



Working together with our community

Public Hearings Committee – June 06, 2023

Subject: Application 28TPL2023088 for a draft plan of subdivision is proposed nine residential lots in the form of single detached dwellings, on the lands described as 25 Baker Street, Windham Centre.

Report Number: CD 23-033
Division: Community Development
Department: Planning
Ward: Ward 3
Purpose: For Public Meeting

Recommendation(s):

THAT staff Report CD-23-033 for development application(s) 28TPL2023033 be received for information;

AND FURTHER THAT any comments received as part of the public meeting be considered in a future recommendation staff report.

Public Meeting Notification:

Since recent legislated changes under the Planning Act, a public meeting is no longer a statutory requirement for draft plans of subdivision. However, staff are bringing this application forward in order to provide members of the public and Committee to provide input in relation to the proposed development. Additionally, any person may make written submissions at any time prior to Council making its final decision on the application.

Notifications were mailed to neighbors within 120 m of the subject lands; and a yellow notification sign for the public meeting was posted on the site on May 3, 2023. One comment was received by a member of the public, included in Attachment D.

Discussion:

The applicant is proposing a draft plan of subdivision to development nine residential lots in the form of single detached dwellings. To facilitate this development, the subject application proposes to extend a portion of Railway Street and Baker Street, Windham Centre. The effect of this extension would be to provide access to seven lots, one of which is being considered through future severance application at the Committee of Adjustment.

Prior to submission of the draft plan of subdivision application, an Official Plan (OPNPL2011049) and Zoning By-law Amendment (ZNPL2011050) applications were approved by Council on June 14, 2014 to change the designation from Agricultural to Hamlet Residential in the Norfolk County Official Plan and the Zoning from Agriculture to Hamlet Residential (RH) in the Township of Delhi Zoning By-law. Following that, a consent to sever (BNPL2021227) was approved at the September 15th 2021 Committee of Adjustment to create the subject lands being considered today for future residential development.

An overview summary of the development application(s) that have been submitted for the subject property at 25 Baker Street is contained within Attachment A. This includes an outline of the site context, the applications and technical reports, any technical feedback to date and overview of development considerations.

Strategic Plan Linkage:

This report aligns with the 2022-2026 Council Strategic Priority "Develop the Infrastructure and Supports Needed to Ensure a Complete Communities" and "Bringing the Community Together with Cultural, Physical and Technological Linkages".

Explanation: Development that results from applications under consideration can help contribute to responsible growth and maximizing connection through linkages.

Conclusion:

A recommendation report will be provided on this matter following review of the circulation, planning considerations and this public hearing meeting regarding the submitted, "complete" development applications.

Attachments:

Attachment A Development Application Overview
Attachment B Existing Planning Policy and Zoning
Attachment C Draft Plan of Subdivision
Attachment D Comments Received by Public

Approval:

Approved By:
Brandon Sloan, BES, MCIP, RPP
General Manager
Community Development Division

Reviewed By:
Tricia Givens, MCIP, RPP
Director of Planning
Community Development Division
Planning Department

Prepared By:
Hannelore Yager, MscPl. Planner
Community Development Division
Planning Department

