



DECISION
With respect to an Official Plan Amendment
Subsection 17(34) of the Planning Act

Amendment No. 59 to the Official Plan for the Municipality of Middlesex Centre is hereby approved, subject to the following modifications to Section 4.0 ‘Details of the Amendment’ within Part “B” – The Amendment:

1. Section No. 1) of Amendment No. 59 is modified by deleting schedules ‘A’ through ‘D’ and replacing them with Schedule ‘A’ through ‘D’ dated August, 24th, 2023.
2. Section No. 5) of Amendment No. 59 is modified by adding the following wording at the end of the section:

“Council recognizes that the Municipality is located on the Treaty and Traditional Territory and Ancestral Lands of many Indigenous peoples and is covered by several Upper Canada Treaties. The Municipality recognizes and celebrates the contributions of Indigenous Communities in our shared cultural heritage. The Municipality is now home to many First Nations, Métis, and Inuit peoples and communities that have a unique relationship with the land and its resources, and continue to shape the history and economy of the Municipality.

The Municipality recognizes the unique role Indigenous Communities have in land use planning and development, and the contribution of Indigenous Communities’ perspectives and traditional knowledge to land use planning decisions. The Municipality recognizes the importance of consulting with Indigenous Communities on planning matters that may affect their Treaty rights and interests and seeks to build constructive, cooperative relationships through meaningful engagement to facilitate knowledge-sharing in land use planning processes, inform decision-making, and build partnerships.”

3. Section No. 15 of Amendment No. 59 is modified by adding to the end of the section the following “and also in Section 1.7 q) delete “**areas**” after “**features and**” and replace with “**natural heritage systems**”; and is further modified by deleting the last sentence and replacing it with “**Natural heritage system areas are often hazardous lands due to the constraints posed by flooding or steep slopes.**”.
4. Section No. 16 of Amendment No. 59 is modified by adding to the end of the section the following “and also in Section 1.7 u) by adding the words “**including local First Nations**” following the word “community”.
5. Section No. 19 of Amendment No. 59 is modified by adding to the end of the section the following “and in Section 1.8 f) deleting the words “**Rural Industrial**” and “**Rural Commercial**” from first sentence and deleting the last sentence which states “**Lands designation “Rural Industrial” and “Rural Commercial” will generally correspond with lands designated for similar purposes in previous Official Plans, and it is not expected that new Rural Industrial or Rural Commercial designations outside of settlement areas will be permitted.**”.
6. Section No. 20 of Amendment No. 59 is further modified by adding to the end of the section the following “and a new Section 2.1 h) “**To recognize that all land within the Municipality, save and except Settlement Areas, is a Prime Agricultural Area as defined by the Provincial Policy Statement and to also recognize that certain lands have been designated or zoned for non-agricultural use outside of Settlement areas while still remaining within the Prime Agricultural Area.**”.
7. Section No. 27 of Amendment No. 59 is modified by deleting the word “**five**” in the first sentence and replacing it with the word “**three**”.
8. Section No. 27 of Amendment No. 59 is further modified by adding the words “**Such uses are nevertheless encouraged to locate within settlement areas.**” to the end of the first paragraph that Amendment No. 59 would add.
9. Section No. 31 of Amendment No. 59 is modified by adding the words “**criteria of the Provincial Policy Statement and**” following the word “provided” in the first sentence of subsection 2.5(a) and by adding the words “**h. On-farm diversified uses shall be compatible with, and not hinder surrounding agricultural operations**” to the end of the section.
10. Section No. 34 of Amendment No. 59 is modified by deleting subsection 2.7.2(i) and renumbering all subsequent subsections accordingly.
11. Section No. 34 of Amendment No. 59 is further modified by adding the words “**Direct access to a provincial highway will be discouraged and may be prohibited by the MTO.**” following the second sentence of subsection 2.7.2(d).

