



Committee of the Whole

Meeting Date: September 12, 2023

Submitted by: Durk Vanderwerff, Director of Planning and Development

Subject: Middlesex Centre Official Plan Amendment No. 59; Municipal Comprehensive Review and General Official Plan Update; File No. 39-MXC-OPA59

BACKGROUND:

Municipalities are required by the Planning Act to review their official plan to ensure the document has regard to matters of provincial interest and is consistent with the Provincial Policy Statement. Additionally, the review must conform to the County Official Plan and reflect current circumstances. To meet these requirements, the Municipality of Middlesex Centre carried out a Municipal Comprehensive Review / General Official Plan Update.

Amendment No. 59 to the Middlesex Centre Official Plan aims to incorporate the findings of the Municipal Comprehensive Review / General Official Plan Update. The proposed changes would address matters of provincial interest, address the 2020 Provincial Policy Statement, align with the County Official Plan (including Amendment No. 3 as approved and modified by the Province), update population and housing projections, account for projected land needs, update the growth management strategy, include additional residential unit and updated surplus dwelling policies, and update the land use and mapping schedules. Amendment No. 59 marks a substantial overhaul of the Municipality's Official Plan, primarily driven by the rapid growth within the Municipality in recent years.

County Council has the authority to approve locally adopted official plan amendments on behalf of the Province. This report summarizes the planning policy context and provides a planning recommendation for Council as the Approval Authority. Additionally, this report contains a copy of Amendment No. 59, a summary planning report provided to Middlesex Centre Council, recommended modifications and correspondence received by the County concerning the Amendment. This report recommends approval of Amendment No. 59 subject to modifications.

ANALYSIS:

The Municipality initiated the Municipal Comprehensive Review / General Official Plan Update process in 2020 and concluded the local process with the adoption of Amendment No. 59 in June of 2022. The Municipality's process included open houses, public meetings, the completion of several background and planning reports in an iterative planning process. Following adoption, Amendment No. 59 was submitted to the County as the Approval Authority however the processing was impacted by the Provincial review of County Official Plan Amendment No. 3.

Agency / Ministry / Public Comments

As part of the County's review, an agency / ministry circulation was conducted. Comments were received from several agencies including Bell Canada, City of London, and the Provincial Ministries of Transportation and Municipal Affairs and Housing. The Chippewa of the Thames First Nation also provided input. The majority of these comments were addressed, considered, or led to recommended modifications.

During the local planning process conducted by the Municipality, a significant amount of public input was received. The Municipality undertook an iterative planning process where different draft documents and land use and mapping schedules were presented for public input. The feedback varied, with comments provided concerning growth and development policies, the appropriate directions for growth, agricultural policies, general land use planning principles, among others.

Substantial feedback was received regarding growth directions, with many landowners expressing a desire to have their properties considered for future development. However, it's important to note that the number of requested lands for inclusion in various settlements greatly surpasses what can be reasonably supported at present. Overall, the Municipality has chosen to primarily focus on expanding the settlement areas of Delaware and Komoka-Kilworth for the time being.

After Amendment No. 59 was locally adopted, the County received correspondence from landowners (attached) many of which requesting that their lands be designated for non-agricultural development. Each such request has been reviewed against the material received during the local process. Generally, with the exceptions noted below as recommended modifications, it is concluded that before adopting Amendment No. 59, Municipal Council had information from the affected landowners and there is nothing in the submitted material which leads me to recommend that County Council modify Amendment No. 59 in this regard.

Policy Review

The Planning Act requires that municipalities have regard to matters of provincial interest, as set out in Section 2 of the Act. These include the protection of agricultural resources, the orderly development of safe and healthy communities, the adequate provision of a full

range of housing, and the appropriate location of growth and development, among other matters.

The 2020 Provincial Policy Statement (PPS) sets out the government's land use planning policies that must be considered when municipalities update official plans. The broad objectives of the PPS include sustainable development, land use compatibility, protection of resources, support for infrastructure, responsible growth management, heritage conservation, and the protection of public health and safety.

