

MUNICIPALITY OF NORTH MIDDLESEX
FIVE YEAR OFFICIAL PLAN REVIEW

FINAL ISSUES REPORT
September 2009

1.0 INTRODUCTION

The Official Plan for the Municipality of North Middlesex was adopted by North Middlesex Council on 23 June 2003 and approved by the County of Middlesex on 9 March 2004. The County issued subsequent approvals on 16 September 2004 further to Amendment No. 2 to the West Williams Official Plan and on 13 September 2005 relative to the Nairn Special Policies (Section 5.1.3.1 of the official plan). The latter subsequent approval also modified Schedule “A” Land Use (Rural) to change the applicable Community Settlement Area land use designation boundaries and to incorporate a new land use schedule entitled “Schedule “A3-1” Nairn Development Concept.

Amendment No. 1 to the North Middlesex Official Plan approved by the County on 11 January 2005 was a site-specific amendment applicable to lands located in the general vicinity of the northeast intersection of Bear Creek Road and Petty Street.

Amendment No. 2 to the North Middlesex Official Plan approved by the County on 12 February 2008 added policies to the plan pertaining to the development of domestic and commercial wind energy facilities.

Otherwise, the Municipality has enacted no official plan amendments and has received no proposals to amend the plan.

Under Section 26 of the Planning Act, the Council of a municipality shall not less frequently than every five years after the official plan comes into effect revise the plan to ensure that it has regard to matters of provincial interest and is consistent with policy statements issued under the Act. As well, the plan is to be revised if it contains policies dealing with areas of employment including policies dealing with the removal of land from areas of employment to ensure that those policies are confirmed or amended.

The current Provincial Policy Statement (PPS) came into effect on 5 March 2005 after the approval of the North Middlesex Official Plan. The Middlesex County Official Plan was subsequently amended by Official Plan Amendment No. 1 in order to ensure conformity of the County plan with the PPS as well as other reports available since its approval in 1999. Following the new PPS, Bill 51 “An Act to amend the Planning Act and the Conservation Land Act and to make amendments to other Acts” was proclaimed on 2 January 2007. The Planning Act requires that decisions of Councils and others in respect of the exercise of any authority that affects a planning matter shall be consistent with the policy statements issued under the Act.

Accordingly, North Middlesex Council directed in February 2009 that a five year review be undertaken to its official plan and that an Issues Report be prepared to determine whether revisions were necessary. In addition, Council requested that the County constitute a Technical Review Committee (TRC) to consist of relevant provincial ministries (Agriculture, Food and Rural Affairs (OMAFRA), Culture (MCL), Environment (MOE), Municipal Affairs and Housing (MMAH), Natural Resources (MNR), and Transportation (MTO)), local agency representatives (Ausable Bayfield Conservation Authority (ABCA)) and the County for the purpose of reviewing the Issues Report and expediting the eventual approval of the official plan amendment which would implement the five year review.

This report is organized as follows:

- 1.0 Introduction
- 2.0 Overview
- 3.0 Agricultural/Rural Issues
- 4.0 Housing
- 5.0 Settlement Areas
- 6.0 Special Policy Areas
- 7.0 Municipal Servicing
- 8.0 Environmental Policies
- 9.0 Cultural Heritage Policies
- 10.0 Administrative Issues
- 11.0 Recommendations

The Draft Issues Report was considered by Committee of Council on 20 April 2009 and the following motion was passed:

That the Draft Issues Report dated April 2009 regarding the Five Year Official Plan Review for the Municipality of North Middlesex, as presented by Municipal Planner Barbara Rosser, be received and accepted and that it be forwarded to County of Middlesex Technical Review Committee for their consideration.

Accordingly, the Draft Issues Report was forwarded to the County for provision to MMAH to be distributed to the members of the TRC. Prior to the TRC meeting of 24 June 2009, correspondence was received from OMAFRA (4 June 2009), MNR (22 June 2009) and MMAH (1 June 2009), which also included input from MOE and MTO. Subsequent to the TRC meeting, additional information was provided by OMAFRA, MCL, MMAH and MNR. In addition, a meeting took place with the TRC's ABCA representative on 11 June 2009 concerning the report.

This report references where appropriate the input received from the members of the TRC. The detail of some TRC input will be addressed in the official plan amendment implementing the official plan review.

It should be noted that correspondence to Indian and Northern Affairs Canada and the Ministry of Aboriginal Affairs concerning First Nations consultation was initiated in July 2009.

2.0 OVERVIEW

Since the approval of the official plan in 2003, land use patterns and development activity in North Middlesex have been fairly static. Parkhill and Ailsa Craig, which are designated by the plan as the Municipality's Urban Settlement Areas, continue to be the Municipality's main settlement areas and to offer the greatest range of small urban type services. Nairn, which is the other significant settlement area, offers a narrower range of services and is designated as Community Settlement Area. Since 2003, full municipal services, i.e., both sanitary sewer and improved public water supply, have been extended to Nairn. This project also entailed the upgrading of the Ailsa Craig Sewage Treatment Plant to provide additional capacity and better treatment of effluent. Parkhill and Ailsa Craig have had full municipal services for many years.

Parkhill is the most populated of the settlement areas at approximately 1800 people whereas Ailsa Craig and Nairn have approximate populations of 1000 and 350 respectively. Being located closer to London, Ailsa Craig and Nairn have experienced the most residential growth and pressure for development as commuters sought alternative residential options over the past decade. Parkhill is located at a greater distance from London and, where residential development is concerned, has been in competition with Lake Huron communities.

2.1 Population Growth

Population growth in North Middlesex over the last number of decades is summarized in the following table:

North Middlesex
Population: 1986 – 2006

Year	Total Population	Net Increase	Percent Increase
1981	6186		
1986	6160	- 26	- 0.4
1991	6609	+ 449	+ 6.8
1996	6978	+ 369	+ 5.3
2001	6901	- 77	- 1.1
2006	6740	- 161	- 2.4

Source: Statistics Canada, Census of Population, 1981 – 2006.

Note: population totals for 1981 – 1996 were derived from adding total populations of the former municipalities of Ailsa Craig, Parkhill, East Williams, McGillivray and West Williams.

The large increases in population, which occurred in 1991 and 1996, were probably the result of increases in the early 1990s in Parkhill as a result of significant residential development on existing infilling lots, as well as growth in Nairn (East Williams) and McGillivray. Most growth in North Middlesex in the mid 1990s was probably reflective of growth that occurred in Ailsa Craig primarily in the form of new plan of subdivision development. Ailsa Craig has continued to grow up to the present as a plan of subdivision is built out. Growth in Ailsa Craig, Nairn and Parkhill likely helped to offset depopulation in the rural parts of the Municipality.

Despite its recent declining population, a total increase of 554 people has occurred over the past 25 years and average household size has remained at approximately 2.9 persons per household (Statistics Canada, Census of Population, 1996 – 2006). The recent decline is primarily related to a reduced number of households.

In 2006, the median age of the population in North Middlesex at 39.8 is consistent with the province at 39.0 although there was a slightly higher percentage of the population aged 15 and over at 79.2 versus the province at 81.8 (Statistics Canada, Census of Population 2006).

2.2 Population Projections

The North Middlesex Official Plan is based upon a 20-year planning period from 2003 to 2022 and a 20-year population target of approximately 7600, which was based upon past trends and the population projections available at the time in the Middlesex County Official Plan. This represents a total increase of approximately 700 people based upon modest annual growth of 0.5% for a total of 9% over 20 years.

At the time of the five-year review of the County plan, revised population projections were prepared and the high growth scenario option was adopted by County Council. This scenario would result in total growth in the County over 20 years from 2006 to 2026 of 17,844 people or 20% at a rate of approximately 1% per year. The County's projection for North Middlesex is growth to a population of 7370 by 2026 comprising total growth of 222 persons or 3% at an annual rate of 0.5% or 10 people per year, similar to the North Middlesex Official Plan projection. It is apparent that projections for the County as a whole assume that growth elsewhere will offset slower or negative growth in other parts of the County. There is no doubt that the unexpected economic downturn in late 2008 and 2009 will impact negatively upon growth everywhere and, as a result, expected population growth may not transpire in the short term.

Despite the fact that growth in North Middlesex has not occurred at the rate assumed by the official plan to date, it is thought that the projection of 7600 should be maintained. Up to the present, there has been an adequate supply of lots in London and outlying areas closer to the city in Middlesex Centre, Strathroy-Caradoc and Lucan-Biddulph where there have also been interested developers. It is anticipated that over the next decade there could be interest shown in the development of an existing draft approved plan of subdivision in Ailsa Craig and a finally approved subdivision in Parkhill. In addition,

development of lands designated for growth to the south of Nairn, which now have the benefit of full municipal services, could be pursued.

2.3 Development Activity

Since 2003, the Municipality of North Middlesex has experienced little development activity.

In terms of severances, of a total of 18 consents granted over this period the majority of severance activity at 9 has been in the form of farm splits, i.e. 40 hectare severances, followed by residential (urban or hamlet) severances at 5. The remainder (4) is either commercial or industrial or non-farm residential. Residential lots were located in Parkhill (3) and Hungry Hollow and West McGillivray (both hamlet settlement areas).

However, a total of 107 building permits have been issued for 71 new dwellings and 36 replacement dwellings (source: 2003 – 2008 building permit records, North Middlesex). The most new home building permits have been issued in the areas of Ailsa Craig (16), Parkhill (14) and East Williams (12) with the most replacement construction occurring in the area of McGillivray (15). On average, 15 building permits for new construction have been issued annually with about a third being for construction in Ailsa Craig and Parkhill.

No applications for residential plan of subdivision development have been received since 2003. In Parkhill, development has yet to proceed on a subdivision finally approved in

1995 consisting of 25 lots. Some off site servicing is necessary in order for that subdivision to proceed. The Mill Street subdivision of 9 residential lots was draft approved in 1990 but has also not developed. The County has revoked one draft plan approval in Parkhill.

The Meadowgate subdivision in Ailsa Craig consists of 43 lots and 2 severed lots with a total of 8 vacant lots remaining. Otherwise, the Twynstra subdivision (39T-90027) of 91 residential lots draft approved in 1991 has not proceeded to date.

There is also a draft approved plan of subdivision in the Hamlet Settlement Area of Sylvan consisting of 13 single detached lots. As will be noted in Section 6.6, there is a draft approved condominium plan comprising 11 units in the former West Williams Township which is the process of re-design.

Vacant lands designated for Residential development are located in Ailsa Craig and Nairn (157 potential residential units)(source: Environmental Study Report, Ailsa Craig/Nairn WWTP upgrade, KMK Consultants, 2005) excluding the Twynstra subdivision as well as Parkhill where approximately 290 potential residential units exist excluding the Merritt subdivision (source: Development Charges By-law Study, Watson & Associates, Dillon Consulting, 2009).

