

To: Warden and Members of County Council

From: Director of Community Planning

Application for Draft Plan of Subdivision SB 21-03-3 – 1537688 Ontario Inc.

RECOMMENDATION

1. That Oxford County Council grant draft approval to a proposed plan of subdivision, File No. SB 21-03-3, submitted by 1537688 Ontario Inc., comprised of lands described as Part of Lot 616, Plan 955 in the Village of Norwich, Township of Norwich, subject to the conditions attached as Attachment 4 to Report No. CP 2022-51 being met prior to final approval.

REPORT HIGHLIGHTS

- The purpose of this report is to consider a draft plan approval for a residential plan of subdivision, proposing the creation of six new lots, being two lots for single detached dwellings and four lots for semi-detached dwellings (two units per lot), for a total of ten new residential dwelling units in the Village of Norwich. The submitted draft plan also proposes the creation of two blocks for the purposes of road widening dedications along Avery's Lane and Front Street, as well as a block for open space.

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

In accordance with the requirements of the Planning Act, notice of complete application regarding this proposal was provided to surrounding property owners on October 26, 2021 and notice of public meeting was issued on January 5, 2022 and February 17, 2022. Norwich Township Council conducted a public meeting with respect to the application on January 25, 2022, at which time a number of members of the public spoke in opposition to the proposal and two letters of concern regarding the application have been received from the public, to date. Concerns identified by the public included risk of flooding, insurance concerns, grading of the subject lands, concerns with respect to stormwater drainage, parking and sidewalks, snow storage and the availability of alternative locations for residential development within the Village of Norwich.

Strategic Plan (2020-2022)

					
<i>WORKS WELL TOGETHER</i>	<i>WELL CONNECTED</i>	<i>SHAPES THE FUTURE</i>	<i>INFORMS & ENGAGES</i>	<i>PERFORMS & DELIVERS</i>	<i>POSITIVE IMPACT</i>
		3.ii			

DISCUSSION

Background

Owner: 7688 Ontario Inc. (Flooring Canada)
 163 Tillson Avenue, Tillsonburg ON, N4G 0E6

Applicant: Dave Aston, MHBC Planning
 540 Bingemans Centre Drive, Suite 200, Kitchener ON, N2B 3X9

Location:

The subject lands are described as Part of Lot 616, Plan 955 in the Village of Norwich. The subject lands are located at the southeast corner of Avery's Lane and Front Street, lying south of Main Street West, in the Village of Norwich.

County of Oxford Official Plan:

Schedule "C-2" County of Oxford Development Erosion Hazard
 Constraints Plan

Schedule "C-3" County of Oxford Settlement Strategy Plan Serviced Village

Schedule "N-1"	Township of Norwich Land Use Plan	Settlement
Schedule "N-2"	Village of Norwich Land Use Plan	Low Density Residential and Open Space

Oxford Natural Heritage Systems Study - Draft:

Significant Valleylands

Township of Norwich Zoning By-law 07-2003-Z:

Existing Zoning: Special Residential Type 1 Zone (R1-30) – proposed lots 1 & 2
Special Residential Type 2 Zone (R2-3) – proposed lots 3-6
Open Space Zoning (OS) – Block 9

Proposal:

The application for draft plan of subdivision has been submitted to facilitate the creation of six new residential building lots in the Village of Norwich. Specifically, the application proposes the creation of two lots for single detached dwellings and four lots for the creation of eight new semi-detached dwellings (two per lot), as well as a block for open space and two blocks for road dedications along Avery's Lane and Front Street.

The subject lands were previously granted draft approval in 2010 and the associated zoning was established in 2013 by way of an Ontario Municipal Board decision. The 2010 draft approval has since lapsed and the applicant is now proposing to re-establish the previously approved draft plan of subdivision. The applicant has provided a number of studies and reports in support of the proposal including a grading and servicing plan, a stormwater management report and a geotechnical report.