12. Section No. 35 of Amendment No. 59 is modified by adding to the beginning of the section the following “In Section 3.0 delete the title **“Policies for Natural Areas and Natural Hazard Areas”** and replace with **“Policies for Natural Heritage Systems and Natural Hazardous Lands”**, and also in Section 3.1 delete the title **“Natural Area and Natural Hazard Goals”** and replace with **“Natural Heritage Systems and Natural Hazardous Lands Goals”** and insert **“heritage”** between **“natural”** and **“system”** and delete **“natural hazard areas”** and replace with **“hazardous lands”** in the first sentence.”.
13. Section No. 35 of Amendment No. 59 is further modified by adding to the end of the section the following “and in Section 3.2 delete **“Natural Hazard areas”** in the first sentence of the third paragraph and replacing it with **“Hazardous Lands”**, and in Section 3.2 d) insert **“heritage”** between **“natural”** and **“system”**, and in Section 3.2 g) insert **“heritage”** between **“natural”** and **“system”** in the first sentence, and in Section 3.2 i) add the following sentence to the end of the paragraph **“Development is generally not permitted unless it has been demonstrated that there will be no negative impacts on the natural features or their ecological functions”**, and insert new Section 3.2 n) with the following

“Greenland Features as shown on Schedule B of this Official Plan constitute, for the most part, significant woodlands. These woodlands are of County significance and are identified through the Middlesex Natural Heritage Study (MNHS), a Natural Heritage Study to identify significant woodlands in the Municipality as well as other parts of Middlesex County.

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 heritage features and hazardous lands. 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, save and except for those uses included in Section 3.5, shall be subject to completion of a Development Assessment Report acceptable to the Municipality. The distances associated with adjacent lands are identified in Figure 1 of this Plan. Development or site alteration within Significant Woodlands, Significant Valleylands, Significant Wildlife Habitat, Significant Areas of Natural and Scientific Interest, and Significant Vegetation Groups and Significant Vegetation Patches will be prohibited and only permitted adjacent to such features where it can be shown that there will not result in any of a loss of ecological functions, subsequent demand for future development which will negatively impact on existing ecological functions,

conflict with site specific Natural Heritage System management practices or negatively impact ecological linkage functions.”.

14. Section 36 of Amendment No. 59 is modified by inserting the following sentence at the end of the paragraph after **“possible”**: **“, in collaboration with the applicable Ministries and Conservation Authorities”.**

15. Section 37 of Amendment No. 59 is modified by being deleted, and replaced with “Figure 1 is being deleted and replaced with the following Figure 1:

“Figure 1: Areas Subject to Development Assessment Report (DAR)

Natural Feature Type	Development adjacent to Natural Feature Type	Development within Natural Feature Type
Wetlands and adjacent lands. Adjacent lands are those within 120 m of an individual wetland area or land connecting individual wetlands within a wetland complex	<p>Where development is proposed within 120 m of a Provincially Significant Wetland or wetlands greater than two hectares in size a hydrogeological assessment shall be completed to the satisfaction of the conservation authority.</p> <p>Where development is proposed within 30 m of locally significant wetlands a hydrogeological assessment shall be completed to the satisfaction of the conservation authority.</p>	Not permitted
habitat of endangered or threatened species	DAR required within 120 m	Permitted only in accordance with Provincial and

		Federal requirements
floodplains and flood prone areas mapped and/or regulated by a Conservation Authority	DAR required within 50 m	DAR required
significant woodlands and ANSI's as identified on Schedule 'B'	DAR required within 120 m	DAR required
significant wildlife Habitat	DAR required within 120 m	DAR required
significant valley lands	DAR required within 120 m	DAR required
fish habitat	DAR and other studies as required by the Province or Federal governments area required within 120 m	Permitted only in accordance with Provincial and Federal requirements"
The Development Assessment Report is required to meet the acceptable standards of the Municipality, and the Municipality may consider seeking peer-review assistance to ensure this outcome.		