In terms of commercial development, however, there has been significant renovation and redevelopment on Parkhill Main Street since 2003. New boutique-type retail and service commercial uses have opened in formerly vacant commercial floor space with the effect that, although some vacant commercial space remains, it has been reduced within the former Town's traditional downtown. The North Middlesex Official Plan extended the Central Area designation for several blocks north along both sides of Parkhill Drive but this area remains primarily residential. In addition, the official plan established the south side of King Street in Parkhill between Main and Ann Streets as the Parkhill King Street special policy area to allow for residential uses on the ground floor of the existing two and three storey commercial buildings (see Section 6.3). This policy was reflected in a corresponding special zoning in 2004 with the result that some formerly vacant main floor space has been converted to residential use.

Little vacant commercial floor space exists in Ailsa Craig. The Central Area designation was also extended easterly along Ailsa Craig Main Street but these areas remain primarily residential.

The emphasis of current official plan policy is that the traditional downtowns of Parkhill and Ailsa Craig, which are designated as Central Area, shall be the main location of retail development. However, in 2008 the Municipality passed a site-specific zoning by-law amendment to allow a retail store on property located on the southern periphery of the former Town where the Employment Area designation applies. This development has yet to proceed. Following approval of the official plan, one new commercial use developed in this area.

Industrially, there remain large vacant areas of land in Parkhill and Ailsa Craig. In Parkhill, areas designated as Industrial are in the northwest corner of the former Town and along King Street west (see Schedule "A1" Parkhill Urban Settlement Area). The former area is vacant while the latter accommodates several industrial uses. As above noted, there is a large area designated as Employment Area in the southern portion of the Parkhill. This designation is a mixed commercial and industrial designation, which has yet to undergo significant development.

In Ailsa Craig, there is a large Industrial area, which is partially utilized at present on the north side of Ailsa Craig Main Street.

In addition, North Middlesex has had proposals for wind farm development. In response, the Municipality adopted Official Plan Amendment No. 2 (OPA 2) in 2007 to incorporate within the plan a policy context appropriate to this form of development. The County of Middlesex approved OPA 2 on 12 February 2008. New zoning regulations were also developed and came into effect with approval of OPA 2. Neither of the proposals has proceeded with development to date.

2.4 Residential Inventory

The following table has been prepared as an indication of potential residential development within the Municipality:

	Number of Residential Units	Associated Population Increase (1)
2006	2,305	6,740
2007	8 new residential building permits	23
2008	5 new residential building permits	15
Residential units in draft approved plans of subdivision	157	455
Potential residential units on vacant lands designated for Residential development	442	1282
Total	599	1737

(1) increase after 2006 assumes 2.9 persons per household

Source: Statistics Canada, Census of Population 2006; building permit records and subdivision files, Municipality of North Middlesex.

2.5 Conclusion

As noted, since 2003 there has been very little change in the Municipality of North Middlesex except where commercial development is concerned in the Parkhill downtown. Some vacant residential lots remain in Ailsa Craig.

3.0 AGRICULTURAL/RURAL ISSUES

3.1 Background

The predominant land use and economic activity in the Municipality of North Middlesex is agricultural, reflective of its generally high capability soils for agricultural production. Canada Land Inventory land capability for agriculture mapping indicates that soils in North Middlesex are classified as primarily Class 1 (soils in this category have no significant limitations in use for crops) and with some Class 2 (soils in this class have moderate limitations that restrict the range of crops or require moderate conservation practices). The total area of farms is extensive in the Municipality (approximately

51,874 hectares or 91% of the total land base) (2006 Census of Agriculture) with the remainder being land within settlement areas or lands within wetlands, forests, or valley lands of the Ausable River or its tributaries. Approximately 86% of total farmland is cultivated. The top five crops in North Middlesex in 2006 were soybeans, corn for grain, winter wheat, alfalfa and alfalfa mixtures and other dry beans.

Agriculture provides employment for 20% of the labour force in North Middlesex compared to 3% provincially according to the 2006 census. However, the total land area of farms at 51,874 hectares in 2006 is a decline from 54,469 hectares in 2001. Similarly, total cattle and calves declined from 91,446 in 2001 to 44,184 in 2006 with total pigs declining from 281,677 to 123,706 over the same period. These trends are primarily the result of instability in both markets during this period. There have been 22 new livestock facilities constructed and 27 expansions to existing livestock facilities in North Middlesex over the period from 2003 up to and including 2008 (source: building permit records, Municipality of North Middlesex). Although these industries have experienced significant upheaval during this period, the Municipality continues to offer a land use environment that is sufficiently flexible to allow for the construction of new facilities in accordance with minimum distance separation requirements. This is largely the result of little in the way of non-farm residential existing within the rural areas of the Municipality.

The protection of agriculture as the Municipality's key economic activity was carried forward from the official plans of the former Townships of McGillivray, East Williams and West Williams into the North Middlesex Official Plan. Within its planning horizon to 2023, the protection and promotion of agriculture should be an ongoing priority. The policy context of the North Middlesex Official Plan has been effective in protection of the rural areas of the Municipality for agricultural purposes and it is essential that this focus be maintained.

There has been no indication from the public or any agency since the local adoption of the plan that current policies are not effective in protecting and promoting agricultural land use including livestock production. However, since adoption in 2003, the new Provincial Policy Statement 2005 (PPS) came into effect and the Official Plan for the County of Middlesex was amended in 2006 as part of its five-year review (Official Plan Amendment No. 1). Therefore, the policies of the plan pertaining to Agricultural/Rural planning must be reviewed to determine their effectiveness in continuing to support agriculture and to ensure consistency with the PPS and the Middlesex County Official Plan.

3.2 Provincial Policy Statement (PPS)

The PPS indicates that prime agricultural areas, defined as specialty crop areas followed by Classes 1, 2 and 3 soils) shall be protected for long-term use for agriculture. Virtually all lands outside of settlement areas in North Middlesex would be considered as prime agricultural areas. Permitted uses within prime agricultural areas include all types, sizes and intensities of agricultural uses, secondary uses and agriculture-related uses. New

land uses, which include the creation of lots and new or expanding livestock facilities, shall comply with the minimum distance separation formulae. The objective of the formulae is to minimize nuisance complaints due to odour and thereby reduce potential land use conflicts. Minimum Distance Separation I (MDS I) applies where non-farm development is proposed in proximity to livestock operations whereas Minimum Distance Separation II (MDS II) applies where new livestock operations or expansions to existing livestock operations are proposed.

The policy of the PPS with regard to lot creation and adjustments is permissive of severances for the following purposes:

- a) agricultural uses, provided that the lots are of a size appropriate for the type of agricultural uses(s) common in the area and are sufficiently large to maintain flexibility for future changes in the type or size of agricultural operations;
- b) agriculture-related uses, provided that any new lot will be limited to a minimum size needed to accommodate the use and appropriate sewage and water services;
- c) a residence surplus to a farming operation as a result of farm consolidation, provided that the planning authority ensure that new residential dwellings are prohibited on any vacant remnant parcel of farmland created by the severance. The approach used to ensure that no new residential dwellings are permitted on the remnant parcel may be recommended by the Province, or based on municipal approaches which achieve the same objective; and
- d) infrastructure, where the facility or corridor cannot be accommodated through the use of easements or rights-of-way.(Section 2.3.4)

The PPS defines a residence surplus to a farming operation as meaning an existing farm residence that is rendered surplus as a result of farm consolidation (the acquisition of additional farm parcels to be operated as one farm operation). While the wording of the PPS surplus residence policy is permissive, municipalities may take the approach considered to be appropriate to meet local needs and may be more restrictive but not more permissive than the minimum standards of the PPS.

In addition, the PPS permits lots adjustments in prime agricultural areas for legal or technical reasons.

3.3 Middlesex County Official Plan

The Official Plan for the County of Middlesex recognizes that agriculture is the predominant land use and economic mainstay in the County. Accordingly, the protection of the farming community and agricultural land represent major thrusts in the policies of the plan. Lands designated as Agricultural Areas comprise the vast majority of lands within the County. It is the policy of the plan that permitted uses within Agricultural Areas shall include:

agricultural and related uses;
 up to two farm residences provided the second farm residence is a temporary residential unit;
 forestry uses;
 mineral aggregate and petroleum extraction;
 conservation;
 public and private open space and recreation facilities;
 home occupation;
 occasional agricultural demonstration events such as a plowing match;
 retail stands for the sale of agricultural products produced on the farm unit upon the retail stand is located;
 bed and breakfast establishments; and
 farm related commercial and industrial uses in accordance with the plan's policies relative to this use. (Section 3.3.3)

The Agricultural Areas severance policies of the county plan are as follows:

- a) *Consent to sever a residence surplus to a farming operation as a result of farm consolidation may be permitted, provided the residence was built prior to January 1, 1999 and provided that new residential dwellings are prohibited on any vacant remnant parcel of farmland created by the severance;*
- b) *Consents involving minor boundary adjustments shall be considered provided that non-viable farm parcels are not created and agricultural activities are not adversely affected;*
- c) *Consents for new farm lots shall generally not be considered where the result is the creation of a farm lot less than a typical township lot of about 40 hectares. Consents for the creation of new farm lots shall be considered where both the size of the lands being severed and the lands being retained are appropriate to:*
 1. *the type of agriculture being engaged in or proposed to be engaged in; and*
 2. *the type of agricultural activity and farm lot size common in the area. In general, farm lot size shall be sufficiently large to create large continuous farming blocks and to maintain flexibility to adapt to future changes in agriculture and to avoid the unwarranted fragmentation of farmland. A minimum farm lot size shall be established in the Zoning By-laws of the local Municipalities;*
- d) *Consents for agriculture-related commercial and industrial uses shall be considered when the commercial or industrial use, due to its nature, must be located in close proximity to the agricultural operations which it serves;*
- e) *Consents will not be considered on land located within 300 metres of an active sand, gravel or quarry operation or open pit mining operation;*
- f) *The creation of a lot for farm retirement purposes shall not be permitted; and*
- g) *Consents for residential infilling purposes shall not be permitted. Section 4.5.3.4)*

Under the Planning Act and County policy, local official plans are to conform with the County plan. However, similar to the PPS, the County plan's policies are to be considered as minimum standards and municipalities may elect not to adopt those policies of the plan determined to be inappropriate for the local context or to adopt more restrictive policy.

3.4 North Middlesex Official Plan

Section 6.0 of the North Middlesex Official Plan contains policies pertaining to the Rural Area of the municipality including the Urban Reserve Area, Agricultural Area, Restricted Agricultural Area, and Resource Extraction Area land use designations as depicted on Schedule "A" Land Use (Rural Area) to the plan. These designations are located within the Agricultural Area designation of the Middlesex County Official Plan.

