



REPORT

Development Services - Planning

TO: Mayor and Members of Council

FROM: Elizabeth Howson, Macaulay Shiomi Howson Ltd.

DATE: August 8, 2022

REPORT: DS-39/22 **FILE NO. LD068/2021**

SUBJECT: Land Division Application Comments
Timberidge Carpentry Inc.
59 Cemetery Road
Lot 28, Concession 6
Township of Uxbridge

BACKGROUND:

This report results from a request for comments from the Region of Durham Land Division Committee relating to a consent application which was originally submitted in 2021 and deferred on the recommendation of the Township as set out in the following resolution:

“AND THAT the Planning Committee recommend to the Region of Durham Land Division Committee deferral of consideration of Application LD 068/2021 until additional information is submitted to the Township with respect to the proposed development of the severed lot and how the proposed development will address the criteria in the Township’s Official Plan in particular with respect to a more detailed evaluation of the number and existing condition of significant trees and impacts of the proposed development on the trees on the existing and severed lots by an arborist or other expert, and until the completion of a Neighbourhood Study of Cemetery Road which is to be undertaken by the Township which will address the implications of infill development on the neighbourhood.”

The Application LD068/2021 proposes to remove the existing single detached house and sever a portion of a 2503m² parcel owned by Timberidge located at 59 Cemetery

Road, Township of Uxbridge for the purposes of building a new single detached home on each lot.

Application LD 068/2021 proposes to sever 1,348m² from the site, with 17.70 metres of frontage on Cemetery Rd. The retained parcel would have an area of 1,155m² and a frontage of 22.329 metres, also on Cemetery Rd.

Since the deferral of the application, an Arborist Report & Tree Preservation Plan prepared by Upper Canada Tree Services has been submitted. In addition, the Township completed the Cemetery Road Neighbourhood Study, and Official Plan Amendment No. 67 which establishes the Cemetery Road Neighbourhood Policy Area has been approved.

PROVINCIAL PLANS AND POLICIES, OFFICIAL PLANS AND ZONING:

The policies of the Provincial Policy Statement, 2020 and the Growth Plan for the Greater Golden Horseshoe, 2020 Office Consolidation, are applicable, both of which encourage intensification in settlement areas.

The Subject Lands are designated "Settlement Area" in the Oak Ridges Moraine Conservation Plan. Section 18(4) of the Oak Ridges Moraine Conservation Plan permits lot creation in the Settlement Area designation provided that consideration is taken to preserving natural features, stormwater management is addressed and that the development has the infrastructure to be properly serviced.

The lands are designated "Living Area" on Schedule A – Map A2 and "Urban Area" on Schedule B-Map B1b in the Region of Durham Official Plan. The Regional Official Plan provides detailed criteria with respect to the evaluation of applications for severances in Section 14.8. The Township Official Plan, Section 3.5 directs that consents be considered in accordance with the policies of the Regional Plan and the policies of the Township Plan. The following are relevant criteria established for the evaluation of severances in the Regional Plan:

- severances must conform with the intent of the Regional and local official plans and the municipal zoning by-law;
- a maximum number of three additional lots may be created;
- comply with the provisions of any plan of subdivision or other development agreements registered against the title of the subject lands;
- all lots must have frontage on, and access to a public road which is open year round and to a standard of construction adequate to provide for the additional traffic generated;
- parcels to be of adequate size for the use proposed having regard to the topography of the land, the siting of proposed buildings and points of access; and,
- where applicable, approval of any application for severance for multiple residential, commercial or industrial uses shall be subject to site plan control agreement and/or a servicing agreement registered on title and any other conditions which are imposed.

The lands are designated "Residential Area" in the Township's Official Plan. In addition, the Official Plan as amended by Official Plan Amendment No. 67 includes the

Subject Lands in the Cemetery Road Neighbourhood Policy Area. The policies for this overlay designation are found in Section 2.5.5.4.4. They establish a vision for this area as follows:

“The Cemetery Road Neighbourhood should be maintained, and where possible enhanced, as a low density residential community with a sylvan character consisting primarily of single detached dwellings on larger, well landscaped lots which is developed in harmony with its natural heritage system.”