The PPS directs new growth to settlement areas where full municipal services, appropriate land use patterns, and a mix of land uses can be provided. The PPS seeks to avoid impact on agricultural and natural heritage resources and states that settlement areas may be expanded only at the time of a comprehensive review. The PPS requires municipalities to plan for projected land needs for up to a 25-year planning horizon.

The County Official Plan (including Amendment No. 3 as approved and modified by the Province) directs and guides land use policy on a broad basis and does not address, in any great detail, those planning matters which are better dealt with by local official plans. Local official plans are intended to complement the County Official Plan by providing more detailed strategies, policies, and land use designations. The County Official Plan sets out a growth management hierarchy which directs new development to settlement areas fully serviced by municipal water and sewage services as a means of protecting agricultural, aggregate, and natural heritage resources.

It is my opinion that Amendment No. 59 subject to recommended modifications satisfies the planning policy tests.

Municipal Comprehensive Review

An important component of Amendment No. 59 is the implementation of the Municipal Comprehensive Review which includes a land balance analysis in support of the expansion of settlement areas. The PPS provides for the expansion of settlement area boundaries only at the time of a comprehensive review and only where it has been demonstrated that criteria are satisfied. Examining these criteria for Middlesex Centre is made additionally complex because the Municipality has encountered substantial growth pressures across several separate settlement areas.

The PPS criteria cover a wide spectrum of considerations. They prioritize managing growth through intensification, redevelopment, and development of existing growth areas, while also addressing projected needs up to a 25-year timeframe. These factors are to be integrated with infrastructure planning and account for agricultural concerns, including avoiding specialty crop areas, assessing alternative locations, and mitigating impacts on agricultural operations. They are to uphold provincial interests, explore different growth directions, and consider cross-jurisdictional issues.

The Municipal Comprehensive Review recommended that additional lands for growth be primarily directed to Komoka-Kilworth and Delaware and evaluated alternative directions

for growth against opportunities and constraints. It is noteworthy that Amendment No. 59 would designate a large area for employment uses south of Delaware with frontage along Highway 402. The Municipality is undertaking a Servicing Master Plan to facilitate and guide the expansion of municipal servicing (water, wastewater and stormwater) and the Municipality intends to attract and support employment uses by facilitating municipal servicing to Delaware.

It is worth mentioning that numerical variations can arise based on how calculations handle gross and net hectares, internal infrastructure adjustments, vacancy rates, etc. However, in the County's assessment of official plans, we typically focus on net hectares, which represent the land remaining after deducting areas unsuitable for development, such as hazard zones and heritage features.

The population and housing projections for the Municipality generally reflect the County's projections. Based upon the projections, an inventory of lands already designated and available for growth, and the settlement expansion criteria, the Municipal Comprehensive Review recommended the designation of approximately 107 hectares of additional land for residential uses. Amendment No. 59 as adopted including the mapping modifications requested by the Municipality (see below) would designate approximately 128 hectares for residential uses. This represents an 'over-designation' of approximately 20 hectares.

In relation to employment lands, based upon projections, an inventory of lands already designated and available for growth, and the settlement expansion criteria, the Municipal Comprehensive Review recommended the designation of approximately 70 hectares of additional land for employment uses. Amendment No. 59 as adopted including the mapping modifications requested by the Municipality (see below) would designate approximately 95 hectares for employment uses in Delaware. This represents an 'over-designation' of approximately 25 hectares.

Amendment No. 59 seeks to bridge the 'over-designation' of land by creating a Special Policy Area that stipulates that development of the newly designated residential and employment lands within Delaware cannot proceed until another official plan amendment is approved that addresses relevant planning policies and full municipal services are provided by the Municipality. The recommended modifications (see below) would enhance those policies and make it clear that the Municipality intends to service the lands, that no development can proceed until full municipal services are available, and that an official plan amendment that meets the PPS, County Official Plan and Municipal Official Plan requirements is approved, ultimately by County Council.