Attachment A - Report CD 23-033
Development Application Overview

25 Baker Street, Windham Centre

Application File Numbers: 28TPL2023088

Applicant: Lloyd Wood

Statutory Public Hearing

Date: June 6, 2023

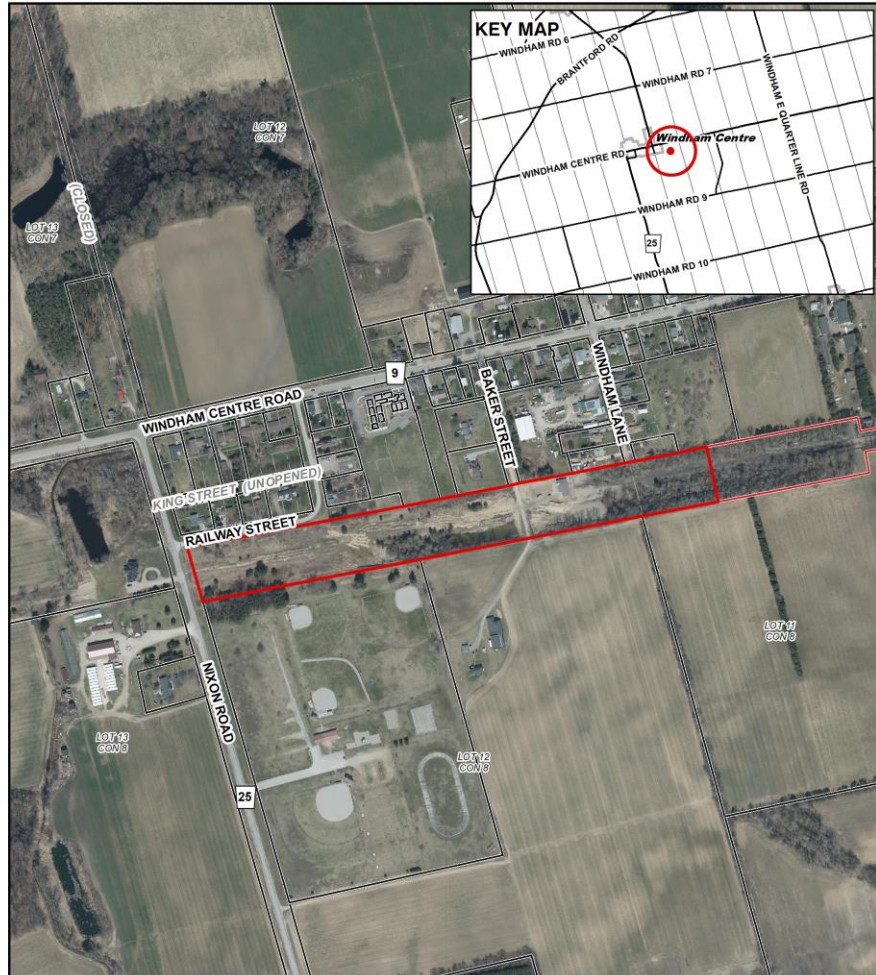
Site Context

Characteristics:

- Located west of the intersection of Railway Street and Nixon Road in Windham Centre
- Previously a railway line
- Privately serviced

Surrounding Land:

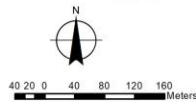
- Primarily residential to the immediate north
- Abuts Wind-Del Park to the south
- Surrounding lands predominantly agricultural

