



Committee of Whole

Meeting Date: July 19, 2022
Submitted by: Durk Vanderwerff, Director of Planning and Development
SUBJECT: PROPOSED PLAN OF SUBDIVISION (FILE NO. 39T-MC1701) AND OFFICIAL PLAN AMENDMENT NO. 38 (FILE NO. 39-MC-OPA38); MIDDLESEX CENTRE; TOMAR REALTY CORPORATION

BACKGROUND:

Tomar Realty Corporation is proposing to develop a residential plan of subdivision on a seven-hectare (18 acre) property within Poplar Hill. The development would create 10 lots for single detached dwellings, a public road extension and an open space block containing natural heritage features (wetlands and woodlands). The development is proposed to occur on the basis of individual private septic systems and wells.

Tomar Realty Corporation has also applied to amend the Middlesex Centre Official Plan. Amendment No. 38 would redesignate the developable portion of the property from “Hamlet” to “Hamlet Special Policy Area #38” to permit the development of 10 residential dwellings on individual private water and septic services. The Middlesex Centre Official Plan otherwise directs significant new development to occur on full municipal services however such services are not available within Poplar Hill.

The surrounding land uses include residential, natural heritage features and agriculture. A location map, the proposed draft plan of subdivision, Amendment No. 38, the municipal planning reports as provided to Middlesex Centre Council and the proposed conditions of draft plan approval are appended to this report. A number of reports and studies have been provided in support of the proposal including: planning justification report; functional servicing report; development assessment report; soil assessment; hydrogeological assessment; traffic opinion letter; and preliminary grading plans.

This report is a short summary of the issues from the perspective of the County as the Approval Authority and recommends draft plan approval of this subdivision subject to conditions and recommends approval of Amendment No. 38.

ANALYSIS:

The plan of subdivision submission was received on June 14, 2017, and Middlesex Centre Council supported the proposal at their April 06, 2022 meeting. During the lengthy processing of this file, several agency / ministry circulations were undertaken (as new information was provided), and the comments received were either addressed or can appropriately be addressed as conditions of draft plan approval. The draft plan conditions include matters to satisfy the St. Clair Region Conservation Authority (storm water management, natural heritage feature retention, homeowner's information, etc), Imperial Oil (setbacks from pipeline, access easement, etc.), County Transportation (road widening, intersection improvements, etc.), and the Municipality (stormwater management, roads, private servicing requirements, etc.).

The fundamental issue that led to the extended processing timeline was addressing the technical ability to develop ten lots at this location on individual private services. In support of the proposal several studies were submitted, the Municipality requested that additional work be undertaken, and the submitted studies were subject to a municipal peer-review process. In the end, the Municipality are satisfied that the individual private servicing can be supported at this location subject to finalized detailed engineering. It is also noted that the developer and the consulting team also changed during the processing of this file.

Through the local process, the public identified concerns related to traffic, demand on schools, and the impact of development on existing wells. The Municipality are satisfied that the technical concerns can be addressed through the design of the plan and associated zoning by-law amendment and reflected in the conditions of draft plan approval and subdivision agreement.

The Provincial Policy Statement (PPS) encourages new development to occur in settlement areas, like Poplar Hill. The preferred form of development is to occur on full municipal services, however, development may occur on individual on-site sewage services and water services provided that site conditions are suitable for the long-term provision of such services with no negative impacts, and where full municipal services are not planned or feasible. Further, the PPS identifies the importance of protecting significant natural heritage features for the long-term which includes directing development away from features.

The County Official Plan directs that hamlets may have the potential to accommodate some future development such as infilling subject to the provision of appropriate types and levels of servicing. The County Plan also seeks protection for natural heritage features and agricultural land by directing development away from these areas. The

Middlesex Centre Official Plan designates Poplar Hill as a 'Hamlet Settlement Area' and encourages a variety of compatible uses including residential.

The attached municipal planning report addresses the land use planning issues in detail and also outlines the documents and studies submitted in support of the proposal. I have reviewed this material throughout the process and am satisfied that the proposed plan is consistent with the Provincial Policy Statement, conforms with the County's Official Plan, conforms with the Municipality's Official Plan, and represents sound land use planning. I am, therefore, recommending draft plan approval of the plan of subdivision subject to conditions.

FINANCIAL IMPLICATIONS:

The budget expense related to the provincially delegated Approval Authority responsibility for local official plans is offset, to an extent, through the collection of application fees. The approval of development and the accompanied community growth has indirect long-term financial implications.

ALIGNMENT WITH STRATEGIC FOCUS:

This report aligns with the following Strategic Focus, Goals, or Objectives:

Strategic Focus	Goals	Objectives
Strengthening Our Economy	Encourage a diverse and robust economic base throughout the county	<ul style="list-style-type: none">• Support opportunities to create a stronger and sustainable agricultural sector• Support the development and prosperity of downtown core areas in Middlesex County

RECOMMENDATION:

That the proposed Plan of Subdivision (File No. 39T-MC1701) be granted draft plan approval subject to conditions and that a Notice of Decision be circulated as required by the Planning Act and that the Notice of Decision indicate that all written submissions received on the application were considered; the effect of which helped make an informed recommendation and decision.

That Amendment No. 38 (File No. 39-MC-OPA38) to the Municipality of Middlesex Centre Official Plan be approved, and that staff be directed to circulate a Notice of Decision as required by the Planning Act and that the Notice of Decision indicate that all written submissions received on the application were considered; the effect of which helped to make an informed recommendation and decision.

Attachments

Attachment 1 Location Map 39-MC-OPA38

Attachment 2 Proposed Plan 39T-MC-1701

Attachment 3 Certified OPA38

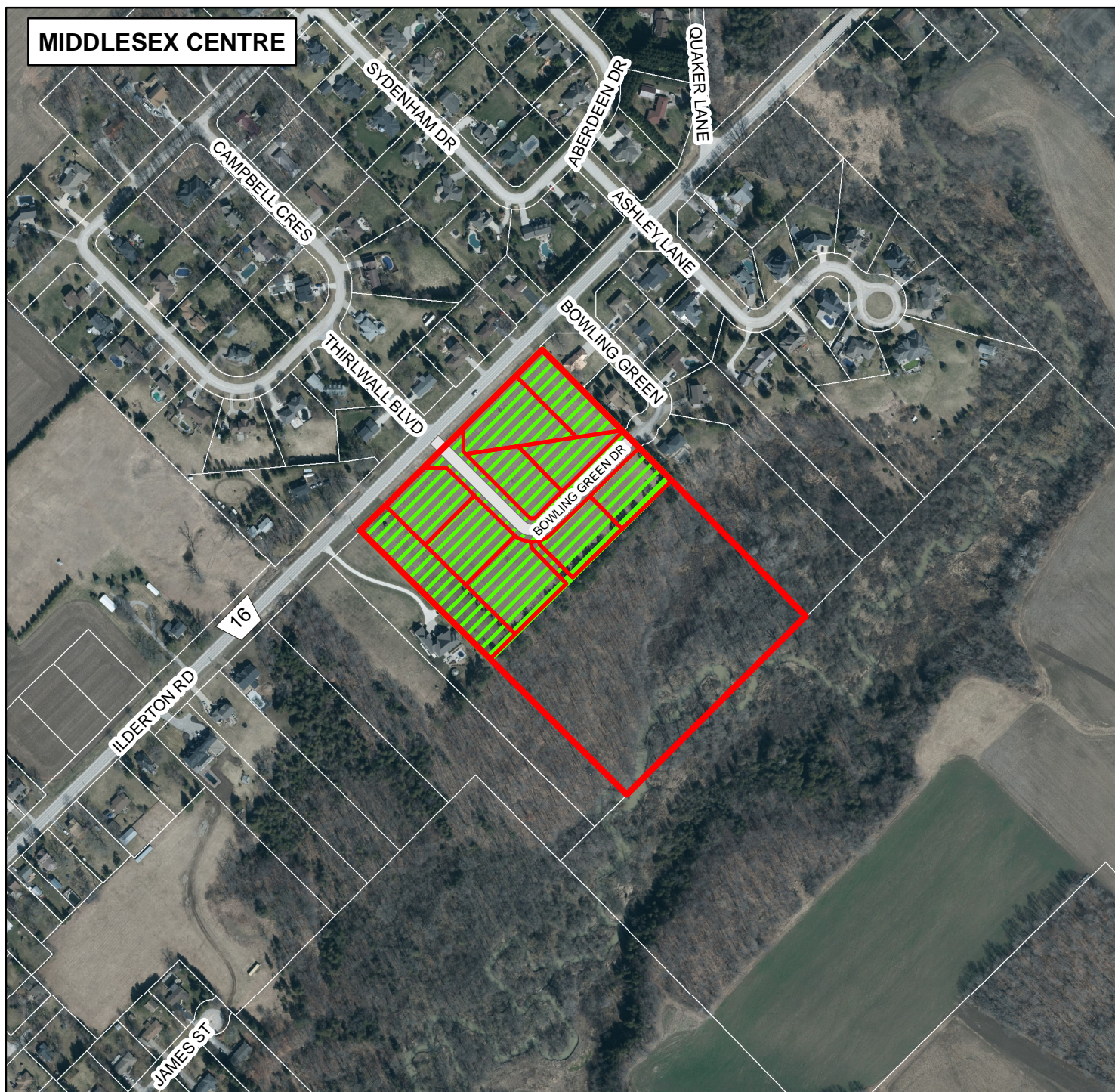
Attachment 4 Local Municipal Staff Report April 6, 2022

Attachment 5 Local Municipal Staff Report March 2, 2022

Attachment 6 Local Municipal Staff Report January 20, 2021

Attachment 7 Preliminary Conditions

MIDDLESEX CENTRE




LOCATION MAP


Description:
OFFICIAL PLAN AMENDMENT NO. 38
PLAN OF SUBDIVISION 39T-MC1701
MUNICIPALITY OF MIDDLESEX CENTRE

Prepared by: Planning Department
The County of Middlesex, May 18, 2022.



LEGEND

 (39T-MC1701) PLAN OF PROPOSED SUBDIVISION

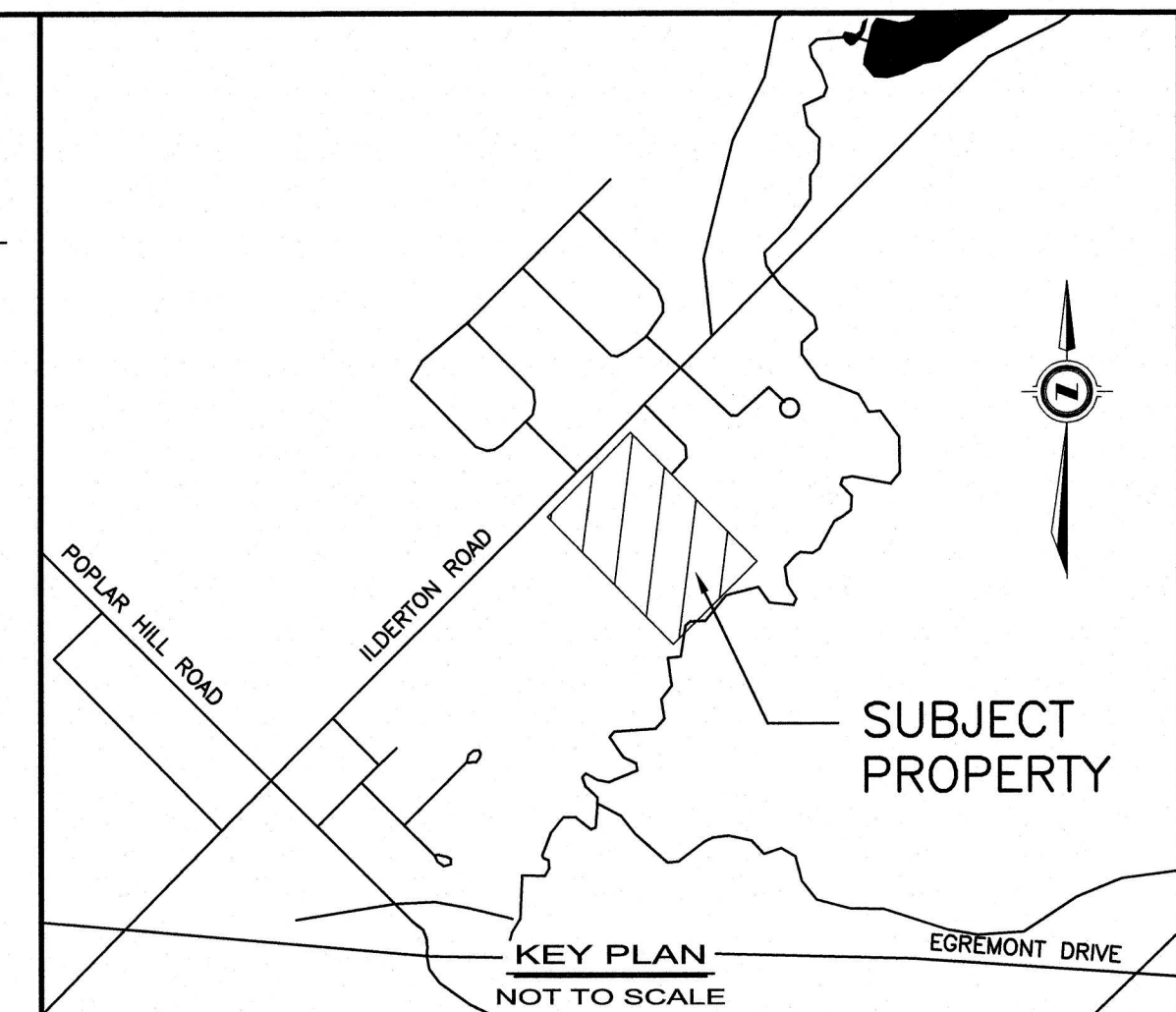
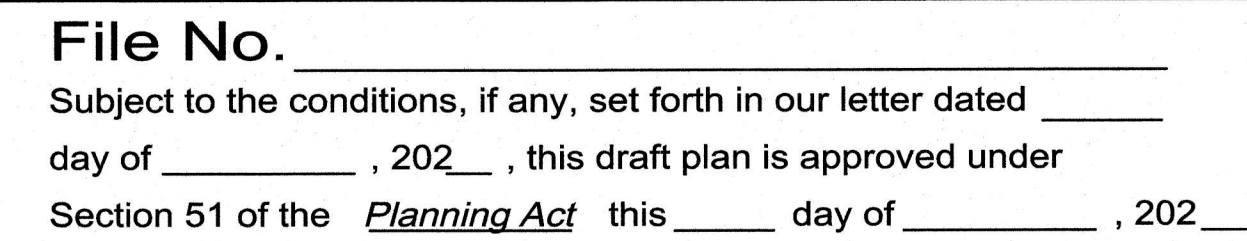
 (39-MC-OPA38) LANDS SUBJECT TO AMENDMENT NO. 38



1:5,000

0 125 250

Meters



OF PART OF
LOT 6, CONCESSION 8
(GEOGRAPHIC TOWNSHIP OF LOBO)

MUNICIPALITY OF MIDDLESEX CENTRE
COUNTY OF MIDDLESEX
SCALE 1:750

I CERTIFY THAT THE BOUNDARIES OF THE LANDS TO BE SUBDIVIDED AS SHOWN ON THIS PLAN AND THEIR RELATIONSHIP TO ADJACENT LANDS ARE ACCURATELY AND CORRECTLY SHOWN.