16. Section No. 52 of Amendment No. 59 is modified by adding the following "and Section 5.1.1 is amended by inserting the following bullet points to the end of the existing list **"- Medium Density Residential Areas, - Natural Environment, - Natural Heritage Enhancement Area"**.
17. Section No. 54 of Amendment No. 59 is modified by adding the words **"where it represents infilling, rounding out or minor extension of existing development or"** before the word "outside".
18. Section No. 55 of Amendment No. 59 is modified by adding the words **"where it represents infilling, rounding out or minor extension of existing development or"** before the word "provided".

19. Section No. 59 of Amendment No. 59 is modified by deleting subsection 5.1.5(c) and replacing it with **“alternative locations have been evaluated that do not consist of prime agricultural land or instead consist of lower priority agricultural land and impacts on agricultural operations are mitigated to the extent feasible. Evaluation of agricultural impacts shall be done in accordance with the criteria identified in the Guidelines for Permitted Uses in Ontario’s Prime Agricultural Areas.”**
20. Section No. 60 of Amendment No. 59 is modified by deleting the words “and 5.3”.
21. Section No. 64 of Amendment No. 59 is modified by deleting the words following “In Section 5.2.1 g)” and replacing them with “by deleting it in its entirety and replacing with the following: **“The Municipality shall encourage that 20 percent of new housing is accessible to lower and moderate income households in accordance with the County of Middlesex Official Plan. In the case of ownership housing, the least expensive is considered to be housing for which the purchase price is at least 10% below the average purchase price of a resale unit in the regional market area.”**”
22. Section No. 65 of Amendment No. 59 is modified by being deleted.
23. Section No. 72 of Amendment No. 59 is modified by deleting “5.2.3.e)” and replacing it with “5.2.3.g)”.
24. Section No. 86 of Amendment No. 59 is modified by adding the words **“and is otherwise isolated from surrounding designated employment lands”** to the end of subsection b) and is further modified by adding a new subsection j) **“the site is not identified as provincially significant through a provincial plan exercise or as regionally significant by a regional economic development corporation.”**
25. Section No. 86 of Amendment No. 59 is further modified by adding the words to the end of subsection “and by deleting the words within Section 5.6 **“All other lands designated settlement employment may be converted to non-employment uses subject to an Official Plan Amendment subject to Section 10.1.”**
26. Section No. 113 of Amendment No. 59 is modified by deleting the number **“500”** and replacing it with **“600”**.
27. Section No. 122 of Amendment No. 59 is modified by deleting “9.3.1 e)” and replacing it with 9.3.1.d)” and is further modified by adding to the end “and a new Section 9.3.1 h) **“compliance with the recommended provincial buffer separation guidelines for compatibility between wastewater treatment facilities / sewage treatment works and sensitive land uses.”**
28. Section No. 124 of Amendment No. 59 is modified by adding the words to the end of subsection 9.3.3 e) **“Nothing in this Plan is intended to require that the Municipality enter into a responsibility agreement in accordance with MECP Guideline D-5-2.”**

29. Section No. 130 of Amendment No. 59 is modified by adding to the end “and a new Section 9.4.3 i) **“To support an interconnected transportation system including roads, highways, bikeways and trails, sidewalks, railways and supporting infrastructure.”**”.
30. Section No. 130 of Amendment No. 59 is modified by adding to the end “and a new Section 9.4.3 j) **“Where a development proposal includes private roads, such proposals may be considered based on an evaluation of the following: site characteristics including size, configuration, and topography, feasibility of alternative access solutions, potential impact on traffic, potential impact on road network, servicing by local emergency services, and compatibility with surrounding areas.”**”.
31. Section No. 132 of Amendment No. 59 is modified by deleting the number “0.4.6” and replacing it with “9.4.6”.
32. Section No. 133 of Amendment No. 59 is modified by adding the words **“This shall include that any consulting archaeologists notify the appropriate Indigenous community in regard to the identification of burial sites and significant archaeological resources. The Municipality will follow available protocols developed by the County and Indigenous communities, where available.”** to the end of the paragraph that Amendment No. 59 would add.
33. Section No. 133 of Amendment No. 59 is modified by adding the words “and by adding the words **“Council shall not permit development and site alteration on land adjacent to a protected heritage property except where the proposed development and site alteration has been assessed and it has been demonstrated that the heritage attributes of the protected heritage property will be conserved.”** to the end of 9.5.2(f).
34. Section No. 134 of Amendment No. 59 is modified by deleting the words in subsection 9.6.1a) **“A maximum of two Additional Residential Units will be permitted on a lot, one within the principle dwelling and one within a detached accessory building or structure.”** and replacing them with the words **“One (1) Additional Residential Unit may be permitted within a detached accessory building or structure and up to two (2) Additional Residential Units may be permitted within the principle dwelling provided that the total number of Additional Residential Units on the parcel does not exceed two.”**”.