The introductory sentences to Section 6.2 General Policies reflects the key importance of agriculture as the predominant land use and economic activity in North Middlesex: "The Municipality is committed to agricultural production as both an industry and a way of life. This Plan strives to protect and strengthen the agricultural community."

Sections 6.3 and 6.5 list the permitted uses within the Urban Reserve and the Restricted Agricultural designations respectively. The Urban Reserve designation applies on the periphery of Ailsa Craig and Parkhill, which, as noted, are the Municipality's two urban settlement areas, as well as along the corridor from Ailsa Craig to Nairn along Middlesex County Road No. 19 which is also the location of the sanitary sewer force main between Ailsa Craig and Nairn. Provision was made in the force main design to accommodate possible future connections within this area.

The intention is for Urban Reserve Areas to be the direction of future, long term growth and expansion of the Settlement Areas and, as a result, the range of permitted uses is very limited. These designations are not permissive of livestock operations with the intention of reducing the potential for conflict with non-farm uses of the settlement areas. The Urban Reserve policies include a provision for development of an existing vacant lot of record or a new infill lot for residential use subject to the following criteria:

Consents for residential infilling shall only be considered where a residential lot is proposed to be created between two existing non-farm residences which are on separated lots of a similar size and which are situated on the same side of a road, and which are not more than about 100 metres apart, and where the side lot lines of the said separated lots are not more than approximately 50 metres apart .((Section 6.3.2 c))

The Restricted Agricultural Areas surround the several Hamlet Settlement Areas within the Municipality as well as the Community Settlement Area of Nairn. There is no provision for residential infilling or other consents although development on existing vacant lots of record would be permitted as well as uses not permitted within the other Agricultural designations and not appropriate within Urban or Community Settlement Areas. Confinement or intensive livestock uses are prohibited.

Section 6.4 contains the plans Agricultural Area policies. A wide range of uses is permitted with the primary use being farming, agriculture and agriculturally related uses. Non-farm related rural residential development is expressly prohibited including new estate residential development, new rural residential development that is not a component of the farm unit new “themed”, comprehensive or lifestyle communities, new mobile home or trailer parks and new farm retirement or “next of kin” lots.

The Agricultural Area policies stipulate that the severance of parcels of land of less than 40 hectares shall generally not be permitted. In addition, there is a policy that in no instance shall an original township lot be divided into more than two parcels of land except in the case of a township lot that may have been severed for public purposes, i.e., a school or church lot, road widening or minor lot line adjustment. There is no policy enabling the severance of a house surplus to a farming operation as the result of farm consolidation. However, consents may be permitted for the purpose of making lot boundary corrections and for the granting of easements, conveyances and consolidations provided that they are administrative or minor in nature.

Compliance with the minimum distance formulae is required in the Urban Reserve Area, Agricultural Area and Restricted Agricultural Area designations.

Under Section 6.4.2 j) of the official plan, new or expanding livestock operations are subject to site plan control under Section 41 of the Planning Act. Council subsequently made the determination that site plan control should only apply in the case of a new operation or an increase in capacity (see Council motion of 11 October 2005).

3.5 Analysis

The existing policy framework applicable to the Urban Reserve Area, Agricultural Area and Restricted Agricultural Area designations either meet or exceed the policies of the PPS and the Middlesex County Official Plan. The exception is the policy of the Urban Reserve Area designation which is permissive of residential infilling reflective of the previous PPS and the Middlesex County policy previous to its five year review in 2006. Therefore, this policy should be deleted.

With regard to the Urban Reserve Area and the Restricted Agricultural designations, it is acknowledged that an alternative approach would be for the official plan (and subsequent zoning by-law) to rely solely upon MDS II to ensure that new or expanding livestock uses are not developed in the vicinity of settlement, community settlement or hamlet areas. The current approach is intended to be a clear indication to the public of areas where some measure of urban growth might be anticipated over the long term and to prevent land use conflict between future urban development and livestock uses. In theory, application of MDS II alone should be sufficient to ensure that conflict does not occur. However, the possibility of variances under the Planning Act to the MDS II distances and the lack of public information should these designations be eliminated from the official plan would be definite obstacles to effective long term planning of these areas.

Since its amalgamation in 2001, there have been inquiries from a small number of property owners in the rural area of North Middlesex as to possible severance of houses surplus to property owners' needs. None of the previous official plans applicable to the rural areas of North Middlesex (McGillivray, East Williams and West Williams) contained policy permissive of the severance of surplus houses. No inquiries were followed by applications for official plan amendment to allow the proposals to be duly considered. However, the five-year review process allows for this issue to be given consideration.

In rural areas, houses surplus to a farm operation are normally either rented to a tenant or demolished. For a municipality, demolition represents both a financial loss in terms of its assessment base and a possible loss in population. For a farmer, rental of a dwelling can be an inconvenience and of little financial advantage whereas disposal of the dwelling by severance could be a financial advantage and make the acquisition of additional land holdings feasible.

However, there is also strong argument against surplus house severances including that under the PPS and County policy there must be a prohibition of a new dwelling on the farmland being retained. Further to County policy, this occurs by way of special zoning on the retained land effectively meaning that there may be no net gain in housing stock. In addition, surplus houses are non-farm in nature and, as a result, the potential for land use conflict and complaint in rural areas would be increased. Moreover, prohibitive zoning of the retained portion could be challenged in the future which, if successful, would result in those parcels being valued as residential properties and further increasing the potential for conflict. The possibility of additional non-farm dwellings in the rural area has the potential to impact on new and expanding livestock uses where MDS II is concerned. This is particularly applicable in North Middlesex where the health of the agricultural economy has been directly related to the positive environment for the livestock industry. In fact, demolition of a surplus dwelling can represent removal of a constraint where MDS II is concerned. It can be argued that rural de-population is such a longstanding trend in Ontario that severance of surplus dwellings cannot be expected to have any discernible impact.

In Middlesex County, it is understood that municipalities are currently evenly split on surplus house severance policy. Permissive official plans include those of Southwest Middlesex, Lucan-Biddulph and Strathroy-Caradoc. Prohibitive official plans include those of Adelaide Metcalfe, Middlesex Centre and North Middlesex.

It is concluded that the advantages of surplus house severances are outweighed by the disadvantages at the current time. This is particularly so given the nature of agriculture in North Middlesex which has a heavy reliance on livestock production. In addition, there has been relatively little interest in surplus house severances from the public since amalgamation (and no official plan amendment applications). Therefore, it appears that the current policy context should be maintained.

With regard to site plan control for new and expanding livestock operations, Council received a staff report in 2008 which set out pros and cons on this issue. It was acknowledged that site plan control represents an added expense (application fees and survey costs) as well as slightly longer approval times (3 to 4 weeks) for the landowner. However, significant advantages were identified for the municipality including validation of all municipally and agency required information and site information, notice to potential purchasers, easier court enforcement, reduced staff time on future permits, etc. Probably most important, it was determined that site plan control is a process that ensures the facilities, works and matters required under a Nutrient Management Strategy (NMS) or Plan (NMP) are completed and maintained. In addition, it was acknowledged that although nutrient management is quite intensive and detailed it does not normally encompass all of the aspects of site plan control, e.g., grading and elevations or interference with subsurface drainage. Further, it is understood that there is little follow up at the present time by the Ontario Ministry of Agriculture, Food and Rural Affairs once a project is completed.

However, Council has directed that the official plan policy applying site plan control to new or expanding livestock operations should be removed from the plan on the basis that it can represent an onerous expense to farmers.

With regard to the minimum distance formulae, options are available to municipalities to alter the application of MDS I and MDS II. However, it is believed that the current application of both formulae is consistent with the overall focus of current official plan policies.

3.6 Recommendation

It is therefore recommended that the Municipality continue to prohibit surplus farm dwelling severances and that Section 6.4.2 j) of the North Middlesex Official Plan be deleted in accordance with Council's directive in that regard.

HOUSING

4.1 Background

Typical of many largely rural municipalities in Ontario, housing in North Middlesex is primarily (93.7%) single detached in type according to the 2006 Census. Of the 2,305 total private dwellings within the Municipality in 2006, 1,975 or 86% were owned with 330 or 14% being rented. The average value of owned dwellings in North Middlesex was \$234,573 in 2006 compared with \$297,479 provincially. Close to 80% of dwellings were constructed before 1986 with 21% being constructed between 1986 and 2006, which compares with 31% in the province. These statistics are reflective of the continued slow rate of development (see Section 2.3) within North Middlesex. The high proportion of single detached dwellings reflects an under-representation of higher density (multi-unit) forms of housing that may cater more readily to lower income groups, e.g., those on fixed or otherwise limited household incomes.

Planned development that is within approved or draft approved plans of subdivision is all single detached in nature so it can be anticipated that currently prevailing housing type and tenure is likely to continue.

4.2 Provincial Policy Statement (PPS)

Section 1.4 Housing of the PPS encourages a range of housing types and densities in order to meet the current and projected needs of the community. Specifically, planning authorities shall:

- a) *maintain at all times the ability to accommodate residential growth for a minimum of 10 years through residential intensification and redevelopment and, if necessary, lands which are designated and available for residential development; and*
- b) *maintain at all times where new development is to occur, land with servicing capacity sufficient to provide at least a 3 year supply of residential units available through lands suitably zoned to facilitate residential intensification and redevelopment, and land in draft approved and registered plans. (Section 1.4.1)*

Under Section 1.4.2, the PPS requires that the land and housing unit supply maintained by a lower-tier municipality shall be based on and reflect the corresponding allocation, in the case of North Middlesex, by the County of Middlesex.

Section 1.4.3 requires that planning authorities shall provide for an appropriate range of housing types and densities to meet projected requirements of current and future residents of the regional market area (Middlesex County). The policy requires that the upper tier shall establish and implement minimum targets for the provision of housing affordable to low and moderate income households. In addition, planning authorities are to permit and facilitate all forms of housing required including special needs requirements, and all forms of residential intensification and redevelopment. Direction of development of new housing towards locations where appropriate levels of infrastructure and public service facilities are or will be available is emphasized. The PPS promotes densities for new housing which efficiently uses land, resources, infrastructure and public service facilities and supports the use of alternative transportation modes and public transit in areas where it exists. Development standards for residential intensification, redevelopment and new residential development are required which minimize the cost of housing and facilitate compact form while maintaining appropriate levels of public health and safety.

4.3 Middlesex County Official Plan

The Housing Policies of the Middlesex County Official Plan are contained within Section 2.3.7 thereof. These policies were amended at the time of the County's five-year review in 2006 in response to the 2005 PPS.