Permitted uses, buildings and structures include single detached dwellings. Applications for new development or redevelopment are to be

“...based on an assessment of the proposal in the context of the Cemetery Road Neighbourhood. The assessment will address how the development maintains and/or enhances the character of the area in keeping with the Vision for the Neighbourhood. In particular, consideration will be given to the cumulative impacts of development. Further, the evaluation will consider not just the development site itself, but the impacts on the immediate surrounding lands and the Neighbourhood as a whole.

In particular, the Township shall generally require residential development to meet the following criteria:

- Minimum lot frontage of 15 metres, with the exception of 153 Cemetery Road given its location which may be considered for a maximum of three lots;
- Maximum building height of 2.5 storeys;
- Landscaping which maximizes planting of native trees, shrubs and other plantings, particularly in the front yard to enhance the sylvan character of the streetscape;
- Driveways which are minimized and generally do not exceed 6 metres in width; and
- Minimum front yard depth where feasible of 8 metres.”

To provide for a comprehensive assessment of any application, the Township has established an extensive list of studies which would generally be required including a Planning Justification Report which addresses among other matters conformity with the policies of Section 2.5.5.3.1, Established Residential Areas and Section 2.4 Community Design of the Official Plan and which will provide plans of the proposed development including building elevations which illustrate the relationship to adjacent existing building and structures and a Tree Preservation Plan to address tree conservation and landscaping plans which maximize the use of native trees, shrubs and other vegetation.

With respect to Section 2.5.5.3.1, the Residential Area policies of the Uxbridge Urban Area Secondary Plan indicate that in established residential areas, applications for new development “shall be evaluated based on an assessment of whether the proposal can generally maintain or enhance the following elements of the structure and character of the surrounding residential area”. Nine criteria are established including:

- scale of development with respect to height, massing and density of adjacent buildings and structures;

- nature of the streetscape as defined by such elements as landscaped areas, and the relationship between the public street, front yards and primary entrances to dwelling units;
- siting of buildings in relation to abutting properties ensures there will be no significant adverse impacts with respect to loss of privacy and shadowing and that appropriate buffering can be provided;
- generally respects the residential lotting pattern in the immediate surrounding area;
- proposed grading and stormwater management is satisfactory to the Township;
- development is on a public road which can accommodate relevant public services;
- protection of trees and natural features identified as significant by the Township;
- does not restrict orderly development of adjacent properties; and,
- design conforms with policies of Section 2.4, Community Design and enhances the immediate surrounding area.

In addition, Section 2.2.5.2 Sewage Service and Section 2.2.6.2 requires that all new development be serviced by municipal sewage and water systems.

The Subject Lands are zoned “Residential First Density Exception No. 2 (R1-2) Zone”. The R1-2 Zone utilizes the zoning standards of the R1 Zone and establishes a minimum lot frontage of 17 metres and a minimum lot area of 550 m². Both the retained and the severed lots in application LD 068/2021 meet the minimum size requirements.

ANALYSIS:

The key tests as to the appropriateness of the proposed severance are the policies in Section 2.5.5.4.4 for the Cemetery Road Neighbourhood and the criteria for new development in established residential areas in the Uxbridge Urban Area Secondary Plan in Section 2.5.5.3.1, as well as the criteria for the evaluation of severances in the Region of Durham Official Plan.

The Cemetery Road Neighbourhood policies focus on the need for an overall assessment of all applications in the context of the neighbourhood as a whole, and identifies a number of studies which will generally be required to provide that assessment. However, the application was originally submitted prior to the establishment of the Neighbourhood policies before the specific studies were identified. At the same time, consideration of the application was deferred because additional information was required to address the criteria in Section 2.5.5.3.1 in the Township Official Plan, particularly the evaluation of the trees on the site by an arborist or other expert, and until the completion of the Neighbourhood Study.