AUGUST 26/2020
DATE

ROBERT T. WOOD
ONTARIO LAND SURVEYOR

I HEREBY SUBMIT THIS DRAFT PLAN OF SUBDIVISION.

01 SEPT 2020
DATE

MARK MINNIE, PRESIDENT

I HAVE THE AUTHORITY TO BIND THE CORPORATION

(a)	AS SHOWN ON PLAN	(g)	AS SHOWN ON PLAN
(b)	AS SHOWN ON PLAN	(h)	PIPED WATER
(c)	AS SHOWN ON KEY PLAN	(i)	SANDY
(d)	SINGLE FAMILY RESIDENTIAL	(j)	AS SHOWN ON PLAN
(e)	AS SHOWN ON PLAN	(k)	FULL SERVICES
(f)	AS SHOWN ON PLAN	(l)	NONE

SINGLE FAMILY RESIDENTIAL LOTS 1 TO 10	3.087 ha.
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OPEN SPACE BLOCK 11	3,762 ha.
0.3m RESERVE – BLOCK 12	0.001 ha.
0.3m RESERVE – BLOCK 13	0.002 ha.
0.3m RESERVE – BLOCK 14	0.001 ha.
BOWLING GREEN DRIVE	0.473 ha.
TOTAL AREA	7.326 ha.

DISTANCES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048.

AREAS SHOWN ON THIS PLAN ARE IN HECTARES AND CAN BE CONVERTED TO ACRES BY MULTIPLYING BY 2.471054.



**ARCHIBALD, GRAY & McKAY
ENGINEERING LTD.**
3514 WHITE OAK ROAD, LONDON, ON, N6E 2Z9
PHONE 519-685-5300 FAX 519-685-5303
EMAIL info@agm.on.ca WEB www.agm.on.ca

				PLAN • SURVEY • ENGINEER		EMAIL info@agm.on.ca	WEB www.agm.on.ca
No.	REVISIONS	DATE	BY				PLAN No:
1	-	-	-	DRAWN BY: LRS, MAMG CHECKED BY: DTW DATE: 01/01/2020			DP1
				DIGITAL FILE: 1432-1 base.dwg COGO FILE: OBCFC ELF: 1432-1			

Plot date: Aug 26, 2020 F:\Projects\L\lolo\LO\Lo-49\Lo-49-3\Eng 1432-1\CAD 2019\1432-1 Base.dwg

AMENDMENT NO. 38

TO

THE OFFICIAL PLAN

OF THE

Municipality of Middlesex Centre

I, Clerk of the Municipality of Middlesex Centre

Hereby Certify that this is a true and exact

copy of the original document

This 6TH day, of APRIL, 2022


CLERK

Location: The property is located at the on the southside of Ilderton Road and east of Poplar Hill Road. The subject property is legally described Concession 8 Part Lot 6 RP 33R18785 Parts 8 To 10, (Geographic Township of Lobo), Municipality of Middlesex Centre.

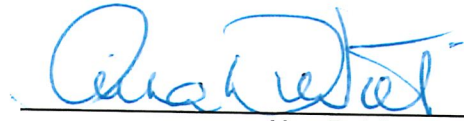
Date: April 6, 2022

Approval Authority: County of Middlesex

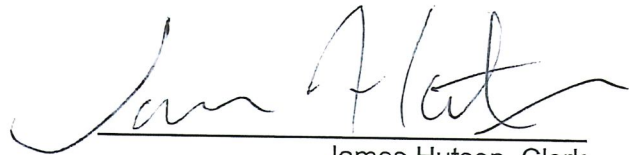
AMENDMENT NO. 38

To the Official Plan of the Municipality of Middlesex Centre

The attached, constituting Amendment No. 38 to the Official Plan of the Municipality of Middlesex Centre, as authorized by the provisions of Section 22 of the Planning Act, R.S.O. 1990, c.P.13, was adopted by Council of the Municipality of Middlesex Centre by By-law 2022-035 on the 6th day of April, 2022, in accordance with the Planning Act, R.S.O. 1990, c.P.13.



Aina DeViet, Mayor



James Hutson, Clerk

AMENDMENT NO. 38

To the Official Plan of the Municipality of Middlesex Centre

PART A - THE PREAMBLE - does not constitute part of this Amendment.

PART B - THE AMENDMENT - consisting of the text which constitutes Amendment No. 38

PART C - THE APPENDICES - do not constitute part of this Amendment.

AMENDMENT NO. 38

To the Official Plan of the Municipality of Middlesex Centre

PART A - THE PREAMBLE

1.0 PURPOSE AND EFFECT

The purpose of the Official Plan Amendment is to create a policy framework to develop a residential plan of subdivision. The effect of the amendment is to add a new Special Policy Area to provide the framework to permit the creation of ten (10) residential lots through a plan of subdivision and serviced by private water supply and sewage disposal systems and identified on Schedule 'A' attached.

2.0 LOCATION

The property is located at the on the southside of Ilderton Road and east of Poplar Hill Road. The subject property is legally described as Concession 8 Part Lot 6 RP 33R18785 Parts 8 To 10, (Geographic Township of Lobo), Municipality of Middlesex Centre.

3.0 BASIS OF THE AMENDMENT

This Amendment is consistent with the Provincial Policy Statement and is in conformity with the County of Middlesex Official Plan which support intensification of land uses and infill development within the settlement boundary of Poplar Hill & Coldstream. The proposal included servicing capacity studies that support the usage of individual on-site sewage and water services as conditions are suitable for the long-term provision with no negative impacts. The proposal is in keeping with the provincial and county policy framework for development.

PART B - THE AMENDMENT

4.0 DETAILS OF THE AMENDMENT

4.1 The document known as the Official Plan of the Municipality of Middlesex Centre is hereby amended by amending Schedule "A-8":

- i. By extending the SPA # 38 area to include the land legally described as Concession 8 Part Lot 6 RP 33R18785 Parts 8 To 10 (geographic Township of Lobo), in the Municipality of Middlesex Centre, having a maximum depth of approximately 328.4 metres and frontage of 224.55 metres along Ilderton Road and an area of approximately 7.326 hectares, as shown on Schedule "A" of this amendment, from Hamlet to Hamlet and Special Policy Area # 38.

4.2 Section 11.0 of the Official Plan of the Municipality of Middlesex Centre is hereby amended as follows:

- i. by adding a new subsection SPA # 38 and the following text:

"SPA # 38

The land identified as Special Policy Area # 38, as shown on Poplar Hill & Coldstream Hamlet Area (Schedule A-8), shall be subject to the following policy:

Notwithstanding Section 5.1.3 of this Official Plan, 10 residential lots can be developed through a plan of subdivision and serviced by private, individual water supply and sewage disposal systems."

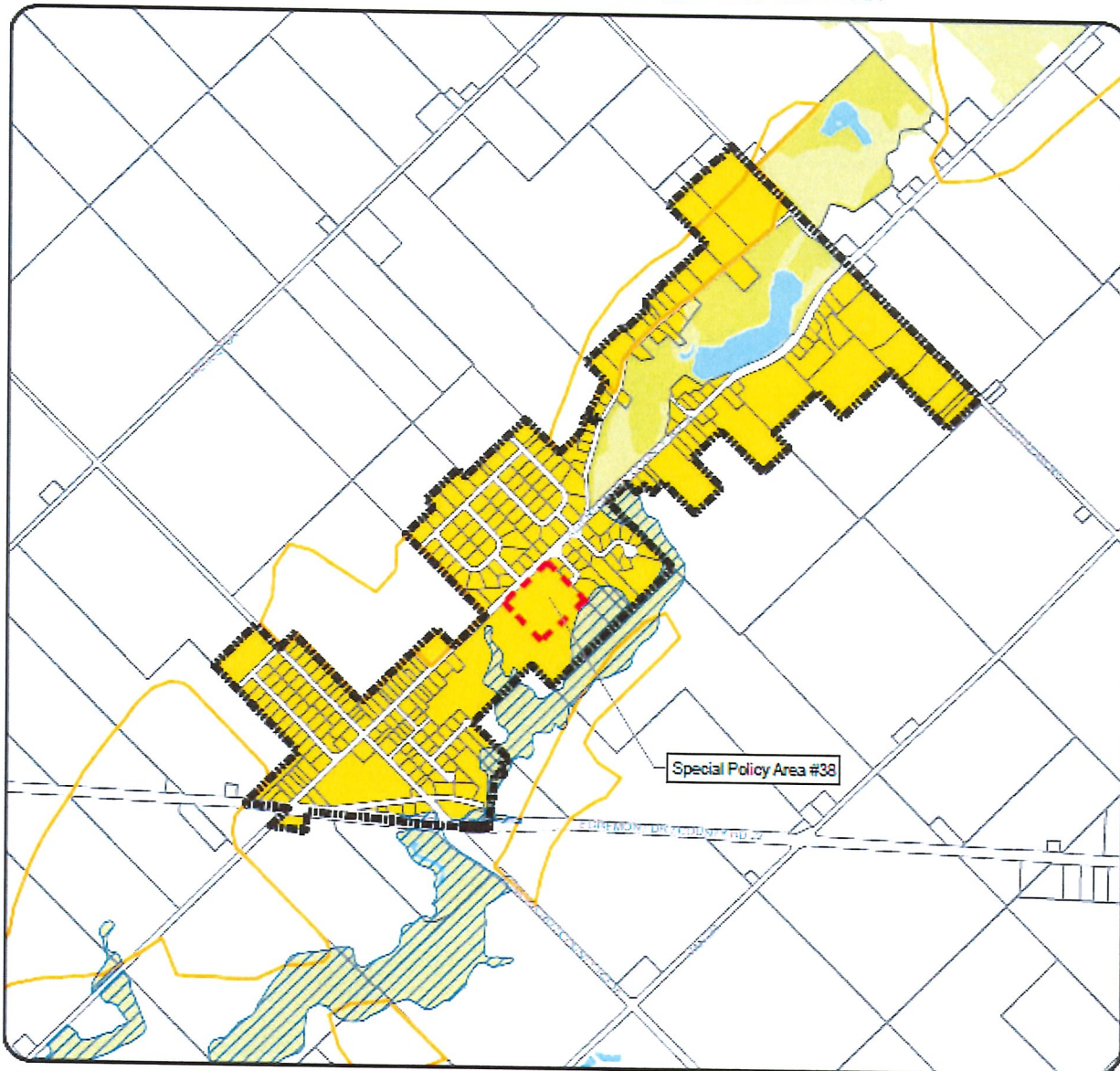
PART C - THE APPENDICES

SCHEDULE A: TO OFFICIAL PLAN AMENDMENT #38



SCHEDULE A-8: POPLAR HILL & COLDSTREAM HAMLET AREA

MUNICIPALITY OF MIDDLESEX CENTRE OFFICIAL PLAN



LEGEND

- Special Policy Area
- Settlement Boundary
- Aggregate Overlay
- Flood Plain

Official Plan Designation

- Agriculture
- Hamlet
- Natural Environment
- Parks and Recreation

NOTE: Schedules should be read in conjunction with applicable policies of the Plan and other Schedules

SCALE 1:20,000

0 250 500 1,000 1,500 2,000 Meters





Meeting Date: April 6, 2022

Submitted by: Marion-Frances Cabral, Planner

Report No: PLA-23-2022

Subject: Applications for Draft Plan of Subdivision (39T-MC1701), Official Plan Amendment, and Zoning By-law Amendment known as “Poplar Woods”;
Filed by AGM Limited on behalf of Tomar Realty Corporation

Recommendation:

THAT the Official Plan Amendment No. 38 (OPA 38) for the land legally described as Concession 8 Pt Lot 6 RP 33R18785 Parts 8 to 10 (former Township of Lobo), Municipality of Middlesex Centre, be ADOPTED and forwarded to the County of Middlesex for consideration of approval;

AND THAT the Zoning By-law Amendment application (ZBA 2017), to rezone the subject property from the ‘Existing Use exception 2 (EU-2)’ zone to the site specific ‘Hamlet Residential First Density exception 12 with Hold (HR1-12)(h-1)’ and ‘Open Space exception 8 (OS-8) for the property legally described as Concession 8 Pt Lot 6 RP 33R18785 Parts 8 to 10 (former Township of Lobo), Municipality of Middlesex Centre, be APPROVED;

AND FURTHER THAT the County of Middlesex be advised that Middlesex Centre recommends draft plan approval for the land known legally as Concession 8 Pt Lot 6 RP 33R18785 Parts 8 to 10 (former Township of Lobo), Municipality of Middlesex Centre, County File No. 39T-MC1701, subject to the draft plan conditions appended to the Middlesex Centre report PLA-23-2022, and subject to a three (3) year lapse period.

Purpose:

The purpose of the plan of subdivision application is to permit the creation of 10 lots for residential development, 1 block for a woodland area, and blocks for future public roads.

The purpose of the official plan amendment application is to create a Special Policy Area to permit the development of 10 lots through a plan of subdivision on the subject land utilizing private on-site sanitary and water services.

The purpose of the zoning by-law amendment application is to rezone the northerly portion of the land proposed to be developed from the site-specific ‘Existing Use exception 2 (EU-2)’ zone to ‘Hamlet Residential First Density (HR1)’. The southerly portion

of the land is proposed to be rezoned from the site-specific 'Existing Use exception 2 (EU-2)' zone to 'Open Space (OS)'. The effect of the zoning would facilitate the construction of one-single detached dwelling on each of the proposed lots.

Background:

The applicant is proposing a plan of subdivision to create ten (10) building lots for single detached dwellings and a block for the woodland area. Each lot is proposed to have private on-site sanitary and water servicing, and the development will extend Bowling Green to create a new intersection at Ilderton Road (County Road 16).

A Location Map and proposed Plan of Subdivision are appended to this report as Attachment 1 and Attachment 2, respectively.

The land is approximately 3.082 ha (7.6 ac) and is located on the south side of Ilderton Road within the hamlet of Poplar Hill - Coldstream.

The applications were received in 2017. As a result of comments from staff and agencies related to development on private on-site services, the applicant updated and revised part of their submission. The submission is being reviewed comprehensively in concurrence with two (2) other applications for plans of subdivision in the Poplar Hill and Coldstream area (Files: 39T-MC2002 and 39T-MC2003).

A copy of the Official Plan Amendment and Zoning By-law Amendment is appended to this report at Attachment 3 and 4, respectively. Materials submitted in 2020 are included as Attachments 6 to 10.

In January 2021, a public meeting was held to provide the public and Council with additional information related to all three plan of subdivision applications. The comprehensive review of the plans of subdivisions gave attention to the private servicing proposed for all three development proposals. Specifically, their affect on the water quality (the effect of 36 additional conventional private septic systems on potable drinking water) and water quantity (the effect of 36 additional private wells within the hamlet area).

