

**To: Mayor and Members of Tillsonburg Council**

**From: Eric Gilbert, Senior Planner, Community Planning**

## **Applications for Official Plan Amendment, Draft Plan of Subdivision & Zone Change OP 22-14-7, SB 22-04-7 & ZN 7-22-12 – Gene Sandham**

### **REPORT HIGHLIGHTS**

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- The purpose of the Official Plan amendment, Draft Plan of Subdivision and zone change applications is to facilitate the creation of 7 lots for single detached dwellings, in a new residential plan of subdivision.
- No concerns were identified with the proposed re-designation and rezoning of the lands from Open Space to residential.
- The proposal is consistent with the relevant policies of the Provincial Policy Statement and supports the strategic initiatives and objectives of the Official Plan, and can be supported from a planning perspective.

### **DISCUSSION**

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#### **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:

Schedule 'T-1'	Town of Tillsonburg Land Use Plan	Open Space
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Proposed:

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 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 proposed Official Plan Amendment (OPA) would 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 of 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 with trees. 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, 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, Proposed Draft Plan, provides the layout of the proposed draft plan of subdivision.

## **Application Review**

### 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)'. For a single detached dwelling, the 'R1' zone requires a minimum lot area of 315 m<sup>2</sup> (3,390.7 ft<sup>2</sup>) for an interior lot and 480 m<sup>2</sup> (5,166.8 ft<sup>2</sup>) for a corner lot, a frontage of 15 m (49.2 ft), a minimum lot depth of 32 m (105 ft), front yard depth of 7.5 m (24.6 ft), rear yard depth of 12 m (39.3 ft), interior side yard widths of 3 m (9.8 ft) and 1.2 m (3.9 ft), landscaped open space area of 30% and maximum lot coverage of 35%.

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:

- 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.

The Oxford County Public Works Department 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.

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.

#### PUBLIC CONSULTATION

Notice of complete application was provided to surrounding property owners on August 30, 2022, and notice of public meeting was issued on November 28, 2022 & December 19, 2022 in accordance with the requirements of the Planning Act. At the time of writing this report, no comments or concerns had been received from the public.

## **Planning Analysis**

The subject 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. Additionally, 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.

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.

## RECOMMENDATIONS

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1. The Council of the Town of Tillsonburg approve in principle the zone change application (File No. ZN 7-22-13) submitted by Gene Sandham, for lands legally described as Part of Lot 1606, Plan 500, Concession 5 NTR, Parts 3 & 4, 41R-9612 in the Town of Tillsonburg, to rezone the lands Low Density Residential Type 1 Holding Zone, to facilitate the proposed draft plan of subdivision;
2. That the Council of the Town of Tillsonburg advise County Council that the Town supports the application to amend the County Official Plan (File No. OP 22-14-7), submitted by Gene Sandham, for lands legally described as Part of Lot 1606, Plan 500, Concession 5 NTR, Parts 3 & 4, 41R-9612, in the Town of Tillsonburg, to redesignate the subject lands from 'Open Space' to 'Residential' & 'Low Density Residential', to facilitate a draft plan of subdivision consisting of lots for 7 single detached dwellings;
3. And further, the Council of the Town of Tillsonburg advise County Council that the Town supports the application for draft plan of subdivision, File No. SB 22-04-7, submitted by Gene Sandham, for lands legally 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 following conditions of draft approval:
  1. This approval applies to the draft plan of subdivision submitted by Gene Sandham, (SB 22-04-7) and prepared by CJDLC Consulting Engineers Limited, as shown on Plate 3 of Report No. CP 2022-421 and comprising Part of Lot 1606, Plan 500, Concession 5 NTR, Parts 3 & 4, 41R-9612, in the Town of Tillsonburg, showing 7 lots for single-detached dwellings.
  2. The Owner shall enter into a subdivision agreement with the Town of Tillsonburg and County of Oxford.
  3. The Owner agrees in writing, to install fencing as may be required by the Town, to the satisfaction of the Town of Tillsonburg.
  4. The Owner agrees in writing, to satisfy all requirements, financial and otherwise, of the Town regarding construction of roads, installation of services, including water, sewer, electrical distribution systems, sidewalks, street lights, and drainage facilities and other matters pertaining to the development of the subdivision in accordance with the standards of the Town, to the satisfaction of the Town of Tillsonburg.
  5. 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, to the satisfaction of the Town of Tillsonburg.
  6. The subdivision agreement shall contain provisions requiring the Owner provide an overall Landscaping Plan depicting at least one (1) tree per lot, in accordance with Tillsonburg's Design Guidelines. The Town shall approve the species of tree to be planted.

