

REPORT TO COUNTY COUNCIL

Application for Official Plan Amendment OP 22-19-7 – Lindprop Corp.

To: Warden and Members of County Council

From: Director of Community Planning

RECOMMENDATIONS

1. That Oxford County Council approve Application OP 22-19-7, submitted by Lindprop Corporation for lands described a Part of Lots 4 & 5, Concession 10 (Dereham) in the Town of Tillsonburg, to re-designate a portion of the subject lands from Open Space to Medium Density Residential to allow for an enlarged medium density residential development block within a draft plan of subdivision;
2. Any further, that Council approve the attached Amendment No. 322 to the County of Oxford Official Plan;
3. And further, that the necessary By-law to approve Amendment No. 322 be raised.

REPORT HIGHLIGHTS

- The purpose of the Official Plan Amendment is to redesignate a portion of the subject lands from 'Open Space' to 'Medium Density Residential' to facilitate the development of a medium density block in the northeast portion of a previously approved draft plan of subdivision (SB 22-07-7).
- The proposed Official Plan Amendment will amend the extent of the Open Space designation to coincide with the findings of an Environmental Impact Study and Flooding Assessment Study prepared for the development.
- The proposal is consistent with the relevant policies of the Provincial Policy Statement and supports the strategic initiatives and objectives of the Official Plan respecting residential development and the protection of natural features and natural hazards and can be supported from a planning perspective.

IMPLEMENTATION POINTS

This application will be implemented in accordance with the relevant objectives, strategic initiatives and policies contained in the Official Plan.

Financial Impact

The approval of this application will have no financial impact beyond what has been approved in the current year's budget.

Communications

Notice of complete application was provided to surrounding property owners on February 23, 2023, and notice of public meeting was issued on March 13, 2023 and August 26, 2024 in accordance with the requirements of the Planning Act. At the time of writing this report, no comments have been received from the public.

2023-2026 STRATEGIC PLAN

Oxford County Council approved the [2023-2026 Strategic Plan](#) on September 13, 2023. The Plan outlines 39 goals across three strategic pillars that advance Council's vision of "working together for a healthy, vibrant, and sustainable future." These pillars are: (1) *Promoting community vitality*, (2) *Enhancing environmental sustainability*, and (3) *Fostering progressive government*.

The recommendations in this report support the following strategic goals:

Strategic Plan Pillars and Goals

PILLAR 1	PILLAR 2	PILLAR 3
		
Promoting community vitality	Enhancing environmental sustainability	Fostering progressive government
<p>Goal 1.1 – 100% Housed</p> <p>Goal 1.2 – Sustainable infrastructure and development</p> <p>Goal 1.3 – Community health, safety and well-being</p>		

See: [Oxford County 2023-2026 Strategic Plan](#)

DISCUSSION

Background

Owner: Lindprop Corporation
7681 Highway 27, Unit 16, Woodbridge, ON L4L 4M5

Agent: Alex Muirhead, P. Eng, CJDLC Consulting Engineers
261 Broadway, Tillsonburg ON N4G 4H8

Location:

The subject lands are described as Part of Lots 4 & 5, Concession 10 (Dereham), in the Town of Tillsonburg. A small portion of the subject property is located within the Township of South-West Oxford. The lands are located on the north side of North Street East and west of the CPR Railway, and are municipally known as 112 North Street East, Tillsonburg.

County of Oxford Official Plan:

Existing:

Schedule "T-1"	Tillsonburg Land Use Plan	Open Space
----------------	---------------------------	------------

Proposed

Schedule "T-1"	Tillsonburg Land Use Plan	Residential and Open Space
----------------	---------------------------	----------------------------

Schedule "T-2"	Tillsonburg Residential Density Plan	Medium Density Residential
----------------	--------------------------------------	----------------------------

Town of Tillsonburg Zoning By-Law No. 3295:

Existing Zoning: Future Development Zone (FD)

Proposed Zoning: Special Medium Density Residential Holding Zone (RM-sp (H))

Passive Use Open Space Zone (OS1)

Proposal

The proposed Official Plan Amendment (OPA) proposes to amend Official Plan Schedules "T-1"-Town of Tillsonburg Land Use Plan and "T-2," Town of Tillsonburg Residential Density Plan, to re-designate a portion of one block within the proposed plan of subdivision from Open Space to Residential and Medium Density Residential.