Throughout 2021 the hydrogeological assessments to address the water quality and quantity provided by the applicant were peer reviewed by a third-party (MTE Consultants) engineer on behalf of the Municipality. MTE Consultants concluded that "(a)lthough not all comments from their February 8, 2021 letter were fully addressed in the supplemental information as presented, it is our opinion that sufficient information is now available to mitigate the Municipality's related risk in approving the Draft Plan of Subdivision, provided the appropriate conditions are included. It is our understanding that the Municipality intends to include a condition requiring the Applicant to prepare and submit a comprehensive hydrogeological assessment report based on the compiling work completed to date. Any outstanding comments could be addressed in that submission and the associated review process". A summary of the work complete and conclusion is found in a letter dated January 21, 2022 (Attachment 11).

Additionally, the applicant provided a traffic opinion letter from Paradigm Transportation Solutions Limited (Paradigm) dated January 20, 2022 (Attachment 12) which traffic generated from the proposed subdivisions. Paradigm noted that "the proposed three development will include a total of 36 dwelling units. Assuming that each unit will have at least two cars, there will be an addition of 72 cards in the households in Coldstream and

Poplar [Hill]....The additional traffic on Ilderton Road at any given time of day is not likely to exceed an estimated 25 vehicles in one direction and 41 vehicles in both directions". The traffic opinion letter also reviewed sightlines and concluded that the proposed access connections to Ilderton Road are adequately distanced as proposed. Paradigm concluded that "the traffic impacts to Ilderton Road due to the new subdivisions will be minimal and can be accommodated within existing roadway capacity". While it was not referenced in this letter, Middlesex County has reviewed the proposed plans of subdivision and requested certain upgrades to Ilderton Road but has not opposed the access location or number of access points.

On January 24, 2022 the applicant held a townhall meeting for residents. The applicant and their retained consultants presented the above noted reports to the public. The presentation also included modelling and analysis undertaken by the consultants to demonstrate how they arrived at their conclusions. The applicant's consultant also confirmed the proposed development will meet provincial guidelines for water quality using a conventional septic system, and that the recharge of the aquifer is sufficient to handle the additional wells. The public was provided the opportunity to ask further questions about the studies as well as the proposed developments in general. Questions were related to the protection of the woodlot, stormwater management and impacts to adjacent properties, long-term assurance to the existing residents, questions about the subdivision design, inclusion of external factors (e.g. agricultural spraying, irrigation, seasonal/annual changes) in the modelling, and sidewalks proposed within the development and along Ilderton Road.

A public meeting was held on March 2, 2022 to provide the public and Council an update on the file. The applicant and their retained consultants were also available to answer questions related to the prepared reports noted above. The public was provided the opportunity to ask additional questions about the development proposal. Concerns identified by the public related to this development proposal include the impacts of private servicing to adjacent property owners, long-term assurance to the existing residents, questions about the subdivision design such as provision of sidewalks within the development and along Ilderton Road, and request for landowners to be aware of normal agricultural practices. Council also sought clarification of the provided reports and modelling, and requested to seek additional clarification about the average lot areas, and detailed grading plans to ensure development can be accommodated. Following the public meeting the applicant resubmitted an addendum to the Planning Justification Report (Attachment 7) and provided a preliminary grading plan (Attachment 13).

Policy Regulation:

The lands are designated 'Agricultural Area' and contains 'Natural Environment Areas' in the County Official Plan, designated 'Hamlet' and contains floodplain and natural environment areas within the Middlesex Centre Official Plan, and zoned 'Existing Use exception 2 (EU-2)' with hazard lands overlay in the Comprehensive Zoning By-law.

Provincial Policy Statement, 2020 (PPS):

According to Section 3 of the Planning Act, as amended, decisions made by planning authorities “shall be consistent with” the PPS. The principal policies of the PPS that are applicable to the proposed development include:

Section 1.1.1 of the PPS speaks to ‘Healthy Livable and safe communities’ and how they can be sustained. Section 1.1.1b) states that ‘accommodating an appropriate range and mix of residential (including second units, affordable housing and housing for older persons), employment (including industrial and commercial), institutional (including places of worship, cemeteries and long-term care homes), recreation, park and open space, and other uses to meet long-term needs’.

1.1.3.1 Settlement Areas including hamlets shall be the focus of growth and development, and their vitality and regeneration shall be promoted.

1.1.3.2 Land use patterns within settlement areas shall be based on:

a) Densities and a mix of land uses which:

1. Efficiently use land and resources;
2. Are appropriate for, and efficiently use, the infrastructure and public service facilities which are planned or available, and avoid the need for their unjustified and/or uneconomical expansion

Section 1.4 of the PPS speaks to ‘Housing’ and the requirement ‘to provide for an appropriate range and mix of housing types and densities required to meet projected requirements of current and future residents’.

Section 1.5 speaks to Public Spaces, Recreation, Parks, Trails and Open Space and specifically section 1.5.1 states ‘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

Section 1.6.6. of the PPS outlines the hierarchy for sewage and water services. Generally, the preferred method of servicing is full municipal services. Where municipal sewage services and municipal water services or private communal sewage services and private communal water services are not available, planned or feasible, individual on-site sewage services and individual on-site water services may be used provided that site conditions are suitable for the long-term provision of such services with no negative impacts. In settlement areas, individual on-site sewage services and individual on-site water services may be used for infilling and minor rounding out of existing development.

Section 1.6.7 of the PPS speaks to stormwater management and that planning for stormwater management shall:

- a) Minimize, or, where possible, prevent increase in contaminant loads;
- b) Minimizing changes in water balance and erosion,
- c) Not increasing risks to human health and safety and property damage;
- d) Maximize the extent and function of vegetative and pervious surfaces; and

- e) Promote stormwater management best practices, including stormwater attenuation and re-use, and low impact development.

Section 2.1 of the PPS speaks to natural heritage features and the importance of protecting these features for the long-term and provides a series of policies intended to protect natural heritage features. Development and site alteration shall not be permitted within significant wetlands, and may be

Section 3.1 of the PPS recognizes natural or human-made Natural Hazards and the necessity to reduce the potential for public cost or risk to Ontario residents. Development shall generally be directed away from hazardous lands adjacent to a river or stream, and shall not be permitted within areas that would be inaccessible to people and vehicles during flooding hazards or erosion hazards.

Thames-Sydenham and Region Source Protection Plan:

The subject lands are within the Thames-Sydenham and Region Drinking Water Source Protection area under the jurisdiction of the St. Clair Region Conservation Authority. The lands are found within the Wellhead Protection Area – C on Map 3-14 and the Moderate and Low Threat Policy Area shown on Map 3-2-4. Policies related to new septic systems are addressed within the source protection plan to reduce the risk to drinking water sources from septic systems or septic system holding tanks in vulnerable areas where this activity is a low or moderate threat.

County of Middlesex Official Plan:

The principal policies of the County of Middlesex's Official Plan that are applicable to the proposed development are as follows:

The subject property is designated 'Agricultural Areas by the County of Middlesex Official Plan. Section 3.2. of the Plan directs growth to settlement areas, and promotes a variety of housing types within Settlement Areas

Section 2.3.8.3 – Hamlets in Agricultural Areas states that within the Agricultural Area there are existing designated hamlets that are not Urban or Community Areas such as the Poplar Hill and Coldstream Hamlet Area. These hamlets may have the potential to accommodate some future development. Infilling, rounding out and minor extensions of these existing hamlets may be permitted subject to the provision of the appropriate types and levels of servicing. A Settlement Capability Study may be required depending on the scale of development proposed. New lots shall generally be created through the consent process.

Further Section 3.3.4 – Detailed Land Use Policies: Hamlets in Agricultural Areas identifies that local official plans may permit development in designated hamlets and development may proceed in these areas. No further land shall be designated for development except by way of a comprehensive review. Infilling, rounding out in depth or minor extensions of existing development may be permitted provided that there is no further outward expansion of the limits of existing development, subject to the following:

- a) the new development be serviced in accordance with Section 2.4.5 – Sanitary Sewers

and Water, and accepted servicing standards; and b) the development complied with the Minimum Distance Separation Formula.

Section 2.3.9 – Agricultural Area Policies directs that non-agricultural activities will be closely scrutinized and directed to Settlement Areas unless the activity is agriculturally related and a location in proximity to agriculture is necessary. Urbanization created conflicts in the agricultural area and continues to encroach on prime agricultural land.

Section 2.4.5 – Sanitary Sewers and Water promotes efficient and environmentally responsible development which is supportable by appropriate water supply and sewage disposal types and levels. Where partial municipal services are considered the supporting studies shall address all servicing options. The County Plan encourages development on municipal water and sanitary sewer systems. Where local municipalities do not provide or demonstrate a strong potential to provide full municipal water and sewage treatment facilities, development other than infilling will require a Settlement Capability Study as outlined in Section 2.3.6 – Settlement Capability Study.

The County plan requires site specific development proposals to be accompanied by an evaluating of servicing options within Settlement Areas. The evaluation shall address the County's preferred servicing hierarchy: i) extension from existing municipal system; ii) extension from existing communal system; iii) new municipal or communal system; iv) individual septic systems and private wells.

Section 2.4.7 – Groundwater Management and Protection identified that groundwater is a major source of water for domestic, industrial, commercial and agricultural uses in the County and it is imperative that this resource be protected in order to ensure a sustainable and safe supply to those residents and businesses that rely on it. General policies will provide guidance with respect to the protection and management of groundwater resources including the "(c) implementation of restrictions on development and site alteration to protect all municipal drinking water supplied and sensitive groundwater features".

Section 3.4 – Natural Environment Areas recognizes a diversity of environmental attributes including wetlands and significant woodlands. In order to protect, maintain, and, where necessary, rehabilitate natural features. The Natural Environment Area policies address the appropriateness of development and restrict development to locations which do not adversely affect the sustainability of these features and ecosystem. In addition to contributing to the ecosystem processes, some Natural System elements are considered to be Natural Hazards and pose a risk to life or property if the land is developed. These lands include floodplains, areas of steep slope and erosion-prone slopes. The County Plan contains policies to restrict development in or near these hazard lands. Further, buildings and structures are generally not permitted within these areas. Uses and buildings that do not detract from the primary function of the Natural System will be permitted.

It is expected that areas designated as Natural Environment Areas will generally remain as such over the long term. Lands designated Natural Environment Areas may be considered for other uses based upon an amendment to the County Plan, the local official plan and zoning by-law. Development within proximity to flood regulated watercourses,

wetlands and significant woodland will require a development assessment report (DAR). Development is not permitted within a wetland or within floodprone areas.

Middlesex Centre Official Plan:

The principal policies of Middlesex Centre's Official Plan that are applicable to the proposed development include:

As mentioned above, Middlesex Centre's Official Plan designates the subject property as 'Hamlet' within the Poplar Hill and Coldstream Hamlet Area. The property also contains Flood Plain overlay and Natural Environment areas. 'Significant Woodland' is also identified on Schedule 'B' – Greenlands System.

Section 5.1.3 – Hamlet Settlement Areas states that lands within the 'Hamlet' designation include residential, commercial, industrial, and parks and recreation uses. Specific lands shall be established in more detailed through the zoning by-law. Hamlet Areas are expected to accommodate only limited future development, through infilling within the existing settlement boundaries. New lots shall generally be created through the consent process, however, plans of subdivision will be utilized where vacant lands exist within Hamlets between the existing built up area and the existing settlement boundary.

New development within Hamlet Areas must be serviced by acceptable servicing standards. Where partial municipal services are considered, supporting studies must address all applicable servicing options and establish that the development may proceed appropriately on partial municipal services. Significant or major new development, such as the development of more than three (3) new lots through plan(s) of subdivision, will require provision of full municipal services.

Section 3.2 – Municipal Natural Area and Natural Hazard Policies identifies a policy of the Official Plan is to conserve natural features and functions throughout the Municipality wherever possible especially as they affect quality of life, landscape-aesthetic concerns, water quality and ground water conservation, and similar matters. The Official Plan separated natural features into categories where development is prohibited, such as wetlands; where development and site alteration may be permitted with further study such as significant woodlands; and where preservation is generally encouraged such as woodlands.

Section 3.3 – Natural Environment Areas Designation states that all development or site alteration shall be prohibited except for those permitted in section 3.5 – Permitted Uses Within Municipal Natural Environment Areas and Greenland Features within the following types of natural areas: wetlands; significant habitat or endangered or threatened species; floodplains and flood prone areas mapped and/or regulated by a Conservation Authority.

The boundaries of such features may be more precisely defined through environmental evaluations such as a development assessment report to the satisfaction of the Municipality in consultation with appropriate agencies. Development may be permitted in adjacent lands subject to the completion and findings of a development assessment report (DAR) acceptable to the Municipality. Such developments must not result in a negative impact on the natural areas and functions or ecological processes of the feature in question.

Section 3.4 – Greenland Features Overlay states that features shown on Schedule ‘B’ of the Official Plan constitute, for the most part, significant woodlands. These woodlands are of County significance and are identified through the Middlesex Natural Heritage Study.

Schedule ‘B’ is not a land use designation schedule and is included as part of this Official Plan as a means of raising public awareness of the importance of our natural environment. These lands will be subject to the policies associated with the applicable land use designation on Schedule ‘A’, as well as the natural area policies of this section.

It is the policy of this Plan that development or site alterations within or on lands adjacent to the environmental features, except for those uses included in Section 3.5 - Permitted Uses Within Municipal Natural Environment Areas and Greenland Feature, shall be subject to completion of a development assessment report (DAR) acceptable to the Municipality. The distances associated with adjacent lands are identified in Figure 1 of the Official Plan. Development or site alteration within or adjacent to such features will be prohibited unless it can be shown that there will be minimal or no impacts on the form or function of such features.

Section 3.6 – Floodplain Areas recognizes the regulatory floodplain identified by one of five conservation authorities that have jurisdiction within Middlesex Centre. The municipality generally uses a “one zone” floodplain system. Development and site alteration may be permitted where a development assessment report (DAR) demonstrates no increased risk to life and property, and no impact on flood conveyance, upstream or downstream flood levels or aggravation of existing natural hazard processes such as slope stability. A DAR should also demonstrate no negative impacts on natural features and functions.

Section 9.3.1 – Settlement Area Municipal Services recognizes that Poplar Hill-Coldstream is serviced by private sanitary service systems and individual wells. It is a policy of the Official Plan that future development within settlement areas proceed on the basis of full municipal services, with partial services potential being permitted on an interim basis where proper justification is provided. Further, all lots affected by an application for severance or plan of subdivision shall be sized such that there is sufficient space for a building envelope, sewage envelope, sewage system contingency area, and potable water supply if municipal water is not available.

Section 6.2 – Design Policies – Plans of Subdivision identify policies to enhance the public realm and high quality subdivision design. Policies address a number of factors including connectivity for pedestrians, cyclists and automobiles; adherence to municipal design standards for rights-of-way and urban design guidelines; and block patterns.

The applicant is requesting to maintain the existing designations on the subject land and create a new Special Policy Area (SPA) to permit the development of 10 lots on private on-site services.

Middlesex Centre's Comprehensive Zoning By-law:

The subject land is zoned 'Existing Use exception 2 (EU-2)' and contains regulated area as identified by the local conservation authority.