The subject lands are approximately 1.38 ha (3.4 ac) in size and are currently vacant. Surrounding land uses are predominately comprised of single detached dwellings to the east and northeast, the Norwich Fire Station to the north, an existing industrial use to the northwest, vacant lands zoned 'Development Zone (D)' to the west and open space lands to the south consisting of the Big Otter Creek watercourse. It is proposed that the rear 0.96 ha (2.36 ac) will remain vacant, open space lands.

Plate 1, Location Map & Existing Zoning, shows the location of the subject property and the existing zoning in the immediate vicinity.

Plate 2, Subject Lands with 2020 Aerial Photo, provides an aerial view of the vacant subject lands and the surrounding area.

Plate 3, Proposed Draft Plan of Subdivision, provides the layout of the proposed draft plan of subdivision.

Comments

Provincial Policy Statement (PPS)

The policies of Section 1.1 of the PPS state that healthy and liveable 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, as well as the accommodation of appropriate affordable and market-based residential type land uses, which provide a range and mix of residential type uses (such as single detached and multi-unit dwellings). This effort is also sustained by the avoidance of development and land use patterns which may cause environmental or public health and safety concerns. 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 and further, sufficient land shall be made available through intensification and redevelopment.

Section 1.1.3 of the PPS states that settlement areas shall be the focus of growth and development, and their vitality and regeneration shall be promoted. Furthermore, land use patterns within settlement areas shall be based on densities and a mix of land uses which efficiently use land and resources, existing infrastructure and public service facilities. A range of uses and opportunities for intensification and redevelopment should also be promoted where it can be accommodated in settlement areas.

Section 1.4.1 of the PPS sets out policies which are intended to provide for an appropriate range of housing types and densities required to meet projected requirements of current and future residents. To accommodate this, planning authorities shall maintain at all times the ability to accommodate residential growth for a minimum of 15 years through residential intensification, redevelopment and, if necessary, lands which are designated and available for residential development. Planning authorities shall also maintain land with servicing capacity sufficient to provide at least a three-year supply of residential units available through lands suitably zoned to facilitate residential intensification and land in draft approved and registered plans.

Further, planning authorities shall provide for an appropriate range and mix of housing options and densities to meet projected market-based and affordable housing needs of current and future residents of the regional market by establishing and implementing targets for the provision of affordable housing to low and moderate income households and permitting and facilitating all housing options required to meet the social, health, economic and well-being requirements of current and future residents including special needs requirements and all types of residential intensification.

A portion of the subject lands are regulated by the Long Point Region Conservation Authority, due to the proximity of Big Otter Creek. Section 3.1 of the PPS provides that development shall generally be directed to areas outside of hazardous lands adjacent to rivers and streams which are impacted by flooding hazard and/or erosion hazard.

Notwithstanding this, development and site alteration may be permitted within areas identified as hazardous lands where the effects and risk to public safety are minor, could be mitigated in accordance with provincial standards, and where all of the following are demonstrated and achieved:

- Development is carried out in accordance with flood proofing standards, protection works standards and access standards;
- Vehicles and people have a way of safely entering and existing the area during times of flooding, erosion and other emergencies;
- New hazards are not created and existing hazards are not aggravated; and
- No adverse environmental impacts will result.

Official Plan

The subject lands are located within the Village of Norwich, which is a Serviced Village according to the Settlement Strategy Plan for the County of Oxford. The northeast portion of the subject lands are designated as Low Density Residential according to the Village of Norwich Land Use Plan while the western and southwestern portion are designated as Open Space.

According to Section 4.2.2.4, Serviced Villages are settlements characterized by a broad range of uses and activities which have been developed or are proposed for development on centralized wastewater and water supply facilities. New development in the Serviced Villages shall be fully serviced by centralized wastewater and water supply facilities.

Low Density Residential areas in Serviced Villages are those lands that are primarily developed or planned for a variety of low-rise, low density housing forms consisting of single detached, semi-detached, duplexes, converted dwellings and street fronting townhouses. In newly developing Low Density Residential areas in the Serviced Villages, it is intended that there will be a mixing and integration of different forms of housing to achieve a low overall density of use.