The policies of Section 2.3.7 encourage a wide variety of housing by type, size and tenure to meet the requirements of current and future residents of the County. Section 2.3.7 a) indicates that the County supports intensification and redevelopment, primarily within Settlement areas, and in other areas where an appropriate level of physical services is or will be available in the immediately foreseeable future. The County will require that 15 percent of all development occur by way of intensification and redevelopment. According to Appendix A Glossary of Terms of the plan, Intensification means intensification of a property, site or area at a higher density than currently exists through: a) redevelopment, including the reuse of brownfield sites; b) the development of vacant and/or underutilized lots within previously developed areas; c) infill development; d) the conversion or expansion of existing industrial, commercial and institutional buildings for residential use; and e) the conversion or expansion of existing residential buildings to create new residential units or accommodation, including accessory apartments, secondary suits and rooming houses.

The County also supports the provision of alternative forms of housing for special needs groups, where possible, the maintenance and improvement of the existing housing stock, the utilization of available programs and/or funding and housing accessible to lower and moderate income households. In particular, the County requires that 20 percent of all housing be affordable which, in the context of the County's policies, means housing for which the purchase price is at least 10 percent below the average purchase price of a resale unit in the regional market area. The benchmark purchase price figure for 2005 is \$195,845 in the Middlesex County market area but will fluctuate over time as a result of changing mortgage costs, utility rates and the vagaries of the housing market over which the County has no control. The policy is that the County will monitor the benchmark position on an annual basis. The 2007 benchmark was \$217,344 (County of Middlesex, 2009).

The County's Housing Policies also encourage local municipalities to keep a housing inventory outlining the mix of housing by type and tenure to reinforce the County's policies. Local official plans are to include appropriate criteria for intensification and redevelopment, policies to permit the conversion of larger single detached dwellings into multiple units, policies to preserve, improve, rehabilitate or redevelop older residential areas, and policies, which permit apartments in houses subject to appropriate criteria and conditions.

4.4 North Middlesex Official Plan

The General Housing Policies of the North Middlesex Official Plan are contained in Section 5.2.5 thereof and apply to the Urban and Community Settlement Areas of the Municipality, i.e., Ailsa Craig, Parkhill and Nairn. Housing is the predominant use within areas designated as Residential Area by the plan. Within this designation, a wide range of dwelling types are permitted including single detached, semi-detached, and duplex dwellings and similar low-profile residential buildings not exceeding two and a half storeys in height and two dwelling units per property ((Section 5.2.1 a)). Medium density residential uses are also permitted including triplex, fourplex, and row or block

townhouse dwellings, as well as converted dwellings containing more than two dwellings units, walk-up apartments and similar medium profile residential buildings no exceeding four storeys in height ((Section 5.2.1 b)).

As noted, the current Residential Area policies are permissive of a variety of dwelling types and densities but also reflect the predominantly single detached nature of the Municipality's settlement areas. In that respect, Section 5.2.1 c) discourages residential forms and densities that are greater than the above densities.

Section 5.2.3 is permissive of Accessory Residential Dwellings, "Granny Flats" or Garden Suites in the Residential Area land use designation subject to specific policy criteria.

Section 5.2.5 indicates that the Urban and Community Settlement Areas shall provide the mix and range of residential lot sizes and unit sizes required to satisfy the varied needs of the Municipality's existing and future residents. In this respect, infilling and intensification will be encouraged. With regard to affordability, it is indicated that Council may review the demand for moderate to low income housing by consulting with organizations that work with these target groups in the community. In addition, the policy is that Council will maintain a minimum ten-year supply of land designated for housing.

These policies were in accordance with the 1996 PPS.

4.5 Analysis

The Municipality has not been made aware that housing affordability is generally a concern in North Middlesex. However, the average owned dwelling value of \$234,573 in 2006 exceeds the County's most recent benchmark of \$217,344 which means that there may be some individuals for whom affordability is an issue. The average value could be reflective of the lack of alternative dwelling types and tenures to owned, single detached dwellings. The London Housing Corporation (LHC) has one Adult and Seniors property on Ellen Street in Parkhill consisting of 25 units. In addition, Chateau Gardens nursing home on Tain Street has 25 seniors apartments. One other primarily seniors apartment building exists on Hastings Street in Parkhill. In Ailsa Craig, Craigwiel Gardens has 47 units and has a waiting list. All buildings have waiting lists and a portion of units is rent geared to income.

While the housing needs of seniors may be met by the current supply of apartments and long-term care facilities, the needs of other low or fixed income individuals and families may be going unmet. Rentals and higher density housing is generally more affordable. The over-supply of single detached dwellings in North Middlesex, the bulk of which are owned, is likely having a negative impact upon affordability. The need for more balance in the diversity of housing forms was recognized in Parkhill at the time of its first Municipal Housing Statement in 1982 and reinforced in the subsequent Municipal Housing Statement in 1991.

While the issue of housing affordability has not been specifically addressed in North Middlesex, it can be concluded that the oversupply of single detached, owner-occupied dwellings has likely resulted in a corresponding need for affordable housing to be sought outside of the Municipality in larger centers of Middlesex County and further outside of the area. This is particularly the case for families and adults and is confirmed by London Housing Corporation staff. Overall, this represents a loss to the Municipality in terms of meeting the needs of current and future residents.

In accordance with the PPS and the County official plan, it is also important to ensure that future growth occurs at a compact form and scale to ensure that the most efficient use of the Municipality's infrastructure. This is particularly evident in the southwest portion of Parkhill where development by severance has resulted in estate-sized residential lots which, while not unusual on the periphery of a settlement area, must not dictate the future pattern of development.

4.6 Recommendation

It is concluded that, while the existing housing policies of the North Middlesex Official Plan are appropriate to encourage a range of housing types and tenures to meet the community's needs, there is a need to expand on current policies to meet the requirements of the PPS and the Middlesex County Official Plan. In particular, policy needs to be developed to address the redevelopment, intensification and affordable housing targets objectives.

It is recommended that the residential policies of the Official Plan be amended to include additional policies which outline redevelopment, intensification and affordable housing targets in consultation with the County of Middlesex.

5.0 SETTLEMENT AREAS

5.1 Background

As has been noted, Ailsa Craig and Parkhill are the two Urban Settlement Areas in North Middlesex. These areas provide the greatest range of consumer (retail and other services), producer (financial and office) and public (governmental) services within the Municipality. Parkhill provides the majority of public services including the Northwest Middlesex Multi Service Centre, North Middlesex District High School and two elementary schools, the Municipality of North Middlesex Main Office, and the North Middlesex Arena. The Municipality also contributes towards the Lucan Memorial Arena in the Municipality of Lucan-Biddulph.

Nairn is designated as the Municipality's only Community Settlement Area. It is primarily a residential area but also contains the East Williams Memorial School, which is an elementary school that serves all of the former Township of East Williams including Nairn as well as the former Village of Ailsa Craig. Nairn experienced a relatively large amount of growth in the 1980s and was the subject of a series of Ontario Municipal Board hearings (see Section 6.2) beginning in 1995 and culminating in 2003 as well as

the Nairn Secondary Plan related to a developer's proposal for extensive further development of the area. The County issued its further approval of the North Middlesex Official Plan in 2005 relative to Amendment No. 2 to the East Williams Official Plan, which set out the south as the preferred direction of future growth of Nairn and the applicable policy context. Sanitary sewer service was subsequently extended to Nairn so that it has the benefit of full municipal services. One building permit for new residential construction was issued since the official plan.

However, no development applications have been submitted and one existing vacant lot remains in Nairn.

Since the approval of the North Middlesex Official Plan there has been no major development activity within Ailsa Craig, Parkhill or Nairn to warrant boundary expansions or changes to land use designations.

As also noted, the Municipality also contains several small Hamlet Settlement Areas, which are designated on Schedule "A". They are generally designated as opposed to having defined boundaries. The hamlets have public water supply but communal sanitary sewage treatment is not available. With the exception of Carlisle and Hungry Hollow where a small number of residential building permits have been issued, there has been very little development activity within the hamlets.

5.1 Provincial Policy Statement (PPS)

The PPS requires that municipalities make sufficient land available through intensification and redevelopment and, if necessary, designated growth areas, to accommodate an appropriate range and mix of employment opportunities, housing and other land uses to meet projected needs for a time horizon of up to 20 years. This time period is consistent with the 20-year planning time frame of the North Middlesex Official Plan.

Section 1.1.3 of the PPS contains policies relative to Settlement Areas. First and foremost, settlement areas are to be the focus of growth and their vitality and regeneration is to be promoted. As will be noted in Section 8.0, intensification and redevelopment are to be accommodated. Under Section 1.4.1 a) (Housing), planning authorities are to maintain at all times the ability to accommodate residential growth for a minimum of 10 years through residential intensification and redevelopment and, if necessary, lands which are designated and available for development (see Section 8.0). As well, Section 1.4.1 b) indicates that planning authorities are to maintain at all times where new development is to occur, land with servicing capacity sufficient to provide at least a 3 year supply of residential units available through lands suitably zoned to facilitate residential intensification and redevelopment, and land in draft approved and registered plans.

Within settlement areas, the PPS requires that planning authorities shall establish and implement phasing policies to ensure that specified targets for intensification and

redevelopment are achieved prior to, or concurrent with, new development within designated growth areas. It is further required that new development taking place in designated growth areas should occur adjacent to the existing built-up area and shall have a compact form, mix of uses and densities that allow for the efficient use of land, infrastructure and public service facilities.

Under Section 1.1.3.9, the expansion of a settlement area boundary may only be allowed at the time of a comprehensive review and only to specific criteria, which demonstrate that:

- a) *sufficient opportunities for growth are not available through intensification, redevelopment and designated growth areas to accommodate the projected needs over the identified planning horizon;*
- b) *the infrastructure and public service facilities which are planned or available are suitable for the development over the long term and protect public health and safety;*
- c) *in prime agricultural areas:*
 - 1. *the lands do not comprise specialty crop areas;*
 - 2. *there are no reasonable alternatives which avoid prime agricultural areas;*
 - 3. *there are no reasonable alternatives on lower priority agricultural lands in prime agricultural areas; and*
- d) *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.*

As well, in determining the most appropriate direction for expansions to the boundaries of settlement areas, a planning authority shall apply the policies of the PPS.