In essence, this strategy enables the Municipality to undertake a review of Delaware's servicing needs while also preventing premature land development. Upon completion of servicing, another official plan amendment is required to meet the planning policy requirements, including those of a Municipal Comprehensive Review.

The recommended modifications propose an extension of the Special Policy Area to encompass lands intended for residential use in Komoka as outlined in Amendment No. 59. These lands were initially earmarked for inclusion in Komoka in 2012. However, due to concerns raised by the Ministry of the Environment, Conservation, and Parks regarding their proximity to Komoka Provincial Park, their inclusion was deferred by County Council due to a lack of completed environmental work. As the environmental work is still pending, it's recommended that these lands be incorporated into the Special Policy Area. This area will remain on hold until another official plan amendment is approved, addressing all pertinent planning policies including the required environmental work in consultation with the Province, and the provision of full municipal services. Essentially, this identifies the next potential residential growth area within the Municipality, contingent upon policy compliance and approval of an official plan amendment from County Council.

It is my opinion that Amendment No. 59 subject to recommended modifications satisfies the comprehensive review tests of the PPS and the County Official Plan.

Proposed Modifications

Following acceptance of Amendment No. 59, County Planning staff identified recommended revisions aimed at enhancing clarity, improving the comprehension of policies, and rectifying minor typographical errors. A few modification requests were received during the agency / ministry circulation process, including feedback from the Chippewas of the Thames First Nation, the conservation authorities, and the Ministry of Transportation.

It is noteworthy that the adoption of Amendment No. 59 took place prior to the approval of Amendment No. 3 to the County Official Plan by the Province. This necessitated an additional review to ensure conformity with the changes introduced by the Province. As well, there have been several Provincial land use planning changes that cause the need to modify Amendment No. 59.

There are a number of land use and mapping schedule modifications recommended. These include a number of technical / typographical oversights that were identified, the 'Natural Environment' and 'Floodplain' layers are to be updated, and small changes to designations within settlement areas. As a result of the number of proposed land use and mapping schedule changes through modifications, the recommended modifications would replace the land use and mapping schedules with new schedules (attached).

After adoption of Amendment No. 59, the Municipality requested that the County make two adjustments to the land use and mapping schedules. These adjustments would result in an addition of roughly five hectares to the hamlet of Melrose and would reverse a change in Ilderton. This change in Ilderton had shifted the designation of 'employment' lands to 'residential' lands, contrary to Municipal Council direction. This correction aims to align the document with the intended Council direction that was not accurately reflected in the adopted version by Middlesex Centre Council.

There are five areas where it is recommended to make minor modifications to the land use and mapping schedules for the settlements of Poplar Hill / Coldstream, Ballymote, Ilderton, Bryanston, and Delaware. These small adjustments through modification would not have an impact on the land supply analysis.

Finally, as noted above, the recommended modifications would enhance the Special Policy Area that would apply to Delaware, and extend the Special Policy Area to a portion of Komoka. The language indicates that the Municipality intends to service the lands, that no development can proceed until full municipal services are available, and that an official plan amendment that meets the PPS, County Official Plan and Municipal Official Plan requirements must be approved, ultimately by County Council.

Municipal staff have reviewed the proposed modifications (attached) and are in agreement with them.

Conclusion


Based on the above, it is my opinion that Amendment No. 59 subject to recommended modifications has regard for matters of provincial interest, is consistent with the Provincial Policy Statement, conforms to the intent and purpose of the County Official Plan and represents good land use planning. I am therefore recommending approval of Amendment No. 59 subject to modifications.

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 although fees are not collected for municipally initiated official plan amendments such as this. 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• Create an environment that enables the attraction and retention of businesses, talent, and investments• Support the development and prosperity of downtown core areas in Middlesex County

RECOMMENDATION:

THAT Amendment No. 59 to the Middlesex Centre Official Plan be approved with modifications 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 Middlesex County considered all written submissions received on this application; the effect of which helped to make an informed recommendation and decision.

Attachments