



MEMO

TO: Michael DiLullo, CAO – Municipality of Middlesex Centre
FROM: Matt Alexander, Project Manager, WSP
William Turman, Planner, WSP
SUBJECT: Middlesex Centre Official Plan Update Planning Rationale
DATE: April 13, 2022

This memorandum has been prepared to provide a planning rationale for the proposed Middlesex Centre Official Plan update amendment, and to summarize key changes made to the draft Official Plan update following the release of the previous draft and presentation to Council on November 17, 2021.

These major changes include adjustments to the settlement area growth allocations, policies related to surplus farm dwelling severances, the identification of lands to be added to the Delaware settlement area, and a new special policy area designation intended to ensure the orderly development of Delaware.

This memo also includes a high-level overview of comments received from Council, members of the public, County staff and stakeholders.

The final version of the Official Plan update amendment is consistent with the Provincial Policy Statement, conforms with the current Middlesex County Official Plan, reflects the needs and vision of the community and plans to accommodate the population and employment growth forecasts prepared as part of this review.

SETTLEMENT AREA GROWTH ALLOCATIONS

The draft Growth Management Study was revised by Watson and Associates following direction from Middlesex Centre Council to focus new residential growth towards Delaware, rather than Arva, and to assume that new development in Delaware would be serviced by municipal sewer and water services.

Watson and Associates has provided a more detailed memo (attached), describing the conclusions of the Land Needs Assessment, including a land balance table to

show how the projected population and employment growth for the Municipality is to be accommodated.

Based on the revised Growth Management Study, the population and employment projections in Section 5.1 of the Official Plan have been revised to transfer the land needs deficit from Arva to Delaware. This change in allocation resulted in the elimination of the “Future Development Area” abutting Arva that had been proposed in the previous draft.

Additionally, two properties in the south end of Ilderton are proposed to be converted from Settlement Employment to Residential. This results in an additional residential land supply to be taken up within the Ilderton Settlement Area, while producing an additional employment land need.

Based on the Land Needs Assessment prepared by Watson and Associates, approximately 48 gross hectares of additional residential land, and 135 gross hectares of additional employment land are needed in the Delaware settlement area to accommodate the Municipality’s land needs (discussed in more detail below).

THE DELAWARE SETTLEMENT AREA EXPANSION AND SPA #29

Concurrent with the Official Plan Review, the Municipality has also engaged Watson and Associates to prepare an Employment Area Expansion Analysis to recommend a more appropriate and strategic location for employment uses. The Analysis presented three proposed areas that were recommended to achieve the intended outcomes of the study.

The Official Plan Review team reviewed Watson’s analysis and proposes that the Official Plan update implement a variation on proposed employment area 2, on lands directly south of Delaware.

The expansion of settlement areas are required to be consistent with Section 1.1.3.8 of the Provincial Policy Statement. The Growth Management Study and Employment Area Expansion Analysis provide the justification for the expansion in accordance with policy 1.1.3.8(a):

“sufficient opportunities to accommodate growth and to satisfy market demand are not available through intensification, redevelopment and designated growth areas to accommodate the projected needs over the identified planning horizon”.

Watson has assumed that Delaware will intensify following the extension of full municipal services to vacant and underdevelopment properties within the existing settlement area boundary. The residential land needs identified in the previous section are required in addition to intensification.

Middlesex Centre Council has indicated they are committed to expanding municipal sewer and water servicing to the Delaware settlement area. This, along with the Middlesex Centre Master Servicing Plan Class EA (April 2010), addresses policy 1.1.3.8(b):

“the infrastructure and public service facilities which are planned or available are suitable for the development over the long term, are financially viable over their life cycle, and protect public health and safety and the natural environment.”

The extension of full municipal services, and funding that extension, will require additional planning on the part of the municipality. There is however, significant interest from landowners in Delaware to develop their lands and contribute to servicing costs.

Policy 1.1.3.8(c) addresses expansion into Prime Agricultural Areas:

“in prime agricultural areas:

- 1.the lands do not comprise specialty crop areas;
- 2.alternative locations have been evaluated, and
 - i. there are no reasonable alternatives which avoid prime agricultural areas; and
 - ii. there are no reasonable alternatives on lower priority agricultural lands in prime agricultural areas;

The Middlesex County Official Plan does not designate or identify any Specialty Crop Areas within Middlesex Centre. The County Official Plan indicates that all lands located outside the settlement areas of Middlesex Centre are “Agricultural Lands” (Policy 2.3.9). The current Official Plan does not specify whether these are Prime Agricultural Lands, but the working copy of the draft update to the County Official Plan indicates that all Agricultural Lands are to be considered Prime Agricultural Lands as defined by the PPS (Section 2.2.2.1). As such, there are no expansion alternatives which avoid Prime Agricultural Areas.