5.2 Middlesex County Official Plan

Within the Settlement Areas policy of the Middlesex County Official Plan (Section 3.2 thereof), is policy guidance for the content of local official plans. General development policies are encouraged dealing with the following issues:

- a) *the Settlement Area share of the total future overall County growth projection;*
- b) *residential, including low, medium and high density residential uses, affordable housing, special needs housing, infilling and intensification;*
- c) *current land supply;*
- d) *commercial, including downtown commercial, highway commercial, shopping center commercial (where appropriate), neighbourhood commercial and other commercial uses, as necessary;*
- e) *industrial, including a broad range of industrial uses;*

- f) *institutional, including health, cultural and educational facilities, public recreation facilities, government offices, public utilities and related uses and activities;*
- g) *the natural and built environment;*
- h) *community improvement;*
- i) *municipal services;*
- j) *transportation;*
- k) *economic development; and*
- l) *other issues unique to the Settlement Area.*

The policy of the County Official Plan is that designated hamlets in Agricultural Areas may accommodate a limited amount of the anticipated County growth and development.

5.3 North Middlesex Official Plan

The North Middlesex Official Plan expanded the settlement area boundaries of Ailsa Craig and Parkhill. Relative to Ailsa Craig (Schedule “A2”), the expansion comprised additional lands the south of the former village boundaries, which were designated as Residential Area. In Parkhill (Schedule “A1), the expansion was to the south to include lands which were designated as Employment Lands of which some were already designated as Industrial in the former West Williams Official Plan as well as other lands on the south side of Elginfield Road. The boundaries of Parkhill were also expanded to the east where additional lands were designated as Residential Area.

Since the approval of the North Middlesex Official Plan there has been no major development activity within any of the settlement areas to warrant boundary expansions or changes to land use designations.

5.4 Analysis

This review represents an opportunity further to the PPS for the Municipality to consider the appropriateness of current settlement area boundaries. However, based upon the information available there appears to be no justification at this time for expansions to any of the Municipality’s settlement areas including the Urban Settlement Areas of Ailsa Craig and Parkhill, the Community Settlement Area of Nairn and the Hamlet Settlement Areas.

5.5 Recommendation

It is therefore recommended that the Municipality maintain all current settlement area boundaries.

6.0 SPECIAL POLICY AREAS

6.1 Background

The North Middlesex Official Plan contains policies specific to some areas within the Municipality and it is appropriate at the time of an official plan review to consider whether these special policy areas should be maintained.

6.2 Nairn Special Policies (Section 5.1.3.1)

Under Section 1.0 it was noted that the County issued a subsequent approval on 13 September 2005, which modified the official plan to include the Nairn Special Policies as Section 5.1.3.1 thereof. The subsequent approval also modified Schedule “A” Land Use (Rural) to change the applicable Community Settlement Area land use designation boundaries and to incorporate a new land use schedule entitled “Schedule “A3-1” Nairn Development Concept. The special policy area approach and mapping were the result of extensive Ontario Municipal Board hearings which culminated in the Board’s order of September 17, 2003 that Amendment No. 2 to the East Williams Official Plan was in full force and effect.

Amendment No. 2 had been approved by the County on 4 March 2003 and was based upon the Nairn Secondary Plan Study April 2002 (Zelinka Priamo Limited) which had been approved by Council in 2002.

Although no development proposals have been submitted for the lands to which the Nairn Special Policies apply, the special policy area planning approach was the result of extensive study and consideration. Moreover, since 2003 municipal sanitary sewer collection and treatment service has been extended to Nairn. There has been no indication that the policies are not appropriate to guide future growth and development of Nairn. Therefore, it is recommended that the policies and mapping should be maintained within the official plan.

6.3 Parkhill King Street (Section 5.3.3)

The Parkhill King Street special policy area policies are part of the Central Area Land Use Designation policies of Section 5.3 of the North Middlesex Official Plan. This designation applies to the Ailsa Craig Main Street as depicted on Schedule “A2” as well as to Parkhill Main Street and a portion of Parkhill King Street as depicted on Schedule “A1”. These areas represent the historical downtowns of both settlement areas. At the time of the official plan, it was recognized that Parkhill King Street west of Main Street to Ann Street was an area in transition, being characterized by largely vacant commercial floor space. It was also recognized that the commercial focus of the former Town was realistically Parkhill Main Street which has more daily vehicular traffic and, therefore, greater visibility for commercial development. Accordingly, the Central Area policies applicable in that area are permissive of residential use only above the ground floor (((Section 5.3.1 c) ii)).

The special policies of Section 5.3.3 were developed for the Parkhill King Street area in order to implement a mixed commercial/residential planning approach by permitting residential use on the ground floor of an existing commercial building subject to the other policies of the section. The Municipality views the special policy area as having been effective in making better use of formerly vacant ground floor commercial floor space and providing additional rental housing without necessarily jeopardizing commercial use in the future. Therefore, the Parkhill King Street special policy area mapping and policies should be maintained.

6.4 Gordon Property (Section 6.3.3)

The Gordon Property special policy area planning approach is a component of the Urban Reserve land use designation as depicted on Schedule “A” and is further to an Ontario Municipal Board order of 26 January 2004. Urban Reserve is a designation which applies to lands peripheral to the Urban Settlement Areas of Parkhill and Ailsa Craig as well as a corridor of land on either side of Petty Street between Ailsa Craig and Nairn. The purpose of the Urban Reserve designation as outlined in Section 6.3 of the plan (and distinct from the Restricted Agricultural radii applicable to the Hamlet Settlement Areas) serves four purposes: 1. to protect intensive agricultural uses from locating in proximity to urban uses, thereby averting conflict; 2. to prevent urban uses from locating in proximity to existing intensive rural and agricultural uses, thereby averting disruption to agricultural productivity; 3. to create a long-term protected corridor of land around the Urban Settlement Areas for possible future urban expansion; 4. to provide a land use policy context and area for certain specific, and mutually compatible uses, to locate strategically within the Municipality.

The Gordon Property, located north of and contiguous with the existing Community Settlement Area of Nairn, had for many years been the subject of a development proposal which was considered as part of the Nairn Secondary Plan Study. As noted from Schedule “A”, the preferred direction of growth was determined to be to the south of Nairn, which was the basis for the Nairn Special Policies (refer to Section 6.2). The special policy area approach acknowledges that the eventual use of the Gordon Property beyond the 20-year planning horizon of the official plan will be for residential and/or other urban uses. As well, policies are set out applicable in the short term prior to residential and/or other urban development and in the long term to future urban development.

There has been no indication that these policies are not appropriate and, therefore, the special policy area mapping and policies should be maintained.

6.5 Official Plan Amendment No. 1 (Section 6.3.4)

As noted in Section 1.0, Amendment No. 1 to the North Middlesex Official Plan approved by the County on 11 January 2005 was a site-specific amendment applicable to lands located in the general vicinity of the northeast intersection of Bear Creek Road and Petty Street. The Amendment had two purposes: 1. to allow for the severance of an

existing residence situated on Bear Creek Road adjacent to two single detached dwellings; 2. to allow for the development of the remnant portion of land for the purposes of a single detached dwelling and a medical office. The special policy was added to Section 6.3 Urban Reserve policies.

The first purpose of the amendment was achieved by the severance of the existing residence but development of the single detached residence and medical office has not proceeded. There has been no indication by the owner as to a timeline for development to proceed although maintenance of the policy is requested at this time.

6.6 Special Policy Area – Section 6.4.3 (Vacant Land Condominium)

At the time of the amalgamation in 2001, the former Township of West Williams Official Plan contained policy applicable to lands formerly used for a seasonal campground, which was permissive of a modular home development. Planning applications were subsequently submitted a new owner for a revised development proposal. Although the special policy area policies were not included within the official plan when locally adopted in 2003, a subsequent amendment to the West Williams Official Plan setting out the special policies was adopted by Council and approved by the County of Middlesex on 16 September 2004 including a further approval of the North Middlesex Official Plan (see Section 2.0). A plan of condominium was draft approved by the County further to the special policies of Section 6.4.3, which has been extended twice at the request of the proponent with the support of the Municipality in order to allow for possible redesign of the condominium plan.

It has been confirmed that the intent of the owner is to proceed with the redesign. Therefore, the special policy area policies should be maintained.

6.7 Thedford Klondyke Marsh Flood Plain (Section 7.4.3)

Schedule “A” to the plan indicates the location of the lands designated within the Thedford Klondyke Marsh Flood Plain special policy Area. The policies of Section 7.4.3 are part of the plan’s Open Space Area policies and provide that the ABCA’s flood plain management policies are applicable subject to the exceptions and additions provided. It is understood that the special policy area approach and its elements are effective and appropriate to this feature. Therefore, it is recommended that the special policy area mapping and policies should be maintained subject to some minor modifications to Section 7.4.3 c) in accordance with ABCA input.

6.8 Recommendation

It is recommended that all other special policy areas be maintained at this time.

7.0 MUNICIPAL SERVICING

7.1 Background

The North Middlesex Official Plan designates two Urban Settlement Areas (Ailsa Craig and Parkhill, one Community Settlement Area (Nairn) and ten Hamlet Settlement Areas (Carlisle, Clandeboye, Corbett, Brinsley, Greenway, Hungry Hollow, Lieury, Mount Carmel, Nairn and Sylvan) on Schedule “A” thereto. Ailsa Craig, Nairn and Parkhill have full municipal services, i.e., water and sanitary sewer. As noted in Section 2.0, sanitary sewer service was extended to Nairn as part of the Ailsa Craig/Nairn WWTP Upgrade project since approval of the official plan. The Environmental Study Report for this project indicates that excess capacity exists to service approximately another 243 residential units in Ailsa Craig and Nairn. The Parkhill sanitary sewer system has approximate excess capacity to accommodate an additional 400 residential units (source: North Middlesex Public Works Department).

Relative to the public water supply system, upgrades have occurred in the last number of years to the Municipality’s systems in Parkhill and Ailsa Craig/Nairn/Carlisle to provide greater security of supply and the delivery of fire flows.

Public water was extended to Carlisle in 1999. All of the Municipality’s hamlets depend upon partially servicing in that development is on the basis of public water and private septic systems.

As was also noted in Section 2.0, development activity within the Municipality has not occurred at a rate to tax either the municipal sanitary sewer systems or water system.

7.2 Provincial Policy Statement (PPS)

Section 1.6 Infrastructure and Public Service Facilities provides servicing policies relative to servicing and growth. Section 1.6.1 indicates that infrastructure and public service facilities shall be provided in a coordinated, efficient and cost-effective manner to accommodate projected needs. As well, planning for infrastructure and public service facilities shall be integrated with planning for growth so that these are available to meet current and projected needs.

Relative to sewage and water servicing, Section 1.6.4 requires that expected growth is to be directed and accommodated in a manner that promotes the efficient use of existing municipal sewage and water services and private communal sewage services and communal water services where municipal sewage services and municipal water services are not available. The policy requires that such systems are to be provided in a manner that can be sustained by the water resources upon which they rely, be financially viable and in compliance with all regulatory requirements and protect human health and the natural environment. It should be noted that there are no private communal sewage or water systems in North Middlesex.