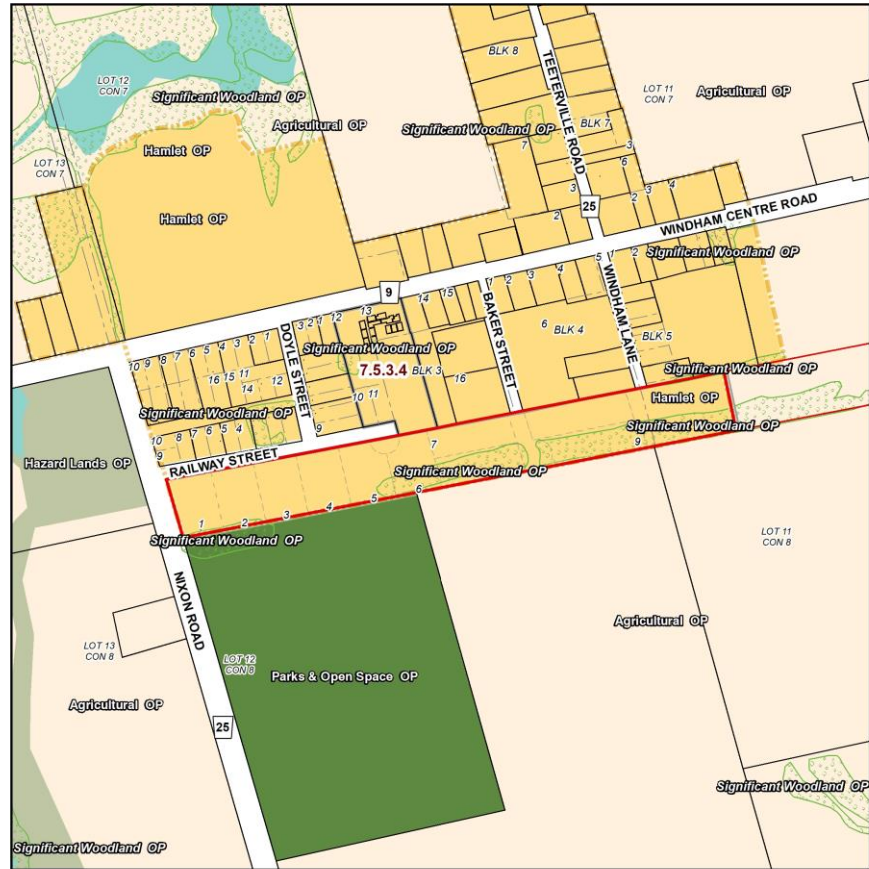


Legend

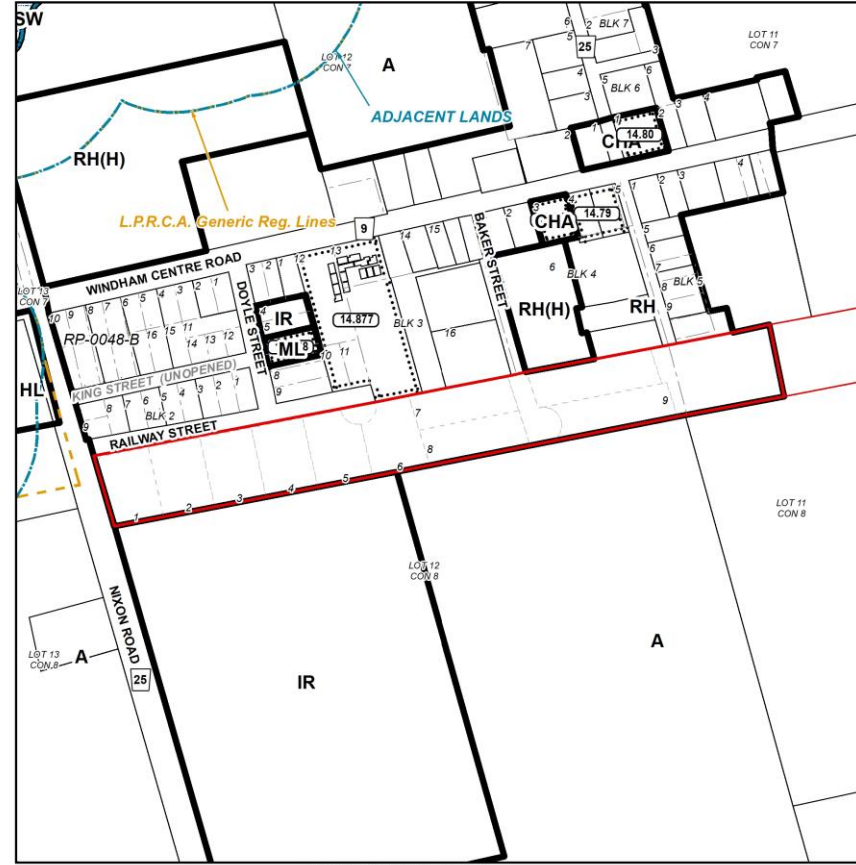
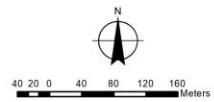
- Subject Lands
- Lands Owned
- 2020 Air Photo

