

**To:** Warden and Members of County Council

**From:** Director of Community Planning

## **Application for Draft Plan of Subdivision SB 21-15-3 – Trustees of the First Netherlands Reformed Congregation**

### **RECOMMENDATIONS**

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1. That Oxford County Council grant draft approval to a proposed residential plan of subdivision, submitted by Trustees of the First Netherlands Reformed Congregation (SB 21-15-3) for lands legally described as Part Lot 14, Concession 2 (North Norwich) and Part 2 Plan 41R-5569 in the Village of Burgessville (Township of Norwich), subject to the conditions attached to this report as 'Schedule A' being met prior to final approval

### **REPORT HIGHLIGHTS**

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- The proposed draft plan of subdivision proposes the creation of five new residential building lots in the Village of Burgessville, accessed by an extension of Burgess Street. The remnant parcel will continue to be used for institutional purposes (an existing church and parsonage).
- Planning staff are supportive of the proposal as it is generally consistent with the relevant policies of the 2020 Provincial Policy Statement and maintains the intent and purpose of the Official Plan, with respect to permitted uses in a designated settlement area, subject to a number of conditions.

### **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 impacts 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 March 28, 2022 and notice of public meeting was issued on June 7, 2022. At the time of writing of this report, one letter had been received from the public, which has been included as an attachment to this report.

## Strategic Plan (2020-2022)

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

## DISCUSSION

### Background

**Owners:** Trustees of the First Netherlands Reformed Congregation  
685 Main Street South, Burgessville ON, N0J 1C0

**Agent:** Nathan Kok,  
210 Main Street East, Box 8, Otterville ON, N0J 1R0

### Location:

The subject lands are legally described as Part Lot 14, Concession 2 (North Norwich) and Part 2, Plan 41R-5569 in the Township of Norwich. The subject lands are located on the east side of Main Street South, south of Church Street and are municipally known as 685 Main Street South in the Village of Burgessville.

### County of Oxford Official Plan:

Schedule "C-3"	County of Oxford Settlement Strategy Plan	Village
Schedule "N-1"	Township of Norwich Land Use Plan	Settlement
Schedule "C-5"	County of Oxford Wellhead Protection Area Plan	Well Head Protection Area 10 Year Time of Travel

**Township of Norwich Zoning By-law ZN07-2003-Z:**

Existing Zoning: Institutional Zone (I)

Proposed Zoning: Residential Type 1 Zone (R1)

**Proposal:**

The application for Draft Plan of Subdivision proposes the creation of five lots for single detached dwellings. The remnant parcel will continue to be used for institutional purposes (Netherlands First Reformed Church), in the Village of Burgessville. It is proposed that the residential lots will be accessed by an extension of Burgess Street (culminating in a cul-de-sac) and will be serviced by private wells and septic systems.

In support of the proposal, the applicant has submitted a geotechnical investigation, a functional servicing report, and a hydrogeology study/nitrate impact assessment. The predictive nitrate impact assessment has indicated that tertiary treatment sewage systems would be required to ensure that the groundwater nitrate levels are within the criteria limit provided by the Ministry of Environment Climate Change and Parks (MECP) Technical Guidelines for Individual On-Site Sewage Systems for the five proposed residential lots.

The subject lands are approximately 5.67 ha (14 ac) in area and contain the existing church and parsonage and an existing parking area on the west side. An application for site plan approval is currently under review by the Township of Norwich to facilitate an addition to the east side of the existing church. Surrounding land uses are predominately single detached dwellings to the north and west, as well as agricultural lands outside the Village of Burgessville to the south and east.

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

Plate 2, Aerial Map (2020 Air Photo), provides an aerial view of the subject lands and the surrounding area.

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

**Comments**

**2020 Provincial Policy Statement**

The 2020 Provincial Policy Statement (PPS) provides policy direction on matters of provincial interest related to land use planning and development. Under Section 3 of the Planning Act, where a municipality is exercising its authority affecting a planning matter, such decisions shall be consistent with all policy statements issued under the Act.