The applicant has chosen not to provide any significant supplemental information to the original application, except for an Arborist Report & Tree Preservation Plan (Arborist Report) and more detailed house plans and lot layouts. However, no plans or assessment has been provided which examines the applications in the context of the neighbourhood as a whole or which address the following criteria in Section 2.5.5.3.1, other than what can be derived from the Arborist Report:

“siting of buildings in relation to abutting properties ensures there will be no significant adverse impacts with respect to loss of privacy and shadowing and that appropriate buffering can be provided;”

Based on the information provided however, a review of the proposal has been carried out with respect to the specific criteria identified for the Cemetery Road Neighbourhood, as well as the policies of Section 2.5.5.3.1 as set out in Table 1.

Table 1	
59 Cemetery Road Uxbridge Urban Area Secondary Plan Criteria Evaluation	
Criteria	Evaluation
Section 2.5.5.4.4. Cemetery Road Neighbourhood	
Minimum lot frontage of 15 metres, with the exception of 153 Cemetery Road given its location which may be considered for a maximum of three lots;	The minimum lot frontage proposed is 17.70 metres for one lot and 22.33 metres for the other. The minimum lot frontage exceeds that established by the criterion and the minimum in the R1 Zone which is 17 metres.
Maximum building height of 2.5 storeys;	The proposed height is two storeys which is less than the maximum in the criterion, but greater than originally proposed.
Landscaping which maximizes planting of native trees, shrubs and other plantings, particularly in the front yard to enhance the sylvan character of the streetscape;	No information is provided with respect to landscaping, however, the Arborist Report identifies three trees in the front yard for protection and one tree in the back yard. The comments from the Township consultant(See Appendix A) also suggests the protection of a fifth tree.
Driveways which are minimized and generally do not exceed 6 metres in width;	The concept plans identify driveways which do not exceed 6 metres in width. However, the driveways are currently shown as paired (the driveway for one dwelling beside the driveway for the other dwelling) which results in a significant potential impact on the streetscape (equivalent of 12 metres of asphalt).
Minimum front yard depth where feasible of 8 metres	Front yard setback is identified as 10 metres for one lot and 8.52 metres for the other which exceeds the minimum requirement. In addition, given the configuration of the lots, and proposed design of the dwellings, the front yard setback will generally exceed these minimums.
Section 2.5.5.3.1 Established Residential Neighbourhoods	
scale of development with respect to height, massing and density of adjacent buildings and structures;	Original plan for one storey dwellings was deemed to fit with neighbourhood. No information has been provided, however, with respect to relationship of proposed two storey dwellings to adjacent buildings and structures, although the proposed two storey dwellings would be less than the maximum permitted (2.5 storeys).

<p align="center">Table 1 59 Cemetery Road Uxbridge Urban Area Secondary Plan Criteria Evaluation</p>	
Criteria	Evaluation
nature of the streetscape as defined by such elements as landscaped areas, and the relationship between the public street, front yards and primary entrances to dwelling units;	Conceptual plans indicate in terms relationship to the street and front yard setbacks and landscaped areas that nature of streetscape is generally maintained depending on landscaping.
generally respects the residential lotting pattern in the immediate surrounding area;	Given proposed lot sizes the lotting pattern is generally respected.
proposed grading and stormwater management is satisfactory to the Township;	It should also be noted that the original Grading and Drainage Plan submitted by the applicant had been reviewed by the Township engineering consultant (See Appendix A) who has also provided input with respect to sewer and water services. His comments have not been addressed and will need to be resolved through the site plan and building permit approval process.
development is on a public road which can accommodate relevant public services;	Development is on a public road. but sanitary and water services will require approval from the Region of Durham.
protection of trees and natural features identified as significant by the Township;	The Arborist Report makes detailed recommendations for the protection of privately owned trees within 6.0 meters of the Subject Site during construction. With respect to privately owned trees on the Subject Site 22 trees greater than 10 cm DBH are identified, many self seeded and moderate to poor condition. Three trees in the front yard and one tree in the back yard are identified as having potential for preservation and detailed recommendations are made for their protection during construction. Finally, the arborist notes that there do not appear to be Township planted trees on the property, but several self-seeded trees may be growing on Township property however this would have to be confirmed through a survey. At a minimum trees identified in the Arborist report and an additional tree identified by the Township's consultant will require preservation. Additional trees may require preservation based on further review of refined mapping and plans by the Township's consultant.