3/16/2023



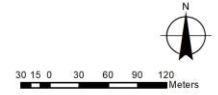


3/16/2023



ZONING BY-LAW 1-Z-2014

3/16/2023



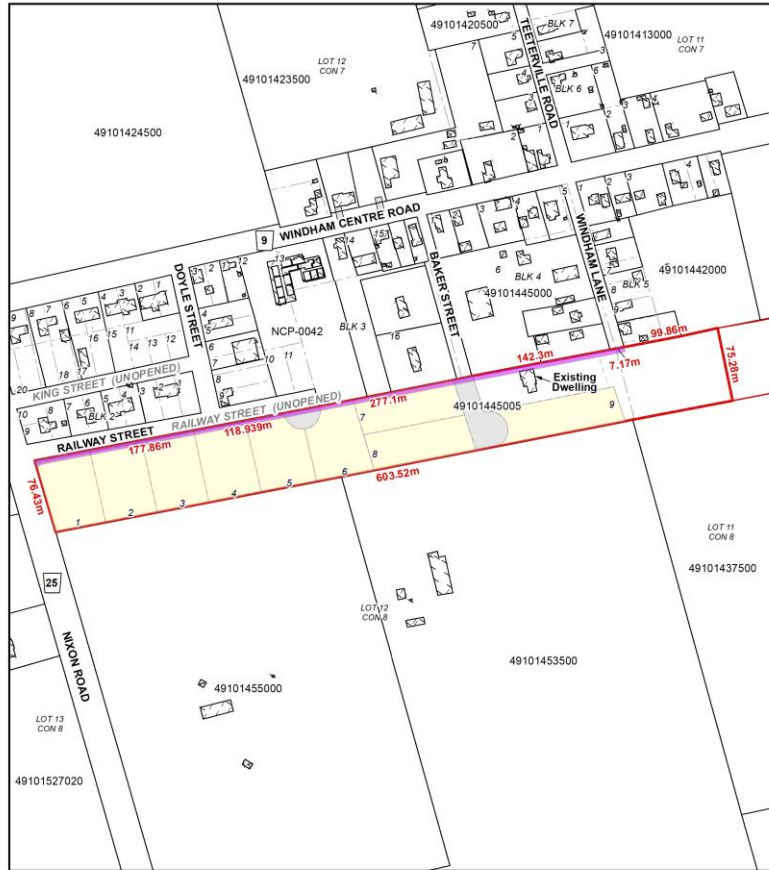
Development Proposal

MAP D

28TPL2023088

CONCEPTUAL PLAN

Geographic Township of WINDHAM



Legend

- Subject Lands
- Lands Owned
- Single Detached Dwelling
- Road Dedication
- Existing Hydro Easement



3/16/2023
0 30 60 90 120 Meters

Key Features:

- One single detached dwelling to be subject of future severance
- Previous railway line

Proposed Subdivision :

- Nine residential lots for single detached dwellings through a draft plan of subdivision
- Private water and sanitary services
- Railway Street to be extended
- Baker Street to be extended

Preliminary Review

Technical Reports

- Traffic Brief
- Geotechnical Report
- Lot Grading, Siltation and Erosion Plan
- General Plan of Services
- Functional Servicing report
- Storm Water Management Design Report

Consultation Comments to Date:

- Building: Apparent conflict between septic soil "T-Times" determined by Englobe and Norfolk Soils Analysis (division of 002068251).
- Fire: Ensure adequate turn around facilities for fire department apparatus, no parking to be permitted in the turn-around area

Public Input

- One comment received – concerns of location septic system, privacy and traffic safety.

Preliminary Considerations



Roads: The subject application proposes two road extensions on Railway Street and Baker Street. A Traffic Impact Study was included as part of a complete application. Requirements from Development Engineering Department to be integrated into draft conditions.



Housing: The proposed subdivision will contribute to Norfolk County's overall housing supply.



Park/Trails: The subject lands abut the Wind-Del Park to the south.



Servicing: Private services required for all lots.

Next Steps & Recommendation

- Consideration of Public Hearing Input
- Review of all Technical Comments
- Recommendation Report

Public Hearing Committee Report Recommendation:

THAT staff Report CD 23-033 for development application 28TPL2023088 be received for information;

AND FURTHER THAT any comments received as part of the statutory public meeting be considered in a future recommendation staff report.

