

To: Warden and Members of County Council

From: Director of Community Planning

Applications for Official Plan Amendment and Plan of Subdivision OP 22-14-7; SB 22-04-7 – Sandham

RECOMMENDATIONS

1. That Oxford County Council approve Application OP 22-14-7, submitted by Gene Sandham, for lands described as Part of Lot 1606, Plan 500, Concession 5 NTR, Parts 3 & 4, 41R-9612 in the Town of Tillsonburg, to re-designate the subject lands from ‘Open Space’ to ‘Residential’ & ‘Low Density Residential’;
2. And further, that Council approve the attached Amendment No. 290 to the County of Oxford Official Plan;
3. And further, that the necessary by-law to approve Amendment No. 290 be raised;
4. And further, that Oxford County Council grant draft approval to a proposed residential subdivision, File No. SB 22-04-7, as submitted by Gene Sandham, for lands described as Part of Lot 1606, Plan 500, Concession 5 NTR, Parts 3 & 4, 41R-9612 in the Town of Tillsonburg, consisting of 7 lots for single detached dwellings, subject to the conditions attached to this report as Schedule “A” being met prior to final approval.

REPORT HIGHLIGHTS

- The purpose of the Official Plan Amendment and Draft Plan of Subdivision applications is to facilitate the creation of 7 lots for single detached dwellings, in a new residential plan of subdivision.
- Planning staff recommend that the proposed Official Plan Amendment and draft plan of subdivision be approved as the proposal is consistent with the relevant policies of the Provincial Policy Statement and supports the strategic initiatives and objectives of the Official Plan.

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 August 30, 2022 and notice of public meeting was issued on November 28, 2022 and December 19, 2022. At the time of writing this report, no comments or concerns have been received from the public.

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: Gene Sandham
 711 Oak Grove Place, London ON N6K 4W7

Agent: Trevor Benjamins, Cyril J. Demeyere Limited
 261 Broadway, Tillsonburg ON N4G 4H8

Location:

The subject lands are described as Part of Lot 1606, Plan 500, Concession 5 NTR, Parts 3 & 4, 41R-9612, in the Town of Tillsonburg. The lands are located on the west side of Young Street, between Rouse Street and Highway 3, and are known municipally as 91 Young Street, Tillsonburg.

County of Oxford Official Plan:

Existing Designation:

Schedule "T-1"	Town of Tillsonburg Land Use Plan	'Open Space'
Schedule "T-3"	Town of Tillsonburg Leisure Resources and School Facilities Plan	'Open Space'

Proposed Designations:

Schedule "T-1"	Town of Tillsonburg Land Use Plan	'Residential'
Schedule "T-2"	Town of Tillsonburg Residential Density Plan	'Low Density Residential'

Town of Tillsonburg Zoning By-law No. 3295:

Existing Zoning: 'Special Passive Use Open Space Zone (OS1-3)'

Proposed Zoning: 'Low Density Residential Type 1 Zone (R1)'

Recommended Zoning: 'Low Density Residential Type 1 Holding Zone (R1(H))'

Proposal:

The Official Plan Amendment (OPA) proposes to change the designation of the subject property on Schedule "T-1", Town of Tillsonburg Land Use Plan, from Open Space to Residential as well as change the designation on Schedule "T-2," Town of Tillsonburg Residential Density Plan, from Open Space to Low Density Residential. The OPA would also remove the Open Space designation on Schedule "T-3", Town of Tillsonburg Leisure Resources and School Facilities Plan.

The application for Draft Plan of Subdivision will facilitate the creation of 7 lots for single-detached dwellings, fronting on Young Street.

The Zone Change application proposes to rezone the lands from 'Special Passive Use Open Space Zone (OS1-3)' to 'Low Density Residential Type 1 Zone (R1)' to facilitate the above noted Draft Plan of Subdivision. No special zoning provisions have been requested.

The applicant has provided the following studies in support of the applications:

- Functional Servicing Report, June 22, 2022, CJDLC Consulting Engineers Limited
- Planning Justification Report, June 20, 2022, CJDLC Consulting Engineers Limited
- Stage 1 & 2 Archaeological Assessment, November 2021, Lincoln Environmental Consulting Corporation

The subject lands comprise approximately 0.59 ha (1.46 ac) and contain a single detached dwelling (circ. 1950) and detached garage at the northern portion of the property. The existing dwelling is currently served by a private septic system. The subject property is relatively flat and is grassed, including tree cover. Surrounding uses include Highway 3 to the north, a place of worship to the east, and single detached dwellings fronting on Young Street to the south. Lands to the west are associated with a golf course use.

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

Plate 2, 2020 Aerial Map, provides an aerial view of the subject lands where the draft plan of subdivision is proposed.

Plate 3, Proposed Draft Plan, 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.