The 'Existing Use (EU)' zone states that no land shall be used and no building or structures shall be erected, used, or altered in the 'Existing Use (EU)' zone except for any use existing as of the date of the passing of the Zoning By-law. The site-specific exception 2 (EU-2) recognizes a minimum lot frontage of 15 m (49 ft) and minimum lot area of 2.8 ha (6.9 ac). Any new development requires an amendment to the zoning by-law.

The regulated areas are delineated by shading on Schedule A – Key Map U-12 Popular Hill - Coldstream. Applications for building permits will be referred to the conservation authority having jurisdiction for review prior to issuing the permit.

The applicant has requested to rezone the northerly portion of the land to 'Hamlet Residential First Density (HR1)' where development will occur, and the southerly portion of the land to 'Open Space (OS)' to reflect the natural heritage features and floodplain.

The standards of the 'Hamlet Residential First Density (HR1)' are as follows:

	Hamlet Residential First Density (HR1) zone
Permitted Uses	Accessory use Bed and breakfast establishment Converted dwelling Home occupation Single detached dwelling
Minimum Lot Area (a) where a public water supply and public sanitary sewage systems are not available	2, 000 m ² (0.5 ac)
Minimum Lot Frontage	20 m (66 ft)
Minimum Front Yard Setback	In accordance with Section 4.18 of the Zoning By-law; 6 m (20 ft) for all other roads

	Hamlet Residential First Density (HR1) zone
Minimum Side Yard Setback	
(a) Interior lot	1.5 m (5 ft) on one side and 2.5 m (8 ft) on the other side;
(b) corner lot	6.0 m (20 ft) on the side abutting the road and 1.5 m (5 ft) on the other side
Minimum Rear Yard Setback	8 m (26 ft)
Minimum Floor Area	90 m ² (969 ft ²) for single detached dwelling
Maximum Height	12 m (39.4 ft) for single detached dwelling
Maximum Lot Coverage	35% for the main building 38% for all buildings including accessory buildings subject to Section 4.1 a)

The standards of the 'Open Space (OS)' are as follows:

	Open Space (OS) zone
Permitted Uses	<p>No land shall be used and no buildings or structures shall be erected, used, or altered in the Open Space (OS) Zone except for the following purposes:</p> <p>Accessory use</p> <p>Agricultural use, excluding buildings and structures</p> <p>Conservation use</p> <p>Forestry use</p> <p>Nursery</p>

	Open Space (OS) zone
	Park, public or private
Minimum Front Yard Setback	In accordance with Section 4.18 of the Zoning By-law; 10 m (33 ft) for all other roads
Minimum Side Yard Setback	10 m (33 ft)
Minimum Rear Yard Setback	7.5 m (25 ft)
Maximum Height	12 m (39.4 ft)
Maximum Lot Coverage	20%

Consultation:

Notice of the applications were circulated to agencies, as well as property owners in accordance with the *Planning Act* and Ontario Regulation 544/06.

Public Comments:

Staff received comments from area residents ahead of the public meeting in January 2021 and March 2022, and are summarized as follows:

- Concern about storm water infiltrating groundwater supply
- Area residents have wells at different depths and there are often concerns with the lack of water and water quality. Additional development will deplete resources and can deteriorate water quality.

Staff have also made note of comments and questions raised by the public at the applicant's townhall in January 2022.

Agency Comments:

At the time of writing the subject report the following comments were received:

The Municipality's Chief Building Official has reviewed the applications and requests lot grading and servicing plans showing wells, septic, contingency and building locations. Also, consideration must be made of water quality and quantity impacts.

The Municipality's Public Works and Engineering Department has reviewed the applications and note that the studies submitted to the municipality are under review.

Detailed comments will be provided in the future regarding the engineering matters. These comments could potentially affect the lot size and layout of the subdivision.

Middlesex County Engineer reviewed the applications and note some concerns with access to County Road 16 (Ilderton Road) from Lots 1 and 2. The County Engineering department would require that both lots be serviced through a single shared access point. As such a series of 0.3 m (1.0 ft) reserves and easements would need to be established to restrict access along the common property line.

Additionally, left and right turn lane improvements will be required at the intersection of Bowling Green Drive and Ilderton Road. All costs associated with the design and construction of these lands will be the responsibility of the developer.

Paved shoulders are provided along the extent of Ilderton Road and the addition of sidewalks would need to be determined by Middlesex Centre.

The St. Clair Region Conservation Authority (SCRCA) has reviewed the applications and reports submitted by the applicant. Detailed comments are provided within Attachment 5 of this report.

In summary, it is the opinion of the SCRCA that:

1. Consistency with Section 3.1 of the PPS has been demonstrated;
2. Ontario Regulation 171/06 does apply to the subject site. A permit from SCRCA will be required prior to any development taking place within the regulated area;
3. Consistency with Section 2.1 of the PPS can be demonstrated through conditions relating to natural heritage feature protection, stormwater management, and landowner stewardship; if the control of nitrates from on-site private servicing can be demonstrated; and
4. The subject site is located within an area that is subject to the policies contained in the Source Protection Plan.

Additionally, SCRCA collects fees for the review of the Plan of Subdivision, Official Plan Amendment and Zoning By-law Amendment applications. A total of \$2980 is payable to the SCRCA.

Canada Post reviewed the initial and current applications and will provide mail delivery services to the subdivision through centralized Community Mail Boxes and offered comments that will be reflected in the draft approval or subdivision agreement of the plan of subdivision.

TVDSB reviewed the applications in 2017 stated that Vallyevew PS is under capacity.

Esso/Imperial Oil requests that a 20 m setback for development on both sides of the pipeline. ESSO also requests to review the design prior to finalization, and may require a crossing/encroachment agreement for construction and permanent structures within 7.5 m of the pipeline or any equipment crossing over the pipeline.

Upper Thames River Conservation Authority does not have jurisdiction in this area, however, UTRCA provided comments related to the Source Water Protection Plan. UTRCA does not review the guidelines or studies but vests the responsibility with the

Municipality's CBO to ensure that that any proposed development meets provincial standards and the guidelines within the Source Water Protection Plan.

Analysis:

To consider the appropriateness of the requested Official Plan Amendment, the following should be evaluated:

a) Does the proposed amendment relate, and conform to the vision for the Municipality of Middlesex Centre?

The requested amendment proposes to retain the Hamlet designation, and permit the development of 10 residential dwellings on private servicing where municipal servicing is not planned and provided. The proposed amendment permits development compatible with the surrounding community, and is limited to the existing settlement boundary and located between the existing built up area.

b) Is there a demonstrated need or justification for the proposed change?

The proposed change does not amend the land use designation of the land. However, it does permit the development of lands within the existing settlement area boundary. The requested amendment is requested as there is no provision or planned provision of municipal services within the hamlet area.

c) Is the amendment in keeping with Provincial and County policy?

The Provincial Policy Statement establishes a hierarchy of servicing for development where full municipal servicing is the preferred form. Where it is not planned or provided, the Municipality can consider development on partial servicing, private communal servicing or private individual servicing. Staff are satisfied that in lieu of the preferred servicing option, private individual servicing is a preferred alternative for the long-term provision of such services with no negative impacts.

d) What are the effects of the proposed change on the demand for Municipal services, infrastructure and facilities?

The proposed development will require the upgrade to public rights-of-way including Ilderton Road and the extension of Bowling Green.

The Thames Valley District School Board has indicated that there is sufficient capacity to accommodate enrollment from the additional 10 dwellings within the community.

e) Can the lands affected by the application be adequately serviced to accommodate the proposed development? Are improvements necessary to adequately service the lands in question?

Based on the provided information to date, staff are of the opinion that the proposed servicing can accommodate the proposed development. More comprehensive review will be required before final approval of the plan of subdivision and prior to any development.

Staff also propose site-specific zoning standards, noted below, to accommodate the proposed servicing and development.

f) What impacts will the proposed development have on surrounding land uses, traffic systems, infrastructure and servicing, settlement or Municipal character, features or structures of cultural heritage importance, and natural environment features? Can negative impacts be mitigated or eliminated?

The additional 10 dwellings will generate minimal traffic that can be accommodated within the existing capacity of Ilderton Road (County Road 14). Some road improvements will be required at the new intersection of Ilderton Road and Bowling Green.

The proposed plan of subdivision plans for lots that are similar to the existing lot fabric of the neighbouring community.

Natural environment features found in Block 11 are proposed to be protected and retain its current designation and natural environment overlays.

Based on our analysis of the Official Plan Amendment and that the amendment can be supported, staff are satisfied that the complementary zoning by-law amendment application can be considered. However, staff recommended the following site-specific standards to mitigate impacts to neighbouring properties and in consideration of the private, individual on-site servicing.

Proposed site-specific standards within a new HR1-12 zone address Permitted Uses, Minimum Front Yard Setback, Minimum Side Yard Setback, Maximum Floor Area, and Setback from Imperial Oil Pipeline.

	Requested (HR1) zone	Recommended (HR1-12) zone
Permitted Uses	Accessory use Bed and breakfast establishment Converted dwelling Home occupation Single detached dwelling	Accessory use Home occupation Single detached dwelling
Minimum Lot Area (a) where a public water	2, 000 m ² (0.5 ac)	2, 000 m ² (0.5 ac)

	Requested (HR1) zone	Recommended (HR1-12) zone
supply and public sanitary sewage systems are not available		
Minimum Lot Frontage	20 m (66 ft)	20 m (66 ft)
Minimum Front Yard Setback	In accordance with Section 4.18 of the Zoning By-law; 6 m (20 ft) for all other roads	In accordance with Section 4.16 of the Zoning By-law; 6 m (20 ft) for all other roads
Minimum Side Yard Setback (a) Interior lot (b) corner lot	1.5 m (5 ft) on one side and 2.5 m (8 ft) on the other side; 6.0 m (20 ft) on the side abutting the road and 1.5 m (5 ft) on the other side	3.0 m (10 ft) in accordance with Section 4.16 of this By-law on the side abutting the road, and 3.0 m (10 ft) on the other side
Minimum Rear Yard Setback	8 m (26 ft)	8 m (26 ft)
Minimum Floor Area	90 m ² (969 ft ²) for single detached dwelling	90 m ² (969 ft ²) for single detached dwelling
Maximum Floor Area	-	300 m² (3, 229 ft²)

	Requested (HR1) zone	Recommended (HR1-12) zone
Maximum Height	12 m (39.4 ft) for single detached dwelling	12 m (39.4 ft) for single detached dwelling
Maximum Lot Coverage	35% for the main building 38% for all buildings including accessory buildings subject to Section 4.1 a)	35% for the main building 38% for all buildings including accessory buildings subject to Section 4.1 a)
Setback from Imperial Oil Pipeline	-	Notwithstanding Sections 4.1 and 13.1 of this By-law, no buildings, structures, individual private servicing, accessory buildings, swimming pools, or accessory uses shall be located on Lots 1, 2, 3, 4, and 9 within 13 m (43 ft) of the Imperial Oil Pipeline easement

Staff also recommended to place a Holding symbol (h-1) on the lands subject to the recommended 'Hamlet Residential First Density exception 12 (HR1-12)' zone until a subdivision agreement is entered into with the Municipality and registered on the lands.

Proposed site-specific standards within a new OS-8 zone addresses Permitted Uses. The Holding symbol will not be applied to Block 11 since the lands will be used for the conservation of lands and not permit any development.

	Requested (OS) zone	Recommended (OS) zone
Permitted Uses	No land shall be used and no buildings or structures shall be erected, used, or altered in the Open Space (OS) Zone except for the following purposes: Accessory use Agricultural use, excluding buildings and structures	conservation use, excluding buildings and structures

	Requested (OS) zone	Recommended (OS) zone
	<p>Conservation use</p> <p>Forestry use</p> <p>Nursery</p> <p>Park, public or private</p>	
Minimum Front Yard Setback	<p>In accordance with Section 4.18 of the Zoning By-law;</p> <p>10 m (33 ft) for all other roads</p>	No changes proposed. However, setbacks are not applicable where buildings or structures are not permitted.
Minimum Side Yard Setback	10 m (33 ft)	No changes proposed. However, setbacks are not applicable where buildings or structures are not permitted.
Minimum Rear Yard Setback	7.5 m (25 ft)	No changes proposed. However, setbacks are not applicable where buildings or structures are not permitted.
Maximum Height	12 m (39.4 ft)	No changes proposed. However, setbacks are not applicable where buildings or structures are not permitted.
Maximum Lot Coverage	20%	No changes proposed. However, setbacks are not applicable where buildings or structures are not permitted.

To consider the appropriateness of the proposed plan of subdivision it must conform to the policies of the Middlesex Centre Official Plan, in addition to the County Official Plan and PPS:

- a) Plans of subdivision will not be required where three or fewer new lots are proposed to be created or where circumstances exist where a plan of subdivision is not considered by the Municipality to be necessary. Where more than three new lots are to be created, the Municipality may exercise flexibility in determining whether a plan of subdivision process is required. Notwithstanding the above, in all cases where the creation or extension of municipal streets and/or services is proposed, a plan of subdivision process will be required.**

A total of 10 lots for single detached dwellings, 1 block for open space (woodland), and municipal roads are proposed. A plan of subdivision is an appropriate method to subdivide the land, and address the protection of the woodland and extension of municipal roads.

- b) When considering plans of subdivision applications, the review is to consider whether the proposed development is premature. One key consideration of this review relates to the availability of appropriate services and capacity. Other relevant factors may also be considered.**

Full municipal services are not provided or planned for the hamlet area of Poplar Hill and Coldstream. To accommodate the proposed plan of subdivision, private, individual on-site sanitary and water services are proposed for each of the 10 lots. After review of the technical reports provided by the applicant, staff are satisfied that the proposed servicing can be used to accommodate the proposed plan of subdivision, and that the plan of subdivision represents infill development within a built-up area.

- c) The review of plans of subdivision within the Municipality will be based in part on consideration of design policies included in Section 6.0 of this Plan and the Municipality's Urban Design Guidelines.**

Subsection 6.1 related to Settlement Area design goals establishes a set of criteria to maintain and improve design characteristics for new development across the Municipality. The proposed development is designed to integrate with and reflect the lotting patterns in the existing community. Due to the servicing constraints, the proposed development does not consider medium to high density residential uses, however, it maximizes developable land while protecting significant natural heritage features. New development will have regard to the Municipality's Urban Design Guidelines. The proposed extension of Bowling Green will be design to municipal standards and the intersection with Ilderton Road (County Road 16) will require improvements.

The development of the single detached will consider the municipality's urban design guidelines. Additionally, review by the public and agencies are reflected into the design of the plan of subdivision and lot fabric which better integrates the plan of subdivision into the existing community.

- d) Where possible, plans of subdivision within the Municipality will incorporate a mixture of housing types and levels of affordability in keeping with policies included in Residential policies included in Section 5.2 of this Plan.**

All lots area sized and proposed to accommodate single detached dwellings. The ability to provide medium to high density residential uses is limited due to the lack of municipal services within the settlement area. Should municipal services be provided in the future, lots may be able to be further subdivided or intensified to accommodate a mixture of housing types.

