

To: Mayor and Members of Tillsonburg Council

From: Eric Gilbert, Manager of Development Planning, Community Planning

Applications for Official Plan Amendment and Zone Change OP 22-19-7 & ZN 7-22-15 – Lindprop Corp.

REPORT HIGHLIGHTS

- The purpose of the Official Plan amendment and zone change application is to facilitate the development of a medium density block in the northeast portion of a previously approved draft plan of subdivision (SB 22-07-7).
- It is recommended that the applications be deferred at this time to confirm the extent of expected flooding that could render the access to the lands inaccessible during a flooding event.

DISCUSSION

Background

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

AGENT: Peter Penner, CJDJ Consulting Engineers
261 Broadway, Tillsonburg ON N4G 4H8

LOCATION:

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

COUNTY OF OXFORD OFFICIAL PLAN:

Existing and Proposed:

Schedule 'T-1'	Town of Tillsonburg Land Use Plan	Residential Open Space
Schedule 'T-2'	Town of Tillsonburg Residential Density Plan	Medium Density Residential

TOWN OF TILLSONBURG ZONING BY-LAW 3295:

Existing Zoning: Future Development Zone (FD)
General Agricultural Zone (A2)

Proposed Zoning: Special Medium Density Residential Zone (RM-sp)
Special Active Use Open Space Zone (OS2-sp)

Recommended Zoning: Special Medium Density Residential Zone (RM-sp)
Passive Use Open Space Zone (OS1)
General Agricultural Zone (A2)

PROPOSAL:

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

The Zone Change application proposes to rezone the lands from ‘Future Development Zone (FD)’ to ‘Special Medium Density Residential Zone (RM-sp)’ to facilitate future Medium Density residential development on Block 16 of draft plan SB 22-07-7. The current ‘General Agricultural Zone (A2)’ zoning of the portion of the lands within the Township of South-West Oxford is proposed to remain unchanged.

Tillsonburg Council and Oxford County Council previously considered these applications, together with a draft plan of subdivision application at their meetings of March 27, 2023 and April 12, 2023. The draft plan of subdivision was approved, subject to conditions requested through agency circulation. The approved Official Plan Amendment (OPA 294) amended the extent of the Open Space designation to reflect the findings of the Environmental Impact Study and amended the boundary of the existing medium density area on the lands and designated the southern portion of Block 16 of draft plan SB 22-07-7 for Medium Density Residential development. The area of Block 16 north of the watercourse, subject to this application, was deferred in response to comments received from the Long Point Region Conservation Authority. The LPRCA was concerned that during a flood event or regulatory storm event, safe access to these lands could not be provided or could be compromised from the single entrance to the area north of the watercourse.

The applicant has since provided a Flood Assessment Study to delineate the extent of flooding on the single access road during a regulatory storm or regional storm event resulting from the proposed crossing of the watercourse. The study was originally circulated and reviewed in February 2024 however new information has since come to light that indicates during a regional storm event, the access road to the proposed Medium Density site could be inundated with water ranging from depths of 0.3 m (1 ft) to 0.55 m (1.8 ft).

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

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

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

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

Application Review

2020 PROVINCIAL POLICY STATEMENT

Section 1.1.1 of the Provincial Policy Statement (PPS) directs that healthy, liveable and safe communities are sustained by promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term, accommodating an appropriate affordable and market-based range and mix of residential types (including single-detached, additional residential units, multi-unit housing, affordable housing and housing for older persons), employment, institutional, recreation, park and open space, and other uses to meet long-term needs.

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

Section 1.4.1 sets out policies which are intended to provide for an appropriate range and mix of housing options and densities required to meet projected requirements of current and future residents of the regional market area. 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 and redevelopment and if necessary, lands which are designated and available for residential development.

Section 1.7.1 directs that long-term economic prosperity should be supported by, among other measures, encouraging residential uses to respond to dynamic market-based needs and providing necessary housing supply and range of housing options for a diverse workforce, optimizing the long-term availability and use of land, resources, infrastructure and public service facilities.

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

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

Section 3.1 of the Provincial Policy Statement provides that development shall generally be directed, in accordance with guidance developed by the Province (as amended from time to time), to areas outside of hazardous lands adjacent to river, stream and small inland lake systems which

are impacted by flooding hazards and/or erosion hazards. Section 3.1.2 provides that development and site alteration shall not be permitted within areas that would be rendered inaccessible to people and vehicles during times of flooding hazards, erosion hazards and/or dynamic beach hazards, unless it has been demonstrated that the site has safe access appropriate for the nature of the development and the natural hazard.

OFFICIAL PLAN

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

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

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

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

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

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

- the size, configuration and topography of the site is such that there is sufficient flexibility in site design to mitigate adverse effects on the amenities and character of any adjacent Low Density Residential area through adequate buffering and screening;
- the location of vehicular access points and the likely effects of traffic generated by the proposal on Town streets has been assessed and is acceptable;
- adequate hard service capacity including water distribution, sanitary and storm sewers, power and gas distribution facilities is or will be available to accommodate the proposed development;
- off-street parking and outdoor amenity areas can be provided; and
- the effect of the proposed development on environmental resources or the effect of environmental constraints on the proposed development will be addressed and mitigated as outlined in Section 3.2.

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

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

Section 3.2.8 of the Official Plan restricts development in areas prone to flooding, erosion hazard areas, and unstable soils. Development is only permitted where the environmental constraints do not endanger property or the health or safety of occupants or the public.

Where engineered flood plain mapping has not been completed, proponents may be required to complete such mapping to the satisfaction of the Conservation Authority prior to development.

All lands identified as regulatory flood plain areas shall be identified in the Zoning By-Law in a manner that reflects susceptibility to flooding and restricts the range of uses permitted.