Attachment B - Planning Considerations and Applicable Policies

Planning Act

Section 2 of the Planning Act outlines those land use matters that are of provincial interest and for which all county planning decisions shall have regard. The provincial interests that apply to development on this site are:

- (f) the adequate provision and efficient use of communication, transportation, sewage and water services and waste management systems
- (h) the orderly development of safe and healthy communities;
- (j) the adequate provision of a full range of housing, including affordable housing;
- (m) the co-ordination of planning activities of public bodies;
- (o) the protection of public health and safety;
- (p) the appropriate location of growth and development.
- (r) the promotion of built form that
 - (iii) provides for public spaces that are of high quality, safe, accessible, attractive and vibrant;

Section 3 of the *Planning Act* requires that, in exercising any authority that affects a planning matter, planning authorities “shall be consistent with the policy statements” issued under the Act and “shall conform with the provincial plans that are in effect on that date, or shall not conflict with them, as the case may be”.

Section 51(17) of the *Planning Act* outlines requirements pertaining to applications for draft plans of subdivision required for an approval authority. Table 1 outlines key considerations in full.

Table 1: Planning Act Requirements for Draft Plan of Subdivision Approval Authorities

Policy	Requirement
a	the boundaries of the land proposed to be subdivided, certified by an Ontario land surveyor;
b	the locations, widths and names of the proposed highways within the proposed subdivision and of existing highways on which the proposed subdivision abuts;
c	on a small key plan, on a scale of not less than one centimetre to 100 metres, all of the land adjacent to the proposed subdivision that is owned by the applicant or in which the applicant has an interest, every subdivision adjacent to the proposed subdivision and the relationship of the boundaries of the land to be subdivided to the boundaries of the

	township lot or other original grant of which the land forms the whole or part
d	the purpose for which the proposed lots are to be used
e	the existing uses of all adjoining lands
f	the approximate dimensions and layout of the proposed lots;
g	natural and artificial features such as buildings or other structures or installations, railways, highways, watercourses, drainage ditches, wetlands and wooded areas within or adjacent to the land proposed to be subdivided
h	the availability and nature of domestic water supplies
i	the nature and porosity of the soil;
j	existing contours or elevations as may be required to determine the grade of the highways and the drainage of the land proposed to be subdivided
k	the municipal services available or to be available to the land proposed to be subdivided
l	the nature and extent of any restrictions affecting the land proposed to be subdivided, including restrictive covenants or easements

Planning Comment: The proposal will be further reviewed through the lens of the above-mentioned policies.

Provincial Policy Statement – 2020

The Provincial Policy Statement, 2020 (PPS) provides policy direction on matters of provincial interest related to land use planning and development, which is intended to be complemented by local policies addressing local interests. The PPS promotes healthy, livable and safe communities through the efficient use of land throughout the Province of Ontario.

The PPS 2020 promotes strong, livable, healthy and resilient communities, protecting the environment and public health and safety, and facilitating economic growth.

Section 1.1.1. states “Healthy, liveable and safe communities are sustained” by a range of considerations, which include:

- a) promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term;
- b) accommodating an appropriate affordable and market-based range and mix of residential types (including single-detached homes)
- c) avoiding development and land use patterns which may cause environmental or public health and safety concerns

Section 1.1.3.1 related to Settlement Areas states that “Settlement areas shall be the focus of growth and development”. It further states in section 1.1.3.6. that, “new

development taking place in designated growth areas should occur adjacent to the existing built-up area and should have a compact form, mix of uses and densities that allow for the efficient use of land, infrastructure and public service facilities”.