- e) All lots within a proposed plan of subdivision must have frontage on a public road which is or will be opened and maintained on a year round basis, and constructed to an acceptable Municipal standard.**

Lots 1 to 10 and Block 11 have frontage onto Ilderton Road (County Road 16) or the extension of Bowling Green which are public rights-of-way. The proposed extension of Bowling Green will be designed and constructed to an acceptable Municipal Standard.

- f) Plans of subdivision that respect natural contours and topography will be encouraged. All unique natural features and assets, as well as heritage features, should be preserved and integrated into the subdivision design.**

The plan of subdivision does not alter or reduce the size of existing natural features including woodlands and wetlands. The developable areas of the plan of subdivision is further separated from the natural features by limiting development within the woodland area. Any new development that is within proximity to the woodland, hazard land, wetland or regulated area will require further review and approvals, if necessary, by the St. Clair Region Conservation Authority (SCRCA).

The SCRCA has also requested conditions of draft plan approval to educate and inform future landowners of the protection of the natural heritage features and woodlot.

- g) For large plans of subdivision, consideration of appropriate staging or phasing will be included.**

The proposed plan of subdivision is considered to be developed in a single phase.

- h) It is the policy of this Plan that all new plans of subdivision be subject to a subdivision agreement between the Municipality and the owner / developer. This agreement shall address various matters pertaining to the plan of subdivision, as determined by the Municipality.**

The applicant will be required to enter into a subdivision agreement within the municipality prior to final plan approval and development of the lands. The subdivision agreement will need to address the draft conditions for the orderly development of land.

- i) **Park land dedication provided to the Municipality in keeping with Section 9.5 of this Plan, must be considered suitable for park land purposes and acceptable to the Municipality. Under no circumstances shall Municipal Council be obligated to accept park land which is being offered by an applicant for a proposed plan of subdivision. Park land dedications shall be reviewed in the context of public realm policies included in Section 6.0 of this Plan.**

The applicant will convey up to 5% of the land included within the plan of subdivision or the Municipality may accept cash-in-lieu for parkland dedication for all or a portion of the conveyance. The parkland dedication does not include Block 11 (open space).

- j) **The extent to which the plan's design optimizes the available supply, means of supplying, efficient use and conservation of energy.**

The proposed plan of subdivision optimizes existing infrastructure and developable land available while maintaining a consistent lot fabric with the surrounding community.

- k) **The interrelationship between the design of the proposed plan of subdivision and site plan control matters relating to any development on the land, if the land is also located within a site plan control area.**

The plan of subdivision is applicable to the entirety of the property. The plan of subdivision addresses a number of matters including the design of the subdivision, construction, the orderly development of lands, infrastructure and servicing, conformity with municipal standards, impact to an existing pipeline, impacts to the natural heritage features, and conveyance of land.

- l) **That highways, including pedestrian pathways, bicycle pathways and public transit rights of way, be dedicated as the approval authority considers necessary.**

Public rights-of-way are to be dedicated to the municipality. This includes the extension of Bowling Green and any applicable frontage along Ilderton Road (County Road 16). Sidewalks can be considered by the Municipality throughout the proposed subdivision and be detailed within the subdivision agreement.

Staff reviewed the technical reports and grading plans provided by the applicant, and are satisfied that the proposed development and lotting pattern can accommodate the 10 new single detached dwellings, and that the impact of private servicing would be minimal and that contaminant loading would not exceed provincial thresholds. The recommended site-specific zones are recommended to accommodate the development on private servicing, protection of natural environment features, and the provision of servicing for the long-term.

Conditions of draft plan approval of the Plan of Subdivision will require the applicant to address comments from the Municipality, County, SCRCA, and Esso/Imperial Oil. Special draft plan conditions include:

- Provision of private servicing to the satisfaction of the Municipality. Requirements also include the establishment of building envelopes, septic bed areas and contingency area.
- The applicant to provide relevant studies to the satisfaction of the Municipality including hydrogeological study, geotechnical study, stormwater management report, sewage impact assessment report, comprehensive servicing report and traffic impact statement. A hydrogeological study will include a chloride impact assessment to be completed to the satisfaction of the Ministry of the Environment, Conservation and Parks (MECP) and the Municipality.
- Establishment of an easement along the length of the pipeline in favour of Imperial Oil, and that no development may be permitted within 20 m of the pipeline. A crossing and encroachment agreement for construction equipment is also required.
- Improvements to County Road 16 including turning lanes be installed to the satisfaction of the County. Further Lots 1 and 2 are to share a single access point onto County Road 16. Any infrastructure improvements found within the County Road right-of-way will be the responsibility and cost of the applicant. If necessary, land dedication up to 18 m from the centreline of construction of County Road 16 for road widening purposes will be required.
- The subdivision agreement will need to detail the ownership and long-term maintenance and protection of natural heritage features of Block 11 and access to Block 11. Education materials will also be provided future landowners.
- Sediment and erosion control plans must be prepared, and fencing installed prior to any site alteration to protect the natural heritage features.
- Protection measures for Butternut trees are to be installed through the construction process.
- Permanent fencing without gates need to be stalled between the developable lots and Block 11 to prevent the encroachment of development.
- A homeowner's guide is to be prepared to the satisfaction of the Municipality and SCRCA. The guide will detail on-site private servicing and maintenance, mitigation on natural heritage features, restrictions of the use of road salt, water softeners and fertilizers, pool water discharge, and proximity to normal farm practices.
- Requirement for permits from SCRCA before development on Lot 5.
- All development including grading, site alteration, and infrastructure must be directed at least 30 m away from the Provincially Significant Wetland Boundary.
- Septic systems must be 0.9 m above the high ground water table.
- Completion of a stormwater management plan to the satisfaction of SCRCA and the Municipality.

Given the above and comments by the public, agencies and council, planning staff is satisfied that the applications can be supported and are consistent with the PPS, 2020, and in conformity with both the County of Middlesex and Middlesex Centre Official Plans and comprehensive zoning by-law. As such, staff recommended adoption of the Official Plan Amendment and forward it to the County for consideration for approval; approval of the zoning by-law amendment; and that Middlesex Centre recommend draft plan approval subject to the attached draft plan conditions.

This opinion is provided in consideration of all information and comments provided at previous public meetings and from agencies. Should new information arise regarding prior to or at this meeting, Council is advised to take such information into account when considering the applications.

Financial Implications:

None.

Strategic Plan:

This matter aligns with following strategic priorities:

- Balanced Growth

Attachments:

Attachment 1 – Location map

Attachment 2 – Draft plan of subdivision

Attachment 3 –Recommended Official Plan Amendment

Attachment 4 – Recommended Zoning By-law Amendment

Attachment 5 – St. Clair Region Conservation Authority comments, November 23, 2020

Attachment 6 – Planning Justification Report, June 2017

Attachment 7 – Planning Justification Addendum, September 2020

Attachment 8 – Soil Assessment LID Report, March 2020

Attachment 9 – Functional Servicing Report, August 2020

Attachment 10 – JFM Environmental response to AGM, August 2020

Attachment 11 – Hydrogeological Technical Review, January 21, 2022

Attachment 12 – Traffic Opinion Letter, January 20, 2022

Attachment 13 – Preliminary Grading Plan

Attachment 14 – Conditions of Draft Plan Approval



Meeting Date: March 2, 2022

Submitted by: Marion-Frances Cabral, Planner

Report No: PLA-14-2022

Subject: Application for Draft Plan of Subdivision (39T-MC1701), Official Plan Amendment, and Zoning By-law Amendment known as “Poplar Woods”;
Filed by AGM Limited on behalf of Tomar Realty Corporation

Recommendation:

THAT Report PLA-14-2022 regarding Poplar Woods files 39T-MC1701, OPA and ZBA be received for information.

Purpose:

The purpose of this report is to provide Council with background information on the draft plan of subdivision, official plan amendment and zoning by-law for the property known legally as Concession 8 Pt Lot 6 RP 33R18785 Parts 8 to 10, former Township of Lobo, Municipality of Middlesex Centre.

A location map is included as Attachment 1 and the proposed plan of subdivision is included as Attachment 2.

Proposal:

The applicant is proposing a plan of subdivision to create ten (10) building lots for single detached dwellings and a block for the woodland area. Each lot is proposed to have private on-site servicing and the development will extend Bowling Green.

The land is approximately 3.082 ha (7.6 ac) and is located on the south side of Ilderton Road within the hamlet of Poplar Hill - Coldstream.

Background:

The purpose of the plan of subdivision application is to permit the creation of 10 lots for residential development and blocks for the woodland areas and future roadways.

The purpose of the official plan amendment application is to create a Special Policy Area to permit the development of 10 lots through a plan of subdivision on the subject land utilizing private on-site services.

The purpose of the zoning by-law amendment application is to rezone the northerly portion of the land proposed to be developed from the site-specific 'Existing Use exception 2 (EU-2)' zone to 'Hamlet Residential First Density (HR1)'. The southerly portion of the land is proposed to be rezoned from the site-specific 'Existing Use exception 2 (EU-2)' zone to 'Open Space (OS)'. The effect of the zoning would facilitate the construction of one-single detached dwelling on each of the proposed lots.

The applications were received in 2017. As a result of comments from staff and agencies related to development on private on-site services, the applicant updated and revised part of their submission. The submission is being reviewed comprehensively in concurrence with two (2) other applications for plans of subdivision in the Poplar Hill and Coldstream area (Files: 39T-MC2002 and 39T-MC2003). Materials submitted in 2020 are included as Attachments 6 to 10.

In January 2021, a public meeting was held to provide the public and Council with additional information related to all three plan of subdivision applications. The comprehensive review of the plans of subdivisions gave attention to the private servicing proposed for all three development proposals. Specifically, their affect on the water quality (the effect of 36 additional conventional private septic systems on potable drinking water) and water quantity (the effect of 36 additional private wells within the hamlet area).

Throughout 2021 the hydrogeological assessments to address the water quality and quantity provided by the applicant were peer reviewed by a third-party (MTE Consultants) engineer on behalf of the Municipality. MTE Consultants concluded that "(a)lthough not all comments from their February 8, 2021 letter were fully addressed in the supplemental information as presented, it is our opinion that sufficient information is now available to mitigate the Municipality's related risk in approving the Draft Plan of Subdivision, provided the appropriate conditions are included. It is our understanding that the Municipality intends to include a condition requiring the Applicant to prepare and submit a comprehensive hydrogeological assessment report based on the compiling work completed to date. Any outstanding comments could be addressed in that submission and the associated review process". A summary of the work complete and conclusion is found in a letter dated January 21, 2022 (Attachment 11).

Additionally, the applicant provided a traffic opinion letter from Paradigm Transportation Solutions Limited (Paradigm) dated January 20, 2022 (Attachment 12) which traffic generated from the proposed subdivisions. Paradigm noted that "the proposed three development will include a total of 36 dwelling units. Assuming that each unit will have at least two cars, there will be an addition of 72 cards in the households in Coldstream and Poplar [Hill]....The additional traffic on Ilderton Road at any given time of day is not likely to exceed an estimated 25 vehicles in one direction and 41 vehicles in both directions". The traffic opinion letter also reviewed sightlines and concluded that the proposed access connections to Ilderton Road are adequately distanced as proposed. Paradigm concluded

that “the traffic impacts to Ilderton Road due to the new subdivisions will be minimal and can be accommodated within existing roadway capacity”. While it was not referenced in this letter, Middlesex County has reviewed the proposed plans of subdivision and requested certain upgrades to Ilderton Road but has not opposed the access location or number of access points.

On January 24, 2022 the applicant held a townhall meeting for residents. The applicant and their retained consultants presented the above noted reports to the public. The presentation also included modelling and analysis undertaken by the consultants to demonstrate how they arrived at their conclusions. The applicant’s consultant also confirmed the proposed development will meet provincial guidelines for water quality using a conventional septic system, and that the recharge of the aquifer is sufficient to handle the additional wells. The public was provided the opportunity to ask further questions about the studies as well as the proposed developments in general. Questions were related to the protection of the woodlot, stormwater management and impacts to adjacent properties, long-term assurance to the existing residents, questions about the subdivision design, inclusion of external factors (e.g. agricultural spraying, irrigation, seasonal/annual changes) in the modelling, and sidewalks proposed within the development and along Ilderton Road.

Policy Regulation:

The lands are designated ‘Agricultural Area’ and contains ‘Natural Environment Areas’ in the County Official Plan, designated ‘Hamlet’ and contains floodplain and natural environment areas within the Middlesex Centre Official Plan, and zoned ‘Existing Use exception 2 (EU-2)’ in the Comprehensive Zoning By-law.

Provincial Policy Statement, 2020 (PPS):

According to Section 3 of the Planning Act, as amended, decisions made by planning authorities “shall be consistent with” the PPS. The principal policies of the PPS that are applicable to the proposed development include:

Section 1.1.1 of the PPS speaks to ‘Healthy Livable and safe communities’ and how they can be sustained. Section 1.1.1b) states that ‘accommodating an appropriate range and mix of residential (including second units, affordable housing and housing for older persons), employment (including industrial and commercial), institutional (including places of worship, cemeteries and long-term care homes), recreation, park and open space, and other uses to meet long-term needs’.

1.1.3.1 Settlement Areas including hamlets shall be the focus of growth and development, and their vitality and regeneration shall be promoted.

1.1.3.2 Land use patterns within settlement areas shall be based on:

a) Densities and a mix of land uses which:

1. Efficiently use land and resources;

2. Are appropriate for, and efficiently use, the infrastructure and public service facilities which are planned or available, and avoid the need for their unjustified and/or uneconomical expansion

Section 1.4 of the PPS speaks to 'Housing' and the requirement 'to provide for an appropriate range and mix of housing types and densities required to meet projected requirements of current and future residents'.

Section 1.5 speaks to Public Spaces, Recreation, Parks, Trails and Open Space and specifically section 1.5.1 states '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

Section 1.6.6. of the PPS outlines the hierarchy for sewage and water services. Generally, the preferred method of servicing is full municipal services. Where this is not available communal or partial services may be permitted within settlement areas to allow for infilling or minor rounding out of existing development provided that site conditions are suitable for the long-term provision of such services with no negative impacts.

Section 1.6.7 of the PPS speaks to stormwater management and that planning for stormwater management shall:

- a) Minimize, or, where possible, prevent increase in contaminant loads;
- b) Minimizing changes in water balance and erosion,
- c) Not increasing risks to human health and safety and property damage;
- d) Maximize the extent and function of vegetative and pervious surfaces; and
- e) Promote stormwater management best practices, including stormwater attenuation and re-use, and low impact development.

Section 2.1 of the PPS speaks to natural heritage features and the importance of protecting these features for the long-term and provides a series of policies intended to protect natural heritage features. Development and site alteration shall not be permitted within significant wetlands, and may be

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Thames-Sydenham and Region Source Protection Plan:

The subject lands are within the Thames-Sydenham and Region Drinking Water Source Protection area under the jurisdiction of the St. Clair Region Conservation Authority. The lands are found within the Wellhead Protection Area – C on Map 3-14 and the Moderate and Low Threat Policy Area shown on Map 3-2-4. Policies related to new septic systems are addressed within the source protection plan to reduce the risk to drinking water sources from septic systems or septic system holding tanks in vulnerable areas where this activity is a low or moderate threat.