Table 1 59 Cemetery Road Uxbridge Urban Area Secondary Plan Criteria Evaluation	
Criteria	Evaluation
does not restrict orderly development of adjacent properties; and,	The plans do not appear to restrict development of adjacent properties.
design conforms with policies of Section 2.4, Community Design and enhances the immediate surrounding area.	Development will require to be subject to site plan approval to ensure building design and appropriate landscaping to maintain and enhance the Cemetery Road Neighbourhood in accordance with the applicable policies

Based on the information submitted, the review by the Township engineering consultant and our own review, the proposed consent generally satisfies the criteria in the Township Official Plan subject to site plan approval and thus also the criteria in the Regional Official Plan given that severances must conform with the intent of the local official plan. However, it should be noted that the site plan approval process will address tree preservation and landscaping including requiring more detailed plans for review of tree preservation, and landscaping plans which will include planting of native trees, shrubs and other vegetation including potentially additional street trees. In addition, careful review will be carried out of the relationship to adjacent development including consideration of the height of the proposed dwellings and the placement of the driveways.

RECOMMENDATION

THAT the Council of the Township of Uxbridge recommend to the Region of Durham Land Division Committee that the Township has no objection to the approval of Application LD 068/2021 subject to the following conditions:

1. THAT the owner/applicant satisfy the Township of Uxbridge financially and/or otherwise, including, but not limited to, any costs incurred by the Township during the review and approval of this consent application;
2. THAT the owner/applicant ensure that the resulting parcels satisfy all requirements of the Township of Uxbridge Zoning By-law 81-19, as amended, and that the applicant shall provide the Township with written confirmation signed by an O.L.S. that the lots conform with the Township of Uxbridge Zoning By-law 81-19, as amended; and;
3. THAT development of both the severed and the retained lots be subject to site plan approval from the Township of Uxbridge in accordance with Section 41 of the Planning Act with architectural control, including approval by the Township of plans showing the locations of buildings and structures in relation to buildings on abutting lots and placement of driveways, as well as drawings including plan, elevation and cross-section views and a grading/drainage/stormwater management brief, including addressing servicing requirements. The intent is to ensure that the policies of Section 2.5.5.4.4., Cemetery Road Neighbourhood Policy Area and the Residential Area policies in Section 2.5.5.3.1 of the

Uxbridge Urban Area Secondary Plan with respect to established residential areas are appropriately addressed in accordance with the applicants' submission. As part of the site plan approval process the owner/applicant shall provide grading and drainage plans to the Township for approval which address the comments of the Township engineering consultant. In addition, the owner/applicant shall provide a detailed tree preservation plan with refined mapping that clearly shows existing tree locations in relation to actual property lines and proposed works and construction limits for approval which address the comments of the Township's landscape architect. Further, the owner/applicant shall provide detailed landscape plans utilizing native trees, shrubs and other vegetation including potentially additional street trees and other trees and other plantings in the front of the property which contribute to the sylvan character of the Neighbourhood.

Respectfully Submitted by:

A handwritten signature in black ink, appearing to read 'Elizabeth Howson', with a stylized flourish at the end.

Elizabeth Howson MCIP, RPP
Macaulay Shiomi Howson Ltd.

Appendix A

Drainage, Grading and Servicing Review Comments May 2021 and July 2022