As discussed in more detail below, the proposed Special Policy Area policy for the Delaware Expansion Area will require further study of potential agricultural

impacts. This level of on-the-ground study is not within the scope of the Official Plan Review project and is not feasible to be carried out at this time.

Policy 1.1.3.8 (d) of the PPS requires that:

“the new or expanding settlement area is in compliance with the minimum distance separation formulae”

MDS I setbacks apply where a new or expanded settlement area boundary is proposed in proximity to existing livestock facilities. Under the Provincial MDS Guidelines, Type B land uses are characterized by a higher density of human occupancy, habitation or activity, and require setbacks that are twice that of Type A land uses (generally characterized as land uses located outside of settlement areas).

The scope and timing of the Official Plan Review project does not allow for a detailed review and analysis of livestock facilities and setback calculations. Middlesex County, in its role as approval authority, may choose to withhold approval of this aspect of the proposed Official Plan Amendment until the municipality can demonstrate consistency with policy 1.1.3.8(d) of the PPS.

Policy 1.1.3.8(e) of the PPS requires that:

“impacts from new or expanding settlement areas on agricultural operations which are adjacent or close to the settlement area are mitigated to the extent feasible.”

The Special Policy Area policies proposed to apply to the expansion area require that land use compatibility, including compatibility with adjacent agricultural operations, must be addressed prior to development approval. The expansion area and proposed underlying land use designations represent the gross area to be allocated for the proposed uses. Any required setbacks, buffers, berms, landscaping, fencing or other mitigation measures will be accommodated within the designated area.

SPA #29

A new Special Policy Area overlay is proposed to ensure the orderly development of the lands identified for addition to the Delaware Settlement Area. The intent of SPA #29 is to allow existing land uses to continue, and prevent the premature subdivision or development of land prior to the installation of full municipal sewer and water services in Delaware. The proposed policy states:

Lands identified as SPA #29 on Schedule A, within the Delaware Settlement Area, to the South of the built-up area, may continue to be used for legally existing uses established prior to the adoption of this policy. 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 and water services are available.
- b) All new development shall be required to connect to municipal sewer and water services;
- c) An Official Plan Amendment shall be required to remove the SPA #29 designation prior to, or as part of, a development proposal.
- d) New development proposals shall demonstrate conformity with policy 5.2 of this plan (Settlement Expansion Requests) prior to approval.
- e) The Municipality may undertake the preparation of a Secondary Plan(s) to guide land use within this area in accordance with the policies of this plan.
- f) Landowners are encouraged to coordinate phasing of development and cost-sharing for the extension of municipal services.

The proposed policy allows for provisions (c) through (e) to be proponent-driven, or municipally driven. Provision (d) requires new proposals to demonstrate conformity with the proposed Settlement Expansion Request policies of the Official Plan, despite already being located within a settlement area. This is to ensure that development within the expansion area proceeds incrementally, and that site-specific issues such as potential impacts on adjacent agricultural operations are appropriately addressed.

All new development, including within the expansion area, is subject to the land use compatibility policies of the Official Plan.

RESIDENCE SURPLUS TO A FARM SEVERANCES

Policy 10.3.2.1(f) of the Middlesex Centre Official Plan has been significantly revised to address the concerns expressed by Council and other comments. The proposed policy simplifies and clarifies the requirements proponents are required to meet to justify the severance of a surplus farm dwelling in accordance with Section 2.3.4.1(c) of the PPS.

The proposed policy provides a clearer definition of “farm consolidation” and description of what is considered a “surplus” dwelling. These changes are intended to address concerns about land owners severing a farm dwelling when there is no corresponding dwelling located on another farm.

Other changes explicitly state that the proposed lot must be the minimum size required to accommodate the dwelling and required services, and that the lots must comply with the zoning by-law. This is in response to concerns about the creation of oversized residential lots and the potential for septic and well systems to be located on the remnant agricultural lot. The zoning by-law may include regulations related to maximum lot size or maximum dwelling size, lot dimensions and frontage and other provision that would not be appropriate for the Official Plan to detail, and which would need to be regulated through the zoning by-law anyway.