Tillsonburg Council and Oxford County Council previously considered these applications, together with a draft plan of subdivision application at their meetings of March 27, 2023 and April 12, 2023. The draft plan of subdivision was approved, subject to conditions requested through agency circulation. The approved Official Plan Amendment (OPA 294) amended the extent of the

Open Space designation to reflect the findings of the Environmental Impact Study and amended the boundary of the existing medium density area on the lands and designated the southern portion of Block 16 of draft plan SB 22-07-7 for Medium Density Residential development. The proposed re-designation of the area of Block 16 north of the watercourse, subject to this application, was deferred in response to comments received from the Long Point Region Conservation Authority. The LPRCA was concerned that during a regulatory storm event safe access to these lands could not be provided or could be compromised from the single entrance to the area north of the watercourse.

The applicant has since provided a Flood Assessment Study to demonstrate that safe access can be provided to the site via a proposed private road and box culvert over the existing watercourse. The Flood Assessment Study was provided to the LPRCA for their review.

A functional servicing report, planning justification report, Archeological Assessment Report, Environmental Impact Study, Transportation Impact Study, Geotechnical and Slope Stability Report, and Noise and Vibration Feasibility Study were submitted in support of the larger Official Plan, draft plan of subdivision and zone change applications.

The entire subject property comprises approximately 28.7 ha (70.9 ac) and has been used historically for agricultural purposes. No buildings or structures are present on the property. The area that is subject to these applications is 1.97 ha (4.8 ac) and is surrounded by woodlands to the north, south and west, the Canadian Pacific Railway to the east. A watercourse is present through the wooded area to the west and south. Lands planned for residential uses are located farther to the east, and agricultural uses in the Township of South-West Oxford to the north.

Plate 1, Location Map with Existing Zoning, indicates the location of the subject site and the existing zoning in the immediate vicinity.

Plate 2, 2020 Aerial Map, provides an aerial view of the subject property and surrounding area.

Plate 3, Location of Proposed Amendments, provides the layout of the proposed draft plan of subdivision.

Comments

Provincial Policy Statement (2020)

Section 1.1.1 of the Provincial Policy Statement (PPS) directs that healthy, liveable and safe communities are sustained by promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term, 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, institutional, recreation, park and open space and other uses to meet long-term needs.

Section 1.1.2 of the PPS directs that sufficient land shall be made available to accommodate an appropriate range and mix of land uses to meet projected needs for a time horizon of up to 25 years, informed by provincial guidelines.

Section 1.1.3.4 directs that appropriate development standards shall be promoted which facilitate intensification, redevelopment, and compact form, while avoiding or mitigating risks to public health and safety.

Section 1.4, Housing, and specifically Subsection 1.4.3 states that planning authorities shall provide for an appropriate range and mix of housing types and densities to meet projected requirements of current and future residents of the regional market area by:

- Establishing and implementing minimum targets for the provision of housing which is affordable to low and moderate income households;
- Permitting and facilitating all forms of housing required to meet the social, health and well-being requirements of current and future residents;
- Permitting and facilitating all types of residential intensification, including additional residential units and redevelopment, in accordance with policy 1.3.3.3;
- Directing the development of new housing towards locations where appropriate levels of infrastructure and public service facilities are or will be available to support current and projected needs;
- Promoting densities for new housing which efficiently use land, resources, infrastructure, and public service facilities and support the use of active transportation and transit in areas where it exists or is to be developed; and,
- Establishing development standards for residential intensification, redevelopment and new residential development which minimize the cost of housing and facilitate compact form, while maintaining appropriate levels of public health and safety.

The PPS also contains policies which direct that natural features and areas shall be protected for the long term. Section 2.1.2 directs that diversity and connectivity of natural features in an area and the long-term ecological function and biodiversity of natural heritage systems should be maintained, restored or, where possible, improved, recognizing linkages between and among natural heritage features and areas, surface water features and ground water features. Section 2.1.5 directs that development and site alteration shall not be permitted in significant woodlands and significant wildlife habitat.

The overall intent of Section 3.0 - Protecting Public Health and Safety of the PPS is to reduce the potential public cost or risk to current and future residents from natural or human-made hazards. As such, “development shall be directed away from areas of natural or human-made hazards where there is an unacceptable risk to public health or safety or of property damage, and not create new, or aggravate existing hazards.”

Section 3.1 of the Provincial Policy Statement provides that development shall generally be directed, in accordance with guidance developed by the Province (as amended from time to time), to areas outside of hazardous lands adjacent to river, stream and small inland lake systems which are impacted by flooding hazards and/or erosion hazards. Section 3.1.2 provides that development and site alteration shall not be permitted within areas that would be rendered inaccessible to people and vehicles during times of flooding hazards, erosion hazards and/or dynamic beach hazards, unless it has been demonstrated that the site has safe access appropriate for the nature of the development and the natural hazard.