35. Section No. 134 of Amendment No. 59 is further modified by deleting subsection 9.6.1b) and replacing it with the words **“Where partial or individual services are utilized, demonstration of adequate sewer and water servicing capacity. In accordance with the Planning Act, R.S.O. 1990, Additional Residential Units are permitted on parcels of urban residential land with full municipal water and sewage services.”**
36. Section No. 134 of Amendment No. 59 is further modified by adding the words “, **and the provision of adequate emergency access**” to the end of subsection 9.6.1f).
37. Section No. 134 of Amendment No. 59 is further modified by deleting subsection i) and replacing it with the following **“i) For additional Residential Units in a detached accessory building or structure in Agricultural Areas, the unit shall be clustered with the primary dwelling to minimize the impact on agricultural land, shall meet Minimum Distance Separation formulae, and shall be prohibited from being severed from the property unless as part of the severance of the primary dwelling units a residence surplus to a farming operation.”**
38. Section No. 134 of Amendment No. 59 is further modified by adding a new subsection 9.6.1j) that states **“Garden suites, granny flats, and tiny homes or trailers are considered temporary uses and evaluated in Sections 9.7 and 9.8 of this Plan.”**
39. Section No. 134 of Amendment No. 59 is further modified by adding the words **“Garden suites include granny flats and tiny homes.”** Following the first sentence in Section 9.7.
40. Section No. 135 of Amendment No. 59 is modified by deleting all occurrences of **“and tiny dwellings”** and **“or tiny dwellings”**
41. Section No. 135 of Amendment No. 59 is further modified by adding to the end of the section the following “and the following is inserted as a new Section 9.9 and all subsequent sections are renumbered as appropriate:

“9.9 Farm Labour Accommodation

The accommodation for seasonal or year-round migrant farm labour to meet the needs of agriculture or agriculturally-related industries may be permitted for a temporary period of time or on a permanent basis subject to the following criteria:

- a) **It can be demonstrated that the scale, size and nature of the farm operation requires a dwelling unit to house farm labour needed for the day-to-day operation of the farm on a full-time year-round basis, or full-time seasonal basis over an extended growing season, and such labour needs to be located on the same property as the farm operation;**

- b) It can be demonstrated that any existing permanent dwelling units that are part of the farm operation cannot satisfy the housing needs of the farm operation;
- c) The dwelling unit for farm labour shall be located in close proximity to the existing dwelling to minimize the impact on agricultural land, surrounding agricultural uses, and to co-locate services, where possible. The location of the dwelling unit for farm labour shall comply with the Minimum Distance Separation (MDS) formula relative to any neighbouring livestock facility;
- d) The dwelling unit for farm labour shall only be permitted where there is adequate water and sewage capacity on the lot to service the dwelling unit;
- e) The dwelling unit for farm labour is of a minimum size and type that can meet the Ontario Building Code requirements, and shall be no larger than necessary to accommodate the needs of the migrant farm labourers residing in the dwelling unit;
- f) It can be demonstrated how vehicular access will not contribute to any traffic-related hazards to the satisfaction of the appropriate road authority. The Municipality will encourage the use of existing driveways;
- g) It can be demonstrated that the dwelling unit for farm labour is not located within the natural heritage system, floodplain areas, or other hazardous lands;
- h) The dwelling unit for farm labour shall comply with the standards Zoning By-law;
- i) The severance of a dwelling unit for farm labour shall not be permitted; and
- j) A zoning by-law amendment is required to permit the dwelling unit for farm labour."