County of Middlesex Official Plan:

The principal policies of the County of Middlesex's Official Plan that are applicable to the proposed development are as follows:

The subject property is designated 'Agricultural Areas by the County of Middlesex Official Plan. Section 3.2. of the Plan directs growth to settlement areas, and promotes a variety of housing types within Settlement Areas

Section 2.3.8.3 – Hamlets in Agricultural Areas states that within the Agricultural Area there are existing designated hamlets that are not Urban or Community Areas such as the Poplar Hill and Coldstream Hamlet Area. These hamlets may have the potential to accommodate some future development. Infilling, rounding out and minor extensions of these existing hamlets may be permitted subject to the provision of the appropriate types and levels of servicing. A Settlement Capability Study may be required depending on the scale of development proposed. New lots shall generally be created through the consent process.

Further Section 3.3.4 – Detailed Land Use Policies: Hamlets in Agricultural Areas identifies that local official plans may permit development in designated hamlets and development may proceed in these areas. No further land shall be designated for development except by way of a comprehensive review. Infilling, rounding out in depth or minor extensions of existing development may be permitted provided that there is no further outward expansion of the limits of existing development, subject to the following: a) the new development is serviced in accordance with Section 2.4.5 – Sanitary Sewers and Water, and accepted servicing standards; and b) the development complied with the Minimum Distance Separation Formula.

Section 2.3.9 – Agricultural Area Policies directs that non-agricultural activities will be closely scrutinized and directed to Settlement Areas unless the activity is agriculturally related and a location in proximity to agriculture is necessary. Urbanization created conflicts in the agricultural area and continues to encroach on prime agricultural land.

Section 2.4.5 – Sanitary Sewers and Water promotes efficient and environmentally responsible development which is supportable by appropriate water supply and sewage disposal types and levels. Where partial municipal services are considered the supporting studies shall address all servicing options. The County Plan encourages development on municipal water and sanitary sewer systems. Where local municipalities do not provide

or demonstrate a strong potential to provide full municipal water and sewage treatment facilities, development other than infilling will require a Settlement Capability Study as outlined in Section 2.3.6 – Settlement Capability Study.

The County plan requires site specific development proposals to be accompanied by an evaluating of servicing options within Settlement Areas. The evaluation shall address the County's preferred servicing hierarchy: i) extension from existing municipal system; ii) extension from existing communal system; iii) new municipal or communal system; iv) individual septic systems and private wells.

Section 2.4.7 – Groundwater Management and Protection identified that groundwater is a major source of water for domestic, industrial, commercial and agricultural uses in the County and it is imperative that this resource be protected in order to ensure a sustainable and safe supply to those residents and businesses that rely on it. General policies will provide guidance with respect to the protection and management of groundwater resources including the "(c) implementation of restrictions on development and site alteration to protect all municipal drinking water supplied and sensitive groundwater features".

Section 3.4 – Natural Environment Areas recognizes a diversity of environmental attributes including wetlands and significant woodlands. In order to protect, maintain, and, where necessary, rehabilitate natural features. The Natural Environment Area policies address the appropriateness of development and restrict development to locations which do not adversely affect the sustainability of these features and ecosystem. In addition to contributing to the ecosystem processes, some Natural System elements are considered to be Natural Hazards and pose a risk to life or property if the land is developed. These lands include floodplains, areas of steep slope and erosion-prone slopes. The County Plan contains policies to restrict development in or near these hazard lands. Further, buildings and structures are generally not permitted within these areas. Uses and buildings that do not detract from the primary function of the Natural System will be permitted.

It is expected that areas designated as Natural Environment Areas will generally remain as such over the long term. Lands designated Natural Environment Areas may be considered for other uses based upon an amendment to the County Plan, the local official plan and zoning by-law. Development within proximity to flood regulated watercourses, wetlands and significant woodland will require a development assessment report (DAR). Development is not permitted within a wetland or within floodprone areas.

Middlesex Centre Official Plan:

The principal policies of Middlesex Centre's Official Plan that are applicable to the proposed development include:

As mentioned above, Middlesex Centre's Official Plan designates the subject property as 'Hamlet' within the Poplar Hill and Coldstream Hamlet Area. The property also contains

Flood Plain overlay and Natural Environment areas. ‘Significant Woodland’ is also identified on Schedule ‘B’ – Greenlands System.

Section 5.1.3 – Hamlet Settlement Areas states that lands within the ‘Hamlet’ designation include residential, commercial, industrial, and parks and recreation uses. Specific lands shall be established in more detailed through the zoning by-law. Hamlet Areas are expected to accommodate only limited future development, through infilling within the existing settlement boundaries. New lots shall generally be created through the consent process, however, plans of subdivision will be utilized where vacant lands exist within Hamlets between the existing built up area and the existing settlement boundary.

New development within Hamlet Areas must be serviced by acceptable servicing standards. Where partial municipal services are considered, supporting studies must address all applicable servicing options and establish that the development may proceed appropriately on partial municipal services. Significant or major new development, such as the development of more than three new lots through plan(s) of subdivision, will require provision of full municipal services.

Section 3.2 – Municipal Natural Area and Natural Hazard Policies identifies a policy of the Official Plan is to conserve natural features and functions throughout the Municipality wherever possible especially as they affect quality of life, landscape-aesthetic concerns, water quality and ground water conservation, and similar matters. The Official Plan separated natural features into categories where development is prohibited, such as wetlands; where development and site alteration may be permitted with further study such as significant woodlands; and where preservation is generally encouraged such as woodlands.

Section 3.3 – Natural Environment Areas Designation states that all development or site alteration shall be prohibited except for those permitted in section 3.5 – Permitted Uses Within Municipal Natural Environment Areas and Greenland Features within the following types of natural areas: wetlands; significant habitat or endangered or threatened species; floodplains and flood prone areas mapped and/or regulated by a Conservation Authority.

The boundaries of such features may be more precisely defined through environmental evaluations such as a development assessment report to the satisfaction of the Municipality in consultation with appropriate agencies. Development may be permitted in adjacent lands subject to the completion and findings of a development assessment report (DAR) acceptable to the Municipality. Such developments must not result in a negative impact on the natural areas and functions or ecological processes of the feature in question.

Section 3.4 – Greenland Features Overlay states that features shown on Schedule ‘B’ of the Official Plan constitute, for the most part, significant woodlands. These woodlands are of County significance and are identified through the Middlesex Natural Heritage Study.

Schedule ‘B’ is not a land use designation schedule and is included as part of this Official Plan as a means of raising public awareness of the importance of our natural

environment. These lands will be subject to the policies associated with the applicable land use designation on Schedule 'A', as well as the natural area policies of this section.

It is the policy of this Plan that development or site alterations within or on lands adjacent to the environmental features, except for those uses included in Section 3.5 - Permitted Uses Within Municipal Natural Environment Areas and Greenland Feature, shall be subject to completion of a development assessment report (DAR) acceptable to the Municipality. The distances associated with adjacent lands are identified in Figure 1 of the Official Plan. Development or site alteration within or adjacent to such features will be prohibited unless it can be shown that there will be minimal or no impacts on the form or function of such features.

Section 3.6 – Floodplain Areas recognizes the regulatory floodplain identified by one of five conservation authorities that have jurisdiction within Middlesex Centre. The municipality generally uses a “one zone” floodplain system. Development and site alteration may be permitted where a development assessment report (DAR) demonstrates no increased risk to life and property, and no impact on flood conveyance, upstream or downstream flood levels or aggravation of existing natural hazard processes such as slope stability. A DAR should also demonstrate no negative impacts on natural features and functions.

Section 9.3.1 – Settlement Area Municipal Services recognizes that Poplar Hill-Coldstream is serviced by private sanitary service systems and individual wells. It is a policy of the Official Plan that future development within settlement areas proceed on the basis of full municipal services, with partial services potential being permitted on an interim basis where proper justification is provided. Further, all lots affected by an application for severance or plan of subdivision shall be sized such that there is sufficient space for a building envelope, sewage envelope, sewage system contingency area, and potable water supply if municipal water is not available.

Section 6.2 – Design Policies – Plans of Subdivision identify policies to enhance the public realm and high quality subdivision design. Policies address a number of factors including connectivity for pedestrians, cyclists and automobiles; adherence to municipal design standards for rights-of-way and urban design guidelines; and block patterns.

The applicant is requesting to maintain the existing designations on the subject land and create a new Special Policy Area (SPA) to permit the development of 10 lots on private on-site services.

Middlesex Centre's Comprehensive Zoning By-law:

The subject land is zoned 'Existing Use exception 2 (EU-2)' and contains regulated area as identified by the local conservation authority.

The 'Existing Use (EU)' zone states that no land shall be used and no building or structures shall be erected, used, or altered in the 'Existing Use (EU)' zone except for any use existing as of the date of the passing of the Zoning By-law. The site-specific exception

2 (EU-2) recognizes a minimum lot frontage of 15 m (49 ft) and minimum lot area of 2.8 ha (6.9 ac). Any new development requires an amendment to the zoning by-law.

The regulated areas are delineated by shading on Schedule A – Key Map U-12 Popular Hill - Coldstream. Applications for building permits will be referred to the conservation authority having jurisdiction for review prior to issuing the permit.

The applicant has requested to rezone the northerly portion of the land to 'Hamlet Residential First Density (HR1)' where development will occur, and the southerly portion of the land to 'Open Space (OS)' to reflect the natural heritage features and floodplain.

The standards of the 'Hamlet Residential First Density (HR1)' are as follows:

	Hamlet Residential First Density (HR1) zone
Permitted Uses	Accessory use Bed and breakfast establishment Converted dwelling Home occupation Single detached dwelling
Minimum Lot Area (a) where a public water supply and public sanitary sewage systems are not available	2, 000 m ² (0.5 ac)
Minimum Lot Frontage	20 m (66 ft)
Minimum Front Yard Setback	In accordance with Section 4.18 of the Zoning By-law; 6 m (20 ft) for all other roads
Minimum Side Yard Setback (a) Interior lot	1.5 m (5 ft) on one side and 2.5 m (8 ft) on the other side;

	Hamlet Residential First Density (HR1) zone
(b) corner lot	6.0 m (20 ft) on the side abutting the road and 1.5 m (5 ft) on the other side
Minimum Rear Yard Setback	8 m (26 ft)
Minimum Floor Area	90 m ² (969 ft ²) for single detached dwelling
Maximum Height	12 m (39.4 ft) for single detached dwelling
Maximum Lot Coverage	35% for the main building 38% for all buildings including accessory buildings subject to Section 4.1 a)

The standards of the 'Open Space (OS)' are as follows:

	Open Space (OS) zone
Permitted Uses	<p>No land shall be used and no buildings or structures shall be erected, used, or altered in the Open Space (OS) Zone except for the following purposes:</p> <p>Accessory use</p> <p>Agricultural use, excluding buildings and structures</p> <p>Conservation use</p> <p>Forestry use</p> <p>Nursery</p> <p>Park, public or private</p>

	Open Space (OS) zone
Minimum Front Yard Setback	In accordance with Section 4.18 of the Zoning By-law; 10 m (33 ft) for all other roads
Minimum Side Yard Setback	10 m (33 ft)
Minimum Rear Yard Setback	7.5 m (25 ft)
Maximum Height	12 m (39.4 ft)
Maximum Lot Coverage	20%

Consultation:

Notice of the application has been circulated to agencies, as well as property owners in accordance with the *Planning Act* and Ontario Regulation 544/06.

Public Comments:

Staff received a few comments from area residents ahead of the public meeting in January 2021 and are summarized as follows:

- Concern about storm water infiltrating groundwater supply
- Area residents have wells at different depths and there are often concerns with the lack of water and water quality. Additional development will deplete resources and can deteriorate water quality.

Staff have also made note of comments and questions raised by the public at the applicant's townhall in January 2022.

Agency Comments:

At the time of writing the subject report the following comments were received:

The Municipality's Chief Building Official has reviewed the applications and requests lot grading and servicing plans showing wells, septic, contingency and building locations. Also, consideration must be made of water quality and quantity impacts.

The Municipality's Public Works and Engineering Department has reviewed the applications and note that the studies submitted to the municipality are under review. Detailed comments will be provided in the future regarding the engineering matters. These comments could potentially affect the lot size and layout of the subdivision.

Middlesex County Engineer reviewed the application and note some concerns with access to County Road 16 (Ilderton Road) from lots 1 and 2. The County Engineering department would require that both lots be serviced through a single shared access point. As such a series of 0.3 m (1.0 ft) reserves and easements would need to be established to restrict access along the common property line.

Additionally, left and right turn lane improvements will be required at the intersection of Bowling Green Drive and Ilderton Road. All costs associated with the design and construction of these lands will be the responsibility of the developer.

Paved shoulders are provided along the extent of Ilderton Road and the addition of sidewalks would need to be determined by Middlesex Centre.

The St. Clair Region Conservation Authority (SCRCA) has reviewed the applications and reports submitted by the applicant. Detailed comments are provided within Attachment 5 of this report.

In summary, it is the opinion of the SCRCA that:

1. Consistency with Section 3.1 of the PPS has been demonstrated;
2. Ontario Regulation 171/06 does apply to the subject site. A permit from SCRCA will be required prior to any development taking place within the regulated area;
3. Consistency with Section 2.1 of the PPS can be demonstrated through conditions relating to natural heritage feature protection, stormwater management, and landowner stewardship; if the control of nitrates from on-site private servicing can be demonstrated; and
4. The subject site is located within an area that is subject to the policies contained in the Source Protection Plan.

Additionally, SCRCA collects fees for the review of the Plan of Subdivision, Official Plan Amendment and Zoning By-law Amendment applications. A total of \$2980 is payable to the SCRCA.

Canada Post reviewed the initial and current applications and will provide mail delivery services to the subdivision through centralized Community Mail Boxes and offered comments that will be reflected in the draft approval or subdivision agreement of the plan of subdivision.

TVDSB reviewed the application in 2017 stated that Vallyeview PS is under capacity.

Esso/Imperial Oil requests that a 20 m setback for development on both sides of the pipeline. ESSO also requests to review the design prior to finalization, and may require a crossing/encroachment agreement for construction and permanent structures within 7.5 m of the pipeline or any equipment crossing over the pipeline.

Upper Thames River Conservation Authority does not have jurisdiction in this area, however, UTRCA provided comments related to the Source Water Protection Plan. UTRCA does not review the guidelines or studies but vests the responsibility with the Municipality's CBO to ensure that any proposed development meets provincial standards and the guidelines within the Source Water Protection Plan.

Next Steps:

Staff will review all information and comments received provided prior to making a recommendation to Council. Staff acknowledge the concerns related to development on private services and note that generally most new developments occur on full municipal services. However, provincial policy does not prohibit limited development from occurring especially where there are no planned or feasible services available and provided that the site conditions are suitable for the long-term provision of those services with no negative impacts.

Should a recommendation be made to approve the plan of subdivision, official plan amendment and zoning by-law amendment, staff will ensure draft plan conditions address technical matters including servicing, stormwater management, hydrogeology, as well as, conditions brought forward by agencies including the Middlesex County Engineer, SCRCA and Esso/Imperial Oil.

Financial Implications:

None.

