



Committee of the Whole

Meeting Date: September 26, 2023
Submitted by: Durk Vanderwerff, Director of Planning and Development
Subject: Middlesex Centre Official Plan Amendment No. 62; HGLW Holdings; File No. 39-MC-OPA62

BACKGROUND:

HGLW Holdings Inc. has applied to amend the Middlesex Centre Official Plan for a property located at 708 and 714 Gideon Drive (County Road 3). Amendment No. 62 would re-designate the eight-hectare (20 acre) property from an 'Agricultural' designation to an 'Agricultural Special Policy Area #43' designation to permit recreational uses and a medical clinic. The material submitted in support of the application indicates that the owner proposes to develop recreational uses including a community centre, accessory uses such as offices and a restaurant within the community centre, and a medical clinic.

The subject lands have an existing 'Parks and Recreation (PR)' zoning in the Middlesex Centre Comprehensive Zoning By-law. The property was previously used for and contained buildings and facilities related to tennis and racquet courts, sports fields, a dwelling, etc. In addition to Amendment No. 62, locally the proposal has been subject to a zoning by-law amendment to expand the permitted uses to include a clinic, restaurant, offices (professional) and store (retail) in addition to the existing uses within the Parks and Recreation zone. The zoning by-law amendment is not before County Council and is subject to an Ontario Land Tribunal appeal.

The property has frontage on Gideon Drive (County Road 3) and the surrounding land uses are primarily rural residential, agricultural and conservation (the Komoka Provincial Park is across the road). The submitted material indicates that partial services are the likely means of servicing the site, with individual on-site sewage services and municipal water services.

County Council is the Provincially delegated Approval Authority for locally adopted official plan amendments. This report summarizes the planning policy context and provides a planning recommendation for Council from the perspective of the Approval Authority. More detailed local planning analysis, as provided to Middlesex Centre Council, is provided within the attached local planning report. Additionally, a location map, a copy of

Amendment No. 62, recommended modifications, and correspondence received by the County concerning the Amendment are appended to this report. This report recommends approval of Amendment No. 62 subject to modification.

ANALYSIS:

The application was submitted to the Municipality in March 2023, and Amendment No. 62 was adopted by Middlesex Centre Council in May 2023. Subsequently, it was submitted to the County as the Approval Authority, and an agency / ministry circulation was undertaken. In response to the County's circulation, the City of London indicated no comment and the Upper Thames River Conservation Authority have not identified concerns.

The Ministry of the Environment, Conservation and Parks (MECP) provided technical guidance for the County's consideration as it pertains to MECP mandate, the Provincial Policy Statement, and associated guidelines. The proposal's proximity to the Komoka Provincial Park was acknowledged, emphasizing the park's role in safeguarding provincially significant aspects of Ontario's natural heritage. Furthermore, several considerations for future site plan control were highlighted, such as recommended turning lanes, mitigation of light pollution, and the applicant's responsibilities in ensuring compliance with Species at Risk legislation. Additionally, it was noted that in the event of municipal water servicing expansion in this vicinity, there would be interest from Ontario Parks in exploring a potential connection. Information regarding servicing policy, which will be elaborated upon below, was also provided.

During the local municipal process, the proposal garnered substantial public feedback, with concerns falling into several categories. These included reservations about introducing a medical clinic and commercial uses, questions regarding the proposal's scale, its compatibility with the surrounding area, and its compliance with planning policies. Additionally, issues concerning servicing were raised, along with the proposal's alignment with the Middlesex Centre strategic plan and whether it should be located within a settlement area. Traffic impacts, the demonstrated need for the project, its potential influence on the nearby Komoka Provincial Park, and its impact on agriculture were also concerns raised.

The public concerns were not resolved during the local municipal process and the County has received correspondence (attached) concerning this proposal including a letter from the Middlesex Federation of Agriculture indicating opposition to the proposal and identifying concerns related to agricultural, traffic and drainage impacts. They advised that "While this parcel is currently available for this project, a more suitable property could come available in the future.". It is noted that some of the public correspondence received by the County was not submitted to the Municipality prior to the local decision. However, the underlying themes of the material submitted to the County and to the Municipality appear to be consistent and as summarized above. It is important to note that several of

the public concerns relate to zoning and ultimately site plan matters that are not before the County for approval.

Provincial Policy Statement

The Provincial Policy Statement (PPS) provides direction on matters of Provincial interest and seeks to protect prime agricultural areas for long-term agricultural use. In prime agricultural areas, all types, sizes and intensities of agricultural uses and normal farm practices shall be promoted and protected. The PPS also supports opportunities for additional economic activities within the prime agricultural area and it is acknowledged that these objectives may at time compete.

Permitted uses within prime agricultural areas are agricultural uses, agriculture-related uses and on-farm diversified uses. Policy 2.3.6.1(b) of the PPS provides an additional opportunity for municipalities to consider limited non-residential and non-agricultural uses in prime agricultural areas provided impacts on surrounding agricultural operations and lands are mitigated to the extent feasible and provided the following are demonstrated: (1) the land does not comprise a specialty crop area; (2) the proposed use complies with the minimum distance separation formulae; (3) there is an identified need ... for additional land to be designated to accommodate the proposed use; and (4) alternative locations have been evaluated, and (i) there are no reasonable alternative locations which avoid prime agricultural areas; and (ii) there are no reasonable alternative locations in prime agricultural areas with lower priority agricultural lands.