A requirement for the surplus dwelling to have been built prior to January 1, 1999 has been removed. Through discussion with Council, the establishment of a minimum age for the surplus dwelling seemed to be intended to prevent new land owners from severing their property in accordance with the policies of the PPS. This would be contrary to the planning principle that policies and regulations are to apply to the use, and not the user. The date of January 1, 1999 seems to have been chosen arbitrarily and may be difficult to defend.

UPDATED SCHEDULES

Other significant changes to the OP include updates to the Schedules that include the changes to settlement boundaries in Delaware, and multiple minor updates to increase readability and eliminate visual artifacts. A number of site-specific corrections were required to reflect land use changes that have occurred since the previous schedules were created, and newer Special Policy Areas have been identified.

SUMMARY OF PUBLIC COMMENTS

Over the course of the Official Plan review, the municipality received over 65 individual written submissions from property owners, members of the public and individual members of Council. The project team also heard from approximately 25 individuals who spoke at public engagement events.

Site-Specific Settlement Area Expansion Requests

The majority of written comments received were requests for specific properties to be added to settlement areas. Based on the land needs analysis provided by Watson and associates, and following direction from Council to focus growth towards Delaware, it was determined that all settlement areas within the municipality, except for Delaware, have sufficient lands within their boundary to accommodate projected residential and employment growth, and therefore no settlement area expansions, except for Delaware, are required.

In nearly all cases, the requests for inclusion within the settlement area were not accompanied by supporting materials to demonstrate consistency with the Provincial Policy Statement or conformity with the County Official Plan. In many cases the requests did not include a proposed number of dwelling units that would be provided, meaning there was no way of assessing how inclusion of the lands would affect the land balance, or servicing capacity. Some requests for inclusion were supported by detailed development concepts, background studies and planning justification, however Council provided clear direction to focus growth on Delaware instead.

Based on these factors, the vast majority of requests for land to be added to settlement areas are not recommended to be added.

Delaware

Site-specific requests for inclusion in the Delaware settlement area are recommended for approval, subject to the provisions of SPA #29. While these requests may not have included detailed planning rationale for their inclusion, the provisions of SPA #29 will ensure development proceeds in an orderly manner and that all requirements of the PPS are met.

The requests include: a “Rural Industrial” designated property on Longwoods Road, abutting the eastern boundary of the settlement area; a field located directly south of a “Settlement Employment” property and the settlement area boundary; and a vacant

property directly south of an existing residential subdivision, with frontage on Springer Road.

The “Rural Industrial” property is appropriate for inclusion within the settlement area because it directly abuts the settlement area, has frontage on a major road, and will help meet residential land needs over the life of the Official Plan. This property is discussed further in the next section due to the requested employment land conversion.

The property located abutting the “Settlement Employment” property, south of the Settlement Area boundary, has requested inclusion within the settlement area, with a residential designation. The property it abuts is designated “Settlement Employment” and there is an active development application in process for the property. This presents a land use compatibility concern, particularly because of the recommended addition of lands directly to the south for employment uses. This would sandwich the property between employment uses and could result in setback requirements that could make these lands undevelopable. It is recommended that these lands be added to the Settlement Area, with a “Settlement Employment” designation and SPA #29 overlay.

The property located abutting the existing residential subdivision is recommended for inclusion within the settlement area with a “Residential” designation and SPA #29 overlay. The property represents a natural extension of the existing subdivision. The property also abuts lands proposed for employment uses. This presents a potential land use compatibility conflict, however since the lands are currently vacant, with no immediately planned employment uses and direction for a phased approach, these conflicts may be mitigated through the development review process.

Site-Specific Employment Land Conversions

The municipality received four requests for conversion of employment lands within settlement areas to residential, and an additional request to add lands to a settlement area and convert them to residential. The requests are related to properties located in Ilderton and Delaware.

Employment land conversions are required to be consistent with Section 1.3.2.4 of the PPS, 2020 which states:

Planning authorities may permit conversion of lands within employment areas to non-employment uses through a comprehensive review, only where it has been demonstrated that the land is not required for employment purposes over the long term and that there is a need for the conversion.

Each of the requests has been reviewed in the context of this policy, the findings of the Land Needs Assessment and the recommendations of the Employment Area Expansion Opportunity Analysis.