Section 1.1 of the PPS directs that healthy, liveable and safe communities are sustained by accommodating an appropriate affordable and market-based range and mix of residential uses. Sufficient land shall be made available to accommodate an appropriate range and mix of land uses to meet projected needs for the planning period. Within settlement areas, sufficient land shall be made available through intensification and redevelopment and, if necessary, designated growth areas.

The policies of Section 1.1.3 state that settlement areas shall be the focus of growth and development, and their vitality and regeneration is critical to long-term economic prosperity and it is in the interest of all communities to use land and resources wisely, to promote efficient development patterns and ensure effective use of infrastructure and public service facilities and minimize unnecessary public expenditures. Land uses patterns within settlement areas shall also be based on a range of uses and opportunities for intensification and redevelopment.

Planning authorities shall identify appropriate locations and promote opportunities for intensification and redevelopment where this can be accommodated taking into account existing building stock or areas, including brownfield sites, and the availability of suitable existing or planned infrastructure and public service facilities required to accommodate projected needs. Appropriate development standards should be promoted which facilitate intensification, redevelopment and compact urban form, while avoiding or mitigating risks to public health and safety.

Section 1.6.6.2 directs that municipal sewage and water systems are the preferred form of servicing for settlement areas to support protection of the environment and minimize potential risks to human health and safety. Notwithstanding this, Section 1.6.6.4 provides that where municipal sewage and water services (or private communal sewage and water services) are not available, planned or feasible, individual on-site sewage services and individual on-site water services may be used provided that site conditions are suitable for the long-term provision of such services with no negative impacts. In settlement areas, individual on-site sewage and water services may be used for infilling and minor rounding out of existing development.

With respect to planning for stormwater management, the PPS directs that development shall minimize or, where possible, prevent increases in contaminant loads, minimize erosion and changes in water balance and prepare for the impacts of a changing climate through the effective management of stormwater and not increase risks to human health and safety and property damage, maximize the extent and function of vegetative and pervious surfaces and promote stormwater management best practices.

#### **Official Plan**

The subject lands are located within the Village of Burgessville, according to the Settlement Strategy Plan for the County of Oxford. Within the Village designation, a range of land uses are permitted with the exception of multiple unit residential development involving more than two units. It is the objective of the Plan to provide for a supply of residential land that is sufficient to accommodate the projected demand for the anticipated range of new dwelling types over the planning period and to support the provision of a variety of dwelling types, where adequate services exist, and to direct the expansion of residential development in a form which can be integrated with established land use patterns.

To accommodate anticipated rural growth, the policies of Section 6 (Rural Settlement Land Use) are intended to promote the location of non-agricultural uses within rural settlement areas as a means of protecting agricultural lands and natural areas, while avoiding strip development and maximizing the efficiency of municipal services, where they exist.

Low density residential development is permitted in Rural Clusters and Villages, and 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 townhouses. The density of development in the Village designation will be restricted by the land area required for the proper operation of individual private septic systems.

Section 6.2.2.1 provides that infill housing is defined as the placement of new residential development into established build-up areas on vacant or underutilized sites. To efficiently utilize designated residential land and any municipal servicing infrastructure, infill housing will be supported in Villages.

Further, 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, but not limited to, the following:

- Conformity with the Official Plan;
- 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;
- The reduction of any negative effects on surrounding land uses, transportation networks or significant natural features;
- The design of the plan to be integrated into adjacent developments; and
- The design of the plan is to be compatible with the natural features and topography of the site, and proposals for extensive cut and fill will be discouraged,

As a condition of draft plan approval, County Council will require an applicant to satisfy conditions prior to final approval and registration of the plan. The applicant will be required to meet the conditions of the draft approval within the specified time period, failing which, draft plan approval may lapse. Additionally, to provide for the fulfillment of these conditions, and for the installation of services according to municipal standards, County Council shall require the applicant to enter into a subdivision agreement with the area municipality and, where necessary, the County, prior to final approval of the plan.