Section 1.6.4.1 e) indicates that lot creation is only to be allowed where there is confirmation of sufficient reserve sewage system and water capacity within such municipal services. In addition, Section 1.6.4.2 states that municipal sewage and water services are the preferred form of servicing for settlement areas and that intensification and redevelopment within settlement areas should be promoted, wherever feasible. This is to make efficient use of existing municipal services.

Under Section 1.6.4.4 of the PPS individual on-site sewage and water services are only to be used for new development comprising five or less lots or private residences where full municipal or private communal services are not available and where site conditions are suitable for the long-term provision of such services.

Section 1.6.4.5 indicates that partial services shall only be permitted in instances of failed individual on-site sewage and water services in existing development, and within settlement areas to allow infilling and rounding out of existing development on partial services. However, the development must be within the reserve sewage and water system capacities and site conditions must be suitable for the long-term provision of such services.

The remaining policy of Section 1.6 pertains to Transportation Systems (1.6.5), Transportation and Infrastructure Corridors (1.6.6), Airports (1.6.7) and Waste Management (1.6.8).

The policy of the PPS relative to surface water management is contained within Section 2.2 g) and requires planning authorities to protect, improve or restore the quality and quantity of water by ensuring stormwater management practices minimize stormwater volumes and contaminant loads, and maintain or increase the extent of vegetative and pervious surfaces. Mitigating measures and/or alternative development approaches may be required.

7.3 Middlesex County Official Plan

The County of Middlesex does not have the responsibility of funding or maintaining municipal services anywhere within the County. The focus of the Middlesex County Official Plan is on the promotion of efficient and environmentally responsible development, which is supportable on the basis of appropriate types, and levels of water supply and sewage disposal ((Sections 2.4.5, 2.4.5.1 a)) in accordance with the PPS. The County encourages new development to proceed on the basis of full municipal services and where partial municipal services are considered supporting studies are to address all servicing options.

The policy of Section 2.4.5.1 contains the plan's General Policies pertaining to sanitary sewer and water servicing pertaining to growth and development. Where development is proposed on partial services beyond infilling, the County policy is that a Settlement Capability Study according to the plan's criteria is required.

In addition, the County encourages monitoring of treatment capacities and operational effectiveness of local water and sewage systems and to provide such information to the County at least every five years ((2.4.5.1 b)).

The County encourages the improvement of existing systems and the installation of new systems in Settlement Areas where technically and financially feasible. In addition, the County will cooperate with local municipalities, the Province and other public and/or private partners in the negotiation of innovative arrangements with respect to service provision.

Section 2.4.5.1 e) sets out the County's preferred servicing hierarchy pertaining to site-specific development proposals within Settlement Areas:

- 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.*

Requests for assistance from local municipalities with respect to service provision will be evaluated according to its Growth Management framework as established in Section 2.3 of the plan which is summarized as: Urban Areas, Community Areas, Hamlets in Agricultural Areas.

Relative to private sewage treatment systems, the County encourages proper maintenance and the correction of failed systems as well as the promotion of technological and other system improvements.

Concerning urban storm water runoff, local municipalities are encouraged to implement suitable and economically viable methods of reducing runoff and improving its quality.

7.4 North Middlesex Official Plan

Section 8.3 contains the policies of the North Middlesex Official Plan on municipal services. The policies distinguish between the servicing of Urban and Community Settlement Areas (Ailsa Craig, Parkhill and Nairn) and the servicing of other areas of the Municipality including Hamlet Settlement Areas and other areas of the Municipality including the Agricultural Area designation. As well, the plan provides policies concerning stormwater servicing. These policies are as follows:

8.3.2 Services in Urban & Community Settlement Areas

The following policies relate to municipal services in the Urban and Community Settlement Areas.

- a) All development in the Urban Settlement Areas shall be fully serviced by municipal piped water supply, sewage disposal and stormwater management systems.*

- b) *The Community Settlement Areas may be fully serviced subject to the completion of Class Environmental Assessment relating to extension of municipal sanitary services.*
- c) *Future development within the Community Settlement Areas shall proceed on the basis of full municipal services.*
- d) *Where only municipal piped water supply is available, new lots created by consent shall be sized such that there is sufficient space for a building envelope, sewage envelope, and sewage system contingency area. Holding tanks shall not be permitted for new development.*
- e) *In Urban and Community Settlement Areas, priority shall be given to the development of those lands that are presently serviced by piped sewer and water systems, or those areas that can most easily be serviced, at minimal expense to the Municipality.*
- f) *Infilling of vacant areas within the Urban and Community Settlement Areas which are already provided with full municipal services is encouraged, and shall be a criteria when evaluating proposed plans of subdivision, consents, extension of utilities or the construction of roads.*

8.3.3 Services Outside of Urban & Community Settlement Areas

The following policies shall relate to services outside of the Urban and Community Settlement Areas.

- a) *The main means of sewage disposal in rural areas of the Municipality, including the Hamlet Settlement Areas, is the septic tank and weeping tile system. It is anticipated that such systems or other private sewage disposal systems will continue to be the principal means of sewage disposal outside of Urban and Community Settlement Areas. The installation of septic systems is subject to the approval of the authority having jurisdiction.*
- b) *Municipal sewage systems shall generally not be provided to areas outside of Urban and Community Settlement Areas.*
- c) *The Municipality and or appropriate agency shall approve all new septic tank and tile or leaching bed systems. A servicing report may be required to identify the most appropriate form of servicing to ensure environmental protection.*
- d) *Communal servicing systems to service new development shall not be permitted in the Municipality. The Municipality shall not assume any*

communal servicing systems in the Municipality and shall not execute a responsibility agreement in relation to communal servicing systems.

- e) Holding tanks shall not be permitted for new development. Holding tanks will only be permitted for existing development where the Municipality is satisfied that there is no other alternative to solve a deficiency with an existing septic system. Should a holding tank be permitted, the Municipality shall ensure that appropriate provisions are in place for disposal at an approved facility.*
- f) Any lot 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.*
- g) Minimum lots size requirements shall be established in the Zoning By-law.*

8.3.4 Servicing Allocation

When unallocated servicing capacity does not exist for a proposed development, Council shall refuse or defer the processing of the planning application until such capacity is available, or until a servicing agreement is in place to ensure that such capacity will be available to service the development within one year of the granting of the preliminary planning approval. Draft approved plans of subdivision may only proceed to registration provided that sufficient servicing capacity continues to exist.

8.3.5 Stormwater Servicing

Further to the policies of Section 7.2 of this Plan, applications for plans of subdivision and site plans shall be supported by stormwater management reports, prepared in accordance with the policies of 9.6.3 of this Plan. It is the policy of the Municipality to:

- a) use stormwater management measures to manage the storage and control the flow of water to receiving watercourses;*
- b) use stormwater management measures which prevent siltation and erosion, and do not negatively impact the water quality of receiving watercourses;*
- c) consider, where appropriate, enhancing the vegetation, wildlife habitats and corridors in and along the stormwater management system and the receiving watercourses;*
- d) consider, where appropriate, providing public access to and along the stormwater management system and the receiving watercourse;*

- e) *employ the best available methods in the planning, construction and eventual use of the stormwater management systems; and*
- f) *ensure that the design of stormwater management facilities consider long-term maintenance and safety requirements.*

In addition, under Section 5.1.4 d) of the plan no new outward expansion will be permitted. Where an expansion to the boundaries of a Hamlet Settlement Area is proposed, an Official Plan Amendment is necessary and a Settlement Capability Study is required. The policy of Section 5.1.4 e) is that approval of more than six new lots within or expanding an existing Hamlet Settlement Area shall be supported by a Settlement Capability Study.

7.5 Analysis

It is concluded that the existing municipal service framework in North Middlesex is adequate to accommodate projected growth over the planning period. As well, the existing current policies for municipal services are in accordance with or, in some cases, more restrictive than the PPS and the Middlesex County Official Plan.

One minor change may be necessary pertaining to the requirement for provision of a contingency area in Sections 8.3.2 d) and 8.3.3 f) relative to the sizing of new lots. Depending upon the systems proposed, it is understood that this is not always a necessity. Safety concerns have been expressed by the Public Works Department relative to Section 8.3.5 d) under Stormwater Servicing. Although consideration of public access is not mandatory under this section, the policy can be deleted.

7.6 Recommendation

It is recommended that no changes are required to the existing Official Plan policies pertaining to Municipal Servicing beyond the minor changes to Section 8.3.2 d) and Section 8.3.3 f) and deletion of Section 8.3.5 d).

8.0 ENVIRONMENTAL POLICIES

8.1 Background

The Environmental Policies are set out in Section 7.0 of the North Middlesex Official Plan and consist of three components: Watershed Management (Section 7.2); Natural Environment (Section 7.3) which includes Hazard Lands and Environmentally Significant Features, Natural Heritage Features and General Environmental Policies (Section 7.3); and policies applicable to the Open Space Area land use designation (Section 7.4). Those designations depicted on Schedule "A" to the plan are Environmentally Significant Features identified as being provincially significant, i.e., provincially significant wetlands, as well as Open Space Areas and Hazard Lands. Open Space Area is a land use designation applicable primarily to lands owned by the Ausable

Bayfield Conservation Authority (ABCA) or the County of Middlesex. The ABCA owns extensive lands west of Parkhill associated with the Parkhill Dam and Reservoir project, a portion of which comprise the Parkhill Conservation Area. The depiction of Hazard Lands areas on Schedule “A” is meant to generally reflect the extent of the area regulated by the ABCA under its Regulation of Development, Interference with Wetlands and Alterations to Shorelines and Watercourses (O. Reg. 97/04).

The Environmentally Significant Features as well as Natural Heritage Features (locally significant wetlands, woodlands, significant natural areas, areas of natural and scientific interest (ANSI) and resource areas) are depicted on Schedule “C” Natural Heritage Features.

The conceptual delineation of environmental features was derived from mapping provided by the County of Middlesex and the ABCA in consultation with the Ministry of Natural Resources. Information from the Middlesex Natural Heritage Study (2002) was utilized for mapping purposes. Relative to both Schedules “A” and “C” it is noted in the plan that the precise boundaries of features are to be determined in consultation with the ABCA and the Municipality.

The MNR and ABCA have provided current mapping of environmental features and regulated areas which forms the basis for review of Schedule “A” and “C” mapping.

8.2 Provincial Policy Statement (PPS)

The PPS recognizes the importance of Ontario’s natural heritage resources for their economic, environmental and social benefits. Along with water, agricultural, mineral and cultural heritage and archaeological resources, natural heritage resources are linked with Ontario’s long-term prosperity, environmental health and social well being. The definition of the PPS of Natural heritage features and areas is as follows:

Means features and areas, including significant wetlands, significant coastal wetlands, fish habitat, significant woodlands south and east of the Canadian Shield. Significant valleylands south and east of the Canadian Shield, significant habitat of endangered species and threatened species, significant wildlife habitat, and significant areas of natural and scientific interest, which are important for their environmental and social values as a legacy of the natural landscapes of an area.