42. Section No. 136 of Amendment No. 59 is modified by adding the word **"equivalent"** in 10.1.1(b) following the second occurrence of the word **"the"**.

43. Section No. 142 of Amendment No. 59 is modified by deleting **"Section 10.3.2.1(c)"** and replacing with **"Sections 10.3.2.1(a) and 10.3.2.1(c)"**.

44. Section No. 143 of Amendment No. 59 is modified by deleting the word **"approximately"** and replacing it with the word **"about"**.

45. Section No. 144 of Amendment No. 59 is modified by deleting the number **"20"** and replacing it with the number **"10"** in subsection 10.3.2.1(f).

46. Section No. 144 of Amendment No. 59 is further modified by adding to subsection v. the following words “. **The lot size shall not be enlarged to accommodate existing service connections (e.g. hydro, gas) and such services shall be required to be relocated onto the lot.**” and by adding the following new subsections:

“xiii. **Farm buildings deemed to be surplus to the needs of the farm or incompatible with the proposed surplus dwelling if retained with the farm, may be required to be demolished or removed as a condition of consent. Proximity to the surplus dwelling and proposed lot lines, compliance with the Minimum Distance Separation (MDS) Formulae, and compliance with the Zoning By-law for Accessory Buildings shall be considered as to whether demolition or removal will be required or if they may be severed along with the surplus dwelling subject to a change in use permit under the Ontario Building Code.**

xiv. **That safe ingress/egress for vehicles is possible for both resulting lots, which may necessitate new road entrances or road upgrades to be undertaken at the expense of the applicant. Environmental features, including but not limited to natural heritage features and natural hazards, will be avoided when considering new road entrances or road upgrades.**

xv. **If required, a revised assessment schedule in accordance with the Drainage Act, as amended, is commissioned and paid for by the applicant.**

xvi. **If the remnant farm lot does not meet the minimum lot area and lot frontage standards of the Comprehensive Zoning By-law, the new minimum lot area and lot frontage that result are to be recognized through an implementing zoning by-law amendment. This requirement shall not apply if the remnant farm is merged in title with an abutting farm.**

xvii. **There are no negative impacts on natural and built heritage features as a result of the severance.**

xviii. **Natural hazard concerns relating to the severance are addressed to the satisfaction of the conservation authority that has jurisdiction in the area.”**

47. Section No. 152 of Amendment No. 59 is modified by adding to the end of the Section “and by deleting the words within SPA #7 “**designated Rural Commercial**” and replacing with the words “**for Rural Commercial Uses**”.

48. Section No. 153 of Amendment No. 59 is modified by adding the words “**and engagement**” following the word “consultation”

49. Section No. 156 of Amendment No. 59 is deleted and replaced with the following:

“Lands identified as SPA #29 on Schedule A are intended to be developed on full municipal services. The Municipality is undertaking a Servicing Master Plan to facilitate and guide the expansion of municipal servicing (water, wastewater and stormwater) within the Municipality.

Lands may continue to be used for legally existing uses established prior to the adoption of this policy. All new development shall occur in accordance with the underlying land use designations and subject to the following:

- a) New lot creation, including consents to sever and plans of subdivision, shall not be permitted until such time as municipal sewer, wastewater and stormwater services are available and all new development shall be required to connect to municipal sewer, wastewater and stormwater services.**
- b) An Official Plan Amendment shall be required to remove the SPA #29 designation prior to development proposals. The Official Plan Amendment shall address the entire SPA #29 area within the settlement area and shall demonstrate conformity with the Provincial Policy Statement, the County Official Plan, and policy 5.2 of this plan (Settlement Expansion Requests).**
- c) The Municipality may undertake the preparation of a Secondary Plan(s) to guide land use within the areas in accordance with the policies of this plan.**
- d) Landowners shall coordinate the phasing of development and cost-sharing for the extension of municipal services may be required.**
- e) As it relates to the Settlement Employment lands south of Delaware within SPA#29 the following policies shall also apply:**
 - i. the lands are strategically located along the provincial highway corridor and are best suited for employment uses during and beyond the planning horizon of this Plan,**
 - ii. the Municipality intends to attract and support employment uses by undertaking a Servicing Master Plan to facilitate and guide the expansion of municipal servicing (water, wastewater and stormwater) within the Municipality including full municipal servicing to Delaware,**
 - iii. it is the intent of these policies to prohibit the re-designation of lands within this area to uses that are incompatible with employment uses in alignment with an area of employment as indicated in the Planning Act, and**
 - iv. development may only proceed once an Official Plan Amendment and full municipal water, wastewater and stormwater services have been provided.**

g) As it relates to the lands within Komoka within SPA#29 the following policies shall also apply:

- i. the subject lands are adjacent to the Komoka Provincial Park and the Ministry of the Environment, Conservation and Parks has identified that that there is the potential for significant natural heritage values on and/or adjacent to the subject lands.**
- ii. as part of the Official Plan Amendment to remove SPA#29 at this location, an environmental impact study shall be conducted to the satisfaction of the Municipality in consultation with the Ministry of the Environment, Conservation and Parks to evaluate the natural heritage values on and/or adjacent to the site and to assess potential impacts of any, if any, development.**
- iii. development may only proceed once an Official Plan Amendment and full municipal water, wastewater and stormwater services have been provided.”**

50. Section No. 160 of Amendment No. 59 is modified by adding the following definitions:

“Major facilities means facilities which may require separation from sensitive land uses, including but not limited to airports, manufacturing uses, transportation infrastructure and corridors, rail facilities, marine facilities, sewage treatment facilities, waste management systems, oil and gas pipelines, industries, energy generation facilities and transmission systems, and resource extraction activities.”

“Major goods movement facilities and corridors means transportation facilities and corridors associated with the inter- and intraprovincial movement of goods. Examples include: inter-modal facilities, ports, airports, rail facilities, truck terminals, freight corridors, freight facilities, and haul routes and primary transportation corridors used for the movement of goods. Approaches that are freight supportive may be recommended in guidelines developed by the Province or based on municipal approaches that achieve the same objectives.”

“Rail facilities means rail corridors, rail sidings, train stations, inter-modal facilities, rail yards and associated uses, including designated lands for future rail facilities.”

“Sensitive land uses means buildings, amenity areas, or outdoor spaces where routine or normal activities occurring at reasonably expected times would experience one or more adverse effects from contaminant discharges generated by a nearby major facility. Sensitive land uses may be a part of the natural or built environment. Examples may include, but are not limited to: residences, day care centres, and educational and health facilities.”

51. That a new Section No. 161 be added:

“161) That all occurrences of the words “**Schedule A-2**” be replaced with the words “**Schedules A-8 and A-9**” in relation to the Komoka-Kilworth Secondary Plan.”

52. That a new Section No. 162 be added:

“161) That within Section 11 the words ““**SPA#4 For lands so identifies to the Delaware Community Settlement Area (schedule A-4), notwithstanding the Rural Industrial Designation of the Plan these lands are encouraged to be developed on municipal water services through an extension of such services from the Village. Where such municipal water services are provided, permitted uses that are not “dry” in nature may be considered.**” be deleted.”

53. That a new Section No. 163 be added:

“163) That Section 5.5.1b) be modified by deleting the words “**shall be dry in nature**” and replace with the words “**shall be developed on full municipal services**”.”

As thus modified, this Official Plan Amendment is hereby approved pursuant to Section 17(34) of the Planning Act.

Dated at London, Ontario, this ____ day of _____, 2023.

Durk Vanderwerff
Director of Planning and Development
County of Middlesex