The subject lands are located within the Well Head Protection Area, 10 Year Time of Travel. The policies of the Official Plan provide a number of prohibitions on land uses within the Well Head Protection Area, but do not preclude residential development in the 10 Year Time of Travel area. The County's Coordinator of Source Water Protection Program has reviewed the proposal and indicated they have no concerns.

### **Township of Norwich Zoning By-law 07-2003-Z**

The subject lands are currently zoned 'Institutional Zone (I)' in the Township Zoning By-law, which is reflective of the existing church on the property. The 'I' zone requires a minimum lot area of 3,700 m<sup>2</sup> (39,828 ft<sup>2</sup>) for a non-residential use, as well as 2,800 m<sup>2</sup> (30,140 ft<sup>2</sup>) for a residential use. The 'I' zone also requires a minimum lot frontage of 40 m (131.2 ft) for a non-residential use and a minimum lot frontage of 30 m (98.4 ft) for a residential use, and these minimum requirements are cumulative when both a residential and non-residential use are present on the property.

Given that the subject lands currently contain an existing church, as well as a single detached dwelling which functions as a parsonage for the existing church, the lot area and frontage requirements for the remnant institutional lands would be 6,500 m<sup>2</sup> (1.6 ac) and 70 m (229.6 ft), respectively. As proposed these lands would be 4.18 ha (10.33 ac) in size, with a frontage of 20 m (65.6 ft). As such, a specific provision is recommended in the amending Zoning By-law to address the deficient frontage of the remnant institutional lands.

It is proposed that lots 1 to 5 will be rezoned from 'I' to 'Residential Type 1 Zone (R1)' which permits the development of single detached dwellings, and establishes a minimum lot area requirement of 2,800 m<sup>2</sup> (30,139 ft<sup>2</sup>), a minimum lot frontage of 35 m (114.8 ft) and a minimum lot depth of 50 m (164 ft) where municipal sanitary sewers are not available. As submitted, the proposed lots will range from 2,830 m<sup>2</sup> to 3,476.3 m<sup>2</sup> (30,461.8 ft<sup>2</sup> – 37,418.6 ft<sup>2</sup>) in area, with frontages of 35 m (114.8 ft) along the future extension of Burgess Street, and lot depths of 88 m (288.7 ft), which is compliant with the minimum lot area, frontage and depth requirements of the 'R1' zone.

### **Agency Comments**

Canada Post has commented that mail delivery for this development would be by way of the existing community box located at 605 Main Street in Burgessville.

The Long Point Region Conservation Authority has commented that they have reviewed the stormwater management design and note that the horizontal distance between the infiltration soak away pits and the wells appear to be in close proximity. Confirmation of these distances will be required and that applicant will be required to confirm that alternate well/pit location combination have been considered. Further, this agency noted that while roof discharge is generally considered clean, more soil filtration is preferred for further reduced well contamination potential.

The County of Oxford Public Works Department has commented that as a condition of final approval, the owner shall agree to satisfy all requirements, financial and otherwise, of the County of Oxford, including payment of applicable development charges and other matters pertaining to the development of the subdivision.

The Township of Norwich Public Works Department has commented that the proposed extension of Burgess Street will need to be developed to Ontario Provincial Standards and the cul-de-sac radius will need to be confirmed and approved.

The Township of Norwich Building Department has commented that detailed engineering design approval will be required prior to final approval of the plan.

## Township of Norwich Council

The Township of Norwich Council recommended support of the proposed draft plan of subdivision and deferred approval of the proposed Zoning By-law amendment, pending consideration of the proposal by Oxford County Council, at their regular meeting of June 21, 2022.

## Planning Analysis

### Provincial Policy Statement

Planning staff have reviewed the proposal under the policy direction of the Provincial Policy Statement and are satisfied that the proposed development is located within a designated settlement area and will result in an efficient use of residentially designated lands that will assist in meeting the projected residential needs of the municipality. Given this, staff are of the opinion that the proposal can be considered consistent with the relevant provincial policies respecting residential development in designated settlement areas.