The policies of the PPS relative to Natural Heritage are contained in Section 2.1 thereof and, as they relate to the southwestern portion of the province, provide as follows:

- a) Natural features and areas shall be protected for the long term (2.1.1);
- b) The diversity and connectivity of natural features in an area, and the long-term ecological function and biodiversity of natural heritage systems, should be maintained, restored or, where possible, improved, recognizing linkages between and among natural heritage features and areas, surface water features and ground water features (2.1.2);

- c) Development and site alteration shall not be permitted in significant habitat of endangered species and threatened species or in significant wetlands (2.1.3);
- d) Development and site alteration shall not be permitted in significant woodlands or valleylands, wildlife habitat and areas of natural and scientific interest unless it has been demonstrated that there will no negative impacts on the natural features or their ecological functions (2.1.4);
- e) Development and site alteration shall not be permitted in fish habitat except in accordance with provincial and federal requirements (2.1.5);
- f) Development and site alteration shall not be permitted on lands adjacent to the natural heritage features and areas noted unless the ecological function of the adjacent lands has been evaluated and it has been demonstrated that there will no negative impacts on the natural features or on their ecological functions (2.1.6);
- g) The Natural Heritage policies are not intended to limit the ability of existing agricultural uses to continue (2.1.7).

The PPS also contains policies pertaining to Natural Hazards in Section 3.1. Relevant aspects of these policies direct development to areas outside of hazardous lands adjacent to river, stream and small inland lake systems which are impacted by flooding hazards and/or erosion hazards ((Section 3.1.1 b)). Section 3.1.2 indicates that that development and site alteration shall not be permitted within areas that would be rendered inaccessible to people and vehicles during times of flooding hazards and erosion hazards unless it has been demonstrated that the site has safe access appropriate for the nature of the development and the natural hazard and within a floodway regardless of whether the area of inundation contains high points of land not subject to flooding. Section 3.1.5 provides for the two-zone concept for floodplains allowing for development and site alteration in the flood fringe subject to appropriate flood proofing as required.

In North Middlesex, these policies would primarily apply to lands adjacent to the Ausable River as the Municipality's primary river system and its various tributaries including Mud, Nairn and Bear Creeks. In addition, the policies would have particular application in the northwestern portion of the Municipality where extensive seasonal flooding occurs in the Thedford Klondyke Marsh area. Ailsa Craig is the only area of the Municipality for which engineered floodlines have been undertaken thereby allowing for implementation, if desired, of a two-zone approach.

8.3 Middlesex County Official Plan

The policies of the Middlesex County Official Plan relative to Natural Systems are contained within Section 2.2.1 and relate to Natural Hazards, Natural Environment Area, Natural Heritage Features and Groundwater Features. Schedule A Land Use to the plan designates Wetlands, Flood Regulated Watercourse and Associated Floodplain, and Thedford Marsh Floodplain features, which are precluded from development. The Natural System features portrayed on Schedule C Natural Heritage Features of the plan are Areas of Natural and Scientific Interest (ANSIs) and Significant Woodlands.

It is the intention of the plan that the County's entire Natural System be protected and that the ecological processes that may be affected by development be maintained. Limited development that can be demonstrated to have no negative impact on natural features or their ecological functions may be accommodated with or contiguous to these features. Development applications within or adjacent to Natural Heritage Features shown on Schedule C shall require submission of a Development Assessment Report (DAR).

Section 2.2.1.2 sets out the County's requirements for preparation of a DAR with the detailed content being provided within Appendix C to the plan. Where a DAR or equivalent study is required in a local official plan, the County plan indicates that it will waive its requirement provided that the County's requirements are met.

It is the policy of the county plan that development is precluded within floodplains and flood regulated watercourses.

8.4 North Middlesex Official Plan

As noted under Section 7.1, the North Middlesex Official Plan makes the distinction between environmentally significant features and natural heritage features that are provincially significant (Schedule "A") and those which are of local significance (Schedule "C"). Section 7.3.3 of the plan applies to the provincially significant features and indicates that development and site alteration shall not be permitted. Development proposals adjacent to or abutting such features shall not result in a negative impact as demonstrated by an Environmental Impact Study (EIS). Under Section 7.3.3 c), the extent of adjacent lands is defined as 120 metres for provincially significant wetlands, 50 metres for habitat of threatened or endangered species, and 15 metres from top of bank or a natural heritage feature depicted on Schedule "C".

Natural Heritage Features include locally significant features, woodlands, significant natural areas, ANSI and resource areas depicted on Schedule "C" and are subject to the policies of Section 7.3.4 of the plan. Development and site alteration within or on adjacent lands to a Natural Heritage Feature is subject to an Environmental Impact Study. Under Section 7.3.4 b), the extent of adjacent lands is defined as 30 metres from the high water mark for fish and their habitat, 50 metres for locally significant wetlands, drip line plus 10 metres for woodlands, stable top-of-bank for valley lands, 50 metres for significant natural areas and wildlife habitat, and 50 metres for ANSIs.

Section 7.3.2.1 provides policy relative to Hazard Lands and indicates that no new development shall be permitted on Hazard Lands other than uses associated with management of such areas with an EIS being required for all development proposals within or on lands abutting such areas. Otherwise, the plan's policy is that the Municipality will work cooperatively with the ABCA in the management of flood plains to ensure proper land use, minimize the level of risk to life, property damage and social disruption from flooding, and minimize the need for large capital expenditures for flood protection purposes.

The extent of the Hazard Lands designation depicted on Schedule “A” generally coincides with the area regulated by the ABCA at the time of the official plan, previous to its current Regulation of Development, Interference with Wetlands and Alterations to Shorelines and Watercourses (Ont. Reg. 147/06). As will be noted, this is a generalized mapping approach and it is not believed that mapping changes are currently warranted.

8.5 Analysis

Other than some wording changes largely to ensure consistent terminology with the PPS and ABCA policy and requirements, there has been no indication that the current Environmental Policies are not sufficient for the protection of natural areas within North Middlesex. Schedules “A”, “A1” (Parkhill), “A2” (Ailsa Craig) and “A3” (Nairn) require revision to the extent of areas within the Hazard Lands designation based upon ABCA mapping. As well, some minor changes are required to Schedule “C” mapping in accordance with input from MNR and ABCA. In addition, Schedule “C” will be modified to depict increased emphasis upon the Ausable River from the perspective of species at risk policy and some wording changes will, as a result, be required.

It has become apparent that the policy of Section 7.3.5 g) of the plan’s General Environmental Policies requiring completion of an EIS or environmental appraisal under the Drainage Act is not necessary and should be deleted.

There have been no applications for official plan amendment relative to the Environmental Policies or designations of the official plan. The Municipality consults with the ABCA to determine the need for Environmental Impact Studies. To date, consultation has been required relative to consent applications and since this activity has primarily entailed large parcels of land (refer to Section 2.3) there has been no requirement for an EIS to date.

8.6 Recommendation

It is recommended that the Environmental mapping of the North Middlesex Official Plan should be modified to reflect current mapping primarily in terms of Hazard Lands areas and the Ausable River in terms of species at risk priorities and that the wording of official plan policies be amended conform with the PPS, the Middlesex County Official Plan and ABCA policies and regulations. Further, it is recommended that Section 7.3.5 g) should be deleted.

9.0 CULTURAL HERITAGE POLICIES

9.1 Background

The Cultural Heritage policies of the North Middlesex Official Plan are contained within the Objectives of the Official Plan (Section 3.3) and the General Policies (Section 4.3). Although there is no formally constituted Local Architectural Conservation Advisory Committee or Heritage Committee for the Municipality currently, there are groups within

the community with an interest in historical preservation and heritage matters. Some designations of historic properties in Parkhill took place many years ago. Inventories of significant cultural heritage and archaeological resources and landscapes would be helpful to assist in achieving conservation in the future.

9.2 Provincial Policy Statement (PPS)

The Cultural Heritage and Archaeology policies of the PPS were expanded in 2005 to address development and site alteration on adjacent lands to protected heritage property and to provide for mitigative measures and/or alternative development approaches to be required.

9.3 Middlesex County Official Plan

The policies of the Middlesex County Official Plan pertaining to Cultural Heritage and Archaeology are as follows:

This Plan supports the conservation of the County's archaeological cultural and built heritage resources. Development and site alteration on or adjacent to lands containing archaeological resources and/or significant built heritage resources shall maintain the heritage integrity of the site. (Section 2.2.5)

9.4 North Middlesex Official Plan

As noted, the North Middlesex Official Plan contains policies relative to Cultural Heritage in Sections 3.3 and 4.3. Generally speaking, these policies are adequate although the current scope should be expanded to include emphasis on archaeology in addition to cultural and built heritage. As well, policy with regard to adjacent lands to protected heritage property is required relative to assessment and evaluation of heritage properties. Discretionary wording should be changed to mandatory terms.

9.5 Analysis

Generally speaking, the existing official plan policies are adequate although the current scope should be expanded to include emphasis on archaeology in addition to cultural and built heritage in accordance with the PPS and the Middlesex County Official Plan. Policy with regard to adjacent lands to protected heritage property is required relative to assessment and evaluation of heritage properties as a condition of development and site alteration. Discretionary wording should be changed to mandatory terms.

9.6 Recommendation

It is recommended that the Cultural and Built Heritage Objectives and the Cultural Heritage Policies of the North Middlesex Official Plan be modified to provide expanded emphasis upon archaeology and to introduce the concept of adjacent lands to protected heritage property.

10.0 ADMINISTRATIVE ISSUES

This section will address administrative issues relative to the North Middlesex Official Plan which have been categorized as primarily planning reform and housekeeping in nature.

10.1 Planning Reform

Changes are necessary to the official plan in the area of planning reform as a result of the proclamation of Bill 51 on 1 January 2007 which enacted changes to the Planning Act, the Conservation Land Act and amendments to other Acts. Bill 51 enacted a number of significant changes to the Planning Act including:

- Requiring that decisions of municipal Councils shall be consistent with Provincial Policy Statements and shall conform with provincial plans that are in effect or shall not conflict with them;
- Additional requirements for public notice, information and consultation;
- Increasing requirements for the five year review of official plans and the three year review of zoning by-laws;
- Emphasizing the importance of employment lands;
- Removing the right of appeal of a Council decision where settlement area boundary expansions are privately initiated;
- Allowing municipalities to establish local appeal bodies to deal with minor variances and consents.