The policies of Section 1.1 state that healthy, liveable and safe communities are sustained by accommodating an appropriate range and mix of residential uses, including an appropriate affordable and market-based range, to meet long-term needs. 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. Within settlement areas, sufficient land shall be made available through intensification and redevelopment.

Section 1.1.3 states that settlement areas shall be the focus of growth and development, and their vitality and regeneration shall be promoted. Land use patterns within settlement areas shall be based on densities and a mix of land uses which efficiently use land, resources, infrastructure and public service facilities.

Section 1.4.3 directs that planning authorities shall provide for an appropriate range 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 residential intensification and redevelopment and all forms of housing required to meet the social, health and well-being requirements of current and future residents;
- directing the development of new housing towards locations where appropriate levels of infrastructure and public service facilities are or will be available;
- promoting densities for new housing which efficiently use land, resources, infrastructure and public service facilities and support the use of active transportation;
- requiring transit-supportive development and prioritizing intensification, including potential air rights development, in proximity to transit, including corridors and stations; 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.

Section 1.6.6.2 also states that intensification and redevelopment within settlement areas on existing municipal sewage and water services should be promoted, wherever feasible.

Official Plan

The subject lands are designated 'Open Space', according to the Town of Tillsonburg Land Use Plan. The Open Space designation generally applies to regulatory flood plain areas, Conservation Authority Lands, public lands, Earth Science Areas of Natural and Scientific Interest, and parks, pathways, recreation areas and storm water management areas.

Low Density Residential Areas are those lands that are primarily developed or planned for a variety of low rise, low density housing forms including single-detached dwellings, semi-detached, duplex or converted dwellings, quadraplexes, townhouses and low density cluster development.

In these areas, it is intended that there will be a mixing and integration of different forms of housing to achieve a low overall density of use. It is not intended that the full range of housing will be permitted in every individual neighbourhood or development.

The maximum net residential density in the Low Density Residential Designation is 30 units/ha (12 units/ac) and the minimum net residential density is 15 units/ha (6 units/ac). The Low Density Residential development proposed has a net residential density of 12 units/ha (4.8 units/ac).

The policies of Section 10.3.3 (Plans of Subdivision and Condominium) provide that County and Town Councils 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 can 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.

Zoning By-law

The subject lands are currently zoned 'Special Passive Use Open Space Zone (OS1-3)' according to the Town's Zoning By-law. The (OS1-3) zone permits one single detached dwelling, home occupation, and public use, subject to maintaining a 50 m (164 ft) setback from the railway and the Highway 3 Road allowance. The applicant proposes to rezone the property to 'Low Density Residential Type 1 Zone (R1)'.

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

County of Oxford Public Works provided the following comments:

- Final watermain sizing of the proposed water distribution system within the development will be determined during detailed design;
- Due to the small nature of the project, no functional servicing report is required by Oxford County;
- Any additional sanitary or watermain services being extended from existing services, including extensions along Young Street will be installed at a direct cost to the developer;

- A CAD file of the water main layout for the entire development showing the water main location, hydrants, valves, street and lot fabrics will be required so that it can be integrated into our modelling to ensure County model is up to date.

The following draft plan conditions should be included:

- The Owner shall agree to prepare and submit for the approval of Oxford County Public Works detailed, signed and stamped servicing plans designed in accordance with Oxford County Design Guidelines.
- The subdivision agreement shall make provision for the assumption and operation by the County of Oxford of the water and sewage system within the road ROW subject to the approval of the County of Oxford Department of Public Works.
- Prior to the final approval of the subdivision plan, the Owner shall receive confirmation from the County of Oxford Department of Public Works that there is sufficient capacity in the Tillsonburg water and sanitary sewer systems to service the plan of subdivision. Confirmation shall be given in accordance with the “Protocol for Allocation of Water and Sewage Capacity for Development”.
- The Owner agrees to provide such easements as may be required for utility or drainage purposes outside of the proposed public right-of-ways which shall be granted to the appropriate authority.
- The Owner agrees in writing to satisfy all the requirements, financial and otherwise, including payment of applicable development charges, of the County of Oxford regarding the installation of the water distribution system, the installation of the sanitary sewer system, and other matters pertaining to the development of the subdivision.
- Prior to final approval by the County, the Owner shall properly decommission any abandoned private services (water well, cistern and/or septic system) located on the subject lands, in accordance with the Ontario Water Resources Act, R.S.O. 1990 (Ontario Regulation No. 903) and to the satisfaction of the County of Oxford Public Works Department.

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

- If approved, please include the following as conditions of draft plan approval:
 - a. The Owner agrees to satisfy all requirements, financial and otherwise, of the Town regarding the construction of roads, installation of services, including water, sewer, electrical distribution systems, street lights, sidewalks, and drainage facilities and other matters pertaining to the development of the subdivision in accordance with Town standards.