While it is recognized that municipal sewage and water systems are the preferred form of servicing for settlement areas, the PPS does provide that private sewage and water systems are permissible to allow for infilling and minor rounding out of settlement areas, provided the site conditions are suitable for the long-term provision of such services.

To this end, the applicant has provided a hydrogeological report indicating that, based on a conservative approach, the nitrate levels that may result from the proposed septic systems appear to exceed the recommended levels as per the MECP and an enhanced tertiary treatment system has been recommended.

Based on this information, staff are recommending that as a condition of final approval the applicant be required to enter into an agreement with the Township pertaining to the requirement for nitrate reducing individual sewage disposal systems for the proposed residential lots, as well as any future maintenance, to the satisfaction of the Township. These provisions will satisfy the direction of the PPS with respect to the provision of long-term servicing.

Generally Planning staff are satisfied that the proposal represents minor rounding out of developable lands within the settlement area of the Village of Burgessville that will be sufficiently serviced by private wells and sanitary systems. The applicant will also be required to provide a detailed stormwater management plan to demonstrate, to the satisfaction of the Township of Norwich and the Long Point Region Conservation Authority, that the proposed development will appropriately manage stormwater quality and quantity, as a condition of draft plan approval.

### Official Plan

Planning staff are of the opinion that the proposal also maintains the general intent of the County Official Plan. The proposed draft plan of subdivision will facilitate the creation of five residential lots in the Village of Burgessville, in-keeping with the policy direction contained in the Official Plan for lands designated as Village. Planning staff are also satisfied that proposal will result in the efficient use of existing underutilized land within the Village boundary.



Staff are also of the opinion that the implementation of tertiary treatment septic systems for the proposed lots, together with private wells will be sufficient to facilitate the proposed development, and staff are satisfied that the proposed development will efficiently utilize the existing community facilities within the Village of Burgessville. Further, Planning staff are satisfied that the proposed lots will be sufficiently sized to accommodate the necessary private services, while allowing for off-street parking and private amenity space, and staff are of the opinion that the proposed extension of Burgess Street, terminating in a cul-de-sac, is not anticipated to result in any impacts with respect to vehicle or pedestrian safety. Based on this, staff are satisfied that the proposed subdivision conforms with the direction of the County's Official Plan.

#### **Township of Norwich Zoning By-law**

The subject lands are currently zoned 'Institutional Zone (I)' in the Township Zoning By-law, which permits a range of institutional type land uses and is reflective of the existing church on the subject lands. The subject lands also contain an existing parsonage and as noted above, will require a site specific provision to recognize the lot frontage of the remnant institutional lands.

It is noted that no changes will result to the driveway access serving the existing institutional uses on the remnant parcel. Staff are generally satisfied that the existing 20 m (65.6 ft) of frontage serving the church and parsonage is sufficient to accommodate the vehicle traffic for the church, and the subdivision of the proposed lots on the east side of the subject lands will not impact the ability of the remnant parcel to continue to provide access to the existing institutional lands. As such, staff are satisfied that the existing lot frontage serving the remnant parcel is appropriate in this instance.

It is proposed that the five parcels to be subdivided will be rezoned from 'Institutional' Zone to 'Residential Type 1 Zone (R1)' to facilitate the development of one new single detached dwelling, per lot. Based on the draft plan of subdivision, Lots 1 through 5 will comply with the development provisions of the 'R1' zone in the Township Zoning By-law.

#### **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 maintains the general intent and purpose of the Official Plan.

The above-noted agency comments from the Long Point Region Conservation Authority, the Township of Norwich and the County Public Works Department have been addressed in the recommended conditions of draft approval, which are provided for Council's consideration.



## SIGNATURES

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### 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

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Attachment 1 - Plate 1, Location Map with Existing Zoning  
Attachment 2 - Plate 2, Aerial Map (2020 Air Photo)  
Attachment 3 - Plate 3, Proposed Draft Plan of Subdivision  
Attachment 4 - Public Comments  
Attachment 5 - Conditions of Draft Approval