Section 1.4. outlines policies related to Housing. Section 1.4.3.b) states, “Planning authorities shall provide for an appropriate range and mix of housing options and densities to meet projected market-based and affordable housing needs of current and future residents of the regional market area” by permitting and facilitating:

- all housing options required to meet the social, health, economic and well-being requirements of current and future residents, including special needs requirements and needs arising from demographic changes and employment opportunities;
- directing the development of new housing towards locations where appropriate levels of infrastructure and public service facilities are or will be available to support current and projected needs;
- 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 1.5 (Public Spaces, Recreation, Parks, Trails and Open Space) notes through section 1.5.1 that healthy, active communities should be promoted by:

a) planning public streets, spaces and facilities to be safe, meet the needs of pedestrians, foster social interaction and facilitate active transportation and community connectivity;

b) planning and providing for a full range and equitable distribution of publicly accessible built and natural settings for recreation, including facilities, parklands, public spaces, open space areas, trails and linkages, and, where practical, water-based resources; and

d) recognizing provincial parks, conservation reserves, and other protected areas, and minimizing negative impacts on these areas.

Section 1.6.8 (Transportation and Infrastructure Corridors) notes in section 1.6.8.1 that, “Planning authorities shall plan for and protect corridors and rights-of-way for *infrastructure*, including transportation, transit and electricity generation facilities and transmission systems to meet current and projected needs”. *Infrastructure* is defined as, “physical structures (facilities and corridors) that form the foundation for development” which includes “sewage and water systems, septage treatment systems, stormwater management systems, [...] transit and transportation corridors and facilities”.’

Planning Comment: The proposal will be further reviewed through the lens of the above-mentioned policies.

Norfolk County Official Plan

The subject lands are designated Hamlet in the Norfolk County Official Plan.

Section 5.3.a) related to Housing states that “the County shall maintain the ability to accommodate residential growth for a minimum of 10 years through land which is designated and available for residential development. Additionally, the County shall ensure that where new development is to occur, land with servicing capacity sufficient to provide at least a 3-year supply of residential units in draft approved and registered plans, or in cases of residential intensification and redevelopment, land appropriately zoned in the Zoning By-law and available for development or redevelopment”.

Further, section 5.3.g) states, “The County shall encourage that housing be considered when opportunities for redevelopment become available. This includes the redevelopment of existing single-use and underutilized areas with full municipal services, such as shopping plazas, business and employment sites and older commercial and residential areas, especially where the land is in close proximity to human services. Special attention shall be given to the design of buildings, the landscaping treatment and features of the site to ensure that the proposed redevelopment is physically compatible with the adjacent uses”.

Section 6.6 (Hamlet Areas) highlights that “Hamlet Areas are settlements that function as small clusters providing limited residential, institutional, recreational and small-scale commercial services to the surrounding agricultural community” and are characterized by a “built up area existing as a distinguishable cluster, with some form of commercial and public service available”.

Section 7.5. (Hamlet Designation) provides further information regarding land use policies for Hamlet areas. It specifies through section 75.2.b) that “designation of a Hamlet Area does not mean that the Hamlet Area is suitable for further development” and outlines criteria to be addressed by development applications within designated Hamlet Area boundaries:

- i) availability of potable water;
- ii) a servicing feasibility study has been completed in accordance with the Ministry of the Environment and Climate Change guidelines which demonstrates that the proposal’s impact on ground and surface water will be within acceptable limits;
- iii) the proposed servicing will be appropriate for the proposed densities and land uses;
- iv) the pattern of new development will be a logical extension of the existing built-up area;

v) the available community facilities, such as community centres, schools, convenience commercial, recreation or cultural facilities can accommodate the proposed development;

vi) the area of the proposed development shall not be permitted in Provincially Significant Features or Hazard Lands, identified on Schedules "B" of this Plan;

vii) the area of the proposed development shall not be permitted in or on adjacent land to the Natural Heritage Features identified on Schedule "C" and/or Tables 1 and 2 or on Schedule "G" and Table 6 of the Lakeshore Special Policy Area Secondary Plan, unless it has been demonstrated that there will be no negative impacts on the natural features or their ecological functions, in accordance with the policies of Section 3.5 (Natural Heritage Systems) and Section 11 (Lakeshore Special Policy Area Secondary Plan) of this Plan;

viii) the area of the proposed development shall not be located within, and will not have a negative impact on, a Natural Resource Area identified on Schedule "J" to this Plan. Mineral Aggregate operations shall be protected from development and activities that would preclude or hinder their expansion or continued use or which would be incompatible for reasons of public health, public safety or environmental impact. Existing mineral aggregate operations shall be permitted to continue without the need for Official Plan Amendment, rezoning or development permit under the Planning Act.