County Official Plan

The County Official Plan provides land use policy direction on a broad basis by dealing with issues of Provincial and County interest. The subject lands are within the Agricultural Area designation and the purpose of this designation is to protect and strengthen the agricultural community and to protect agricultural lands from the intrusion of land uses that are not compatible with agricultural operations. Non-agricultural activities are to be closely scrutinized.

The County Plan permits public and private open space and recreation facilities subject to Policy 2.3.6.1(b) of the PPS and only permits non-agricultural uses within the Agricultural Area through an amendment to the local official plan subject to criteria. In addition, the County Plan recognizes that there are existing non-agricultural uses within the Agricultural Areas (such as this property with a 'Parks and Recreation (PR)' zoning) and generally provides support for the continuation of legally existing uses, or variations to similar uses.

Middlesex Centre Official Plan

The subject lands are within the Agricultural designation in the Middlesex Centre Official Plan. The Official Plan recognizes the importance of agricultural land and seeks to protect

and preserve land for agricultural purposes. As such, non-agricultural uses are prohibited within the Agricultural designation unless permitted subject to evaluation criteria similar to the PPS and the County Plan and subject to impacts being mitigated to the extent feasible. The Official Plan includes criteria to be satisfied during the evaluation of amendments including desirability, appropriateness, demonstration of need, compatibility, suitability, adequacy of services, and compliance with MDS.

Planning Commentary

Agriculture is the predominant land use within the County and an important component of the economy and culture. The protection of agriculture and agricultural land therefore represent major policy directions of the PPS and the County and Municipal Official Plans. Non-agricultural activities are to be closely scrutinized and a site-specific local official plan amendment is the appropriate way to consider a proposal such as this.

The relevant planning policies are to be considered in the context of the existing 'Parks and Recreation (PR)' zoning of the property. Notably, a recreational use is presently authorized on the property irrespective of Amendment No. 62. Consequently, the planning assessment does not start from a completely blank slate concerning an agricultural property.

In this context, I am satisfied that the PPS criteria (limited non-agricultural use, not specialty crop area, MDS compliance, justified need, alternative locations, impact mitigation) have been met or can be met through the completion of subsequent local approvals. The County and Middlesex Centre official plans provide policy direction and evaluation criteria for local official plan amendments, and I am satisfied that those criteria have been met.

As noted above, the MECP provided technical guidance for the County's consideration and highlighted the servicing hierarchy of the PPS that in order prefers municipal services, private communal services, individual on-site services, and lastly partial services. Although the details of the site servicing are not before County Council, the submitted material indicates that partial services are the likely means of servicing the site, with individual on-site sewage services and municipal water services. Due to the anticipated size, the individual on-site sewage system would require MECP approval.

While municipal services are the preferred form of servicing, the servicing hierarchy does provide for other approaches. The PPS and the associated MECP Guidelines (specifically D-5 Planning for Sewage and Water Services) provide municipalities the ability to utilize local servicing approaches, including wording that states "Development on partial services (e.g. provision of municipal water services in the absence of municipal sewage services) will generally be discouraged. Local circumstances such as the existing means and quality of servicing and physical constraints to servicing will be considered in determining whether partial services may be appropriate."

As previously noted, the recreational use is presently authorized on the property; nevertheless, Amendment No. 62 acknowledges this within the municipal official plan. In addition to this, Amendment No. 62 would permit a 'medical clinic' on the site. It is recommended that Amendment No. 62 be modified by adding the word "accessory" in relation to the medical clinic to clarify that the primary use of the lands is to be recreational with an accessory medical clinic. This recommended modification has been reviewed with Municipal Administration and they are in agreement.

From the perspective of the County and its role as the Approval Authority, it is my opinion that the principle of the land use at this location is acceptable and that it is sufficient for the County to rely on the Municipality to, through zoning, site plan control, and the extension of municipal services, regulate the details of the site.

Conclusion



I have reviewed Amendment No. 62 against the PPS, the County Official Plan, and the Middlesex Centre Official Plan. I am satisfied that Amendment No. 62 subject to recommended modification has regard for matters of provincial interest, is consistent with the PPS, conforms to the intent and purpose of the County's Official Plan and the adopted Middlesex Centre Official Plan, and represents sound land use planning. I am therefore recommending approval of Official Plan Amendment No. 62 subject to modification.

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.

ALIGNMENT WITH STRATEGIC FOCUS:

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

Strategic Focus	Goals	Objectives
Cultivating Community Vitality 	Advance a diverse, healthy, and engaged community across Middlesex County	<ul style="list-style-type: none">• Promote and support community wellness
Strengthening Our Economy 	Encourage a diverse and robust economic base throughout the county	<ul style="list-style-type: none">• Create an environment that enables the attraction and retention of businesses, talent, and investments• Attract visitors to Middlesex County

RECOMMENDATION:

THAT Amendment No. 62 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 all written submissions were considered the effect of which helped to make an informed recommendation and decision.