The maximum net residential density for an individual development in a Low Density Residential area is 22 units per hectare (9 units per acre). The minimum overall net residential density within new areas of Low Density Residential development shall be 15 units per hectare (6 units per acre) throughout the Serviced Village. Net residential density is defined to mean the number of housing units per hectare of residentially designated land, exclusive of lands required for open space, environmentally sensitive areas and transportation and servicing infrastructure, including stormwater management.

Infill housing is defined as the placement of new residential development into established built-up areas on vacant or underutilized sites. In order to efficiently utilize designated residential land and any municipal servicing infrastructure, infill housing will be supported in the Low Density Residential areas of Serviced Villages.

In addition to the policies of Section 10.3.3 (outlined below), where infill development is proposed on vacant or underutilized sites within established residential areas by plan of subdivision, Area Council and County Council will ensure that:

- the nature of the proposed residential development will be evaluated having regard to the type of housing found in the surrounding residential neighbourhood;
- any new residential lots with direct exposure to an established residential street will be consistent with the size of lots within the immediate area and new residential development will maintain setbacks and spacing between dwellings, consistent with the established built pattern;

- measures will be incorporated into the subdivision design to buffer and screen existing residential uses from the new development; and
- stormwater run-off from the proposal will be adequately controlled in accordance with the stormwater management policies of the Official Plan and will not negatively affect adjacent properties.

In addition, all 'infill' proposals in serviced villages are subject to the following criteria:

- Stormwater run-off from the proposal will be adequately controlled and will not negatively affect adjacent properties;
- Adequate off-street parking and outdoor amenity areas will be provided;
- The location of vehicular access points, the likely impact of traffic generated by the proposal on public streets, the potential traffic impacts on pedestrian and vehicular safety, and surrounding properties is acceptable;
- Existing municipal services or private services and community facilities will be adequate to accommodate the proposed infill project;
- The extent to which the proposed development provides for the retention of any desirable vegetation or natural features that contribute to the visual character of the surrounding area;
- All infill proposals will be evaluated as to the environmental impacts and constraints associated with the proposed development in accordance with Section 3.2, as well as to the potential effect of the development on heritage resources (Section 3.2.7.5); and
- Compliance of the proposed development with the provisions of the Zoning By-Law of the Township and other municipal by-laws.

The westerly and southwesterly portion of the subject lands are designated as Open Space in the Official Plan due to their proximity to Big Otter Creek. The Open Space designation recognizes the role of hazard, conservation and public and private recreational lands in maintaining environmental quality within the County. The priorities in this policy area are to minimize hazards to human health or safety, minimize property damage, provide linkages connecting the natural heritage systems and provide opportunities for both public and private recreation. Open Space areas also include Regulatory Flood Plains and Floodways where the Two Zone Flood Plain policies apply, Conservation Authority lands and other public lands, as well as Earth Science Areas of Natural and Scientific Interest and parks, pathways and recreation areas.

In this instance, the Open Space designation is reflective of the Regulatory Floodline of Big Otter Creek and the associated Erosion Hazard. The policies of Section 3.2.8.1 of the Official Plan indicate that the extent of the Regulatory Floodline is generally depicted on the various Land Use Schedules and that the precise delineation of the Regulatory Floodline can be determined from flood plain mapping available from the Conservation Authority having jurisdiction.

The policies of Section 3.2.8.2 govern Erosion Hazards and state that land uses in conformity with the underlying land use designation may be permitted, subject to satisfying the policies of the Plan, with the exception of those uses which are explicitly prohibited, such as new institutional uses or essential emergency services or the disposal, manufacture, treatment or storage of hazardous substances.