Strategic Plan:

This matter aligns with following strategic priorities:

- Balanced Growth

Attachments:

Attachment 1 – Location map

Attachment 2 – Draft plan of subdivision

Attachment 3 – Draft Official Plan Amendment

Attachment 4 – Draft Zoning By-law Amendment map

Attachment 5 – St. Clair Region Conservation Authority comments, November 23, 2020

Attachment 6 – Planning Justification Report, June 2017

Attachment 7 – Planning Justification Addendum, September 2020

Attachment 8 – Soil Assessment LID Report, March 2020

Attachment 9 – Functional Servicing Report, August 2020

Attachment 10 – JFM Environmental response to AGM, August 2020

Attachment 11 – Hydrogeological Technical Review, January 21, 2022

Attachment 12 – Traffic Opinion Letter, January 20, 2022



Meeting Date: January 20, 2021

Submitted by: Marion-Frances Cabral, Planner

Report No: PLA-11-2021

Subject: Application for Draft Plan of Subdivision (39T-MC1701), Official Plan Amendment, and Zoning By-law Amendment known as “Poplar Woods”;
Filed by AGM Limited on behalf of Tomar Realty Corporation

Recommendation:

THAT report PLA-11-2021 regarding Poplar Woods files 39T-MC1701, OPA and ZBA be received for information.

Purpose:

The purpose of this report is to provide Council with background information on the draft plan of subdivision, official plan amendment and zoning by-law for the property known legally as Concession 8 Pt Lot 6 RP 33R18785 Parts 8 to 10, former Township of Lobo, Municipality of Middlesex Centre.

A location map is included as Attachment 1 and the proposed plan of subdivision is included as Attachment 2.

Proposal:

The applicant is proposing a plan of subdivision to create ten (10) building lots for single detached dwellings and a block for the woodland area. Each lot is proposed to have private on-site servicing and the development will extend Bowling Green.

The land is approximately 3.082 ha (7.6 ac) and is located on the south side of Ilderton Road within the hamlet of Poplar Hill - Coldstream.

Background:

The purpose of the plan of subdivision application is to permit the creation of 10 lots for residential development and blocks for the woodland areas and future roadways.

The purpose of the official plan amendment application is to create a Special Policy Area to permit the development of 10 lots through a plan of subdivision on the subject land utilizing private on-site services.

The purpose of the zoning by-law amendment application is to rezone the northerly portion of the land proposed to be developed from the site-specific 'Existing Use exception 2 (EU-2)' zone to 'Hamlet Residential First Density (HR1)'. The southerly portion of the land is proposed to be rezoned from the site-specific 'Existing Use exception 2 (EU-2)' zone to 'Open Space (OS)'. The effect of the zoning would facilitate the construction of one-single detached dwelling on each of the proposed lots.

The applications were received in 2017. As a result of comments from staff and agencies related to development on private on-site services, the applicant updated and revised part of their submission. The submission is being reviewed comprehensively in concurrence with two (2) other applications for plans of subdivision in the Poplar Hill and Coldstream area (Files: 39T-MC2002 and 39T-MC2003). Materials submitted in 2020 are included as Attachments 6 to 10.

Policy Regulation:

The lands are designated 'Agricultural Area' and contains 'Natural Environment Areas' in the County Official Plan, designated 'Hamlet' and contains floodplain and natural environment areas within the Middlesex Centre Official Plan, and zoned 'Existing Use exception 2 (EU-2)' in the Comprehensive Zoning By-law.

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Further Section 3.3.4 – Detailed Land Use Policies: Hamlets in Agricultural Areas identifies that local official plans may permit development in designated hamlets and development may proceed in these areas. No further land shall be designated for development except by way of a comprehensive review. Infilling, rounding out in depth or minor extensions of existing development may be permitted provided that there is no further outward expansion of the limits of existing development, subject to the following: a) the new development is serviced in accordance with Section 2.4.5 – Sanitary Sewers and Water, and accepted servicing standards; and b) the development complied with the Minimum Distance Separation Formula.

Section 2.3.9 – Agricultural Area Policies directs that non-agricultural activities will be closely scrutinized and directed to Settlement Areas unless the activity is agriculturally related and a location in proximity to agriculture is necessary. Urbanization created conflicts in the agricultural area and continues to encroach on prime agricultural land.

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studies shall address all servicing options. The County Plan encourages development on municipal water and sanitary sewer systems. Where local municipalities do not provide or demonstrate a strong potential to provide full municipal water and sewage treatment facilities, development other than infilling will require a Settlement Capability Study as outlined in Section 2.3.6 – Settlement Capability Study.

The County plan requires site specific development proposals to be accompanied by an evaluating of servicing options within Settlement Areas. The evaluation shall address the County's preferred servicing hierarchy: i) extension from existing municipal system; ii) extension from existing communal system; iii) new municipal or communal system; iv) individual septic systems and private wells.

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It is expected that areas designated as Natural Environment Areas will generally remain as such over the long term. Lands designated Natural Environment Areas may be considered for other uses based upon an amendment to the County Plan, the local official plan and zoning by-law. Development within proximity to flood regulated watercourses, wetlands and significant woodland will require a development assessment report (DAR). Development is not permitted within a wetland or within floodprone areas.

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The principal policies of Middlesex Centre's Official Plan that are applicable to the proposed development include:

As mentioned above, Middlesex Centre's Official Plan designates the subject property as 'Hamlet' within the Poplar Hill and Coldstream Hamlet Area. The property also contains Flood Plain overlay and Natural Environment areas. 'Significant Woodland' is also identified on Schedule 'B' – Greenlands System.

Section 5.1.3 – Hamlet Settlement Areas states that lands within the 'Hamlet' designation include residential, commercial, industrial, and parks and recreation uses. Specific lands shall be established in more detailed through the zoning by-law. Hamlet Areas are expected to accommodate only limited future development, through infilling within the existing settlement boundaries. New lots shall generally be created through the consent process, however, plans of subdivision will be utilized where vacant lands exist within Hamlets between the existing built up area and the existing settlement boundary.

New development within Hamlet Areas must be serviced by acceptable servicing standards. Where partial municipal services are considered, supporting studies must address all applicable servicing options and establish that the development may proceed appropriately on partial municipal services. Significant or major new development, such as the development of more than three new lots through plan(s) of subdivision, will require provision of full municipal services.

Section 3.2 – Municipal Natural Area and Natural Hazard Policies identifies a policy of the Official Plan is to conserve natural features and functions throughout the Municipality wherever possible especially as they affect quality of life, landscape-aesthetic concerns, water quality and ground water conservation, and similar matters. The Official Plan separated natural features into categories where development is prohibited, such as wetlands; where development and site alteration may be permitted with further study such as significant woodlands; and where preservation is generally encouraged such as woodlands.

Section 3.3 – Natural Environment Areas Designation states that all development or site alteration shall be prohibited except for those permitted in section 3.5 – Permitted Uses Within Municipal Natural Environment Areas and Greenland Features within the following types of natural areas: wetlands; significant habitat or endangered or threatened species; floodplains and flood prone areas mapped and/or regulated by a Conservation Authority.

The boundaries of such features may be more precisely defined through environmental evaluations such as a development assessment report to the satisfaction of the Municipality in consultation with appropriate agencies. Development may be permitted in adjacent lands subject to the completion and findings of a development assessment report (DAR) acceptable to the Municipality. Such developments must not result in a negative impact on the natural areas and functions or ecological processes of the feature in question.

Section 3.4 – Greenland Features Overlay states that features shown on Schedule 'B' of the Official Plan constitute, for the most part, significant woodlands. These woodlands are of County significance and are identified through the Middlesex Natural Heritage Study.

Schedule 'B' is not a land use designation schedule and is included as part of this Official Plan as a means of raising public awareness of the importance of our natural environment. These lands will be subject to the policies associated with the applicable land use designation on Schedule 'A', as well as the natural area policies of this section.

It is the policy of this Plan that development or site alterations within or on lands adjacent to the environmental features, except for those uses included in Section 3.5 - Permitted Uses Within Municipal Natural Environment Areas and Greenland Feature, shall be subject to completion of a development assessment report (DAR) acceptable to the Municipality. The distances associated with adjacent lands are identified in Figure 1 of the Official Plan. Development or site alteration within or adjacent to such features will be prohibited unless it can be shown that there will be minimal or no impacts on the form or function of such features.

Section 3.6 – Floodplain Areas recognizes the regulatory floodplain identified by one of five conservation authorities that have jurisdiction within Middlesex Centre. The municipality generally uses a “one zone” floodplain system. Development and site alteration may be permitted where a development assessment report (DAR) demonstrates no increased risk to life and property, and no impact on flood conveyance, upstream or downstream flood levels or aggravation of existing natural hazard processes such as slope stability. A DAR should also demonstrate no negative impacts on natural features and functions.

Section 9.3.1 – Settlement Area Municipal Services recognizes that Poplar Hill-Coldstream is serviced by private sanitary service systems and individual wells. It is a policy of the Official Plan that future development within settlement areas proceed on the basis of full municipal services, with partial services potential being permitted on an interim basis where proper justification is provided. Further, all lots affected by an application for severance or plan of subdivision shall be sized such that there is sufficient space for a building envelope, sewage envelope, sewage system contingency area, and potable water supply if municipal water is not available.

Section 6.2 – Design Policies – Plans of Subdivision identify policies to enhance the public realm and high quality subdivision design. Policies address a number of factors including connectivity for pedestrians, cyclists and automobiles; adherence to municipal design standards for rights-of-way and urban design guidelines; and block patterns.

The applicant is requesting to maintain the existing designations on the subject land and create a new Special Policy Area (SPA) to permit the development of 10 lots on private on-site services.

Middlesex Centre's Comprehensive Zoning By-law:

The subject land is zoned 'Existing Use exception 2 (EU-2)' and contains regulated area as identified by the local conservation authority.

The 'Existing Use (EU)' zone states that no land shall be used and no building or structures shall be erected, used, or altered in the 'Existing Use (EU)' zone except for any use existing as of the date of the passing of the Zoning By-law. The site-specific exception 2 (EU-2) recognizes a minimum lot frontage of 15 m (49 ft) and minimum lot area of 2.8 ha (6.9 ac). Any new development requires an amendment to the zoning by-law.

The regulated areas are delineated by shading on Schedule A – Key Map U-12 Popular Hill - Coldstream. Applications for building permits will be referred to the conservation authority having jurisdiction for review prior to issuing the permit.

The applicant has requested to rezone the northerly portion of the land to 'Hamlet Residential First Density (HR1)' where development will occur, and the southerly portion of the land to 'Open Space (OS)' to reflect the natural heritage features and floodplain.

The standards of the 'Hamlet Residential First Density (HR1)' are as follows:

	Hamlet Residential First Density (HR1) zone
Permitted Uses	Accessory use Bed and breakfast establishment Converted dwelling Home occupation Single detached dwelling
Minimum Lot Area (a) where a public water supply and public sanitary sewage systems are not available	2, 000 m ² (0.5 ac)
Minimum Lot Frontage	20 m (66 ft)
Minimum Front Yard Setback	In accordance with Section 4.18 of the Zoning By-law; 6 m (20 ft) for all other roads
Minimum Side Yard Setback	

	Hamlet Residential First Density (HR1) zone
(a) Interior lot (b) corner lot	1.5 m (5 ft) on one side and 2.5 m (8 ft) on the other side; 6.0 m (20 ft) on the side abutting the road and 1.5 m (5 ft) on the other side
Minimum Rear Yard Setback	8 m (26 ft)
Minimum Floor Area	90 m ² (969 ft ²) for single detached dwelling
Maximum Height	12 m (39.4 ft) for single detached dwelling
Maximum Lot Coverage	35% for the main building 38% for all buildings including accessory buildings subject to Section 4.1 a)

The standards of the 'Open Space (OS)' are as follows:

	Open Space (OS) zone
Permitted Uses	<p>No land shall be used and no buildings or structures shall be erected, used, or altered in the Open Space (OS) Zone except for the following purposes:</p> <p>Accessory use</p> <p>Agricultural use, excluding buildings and structures</p> <p>Conservation use</p> <p>Forestry use</p> <p>Nursery</p>

	Open Space (OS) zone
	Park, public or private
Minimum Front Yard Setback	In accordance with Section 4.18 of the Zoning By-law; 10 m (33 ft) for all other roads
Minimum Side Yard Setback	10 m (33 ft)
Minimum Rear Yard Setback	7.5 m (25 ft)
Maximum Height	12 m (39.4 ft)
Maximum Lot Coverage	20%

Consultation:

Notice of the application has been circulated to agencies, as well as property owners in accordance with the *Planning Act* and Ontario Regulation 544/06.

Public Comments:

Staff received a few comments from area residents ahead of the public meeting and are summarized as follows:

- Concern about storm water infiltrating groundwater supply
- Area residents have wells at different depths and there are often concerns with the lack of water and water quality. Additional development will deplete resources and can deteriorate water quality.

Agency Comments:

At the time of writing the subject report the following comments were received:

The Municipality's Chief Building Official has reviewed the applications and requests lot grading and servicing plans showing wells, septic, contingency and building locations. Also, consideration must be made of water quality and quantity impacts.

The Municipality's Public Works and Engineering Department has reviewed the applications and note that the studies submitted to the municipality are under review. Detailed comments will be provided in the future regarding the engineering matters. These comments could potentially affect the lot size and layout of the subdivision.

Middlesex County Engineer reviewed the application and note some concerns with access to County Road 16 (Ilderton Road) from lots 1 and 2. The County Engineering department would require that both lots be serviced through a single shared access point. As such a series of 0.3 m (1.0 ft) reserves and easements would need to be established to restrict access along the common property line.

Additionally, left and right turn lane improvements will be required at the intersection of Bowling Green Drive and Ilderton Road. All costs associated with the design and construction of these lands will be the responsibility of the developer.

The St. Clair Region Conservation Authority (SCRCA) has reviewed the applications and reports submitted by the applicant. Detailed comments are provided within Attachment 5 of this report.

In summary, it is the opinion of the SCRCA that:

1. Consistency with Section 3.1 of the PPS has been demonstrated;
2. Ontario Regulation 171/06 does apply to the subject site. A permit from SCRCA will be required prior to any development taking place within the regulated area;
3. Consistency with Section 2.1 of the PPS can be demonstrated through conditions relating to natural heritage feature protection, stormwater management, and landowner stewardship; if the control of nitrates from on-site private servicing can be demonstrated; and
4. The subject site is located within an area that is subject to the policies contained in the Source Protection Plan.

Additionally, SCRCA collects fees for the review of the Plan of Subdivision, Official Plan Amendment and Zoning By-law Amendment applications. A total of \$2980 is payable to the SCRCA.

Canada Post reviewed the initial and current applications and will provide mail delivery services to the subdivision through centralized Community Mail Boxes and offered comments that will be reflected in the draft approval or subdivision agreement of the plan of subdivision.

TVDSB reviewed the application in 2017 stated that Vallyeview PS is under capacity.

ESSO requests that a 20 m setback for development on both sides of the pipeline. ESSO also requests to review the design prior to finalization, and may require a

crossing/encroachment agreement for construction and permanent structures within 7.5 m of the pipeline or any equipment crossing over the pipeline.