It is noted that this report has been reviewed in accordance with the 2020 PPS, as the new 2024 Provincial Planning Statement does not come into effect until October 20, 2024.

Official Plan

The subject lands are currently designated 'Open Space', as per Schedule T-1 of the Official Plan.

The Open Space designation applies to regulatory flood plain areas, public areas, Conservation Authority lands, parks, pathways, recreation areas and stormwater management facilities. Uses which may be permitted to establish with Open Space areas in designated settlements shall be limited to active and passive recreation, enjoyment of the environment in its natural state, enhancement of the urban environment through the introduction of greenspace areas, pathways and corridors.

Section 3.2.5.2 of the Official Plan provides where site alteration, development or change in the use of land is being proposed within an Open Space area, an Environmental Impact Study may be required to demonstrate that the proposed development or use will not result in a negative impact.

Medium Density Residential areas are those lands that are primarily developed or planned for low profile multiple unit development that exceed densities established in Low Density Residential Districts. Residential uses within Medium Density Residential areas include townhouses, cluster houses, converted dwellings, and apartment buildings.

The maximum net residential density in the Medium Density Residential designation is 62 units per hectare (25 units per acre) and no building shall exceed four stories in height at street elevation. Within areas of new Medium Density Residential development, the minimum net residential density shall be 31 units per hectare (13 units per acre). The proposed medium density block would have a net residential density of approximately 43.9 units per hectare (17.8 units per acre).

In addition to areas predominantly composed of existing or planned Medium Density Residential development as identified on Schedule T-2, any further designations will be consistent with the following location criteria:

- Sites which abut arterial or collector roads or which are situated such that movements from the site do not flow through any adjoining Low Density Residential area;
- Sites which are close to shopping, recreation, cultural and community facilities;
- Sites which are adjacent to commercial areas, Community Facilities or High or Medium Density Residential Areas.

Any lands proposed for Medium Density Residential development not identified on Schedule "T-2" will require an amendment to the Official Plan. In addition to the location policies identified, when considering proposals to designate lands for Medium Density Residential development, Town Council and County Council will be guided by the following site specific criteria:

- the size, configuration and topography of the site is such that there is sufficient flexibility in site design to mitigate adverse effects on the amenities and character of any adjacent Low Density Residential area through adequate buffering and screening;

- the location of vehicular access points and the likely effects of traffic generated by the proposal on Town streets has been assessed and is acceptable;
- adequate hard service capacity including water distribution, sanitary and storm sewers, power and gas distribution facilities is or will be available to accommodate the proposed development;
- off-street parking and outdoor amenity areas can be provided; and
- the effect of the proposed development on environmental resources or the effect of environmental constraints on the proposed development will be addressed and mitigated as outlined in Section 3.2.

The subject lands contain significant woodlands and valleylands. Section 3.2 of the Official Plan requires the preparation of an Environmental Impact Study (EIS) where site alteration is occurring within or 50 m adjacent to Significant Valleylands or Significant Woodlands.

New permitted uses, or expansions/enlargements to existing uses, buildings, or structures within or adjacent to a Natural Heritage designation that requires a Planning Act approval may be permitted if it can be demonstrated through an EIS, prepared to the satisfaction of the Municipality in accordance with the policies contained in Section 3.2 of the Plan, that there will be no negative impacts to the natural heritage features and/or their ecological functions.

To achieve a consistent approach to the positioning of buildings, parking and landscaped areas, Site Plan Control will be used. Site Plan Control will also be used to ensure compatibility with adjacent residential uses and, where appropriate, to provide for pedestrian integration between the commercial and residential land uses. Several site design criteria will be evaluated prior to the approval of site plans including loading areas, access and internal traffic, parking, landscaping, lighting, drainage, barrier-free design, signage, buffering, and integration with residential uses.

Zoning By-Law

The subject lands are currently zoned 'Future Development Zone (FD)' in the Town Zoning By-Law, and the small portion of the subject lands within the Township of South-West Oxford are zoned 'General Agricultural Zone (A2)'. The Zone Change application proposes to rezone the lands to 'Special Medium Density Residential Zone (RM-sp)' and 'Passive Use Open Space Zone (OS1)' to facilitate the development of Block 16. The RM-sp zone would establish specific provisions necessary to allow for the development of the block for multiple unit dwellings fronting onto a private street.

The open space block is proposed to be rezoned to 'Passive Use Open Space (OS1)', which does not permit any buildings or structures, as recommended by the peer review of the EIS.