Ilderton

In Ilderton, two properties designated Settlement Employment (within the settlement area) have been requested to be converted to residential and mixed-use designations. These conversions would support the findings of Watson and Associate's Employment Area Expansion Opportunity Analysis, which recommended conversion of these lands because they are not strategically located for employment uses. These lands would become surplus with the expansion of the Delaware settlement area and designation of land for employment uses there. The conversion of these lands to residential would reduce the amount of land required for settlement area expansion in Delaware. A vacant property, located between the two conversion proposals, will remain designated Settlement Employment. All development proposed in this area will be subject to the land use compatibility policies of the Official Plan.

Two other properties, located in the north east of the Ilderton settlement area have also requested conversion from employment to residential uses. The first is located outside the settlement area and requested to be added to the settlement area. With the conversion of the properties discussed above, there will be no need to expand the Ilderton settlement area to accommodate residential growth, therefore there is no need to add these lands to the settlement area and convert them to residential. The second property is located within the settlement area, but is currently occupied with existing employment uses. With the conversion of the lands discussed above, there is no need to convert the property in the north of Ilderton.

Delaware

In Delaware there is an employment land conversion request located outside the settlement area, currently designated "Rural Industrial". The property directly abuts the eastern boundary of the settlement area and neighbouring homes. The addition of these lands to the settlement area would represent a logical extension of the settlement area and help reduce the amount of land required to expand into agricultural lands. With the expansion of the settlement area and designation of

employment lands to the south of Ilderton, these lands will no longer be required to meet the Municipality's employment land needs.

General Comments

Aside from site-specific requests to be added to the settlement area, or converted from employment to residential, the comments received from members of the public were very general in nature. The Municipality received comments and questions related to:

- Protection of agricultural lands
- Protection of environmental features
- Accessory Dwelling Units / Granny Flats
- Transportation / Roads / Traffic calming
- Limiting growth
- Taxes (not within the scope of the project)

Residents expressed concern about the loss of agricultural lands and environmental features. The Official Plan update is intended to permit a wider range of residential dwelling types, including higher density housing options, to reduce the amount of land required to accommodate the forecasted growth. Policies related to the protection of environmental features have been updated to be consistent with the Provincial Policy Statement, and the mapping has been updated to reflect the latest information from the Conservation Authorities.

The Official Plan update includes updated and new policies permitting accessory dwelling units, granny flats and tiny homes where appropriate. These policies reflect the direction of the Planning Act and provide direction for the approval of new, more affordable housing types and sources of income for property owners.

Residents expressed concern about traffic volumes and road safety. During public engagement activities residents expressed a desire to walk or bicycle safely in the community. The Official Plan update include updated policies to support the installation of new sidewalk and bike lanes where appropriate.

Other comments were related to issues the Official Plan update is not able to address. Some residents expressed a desire to prevent population growth and new development in the Municipality. Regardless of the policies of the Official Plan,

existing households will continue to grow, people will migrate to where jobs or desirable neighbourhoods exist, and the Municipality has no authority to prevent its population from increasing. Other residents raised concerns with how property taxes would be impacted by the policies of the Official Plan. The Official Plan is not a budget document and it does not bind Council to spend money to achieve the objectives of the Plan. It should be noted however, that new development may be subject to development charges, application fees, and increased property assessment, which can result in higher revenues for the municipality.

County and Council Comments

Comments received by Middlesex County Staff and Middlesex Centre Council members were primarily focused on the subject matter discussed above. The Official Plan Review team received many thoughtful and constructive comments regarding the growth allocations, policies related to surplus farm dwelling severances, additional dwelling units and more.

All comments have been reviewed and considered. Policy suggestions have been incorporated into the Official Plan update where appropriate, and where the policies support, or would not conflict with, the policies of the Provincial Policy Statement or provisions of the Planning Act.

CONCLUSION AND NEXT STEPS

The recommended amendment to update the Municipality of Middlesex Centre Official Plan reflects community values as expressed by members of Council and the general public, is consistent with the Provincial Policy Statement, 2020 and conforms with the Middlesex County Official Plan. The proposed policy changes and mapping updates represent good planning and meet the project objectives.

The recommended amendment will be presented to Council for adoption. If Council wishes to change any portion of the recommended amendment prior to adoption, it may do so in accordance with its procedural by-law.

Once adopted, Municipal staff will be responsible for preparing the submission to Middlesex County for approval.