Financial Implications:

None.

Strategic Plan:

This matter aligns with following strategic priorities:

- 1a. Planning & Positioning: Diversifying future residential development.
- 1c. Planning & Positioning: Realizing development potential.
- 3c. Quality of Life: Meeting the needs of both current and future citizens.

Attachments:

Attachment 1 – Location map

Attachment 2 – Draft plan of subdivision

Attachment 3 – Draft Official Plan Amendment

Attachment 4 – Draft Zoning By-law Amendment map

Attachment 5 – St. Clair Region Conservation Authority comments, November 23, 2020

Attachment 6 – Planning Justification Report, June 2017

Attachment 7 – Planning Justification Addendum, September 2020

Attachment 8 – Soil Assessment LID Report, March 2020

Attachment 9 – Functional Servicing Report, August 2020

Attachment 10 – JFM Environmental response to AGM, August 2020

Applicant:	Tomar Realty Corporation	Date of Decision:	DRAFT
File No.:	39T-MC1701	Date of Notice:	DRAFT
Municipality:	Municipality of Middlesex Centre	Last Date of Appeal:	DRAFT
Subject Lands:	LOBO CON 8 PT LOT 6 RP 33R18785 PARTS 8 TO 10	Lapsing Date:	DRAFT

The conditions and amendments to final plan of approval for registration of this Subdivision as provided by the County of Middlesex are as follows:

No.	Conditions
1.	That this approval applies to the draft plan of subdivision prepared and signed by Robert T. Wood, OLS dated August 26, 2020 which shows: <ul style="list-style-type: none"> • Lots 1 to 10 for single detached dwellings; • Block 11 for Open Space • Blocks 12-14 for 0.3 m reserves; and • Public roads.
2.	That the development occur on the basis of private individual wells, private individual on-lot stormwater controls and private individual septic systems subject to approval by the Municipality based on a subsurface investigation and sewage impact assessment undertaken for the subject lands by a qualified person to the satisfaction of the Municipality. This shall include the establishment of suitable building envelopes, septic bed areas and contingency septic bed areas for each lot relative to the private services and utility easements that may exist on abutting lots.
3.	That prior to the final approval the Owner dedicate to the Municipality all applicable blocks, reserves and public roads.
4.	That prior to the final approval the associated street shall be named and the lots shall be addressed to the satisfaction of the Municipality in consultation with the County of Middlesex. This shall include permanent and temporary road names and municipal address signage during all stages of construction, and street signage which shall be required through the Subdivision Agreement.
5.	That prior to final approval, the Owner convey up to 5% of the subject land to the Municipality for park purposes, this shall not include Block 11. Alternatively, the Municipality may accept cash-in-lieu of parkland dedication of all or a portion of the conveyance pursuant to Section 42 of the Planning Act.
6.	That prior to final approval, the County is to be advised by the Municipality that appropriate zoning is in effect for the Plan of Subdivision. The Zoning By-law Amendment shall ensure that Block 11 is zoned to only permit conservation use, excluding buildings and structures. The existing Hazard Lands overlay on the subject property in the Zoning By-law shall remain.
7.	That the Owner erect a sign to the satisfaction of the Municipality, within 90 days of the Draft Approval date, depicting the approved Draft Plan of Subdivision and zoning.
8.	That the Owner and the Municipality enter into a subdivision agreement ("Subdivision Agreement") pursuant to Section 51 (26) of the Planning Act to be registered on title of the lands to which it applies prior to the Plan of Subdivision being registered. Further that the Subdivision Agreement shall include provisions that it will also be registered against the lands to which it applies once the plan of subdivision has been registered.
9.	That the Subdivision Agreement shall satisfy all requirements of the Municipality related to financial, legal, planning and engineering matters including but not limited to; grading and drainage, stormwater management, planting of trees, landscaping, provision of community mailboxes, fencing, buffering, street lighting, sidewalks and other amenities, the provision and installation of private water and private sanitary services, the installation of underground electrical services, and other matters which may be required by the Municipality respecting the development of the Plan of

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Subject Lands:	LOBO CON 8 PT LOT 6 RP 33R18785 PARTS 8 TO 10	Lapsing Date:	DRAFT

Subdivision, including the payment of Municipal Development Charges in accordance with the Municipality's Development Charge By-Law.

10. That prior to final approval the Owner shall enter into an agreement with Canada Post Corporation for the installation of community mailboxes. The subdivision agreement shall include requirements to notify all prospective lot purchasers of the mailbox(es) location.
11. That the Owner shall enter into an agreement with the appropriate service providers for the installation of underground communication / telecommunication utility services for these lands to enable, at a minimum, the effective delivery of the broadband internet services and communication / telecommunication services for 911 Emergency Services.
12. That the Subdivision Agreement shall ensure that the persons who first purchase the subdivided land after the final approval of the plan of subdivision are informed, at the time the land is transferred, of all the development charges related to the development, pursuant to Section 59(4) of the Development Charges Act.
13. That such easements as may be required for utility, servicing, or drainage purposes shall be granted to the appropriate authority, at the expense of the Owner.
14. That prior to final approval, arrangements shall be made to the satisfaction of the Municipality for the relocation of any utilities required for the development of the Plan, which relocation shall be undertaken and provided at the expense of the Owner.
15. That prior to final approval, a Licensed Archaeologist shall provide a letter to the Municipality and the County indicating that there are no concerns for impacts to archaeological sites on the subject lands. This is to be accompanied by a Ministry of Tourism, Culture and Sport letter indicating that the licensee has met the Terms and Conditions for Archaeological Licensing and that the report has been entered into the Ontario Public Register of Archaeological Reports.
16. That the Subdivision Agreement between the Municipality and the Owner provides for the following:
 - a) municipal assumption and ownership of any facilities required for the retention and enhancement of stormwater quality will not occur until assumption of the subdivision; and
 - b) the inclusion of any environmental protection measures recommended in the final storm water management plan that are not capable of being addressed under the Ontario Water Resources Act.
17. That prior to final approval the developer provide the following relevant studies to the satisfaction of the Municipality:
 - a) Hydrogeological Study
 - b) Geotechnical Study
 - c) Stormwater Management Report
 - d) Sewage Impact Assessment Report demonstrating that the development meets the guidelines of the Ministry of the Environment, Conservation and Parks' (MECP's) publication "D-5-4 Individual On-Site Sewage Systems: Water Quality Impact Risk Assessment".
 - e) Comprehensive Servicing report
 - f) Traffic Impact Statement

Applicant:	Tomar Realty Corporation	Date of Decision:	DRAFT
File No.:	39T-MC1701	Date of Notice:	DRAFT
Municipality:	Municipality of Middlesex Centre	Last Date of Appeal:	DRAFT
Subject Lands:	LOBO CON 8 PT LOT 6 RP 33R18785 PARTS 8 TO 10	Lapsing Date:	DRAFT

18. That the Subdivision Agreement shall ensure that no buildings or structures are permitted within 20 metres of the Imperial Oil pipeline and that the zoning for Lots 1 through 4, and Lot 9 reflect that setback.
19. That an easement on the full length of the Imperial Oil pipeline and at least 15.24 m in width be established in favour of Imperial Oil and identified on the Plan of Subdivision.
20. That a crossing and encroachment agreement for construction equipment be entered into with Imperial Oil.
21. That left and right turn lane improvements be installed at the new intersection of Bowling Green Drive and Ilderton Road (County Road 16) as well as paved shoulders. All costs associated with the design and construction of this will be the responsibility of the developer.
22. All external improvements within the County Road right-of-way, including drainage improvements, road, and utilities, shall be completed at the sole cost and responsibility of the developer.
23. That Lots 1 and 2 are to share a single shared access point to Ilderton Road and that 0.3 m reserves be established along Ilderton Road (including Blocks 12, 13 and 14) to restrict the access location to the lots. Reciprocal access easements are to be established on Lots 1 and 2 to permit the shared access.
24. The Owner will be required to dedicate lands up to 18 metres from the centerline of construction of County Road 16 (Ilderton Road) for road widening purposes to the County of Middlesex
25. That the Subdivision Agreement details the ownership and long-term maintenance of Block 11 and access between Lots 6 and 7 to ensure the permanent protection of the natural heritage features and details on permitted uses on Block 11 are to be registered on title.
26. That the following clause be included within the Subdivision Agreement and registered on title for Lots 5, 6, 7 and 10 to ensure the permanent protection of the natural heritage features:

"The owner and its successors in title acknowledge and agree that the existing trees and vegetation on the abutting lands cannot be impacted in any way. Without limiting the generality of the foregoing, the existing natural Woodland and Wetland areas and habitats on abutting lands will be preserved and protected."
27. Sediment and erosion control fencing must be identified on the grading and sediment and erosion control plans, and must be installed prior to any site alteration and inspected and maintained throughout the construction process to protect the natural heritage features.
28. That the Subdivision Agreement identify the protection measures of Butternut trees on construction plans as identified in the Development Assessment Report. The required protection shall be installed and maintained throughout the construction process.
29. That the Subdivision Agreement require permanent 1.5m high chainlink fencing without gates installed along the hedgerow at the southern property boundaries of Lots 5, 6, 7 and 10. No vegetation removal will be permitted to install the chainlink fence, and all costs associated with the design and installation of the chainlink fence will be the responsibility of the developer.
30. The Subdivision Agreement and Homeowner's Education Guide (HEG) include details about on-site private servicing as it pertains to water quality of the wetland. The following must be included in the Subdivision Agreement: a) that landowners are educated through a HEG on the proper use and maintenance of on-site private servicing systems; b) that controls must be in place to regularly

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monitor the on-site private servicing systems to ensure proper function, and; c) mechanisms must be in place to ensure future replacement of the on-site private servicing system meets a similar, or higher, level of nitrate control.

31. A Homeowner's Education Guide (HEG), as recommended by Sage Earth through the Development Assessment Report, shall be prepared and distributed to landowners to the satisfaction of the St. Clair Region Conservation Authority and the Municipality of Middlesex Centre. The HEG must inform homeowners how to avoid and/or mitigate human effects on the natural heritage features, and include information about wildlife and wildlife habitat.
32. The Subdivision Agreement and Homeowner's Education Guide (HEG) include recommendations from the hydrogeological assessment that identifies restrictions of use of road salt, water softeners and fertilizers within the development, pool water discharge. The HEG shall include a warning or information regarding potential odours due to proximity to normal farm practices.
33. Any development on Lot 5 will be subject to written permission from the St. Clair Region Conservation Authority under Ontario Regulation 171/06 to ensure that development is directed outside of the erosion hazard. A geotechnical assessment may be required.
34. All development, including structures, excavation, grading, site alteration, septic systems, and so on, must be located a minimum of 30 metres from the Provincially Significant Wetland boundary, and septic systems must be at a minimum 0.9 metres above the high ground water table. Any development on lots located within the area regulated by the St. Clair Region Conservation Authority will require further review and permission from St. Clair Region Conservation Authority prior to the development of the lands including the issuance of Section 28 permits, as required.
35. The stormwater management plan will be completed to the satisfaction of the St. Clair Region Conservation Authority and the Municipality, and shall obtain approvals, if necessary, from the Ministry of the Environment, Conservation and Parks (MECP). Such plans must control post-development quantity and quality to pre-development levels, and must consider the natural features present on the site.
36. The Hydrogeological study shall include a Chloride Impact Assessment and will be completed to the satisfaction of the Ministry of the Environment, Conservation and Parks (MECP) and the Municipality, and shall obtain the necessary approvals from the MECP.
37. That prior to final approval, the County is to be advised in writing by the Municipality of Middlesex Centre, how conditions 1 through 17, 25 through 32, and 34 through 36 have been satisfied.
38. That prior to final approval, the County is to be advised in writing by the County Engineer how conditions 21 through 24 have been satisfied.
39. That prior to final approval, the County is to be advised in writing by the St. Clair Region Conservation Authority how conditions 25 through 35 have been satisfied.
40. That prior to final approval, the County is to be advised in writing by Imperial Oil how conditions 18 through 20 have been satisfied.

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Municipality:	Municipality of Middlesex Centre	Last Date of Appeal:	DRAFT
Subject Lands:	LOBO CON 8 PT LOT 6 RP 33R18785 PARTS 8 TO 10	Lapsing Date:	DRAFT

NOTES TO DRAFT APPROVAL

1. Draft approval for this plan of subdivision is for a period of three (3) years from the date of decision. Any request made by the Owner to the Approval Authority to extend the lapsing date must be made 60 days prior to the lapsing date and include a written confirmation from the municipality endorsing the extension.
2. It is the applicant's responsibility to fulfill the conditions of draft approval and to ensure that the required clearance letters are forwarded by the appropriate agencies to the approval authority, quoting the file number.
3. It is suggested that the applicant be aware of:
 - a) subsection 144 (1) of The Land Titles Act, which requires all new plans be registered in a land titles system;
 - b) subsection 144 (2) - allows certain exceptions.
4. Inauguration, or extension of a piped water supply, a communal sewage system or a storm water management system, is subject to the approval of the Ministry of Environment under Section 52 and Section 53 of the Ontario Water Resources Act.
5. The Ministry of Environment must be advised immediately should waste materials or other contaminants be discovered during the development of this plan of subdivision.
6. A copy of the subdivision agreement must be provided to the County of Middlesex (Planning Department) prior to final plan approval.
7. If the agency's condition concerns a condition in the subdivision agreement, a copy of the agreement should be sent to them. This will expedite clearance of the final plan.
8. When the zoning by-law amendment required in Condition 6 is being prepared, reference to this subdivision application file number should be included in the explanatory note. This will expedite the County of Middlesex and other agencies' consideration of the by-law.
9. Clearance is required from the following agencies:

Municipality of Middlesex Centre | 10227 Ilderton Road, Coldstream, ON N0M 2A0

Imperial Oil | 505 Quarry Park Boulevard, Calgary, AB, T2C 5N1

St. Clair Region Conservation Authority | 205 Millpond Crescent, Strathroy, ON N7G 3P9

County of Middlesex | 399 Ridout Street N, London, ON N6A 2P1
10. All measurements in subdivision final plans must be presented in metric units.
11. The final plan approved by the County of Middlesex must include the following paragraph on all copies (3 Mylars and 4 paper) for signature purposes:

"Approval Authority Certificate

This Final Plan of Subdivision is approved by the County of Middlesex under Section 51(58) of the Planning Act, R.S.O. 1990, on this _____ day of _____, 2022.

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Subject Lands:	LOBO CON 8 PT LOT 6 RP 33R18785 PARTS 8 TO 10	Lapsing Date:	DRAFT

Director of Planning and Development"

12. The final plan must be submitted digitally in AutoCAD (DWG) and Portable Document Format (PDF) with the appropriate citation from the Planning Act used. The AutoCAD (DWG) file must be consistent with the following standards:
 - Georeferenced to the NAD83 UTM Zone 17N coordinate system.
 - All classes of features must be separated into different layers.
 - Each layer should be given a descriptive name so that the class of feature it contains is recognizable.
13. The final plan approved by the County of Middlesex must be registered within 30 days or the County may withdraw its approval under Subsection 51(59) of the Planning Act.