It is recommended that Holding Provisions be utilized (as has been standard practice in the Town for draft plans of subdivision) to ensure that all appropriate development agreements are in place prior to the issuance of any building permits.

Agency Comments

The Town of Tillsonburg Engineering Services Department provided the following comments:

- 0.3 m reserve must be provided where Street 'H' ends at the municipal boundary of the Town and Township of South-West Oxford.
- Completion of the SWM pond in Lindprop Phase 1 (SB 21-07-7) is required prior to any development occurring within this subdivision phase.

Thames Valley District School Board indicated that they have no concerns with the proposal. Any students resulting from the development of this block are designated to attend South Ridge PS in Tillsonburg.

Oxford County Public Works Department provided the following comments:

- Conditions of Draft Approval for Subdivision SB 22-07-7 remain relevant to this application.
- The servicing and registration of draft plan SB 21-07-7 is required to service this proposed medium density block.
- Servicing allocation will be allocated in accordance with the most current "County-wide Water and Wastewater Capacity Allocation for Residential Development" protocol, to the satisfaction of Oxford County Public Works.
- Development of Block 16 will be subject to site plan approval.

Long Point Region Conservation Authority provided the following comments:

LPRCA staff have reviewed the 2024 OP 22-19-7 and ZN 7-22-15 material, the 2022 Environmental Impact Report, the flood assessment report and the geotechnical investigation. Please see the following comments:

- LPRCA are satisfied that the site will have safe access during the regulatory storm event. It is noted that during the Regional storm event, water will pond / flow up to 0.55 m in depth across the access road.
- It is documented that development is setback from the Erosion Hazard Limit but there is not enough detail provided on the plans to determine that the Official Plan Amendment and proposed zoning reflect the setback. The Erosion Hazard Limit and 100 year floodplain should be accurately illustrated.
- If the application is approved, LPRCA is required to be a commenting agency through site plan control and a permit will be required prior to any grading and construction.

Town of Tillsonburg Council

Town of Tillsonburg Council recommended support of the proposed Official Plan Amendment and approved the proposed Zoning By-law amendment 'in principle', at the Town's regular meeting of Council on September 9, 2024.

Planning Analysis

The subject applications for Official Plan amendment and zone change propose to facilitate the further development of an existing block within a draft approved residential plan of subdivision in the Town of Tillsonburg.

The subject lands, as previously described, represent the portion north of the watercourse traversing Block 16 on draft approved subdivision plan SB 22-07-7 as depicted on Plate 3 of Report CP 2024-300. These lands are separated from other lands within the draft plan of subdivision to the south and west by a valleyland containing the existing watercourse and significant woodlands, are bordered by an active CP Railway to the east, and landlocked agricultural lands within the Township of South-West Oxford to the north. Access to these lands is proposed to be provided by way of private condominium road from the southern portion of Block 16 to the south.

As the subject lands are proposed to be served by a single access that must traverse the existing watercourse, safe access to this area must be demonstrated in accordance with Section 3.1 of the PPS which requires development be directed to areas outside of hazardous lands adjacent to river and stream systems which are impacted by flooding hazards and/or erosion hazards, and areas that would be rendered inaccessible to people and vehicles during times of flooding and erosion hazards, unless it has been demonstrated that the site has safe access appropriate for the nature of the development and the natural hazards.

The applicant has provided a Flood Assessment Study, reviewed by the LPRCA, to demonstrate that the proposed road crossing and culvert design for the access road will remain safe during the regulatory flood event and will maintain safe access for the residents north of the watercourse. The flood assessment study, detailed design of the road crossing, culvert design and detailed site design will be confirmed and approved at the site plan approval stage and Conservation Authority Permit stage.

In light of this, Planning Staff are of the opinion that the proposal is consistent with Section 3.1 & 3.1.2 of the PPS, and sections 1.1.1, 1.1.3.1, 1.1.3.2, 1.1.3.3 and 1.4.3 of the PPS as the proposal is a form of infilling that promotes a mix of housing types and represents an efficient use of lands, municipal services and infrastructure within a designated settlement area, will remain safe during the regulatory flood event, and the development also contributes to housing types and densities required to meet the projected requirements of current and future residents of the Town and the broader regional market area.

Environmental Impact Study

The subject lands are designated 'Open Space' in the Official Plan, reflective of the presence of significant woodlands, valleylands and fish habitat present on the subject property.