ZONING BY-LAW

The subject lands are currently zoned ‘Future Development Zone (FD)’ in the Town Zoning By-Law, and the small portion of the subject lands within the Township of South-West Oxford are zoned ‘General Agricultural Zone (A2)’. The Zone Change application proposes to rezone the lands to ‘Special Medium Density Residential Zone (RM-sp)’ and ‘Passive Use Open Space Zone (OS1)’ to facilitate the development of Block 16.

The proposed zoning provisions are denoted in the table below:

Proposed Zone	Dwelling Type	Site Specific Regulations
RM-sp	Multiple Unit Dwelling	<ul style="list-style-type: none"> • Allow multiple unit dwellings to front on a private street; • Reduce the minimum lot depth from 30 m to nil; • Reduce the minimum distance between multiple dwellings from 12 m to nil; • Reduce the required interior side yard width from 4.5 m to 3 m; • Reduce the minimum rear yard depth from 10.5 m to 3 m, except where the site abuts a residential lot, in which case the rear yard depth will be 6 m; • Reduce the minimum front yard depth from 7.5 m to 6 m; • Increase the maximum building height from 11 m to 13 m.

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

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

AGENCY COMMENTS

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

- The Town Engineering Department has concerns that allowing ponding depths of 0.55 m on any section of road will impede emergency access to the site. Section 14.5 of the Tillsonburg Engineering Design Criteria restricts ponding to a maximum of 0.3 m. It is recommended that the applications be deferred to allow for further modelling and engineering review to reduce the expected ponding on the road way to allow for safe access.
- 0.3 m reserve must be provided where Street 'H' ends at the municipal boundary of the Town and Township of South West Oxford.
- Completion of the SWM pond in Lindprop Phase 1 (SB 21-07-7) is required prior to any development occurring within this subdivision phase

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

The Oxford County Public Works Department provided the following comments:

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

Long Point Region Conservation Authority provided the following comments:

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

- Staff are concerned about the proposed designation of the private road providing access to Block 16. It is proposed to be designated as medium density in the Official Plan and zoned as medium density. Is there a reason the road is designated? Staff would prefer it be left as a road and not designated.
- During the Regional storm event, water will pond / flow up to 0.55 m in depth across the access road.
- It is documented that development is setback from the Erosion Hazard Limit but there is not enough detail provided on the plans to determine that the Official Plan Amendment and proposed zoning reflect the setback. The Erosion Hazard Limit and 100 year floodplain should be accurately illustrated. LPRCA staff cannot confirm at this point that the proposed zoning and OPA designation reflect the hazards.
- If the application is approved, LPRCA is required to be a commenting agency through site plan control and a permit will be required prior to any grading and construction.

PUBLIC CONSULTATION

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

Planning Analysis

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

The subject lands, as previously described, represent the portion north of the watercourse traversing Block 16 on draft approved subdivision plan SB 22-07-7 as depicted on Plate 3 of Report CP 2024-393. These lands are separated from other lands within the draft plan of subdivision to the south and west by a valley land containing the existing watercourse and significant woodlands, are bordered by an active CP Railway to the east, and landlocked agricultural lands within the Township of South-West Oxford to the north. Access to these lands is proposed to be provided by way of private condominium road from the southern portion of Block 16 to the south.

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

The applicant has provided a Flood Assessment Study to predict the extent of flooding during the regulatory storm and regional storm events to ensure the access roadway remains accessible during times of flooding. The LPRCA reviewed the study and flood model and have indicated in their comments that during a regional storm event (a storm that has greater rainfall intensity than the regulatory storm that can be expected to occur once in 100 years), that there may be water ponding and/or flowing up to 0.55 m (1.8 ft) in depth across the access road.

The Town of Tillsonburg Engineering Department has indicated that this level of flooding exceeds the acceptable ponding limits on roads as contained in their Engineering Design Criteria, and they are of the opinion that the ponding depths that may be expected would impede emergency access to the site.

In light of this, Planning Staff are of the opinion that the proposal to redesignate the subject lands for residential use is not consistent with Section 3.1 & 3.1.2 of the PPS as safe access has not been confirmed for the proposed development. As there are no alternatives for safe access, it is recommended that the application be deferred at this time to provide opportunity to review the flooding study and modelling and the design of the roadway to identify if alternative engineering designs are feasible to reduce the predicted flooding of the single access that would serve the 25 units proposed on the subject lands.

The proposal does not comply with the Official Plan policies as outlined in Section 3.2.8 to permit only those developments, in areas affected by environmental constraints, which do not endanger property or the health or safety of occupants or the public.

Conclusions

In light of the foregoing, Planning staff are recommending that the applications be deferred until such time the applicant is able to demonstrate safe access to the subject lands can be provided during a flood event.

RECOMMENDATIONS

1. That the Council of the Town of Tillsonburg advise County Council that the Town recommends that the application be deferred to amend the County Official Plan (File No. OP 22-19-7), submitted by Lindprop Corporation Inc., for lands legally described as Part of Lots 4 & 5, Concession 10 (Dereham) in the Town of Tillsonburg, to provide an opportunity for the applicant to demonstrate safe access to the subject lands during a flooding event;
2. The Council of the Town of Tillsonburg defer the zone change application (File No. ZN 7-22-15) submitted by Lindprop Corporation Inc, for lands legally described as Part of Lots 4 & 5, Concession 10 (Dereham) in the Town of Tillsonburg, specifically the lands north of the watercourse crossing on Block 16, to rezone the lands 'RM-sp', & 'OS1', with appropriate Holding Zones, to provide an opportunity for the applicant to demonstrate safe access to the subject lands during a flooding event.

SIGNATURES

Authored by:

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Approved for submission:

Paul Michiels
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