An important change that was also enacted by Bill 51 relates to the concept of complete applications. The Act now provides for municipalities to require a broader range of information and study beyond the information prescribed by the Planning Act provided that these requirements are set out in the official plan. Municipalities have a maximum of 30 days from receipt of a planning application (official plan amendment, zoning by-law amendment, or plan of subdivision) within which to make a determination as to “completeness”, i.e., whether information requirements are met. If an application is not complete, a municipality may refuse to further consider the planning application until its information requirements are met.

The following is a summary of the Bill 51 changes relevant to official plan policy and the resulting changes recommended to the North Middlesex Official Plan, categorized according to the various parts of the Act:

1. Provincial Administration:

- Section 2.(q) includes the promotion of development that is designed to be sustainable, to support public transit and to be oriented to pedestrians; change to Sections 4.2 Community Design Policies and 8.2.6 Walking and Cycling,

- Section 3.(5) requires a decision of a municipal Council to be consistent with policy statements issued under Section 1 of the Act; change to Section 9.1 Introduction to Implementation & Planning Administration,

2. Official Plans:

- Section 16.(1) and (2) requires official plans to contain goals, objectives and policies established primarily to manage and direct physical change and the effects on the social, economic and natural environment of the municipality. As well as a description of the measures and procedures proposed to attain the objectives of the plan and a description of the measures for informing the public; change to Section 3.2 Goals of the Official Plan,
- Section 17.(15) to (19) includes changes to the public notice requirements for official plans and the need for an open house where an official plan is being revised or in relation to a development permit system; change to Section 9.8 Public Consultation and Participation;
- Section 22.(5) and (6) provide that a Council may require that a person or public body that requests an amendment to its official plan provide any other information or material that the Council considers it may need but only if there are official plan policies in place to that effect; changes to existing Section 9.6.1 Official Plan Amendments and Section 9.7 Supporting Study Requirements includes Environmental Impact Studies, Environmental Site Assessments for Potentially Contaminated and Brownfields Sites and Stormwater Management Studies to set out complete application requirements including provision for other studies which Council may require,
- Section 22.(7.1), (7.2) and (7.3) restrict appeals on refusals to adopt amendments that would alter all or any part of a settlement area boundary, establish a new settlement area or amend or revoke policies to relative to two residential units in a residence as well as appeals of amendments requested that would remove any land from an employment area even if other land is proposed to be added; changes to Section 9.6.1 Official Plan Amendments and new Section 9.12 Complete Applications as well as new Section 4.1.5 Employment Lands;
- Section 26 requires that official plans be revised every five years to ensure that they conform with provincial plans, have regard to matters of provincial interest and be consistent with Provincial Policy Statements as well as requiring that zoning by-laws be updated no later than three years after the official plan revision comes into effect; changes to Section 9.2 Official Plan Monitoring and Review and 9.3 Zoning By-law and other By-laws.

3. **Community Improvement:**

- Section 28 expands the definition to include “improvement of energy efficiency” and “affordable housing” as well as including modifications as to the types of loans and grants that can be offered under a community improvement plan; changes to Section 9.4 Community Improvement Plans.

4. **Land Use Controls and Related Administration:**

- Section 34.(3) (zoning by-laws) includes the authority to regulate the minimum area of a parcel of land and to regulate the minimum and maximum density and minimum and maximum height of development; change to Section 9.3 Zoning By-law and Other By-laws to include reference to such regulations if required in future,
- Section 34.(10.0.1) requires that applicants be permitted to consult with the municipality before submitting applications for zoning by-law amendment; change to Section 9.8 c) Public Consultation and Participation;
- Section 34(10.2) and (10.3) provides that Council may require an applicant to provide other information that Council considers it may need prior to considering a zoning by-law amendment but only if the official plan contains provisions relating to its information requirements under this section and that Council may refuse to consider an application until such time as this information has been received; changes to Section 9.6.2 Zoning By-law Amendments and Section 9.7 Supporting Study Requirements,
- Section 34.(11.0.4), (11.0.5) restricts appeals if a zoning by-law amendment proposes to alter all or any part of a settlement area boundary or implement a new settlement area or to remove any land from an area of employment even if other land is proposed to be added (similar to Section 22.(7.1), (7.2) and (7.3) provisions); changes to Section 9.6.2 Zoning By-law Amendments and new Section 4.1.5 Employment Lands;
- Section 34(12) to (14.2) requires the holding of a public open house in addition to a public meeting whenever a zoning by-law amendment is required pursuant to the required zoning by-law 3 year review under Section 26.(9) following the 5 year official plan review or a by-law is proposed related to a development permit system; change to Section 9.6.2 Zoning By-law Amendments and Section 9.8 Public Consultation & Participation,
- Section 41.(3.1) (site plan control) allows for applicants to pre-consult with the municipality; change to Section 9.8 c) Public Consultation & Participation,
- Section 45.(9.1) (Committee of Adjustment) provides for a Committee to require a landowner to enter agreements with the Municipality pertaining to any conditions imposed and such an agreement shall be set out in the decision

agreement and subject to registration on title; change to Section 9.6.3 Minor Variances,

- Section 51.(24)(l) and (m) criteria are “the extent to which the plan’s design optimizes the available supply, means of supplying efficient use and conservation of energy” and “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 designated under subsection 41.(2) of the Act”; change to Section 4.2 b) Community Design Policies,
- Section 51.(25)(b) provides that a condition may be imposed requiring dedication of pedestrian pathways, bicycle pathways and public transit rights of way as deemed necessary by the approval authority; change to Section 8.2.6 Walking & Cycling.

It should be emphasized that the foregoing summary includes official plan changes pursuant to Bill 51 that are recommended at this time in light of the local context. For instance, Section 8.1 of the Planning Act now provides that municipalities which meet the prescribed conditions may constitute and appoint an appeal body for certain local planning matters including minor variances and consents. There is also no need to duplicate in the local official plan the detail of the Act’s various requirements and criteria where the plan already refers to the Act. For example, site plan drawings under Section 41.(4) and conditions to approval under Section 41.(6) now include facilities designed to have regard for accessibility for persons with disabilities.

On the matter of completeness, the Act is clear that the official plan must contain provisions as to other information requirements. As noted, the North Middlesex Official Plan already indicates that Environmental Impact Studies (including Scoped and Full Environmental Impact Studies, Environmental Site Assessments for Potentially Contaminated & Brownfields Sites and Stormwater Management Studies may be required. It is recommended that the plan be amended to include a broader range of information requirements but that the approach be as general as possible in order to provide for an appropriate measure of flexibility depending upon the nature of an application. Specifically, it is recommended that the following matters be addressed by the official plan policy on Supporting Study Requirements:

General Policies:

- Complete applications under the Planning Act;
- Determination of need for other information;
- Provincial and Federal requirements;
- Details of preparation;
- Public participation component;
- Implementation;
- Adoption.

Environmental/Natural Areas Study Requirement

(This type of information is in large part already a supporting study requirement of the official plan)

Transportation Study Requirement

Financial and Market Impact Assessment Study Requirement

Urban Design and Cultural Study Requirement

Planning Matters Study Requirement

Nuisance and Hazard Matters Study Requirement

Green (Energy Efficiency) Study Requirement

It should also be noted that Royal Assent was given on 14 May 2009 to the Green Energy and Economy Act, 2009 (Bill 150) of the Province of Ontario to enact changes to several provincial Acts include the Planning Act. Although the Planning Act changes have yet to be proclaimed, changes to the North Middlesex Official Plan may be necessary at the time of the official plan amendment to reflect such changes. In particular, the current wind energy policies would become redundant and should be deleted.

10.2 Other Issues

Periodically the Municipality becomes aware that there are issues relative to the official plan of a minor or technical nature and the official plan review is an opportunity for those issues to be addressed. Accordingly, it is recommended that Appendix “A” – Definitions be amended wherever necessary to ensure consistency with the definitions of Section 6.0 of the Provincial Policy Statement. and the regulations of other agencies including the ABCA.

In addition, it is recommended that the table of contents be amended in accordance with the official plan amendment to implement the review process as well as the subsequent approval of the plan in 2005 and amendments undertaken since local adoption of the official plan in 2003.

As noted by this review, some minor map changes are warranted to the land use schedules of the official plan at this time largely relative to natural areas based upon information from the ABCA and MNR. As well, the Municipality is in the process of environmental assessment for the extension of McLeod Street to the easterly limit of the former Town of Parkhill and then southerly to Elginfield Road. This would necessitate a corresponding change to Schedule “B1” Transportation (Parkhill Urban Settlement Area).

10.3 Recommendation

It is therefore recommended that the planning reform and other administrative issues be included as part of an official plan amendment to implement the results of the five year official plan review.

11.0 RECOMMENDATIONS

Based upon the foregoing information and analysis, the following are the recommendations of this report:

11.1 Agricultural/Rural Issues

It is therefore recommended that the Municipality continue to prohibit surplus farm dwelling severances and that Section 6.4.2 j) of the North Middlesex Official Plan be deleted in accordance with Council's directive in that regard.

11.2 Housing

It is recommended that the residential policies of the Official Plan be amended to include additional policies, which outline redevelopment, intensification and affordable housing targets in consultation with the County of Middlesex.

11.3 Settlement Areas

It is recommended that the Municipality maintain all current settlement area boundaries.

11.4 Special Policy Areas

It is recommended that all special policy areas be maintained at this time.

11.5 Municipal Servicing

It is recommended that no changes are required to the existing Official Plan policies pertaining to Municipal Servicing beyond the minor change to Section 8.3.2 d) and Section 8.3.3 f) and deletion of Section 8.3.5 d).

11.6 Environmental Policies

It is recommended that the Environmental mapping of the North Middlesex Official Plan should be modified to reflect current mapping primarily in terms of Hazard Lands areas and the Ausable River in terms of species at risk priorities and that the wording of official plan policies be amended conform with the PPS, the Middlesex County Official Plan and ABCA policies and regulations. Further, it is recommended that Section 7.3.5 g) should be deleted.

11.7 Cultural Heritage

It is recommended that the Cultural and Built Heritage Objectives and the Cultural Heritage Policies of the North Middlesex Official Plan be modified to provide expanded emphasis upon archaeology and to introduce the concept of adjacent lands to protected heritage property.

11.8 Administrative Issues

It is recommended that the planning reform and housekeeping issues be included as part of an official plan amendment to implement the results of the five year official plan review.

11.9 Conclusion

It is recommended that the North Middlesex Municipality of North Middlesex Five Year Official Plan Review Issues Report (September 2009) be accepted and that, in accordance with the process accepted by Council in February 2009, the recommendations of the report be presented at a special public meeting as required under Section 26.(3) of the Planning Act. It is further recommended that the recommendations of the Issues Report be included as part of an official plan amendment to implement the results of the review.