When a license for extraction or operations ceases to exist, development may be permitted if it is demonstrated that:

- the extraction resource use would not be feasible; or
- The proposed land use or development serves a greater long term public purposed; and
- issues of public health, public safety and environmental impact are addressed; and
- the proposed development is compatible with existing development.

d) Additional residential development within a Hamlet Area shall be encouraged to occur through infilling or in-depth development. Provision shall be made at appropriate locations to provide access from the main road to an additional tier of lots behind existing development. The County shall strongly discourage linear development along roads.

Section 9.6.4 related to subdivision approval identifies the following policies to be applied for the proposed development:

- a) The provisions of the *Planning Act* relating to subdivision control, including subdivision agreements, shall be used by Council to ensure that the land use designations and policies of this Plan are complied with, and that a high standard of design is maintained in all development.
- b) Prior to approval of an application for plan of subdivision or plan of condominium, the County shall confirm the availability of adequate servicing infrastructure and allocation in accordance with Section 8.9.3 (Servicing Allocation and Phasing), waste collection and disposal services, and roads.
- c) Applications for plan of subdivision or plan of condominium approval shall be considered premature if appropriate services and servicing capacity is not available. Additionally, Council may consider other criteria as reason to deem an application for plan of subdivision or plan of condominium approval to be premature.
- d) The review of plans of subdivision or plan of condominium shall be based in part on the consideration of the community design policies included in Section 5.4 (Community Design) and Section 11.8 (Community Design Strategy) of the Lakeshore Special Policy Area Secondary Plan of this Plan.
- e) All lots within a plan of subdivision shall have frontage on a public road maintained on a year-round basis, constructed to an acceptable County standard. Plans of condominium shall have access to a public road maintained on a year-round basis, however, it is recognized that development within the condominium plan may occur on private roads.
- f) Provincially Significant Features and Natural Heritage Features shall be protected and preserved in the design of any plan of subdivision or condominium. g) Plans of subdivision or condominium shall be appropriately phased to ensure orderly and staged development.
- h) All plans of subdivision shall be subject to a subdivision agreement between the County and the development proponent.
- j) Parkland dedication shall be provided pursuant to Section 9.10.5 (Parkland Dedication) of this Plan. Land to be dedicated for park purposes must be acceptable to the County. Under no circumstances shall the County be obligated to accept parkland being offered in a proposed plan of subdivision.
- k) The County shall consult with the appropriate Conservation Authority and the Province, as well as other relevant agencies, in considering an application for approval of a plan of subdivision or condominium.

Planning Comment: Prior Official Plan Amendment (ONPL2011049) amended the designation from Agricultural to Hamlet Residential. This application was approved by Council on June 14 of 2014, for the purpose of establishing residential use.

The proposal for a draft plan of subdivision will be further reviewed through the lens of the above-mentioned policies.

Zoning By-Law

The subject lands are currently zoned Hamlet Residential (RH) in the Zoning By-Law of Norfolk County.

Section 5.7. of the Zoning By-law outlines permitted uses and provisions for the RH Zone. Single detached dwellings are permitted as a use in the RH Zone. A minimum of 0.4 ha (4000 sq. m.) is required for lot area.

Planning Comment: Prior Zoning By-Law Amendment Application (ZNPL2011050) which amended the Zone from Agricultural (A) to Hamlet Residential (RH) was approved by Council on June 14 of 2014, for the purpose of establishing residential use.

Comment received by the Zoning Department indicates no concerns at this stage as it pertains to conformity with the Zoning By-Law.