- b. The subdivision agreement shall contain provisions indicating that prior to grading and issuance of building permits, a grading plan, servicing plan, hydro and street lighting plan, and erosion and siltation control plan, along with reports as required, be reviewed and approved by the Town, and further, the subdivision agreement shall include provisions for the owner to carry out or cause to be carried out any necessary works in accordance with the approved plans and reports.
- c. Such easements as may be required for utility or drainage purposes outside of the public right-of-way shall be granted to the appropriate authority.

The Town of Tillsonburg Parks Department provided the following comments:

- As no parkland is included in the proposed development, cash in lieu of parkland will be payable.
- The owner shall provide an overall Landscaping Plan depicting One (1) tree per lot, in accordance with Tillsonburg's Design Guidelines. Tree Species to satisfaction of the Town.

Long Point Region Conservation Authority indicated that the subject lands are not subject to natural hazards, do not appear to have any natural heritage features, and are not subject to the LPRCA Regulation Limit. As such, the LPRCA has no concerns with the proposal.

Town of Tillsonburg Building & By-Law Services, Tillsonburg District Chamber of Commerce, and Tillsonburg BIA indicated they have no concerns respecting the proposal.

Town of Tillsonburg Council

Town of Tillsonburg Council will consider the applications for Official Plan Amendment, draft plan of subdivision approval, and application for zone change at their regular meeting of January 9, 2023. Tillsonburg's resolutions regarding the proposed Official Plan amendment and draft plan of subdivision will be available for County Council's consideration at the County's regular meeting of January 11, 2023.

Planning Analysis

The applications for Official Plan amendment, draft plan of subdivision approval and zone change propose to facilitate the creation 7 lots for single detached dwellings by way of a residential plan of subdivision in the Town of Tillsonburg.

It is the opinion of staff that the proposed amendments are consistent with the relevant policies of the PPS as the proposed residential development will occur on full municipal services and will provide new residential lots from an existing over-sized residential property.

Planning staff are satisfied that the proposed re-designation is appropriate as the lands are not within any Locally Significant Natural Heritage Features, do not contain significant valleylands, or any natural hazards or natural heritage features that would warrant the Open Space designation. With the recent extension of municipal sanitary services on Rouse Street, the lands are now able to be suitably developed for residential purposes on full municipal services.

With regard to the policies of Section 10.3 of the Official Plan (Plans of Subdivision and Condominium) which require the developer to address a series of standard review criteria concerning the adequacy of servicing, environmental impacts, cultural resources, transportation networks and integration with surrounding developments, staff note that the required studies and reports have been received and reviewed through this Office and the recommendations of these reports can be satisfactorily addressed through the inclusion of appropriate conditions of draft approval.

The proposal is generally in keeping with the Plan of Subdivision policies of Section 10.3.3, and the policies of the Low Density Residential designation. Although the proposed draft plan has a net residential density of 12 units/ha (4.8 units/ac), less than the minimum density typically required, Planning staff note that the lands represent a redevelopment of an existing parcel, and the proposed lot frontages (15 m) are the minimum required for the R1 zone. The larger lot area is a result of the existing lot depth (44.32 m), and reducing the frontage of each lot further would not result in a significant increase in density.

In addition, the northerly portion of the subject property is subject to a required setback from the MTO's Highway 3 road allowance and no additional development potential would be realized in this area. In light of this, Planning staff are of the opinion that the reduced density in this instance is generally appropriate.

The requested zone change from 'Special Passive Use Open Space Zone (OS1-3)' to 'Low Density Residential Type 1 Zone (R1)' can be considered appropriate as the proposed lots will comply with the provisions of the R1 zone, and the lands are considered appropriate for their intended residential use. As per past practice with the development of subdivisions in Town, it is recommended that a Holding Provision be implemented to ensure that all development matters are appropriately addressed prior to any building permit issuance.

Through the circulation process, comments were provided by Town staff and County staff respecting the preparation of required detailed engineering plans, cash in lieu of parkland, servicing requirements, and the decommissioning of the existing private septic system. These comments have been addressed through proposed conditions of draft approval, and are provided for Council's consideration.

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 supports the strategic initiatives and objectives of the Official Plan. As such, staff are satisfied that the applications can be given favourable consideration.

SIGNATURES

Report Author:

Original Signed By _____

Eric Gilbert, MCIP, RPP
Senior Planner

Departmental Approval:

Original Signed By _____

Gordon K. Hough, RPP
Director of Community Planning

Approved for submission:

Original Signed By _____

Benjamin R. Addley
Interim Chief Administrative Officer

ATTACHMENTS

- Attachment 1 - Plate 1, Location Map with Existing Zoning
- Attachment 2 - Plate 2, 2020 Aerial Map
- Attachment 3 - Plate 3, Proposed Draft Plan
- Attachment 4 - Conditions of Draft Approval
- Attachment 5 - Official Plan Amendment No. 290