Prior to permitting new development in areas identified as erosion hazard, County and Area Council shall be satisfied that potential erosion hazards can be avoided or acceptably mitigated. A geotechnical study, completed by a qualified geotechnical engineer, shall be prepared to the satisfaction of the Conservation Authority having jurisdiction. For new development, the geotechnical study shall satisfy that the erosion hazard can be avoided, and as part of the development review process, County and Area Councils will require proponents to provide a geotechnical report containing the delineation of the erosion hazard limit for the subject property and a clear indication that the proposed development can avoid the erosion hazard limit.

Permitted uses within the Open Space designation are to be limited to active and passive recreational uses, enhancement of the urban environment through greenspace areas and pathways and their ancillary structures. Where development is proposed within an Open Space area, an Environmental Impact Study, prepared in accordance with Section 3.2.6, may be required to demonstrate that the proposed development will not result in a negative impact.

Section 3.2.6 states that it is an objective of an Environmental Impact Study (EIS) to define and describe the natural heritage feature as well as the functions and processes associated with allowing the feature to exist in a natural state and to ascertain the potential magnitude of impact on the environment from development, land use and activity. It is also an objective of an EIS to anticipate and avoid adverse effects and ensure the undertaking of measures that mitigate the potential adverse effect of a development or land use on the environment.

Notwithstanding the requirements for an EIS, such study will not be required where the proposal has been circulated to the relevant provincial agency and/or the Conservation Authority having jurisdiction and such agencies and organizations have indicated they have no concerns which would warrant the preparation of an EIS, which is the case in this instance.

The policies of Section 10.3.3 (Plans of Subdivision and Condominium) provide that County and Township Council will evaluate applications for a plan of subdivision on the basis of the requirements of the Planning Act, as well as criteria including the availability of community services such as roads, water, storm and sanitary sewers, waste disposal, recyclable collection, public utilities, fire and police protection, parks, schools and other community facilities; the accommodation of Environmental Resources and the mitigation of environmental and human-made constraints; and the design of the plan to be integrated into adjacent developments.

Zoning By-law

The subject lands are zoned as 'Special Residential Type 2 Zone (R2-3)' (Lots 3-6) as well as 'Special Residential Type 1 Zone (R1-30)' (Lots 1 & 2) and 'Open Space Zone (OS)' (Block 9).

The site-specific 'R1-30' zoning allows for a single detached dwelling, while the 'R2-3' zone allows for the development of single detached and semi-detached dwellings. Each of these zones have a special site specific provision that prohibits any portion of the dwelling unit area (including a basement or cellar) below an elevation of 258 m Geodetic Survey of Canada (G.S.C.) This site specific zoning was established in 2013 in coordination with the Long Point Region Conservation Authority to alleviate any concerns with respect to the floodplain and has been implemented by way of a previous decision of the Ontario Municipal Board.

Agency Comments

The Long Point Region Conservation Authority has commented that they are supportive of the proposal given its scale, location and previous approvals (including the Ontario Municipal Board decisions), but this agency is of the opinion that the proposed stormwater management plan is an unnecessary intrusion into the floodplain and watercourse. This agency would suggest a revised stormwater plan with broader grassed swales that would avoid extensive grading in the floodplain located behind the proposed lots. Given the scale, a simpler plan could achieve the stormwater management objectives while maintaining the vegetated floodplain and allow sediment and erosion control to be moved back from the watercourse.

Canada Post has commented that the development will be serviced by centralized mail delivery provided by Canada Post Community Mail Boxes.

Enbridge Gas has requested that as a condition of draft approval, the owner be required to provide any necessary easements or agreements for the provision of gas service to this agency.

The County of Oxford Public Works Department has commented that the cost to extend and connect the watermain fronting on the subject lands to the existing watermain on Front Street and Avery's Lane will be the responsibility of the developer.

The Business Improvement Association has commented that the proposed development would be a positive addition to the Village of Norwich.

The Township of Norwich Public Works Department has commented that curbing and storm infrastructure as well as sidewalks will be required along Front Street.

Township of Norwich Staff have commented that they are not agreeable to assuming Block 9 of the submitted draft plan, as proposed by the applicant. Based on this, the applicant should consider a Mutual Agreement drain under the Drainage Act to facilitate the overland stormwater flows.

