

*This neighbourhood is not located in close proximity to any of the schools however bussing is an option. It is, however, only a 10-minute walk to the centre of the downtown commercial area and public parks.*

- f) Compatibility with adjacent uses;

*Previously discussed. RD-9c.*

- g) Environmental constraints of proposed site, including steepness of grades, soil and/or geological conditions, relative location of Watercourses, marshes, swamps, or bogs; lands comprising twenty-five (25) percent of the Lot area with a slope gradient of twenty (20) percent or greater shall be considered steep;

*There are no steep slopes on this site.*

*While Acadia Ave does experience periodic flooding at the lowest point due to inadequate culvert dimensions (slated for upgrade), this is not the case in the area in question. Development storm drainage provisions shall be designed so as to slow water flow to established drainage systems thus limiting likelihood of flooding and erosion and sedimentation. The Development Agreement will contain a clause noting that this must be considered in the design of the storm drainage system and also noting that it is the responsibility of the Developer to obtain any necessary permits for transmittal of stormwater.*

- h) Provision for buffers, or any other controls, to reduce development impact where incompatibilities with adjacent uses are anticipated;

*This has been canvased previously in this report.*

- i) Impact on access to waterways;

*There is a small, existing drainage system which extends from culvert under Acadia Ave. A requirement of the DA will be that this is reviewed for capacity such that neither municipal infrastructure nor adjoining properties will be impacted by additional flows from the site. See also clause (g) above.*

- j) Development effect on natural features or historical buildings and sites;

*There are no historical or significant buildings in the area. The site is overgrown. Apart from stormwater management and retention of as many healthy, mature trees as possible given the site layout and topography, no other measures are envisioned in this regard.*

- k) Obnoxious emissions; NA
- l) Requirement for paved parking and/or driveway area where site conditions necessitate;

*The private road providing access to the units will be paved.*

- m) Development Agreements may also address, without limitation:

- i. type of use, density and phasing;

*As proposed, each building will feature 4, 2-bedroom units although the design can be reconfigured to contain 3-bedroom units on each end with no increase in size. Through the non-substantial provisions of the agreement there will be the ability to vary the unit bedroom mix subject to market considerations, however overall changes to building volumes or increasing unit numbers would be considered substantive changes. The lot is substantially larger than would be required under as-of-right conditions in the R3 zone.*

No phasing is expected regarding this development.

- ii. traffic generation, access to and egress from the site, and parking.

*As noted above, access is to be provided over the smaller lot adjoining the town parcel.*

*A minimum of 1 parking space per unit will be located to the front of the units with guest parking located where suitable around the site and labeled as such.*

- iii. Outdoor Storage and landscaping.

*Discussed in RD-9c.*

- iv. pedestrian movement and safety.

*Discussed in RD-9d.*

- v. development of Open Space, parks, and walkways.

*Discussed in RD-9d.*

- vi. drainage, both natural and subsurface.

*Discussed in RD-9d.*

- vii. Signs.

*One ground sign shall be posted at the entrance indicating the civic address of the development. Unit numbers will be posted on individual buildings subject to the Civic Addressing By-Law.*

- viii. hours of operation; and NA

- ix. architectural design compatibility with adjacent uses.

*Discussed in RD-9b.*

## Statements of Provincial Interest:

The purpose of the Statements of Provincial Interest (SPI) is to protect the common public interest and encourage sustainable development in municipalities. The SPIs are policy statements adopted by the provincial government under the powers of the Municipal Government Act (MGA s.193). They are set out in Schedule “B” of the MGA and came into effect on April 1, 1999. Legislation requires that municipal planning documents are “reasonably consistent” with the SPI. As such, the following comments are offered with respect to consistency of the proposal with the SPIs:

**Drinking Water:** The proposed development does not impact the provision of drinking water. The property is not located within a well field or an area covered by a Source Water Protection Plan.

**Flood Risk Areas:** Not in an identified flood risk area.

**Agricultural Land:** Not considered agricultural land or impacting agricultural lands.

**Infrastructure:** Makes use of existing municipal infrastructure.

**Housing:** This statement seeks to ensure that council facilitates provision of a range of housing types and affordability. This project is in keeping with this statement not only as it adds a substantial amount of housing to the neighbourhood, but also increases the variety and affordability of housing in the area.

The proposed development is consistent with the Statements of Provincial Interest.

## Implementation & Enforcement

### Deemed Not Substantial.

In development agreements, certain options for alteration are noted as not substantive. Any other changes that are requested once the DA is approved require the process be repeated, including a public hearing. In this instance, the agreement indicates that the following are deemed not to be substantial and may be varied on written application provided they are in keeping with the intention of the agreement:

- Timing of acquisition of a development permit, commencement of construction.
- Driveway adjustments
- Minor changes to architectural detailing and interior floorplan
- Changes to bedroom numbers which do not require building area increases.
- A reduction in size or area of buildings
- Establish storage sheds subject to requirements of the Land Use By-Law

### Enforcement

The agreement contains clauses respecting enforcement of the terms of the agreement pursuant to the provisions of the MGA.

### Commencement and Completion

The agreement contains clauses relating to commencement of the application process and the start and conclusion of construction.



## Conclusion

This project provides an example of how modular housing can play a role in addressing Westville's acute housing shortage. It will be accessed from an existing road and served by existing municipal water and sewer and an existing natural watercourse. By accessing the large, undeveloped lot north of Acadia via a smaller, adjoined parcel, development capacity fronting along the street is unchanged. Town staff have provided input concerning traffic, fire protection and servicing and all have confirmed that this project does not represent a concern. As a consequence of using a modular approach to construction, units will be market ready far more readily than if constructed onsite. And where the site is located within easy walking distance of the downtown business district – less reliance on car ownership may reduce cost for those living there. In short, these units will provide healthy, attainable housing that is easy to heat and cool and which does so in the context of a compact, walkable neighbourhood.

## Recommendation

The proposed development complies with the intent of the Municipal Planning Strategy to permit multiple unit residential development within the Residential Designation through Development Agreement. Further, it is very much in keeping with the desire to increase the supply of affordable housing within the community and makes use of existing infrastructure.

The Town is therefore advised to approve a development agreement for the property located at 1864 Acadia Ave (PIDs 01026459 & 65072324) in Westville to allow for the establishment of a 6 building, 24 unit residential development as proposed.

## Council's Options

- Accept as submitted
- Accept with revisions
- Send back for further review.
- Reject the Development Agreement Application