7. The Owner shall make payment to the Town of Tillsonburg for cash-in-lieu of parkland, in accordance with the provisions of Section 42 of the Planning Act, to the satisfaction of the Town of Tillsonburg.
8. Prior to the approval of the final plan by the County, all lots/blocks shall conform to the zoning requirements of the Town's Zoning By-law. Certification of lot areas, frontages, and depths shall be provided to the Town by an Ontario Land Surveyor retained by the Owner, to the satisfaction of the Town of Tillsonburg.
9. Prior to the approval of the final plan by the County, the Owner shall agree in writing that all phasing of the plan of subdivision will be to the satisfaction of the Town of Tillsonburg and County of Oxford.
10. Prior to the approval of the final plan by the County, such easements as may be required for utility and drainage purposes shall be granted to the appropriate authority, to the satisfaction of the Town of Tillsonburg and County of Oxford Public Works.
11. 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, to the satisfaction of County of Oxford Public Works.
12. The subdivision agreement shall make provision for the assumption and operation of the water and sewage system within the draft plan of subdivision by the County of Oxford, to the satisfaction of County of Oxford Public Works.
13. The Owner agrees in writing, to prepare and submit for approval from County of Oxford Public Works, detailed servicing plans designed in accordance with the County Design Guidelines, to the satisfaction of County of Oxford Public Works.
14. 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".
15. 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.
16. Prior to the approval of the final plan by the County, the Owner shall agree in writing to satisfy the requirements of Canada Post Corporation with respect to advising prospective purchasers of the method of mail delivery; the location of temporary Centralized Mail Box locations during construction; and the provision of public information regarding the proposed locations of permanent Centralized Mail Box locations, to the satisfaction of Canada Post.

17. Prior to the approval of the final plan by the County, the Owner shall agree in writing, to satisfy the requirements of Enbridge Gas that the Owner/developer provide Enbridge Gas Limited with the necessary easements and/or agreements required for the provisions of gas services, to the satisfaction of Enbridge Gas Limited.
18. Prior to the approval of the final plan by the County, the Owner shall secure clearance from the Long Point Region Conservation Authority (LPRCA), indicating that final lot grading plans, soil conservation plan, and stormwater management plans have been completed to their satisfaction.
19. Prior to the approval of the final plan by the County, the County of Oxford shall be advised by the Town of Tillsonburg that Conditions 2 to 10 (inclusive), have been met to the satisfaction of the Town. The clearance letter shall include a brief statement for each condition detailing how each has been satisfied.
20. Prior to the approval of the final plan by the County, the Owner shall secure clearance from the County of Oxford Public Works Department that Conditions 10 to 15 (inclusive), have been met to the satisfaction of County Public Works. The clearance letter shall include a brief statement for each condition detailing how each has been satisfied.
21. Prior to the approval of the final plan by the County, the County of Oxford shall be advised by Canada Post Corporation that Condition 16 has been met to the satisfaction of Canada Post. The clearance letter shall include a brief statement detailing how this condition has been satisfied.
22. Prior to the approval of the final plan by the County, the County of Oxford shall be advised by Enbridge that Condition 17 has been met to the satisfaction of Enbridge Gas Limited. The clearance letter shall include a brief statement detailing how this condition has been satisfied.
23. Prior to the approval of the final plan by the County, the County of Oxford shall be advised by LPRCA that Condition 18 has been met to the satisfaction of LPRCA. The clearance letter shall include a brief statement detailing how this condition has been satisfied.
24. Prior to the approval of the final plan by the County, the Owner shall provide a list of all conditions of draft approval with a brief statement detailing how each condition has been satisfied, including required supporting documentation from the relevant authority, to the satisfaction of the County of Oxford.
25. This plan of subdivision shall be registered within three (3) years of the granting of draft approval, after which time this draft approval shall lapse unless an extension is authorized by the County of Oxford.

## **SIGNATURES**

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**Authored by:**

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Senior Planner

**Approved for submission:**

Gordon K. Hough, RPP  
Director