Hydro One, the Southwestern Public Health Unit and Bell Canada have indicated they have no concerns with the proposal.

Planning Analysis

Planning staff have reviewed the proposal under the policy direction of the Provincial Policy Statement and are satisfied that, as the proposed development is located within a designated settlement area and will result in the efficient use of residentially designated lands and municipal services that will provide for a mix and range of additional housing in the serviced Village of Norwich, the proposal is considered to be consistent with the relevant provincial policies respecting settlement areas.

Further, staff are of the opinion that the proposed water and wastewater services are consistent with the policy direction of the PPS regarding the long-term provision of servicing, and appropriate stormwater management practices will be implemented as a condition of draft approval, which also maintains the intent of the PPS.

The subject lands are adjacent to Big Otter Creek and the application (and accompanying geotechnical report) has been reviewed by the Long Point Region Conservation Authority, who have indicated they are supportive of the proposal. Planning staff are satisfied that the proposed development will remain sufficiently setback from the this natural hazard and the 'Open Space' block will provide for a sufficient buffer from this area and no negative impacts are anticipated, which is consistent with the direction of the PPS for natural hazard features.

Staff are of the opinion that the proposal also maintains the general intent of the Official Plan. The proposed draft plan will facilitate the development of a mix of housing types, consisting of eight new semi-detached dwellings and two new single detached dwellings, resulting in a net density in keeping with density targets of the Official Plan for low density residential development (20 units/hectare).

Sufficient municipal water and wastewater capacity is available to service the proposed development, adequate community facilities exist in the area, and the establishment of Block 9 as 'Open Space' lands will ensure that sufficient buffer area is maintained between the adjacent natural hazard, which is consistent with the policy criteria of the Official Plan.

Township staff have indicated that the Township will not assume this Block as parkland for the Village and as such, the applicant will be required to arrange a Mutual Drainage Agreement to accommodate any sheet flow drainage across this area, to the satisfaction of the Township and the Long Point Region Conservation Authority. This has been included as a recommended condition of draft approval. Further, water services will also be required to be extended along Front Street, which has also been addressed in the associated conditions.

With respect to compatibility, the proposed dwellings will be in keeping with the character of surrounding dwellings along Front Street and to the east along Church Street with respect to size and configuration, and the proposal can be considered appropriate infill development on underutilized lands that will efficiently utilize the existing municipal infrastructure along Front Street and Avery's Lane. Further, the proposed lots are sufficiently sized and compliant with the respective Zoning By-law development standards, which will provide for adequate off-street parking and outdoor amenity areas, and it is not anticipated that the proposed development will impact pedestrian safety. To this end the Township of Norwich Manager of Public Works has requested that a sidewalk be provided along Front Street, which will assist with pedestrian accessibility within the Village.

Additionally, it is noted that the required studies and reports have been submitted and reviewed to address the relevant criteria, and staff are satisfied that the initial comments have been addressed, or will be addressed through the imposition of standard and site-specific conditions of draft plan approval and development agreements.

Conclusions

In light of the foregoing, Planning staff are satisfied that the proposed development is consistent with the policies of the Provincial Policy Statement and meets the general intent and purpose of the County Official Plan. Therefore, it is recommended that County Council approve the draft plan of subdivision, subject to the conditions proposed via Attachment 4.

SIGNATURES

Report Author:

Original signed by _____
Heather St. Clair, MCIP, RPP
Development Planner

Departmental Approval:

Original signed by _____
Gordon K. Hough, RPP
Director of Community Planning

Approved for submission:

Original signed by _____
Michael Duben, B.A., LL.B.
Chief Administrative Officer

ATTACHMENTS

- Attachment 1 Plate 1, Location Map with Existing Zoning
- Attachment 2 Plate 2, Subject Lands with 2020 Aerial Photo
- Attachment 3 Plate 3, Proposed Draft Plan of Subdivision
- Attachment 4 Conditions of Draft Approval