An Environmental Impact Study was submitted in support of the application and was peer reviewed. The EIS included 53 specific recommendations and mitigation measures to ensure there is a net environmental gain, as required by the Official Plan. Some of these recommendations include:

- Requirement for additional plantings and buffer areas;
- Requirement for tree protection fencing to be installed prior to any construction commencing;
- Requirement for fish passage and terrestrial wildlife movements, including measures to avoid inadvertent harm to fish near the private water crossing;
- Requirement for erosion and sedimentation controls for pre and post construction near the proposed stormwater outlet;

- Preparation of a detailed planting plan with appropriate native species in recommended areas;
- Preparation of detailed plans for walkways and trails, to ensure there is no negative impact to existing woodland and natural features;
- Tree protection plan be submitted with the detailed lot grading plan, depicting size, species and condition of trees to be removed and trees to be protected;
- Monitoring of restoration areas/ plantings for two years after planting to ensure they have survived;
- Inclusion of chain link fencing along rear lot lines adjacent to natural heritage features;
- Preparation of lighting plan to minimize light trespass and avoid overlighting;
- Development of an educational homeowner brochure for lots backing onto the Natural Heritage feature and hedgerows.

The peer review of the EIS recommended that further review and work be required once the detailed design is completed to explore opportunities for additional buffer areas and areas of no disturbance. These details will be reviewed through the site plan approval process, and a condition of draft approval is included in the subdivision approval to require that all recommendations and mitigation measures identified in the EIS be appropriately implemented, to the satisfaction of the Town of Tillsonburg and, where appropriate, the County of Oxford.

In light of the foregoing, Planning staff are of the opinion that the proposal is consistent with the Official Plan criteria respecting development in proximity to the Open Space designation.

Official Plan Amendment

The proposed Official Plan Amendment will re-designate the subject lands from Open Space to Medium Density Residential, to facilitate a future medium density townhouse development. It is proposed that the dwelling types included in this block are multiple unit dwellings, in the form of townhouses or stacked townhouses. As this block includes a private road, it is expected that it will be subject to a future draft plan of condominium application, providing for a different form of ownership and tenure than the freehold residential development that is predominant in the area. It is appropriate to include the extent of the private road in the Medium Density Residential designation as the road will only serve the residential development and the engineering design and location of the private road will be approved through the site plan approval process and LPRCA permitting process.

A preliminary site plan shows 25 units within the proposed development area on the subject lands, with a total of 222 units within the entirety of Block 16, which would represent a net residential density of approximately 43.9 units per hectare, consistent with the permitted density of 30-62 units per hectare.

In response to the Official Plan policy criteria for new medium density areas, planning staff note that the Medium Density Block abuts a proposed collector road (Mallard Street) which is being designed with a 22.0 metre right-of-way. The enlarged area was formerly used for cropping purposes and can be considered a logical extension of the recently approved medium density within Block 16.

The enlarged Medium Density block remains reasonably close to shopping, recreation and cultural uses. Public trail linkages proposed through the draft plan of subdivision will provide a direct active transportation link for residents to the Trans Canada Trail and other neighbourhood parks in the vicinity. Shopping, including a food store, and other service commercial uses are located west of the subject lands. Other community serving uses including a fitness centre, gas station and religious institution are also located nearby. The block is expected to be adequately serviced from the new infrastructure in the recently approved plan of subdivision and is sufficiently large to provide the required parking and amenity areas. No parking relief has been requested for the proposed medium density block.

Proposed Zoning

Planning staff have reviewed the requested zoning for the medium density block and are generally supportive of the requested provisions.

Similar to other residential developments in Tillsonburg, it is recommended that the standard practice of Holding Provisions continue to ensure that all appropriate development agreements are in place, appropriate technical studies have been submitted and approved, and sufficient water and wastewater capacity is available to serve the development prior to the issuance of building permits.

CONCLUSIONS

In light of the foregoing, Planning staff are satisfied that the proposed development is generally consistent with the policies of the Provincial Policy Statement and supports the strategic initiatives and objectives of the Official Plan respecting residential development, protection of natural features, and development within areas of natural hazards. As such, staff are satisfied that the applications can be given favourable consideration.

SIGNATURES

Report Author:

Original Signed By _____
Eric Gilbert, RPP, MCIP
Manager of Development Planning

Departmental Approval:

Original Signed By _____
Paul Michiels
Director of Community Planning

Approved for submission:

Original Signed By _____
Benjamin R. Addley
Chief Administrative Officer

ATTACHMENTS

- Attachment 1 - Plate 1, Location Map and Existing Zoning
- Attachment 2 - Plate 2, 2020 Aerial Map
- Attachment 3 - Plate 3, Location of Proposed Amendments
- Attachment 4 - Official Plan Amendment No. 322