

**Paisley Hill Ltd
C/o The Jefferies
13138 Ilderton Road
Ilderton, ON
N0M 2A0**

The Council of Middlesex Centre
10227 Ilderton Road
Ilderton, Ontario,
N0M 2A0

April 12, 2022

Dear Middlesex Centre Council

RE: ILDERTON OFFICIAL PLAN REVIEW

We are the owners of Paisley Hill Ltd, which owns the lands located at Part Lots 26 & 27, Concession 11 (the “**Lands**”). We are writing to you to inform you of certain events that have occurred during The Municipality of Middlesex Centre’s (the “**Municipality**”) Official Plan Review Process, so that you are aware of (what we see as) certain deficiencies in the process, as well as deficiencies in the proposed “solution”.

Previously we have instructed Mr Matt Campbell of Zelinka Priamo Ltd to act on our behalf with regard to the Official Plan Review Process. We refer to letters sent by Zelinka Priamo on our behalf on March 24, 2021 (the “**March 2021 Letter**”) and November 12, 2021 (the “**November 2021 Letter**”) (both are enclosed to this letter).

Timeline of Events

As you will be aware, Middlesex Centre’s Official Plan Review has been a long and drawn-out process. Since the current review process commenced in or around October 2020, we have been keenly involved with observing and corresponding when needed with the Municipality and with the consultants hired by the Municipality. Unfortunately, our open and helpful approach has not been reciprocated by others involved with the Official Plan Review Process.

To assist you with understanding our position, we set out below a timeline of events and correspondence:

1) *The March 2021 Letter*

We submitted this letter to the Municipality and its retained land use planning consultant, WSP Group (“**WSP**”) formally requesting the consideration of the Lands for inclusion within the Ilderton Settlement Area Boundary. A copy of the March 2021 Letter is annexed to this letter. We never received a formal response to the March 2021 Letter, but Matt Alexander of WSP responded via email on March 25 that:

“At this time we have not determined whether any expansions to settlement areas are warranted. If it is determined that additional lands are required to accommodate the population and employment forecasts prepared in support of the Official Plan Review then we will begin to consider specific locations for those expansions, including your clients’ property.”

Additionally, we sent a “Conceptual Servicing Brief” alongside the March 2021 Letter that set out detailed aspects of the proposed development on our Lands, including servicing, recreation, roads, and environmental features. We can re-send this Brief to you upon request.

2) *The Growth Management Study Technical Report*

On October 29, 2021 (more than one year into the Official Plan Review process), WSP advised a Public Information Session that the comprehensive land needs analysis had not been completed, and therefore we could not justify a change to the Settlement Area Boundary. This was the first time that we (and other members of the public) were made aware of this deviation from the program as planned. We were particularly concerned as this was the analysis that we were repeatedly told needed to be completed before any decisions could be taken on the Settlement Area Boundary.

3) *The November 2021 Letter*

In response to this delay mentioned above, our consultant, Mr Campbell, sent this letter to Ms Cabral (Planner for the Municipality) in order to flag our concerns. As is indicative of the behaviour of the Planners and consultants, we did not even receive an acknowledgement of receipt of our letter. For a process that is supposed to be open and transparent (and, indeed, take the questions and concerns of the public into account when making decisions *for* the public) this was unacceptable. As outlined further below, when we spoke to Mr Mike Di Lullo on April 6, 2022 he told us that “*we [the Municipality] do not respond to everyone*”. This implies that he would respond to some people, but not others. Again, this is unacceptable.

We (through Mr Campbell) raised various issues in this letter, however, most importantly was the deficiencies in the *process*. Mr Campbell said:

“If the Municipality’s intent in this current Official Plan Update is only to update policies to ensure the Official Plan is consistent with the 2020 Provincial Policy Statement, that should have been clearly explained to the public from the outset of the process. Otherwise, the Official Plan Update should consider settlement area expansions as being a necessary component of the update.”

4) *Public Meeting held on November 18, 2021*

At the statutory public meeting held on November 18, 2021, Mr Campbell made representations on our behalf with regard to our concerns as to how the Official Plan Review process was handled. However, no response was ever received from the Municipality or the consultants. In fact, our November 2021 Letter was not even included in the public presentation with other correspondence.

At this meeting, Watson & Associates (the consultants hired by the Municipality to complete the comprehensive land needs analysis mentioned at Paragraph 1) gave a presentation. This presentation was only posted on the Municipality’s website very shortly before the public meeting was held. This, again, was a last-minute addition and we had very little time to study the presentation before Mr

Campbell was to give his representations. In any event, the presentation stated that Ilderton's residential land needs **will not** be met as the official plan currently stands. In fact, Ilderton faces a shortfall of **69 hectares**.

5) *The February 2022 Employment Area Expansion Analysis*

On February 3, 2022 Watson & Associates (in association with WSP) completed the Growth Management Strategy Technical Report – Final.

On page 90 of this report, for the first time in two years, the consultants have acknowledged that Ilderton is, in fact, growing, and will indeed need further lands designated as residential. However, their “solution” is to re-zone two parcels of land currently zoned as employment lands as residential land.

We will address this further below, however, it must be noted that the lands in the “solution” (according to the report) are “*approximately 59 gross hectares*” which is still 10 hectares short of the growth requirements predicted by these very same consultants.

6) *Meeting on April 11, 2022 with Municipal Planners*

On April 6, 2022 we called Mr Di Lullo to ask for feedback as we did not ever hear anything in response to our letters. He agreed to meet with us. We met with Mr Di Lullo, Marion Cabral and an assistant planner on April 11. This was the first time in the two years Official Plan Review Process that we have ever had any conversation, acknowledgement of our requests or indeed our existence from the Municipality.

Mr Di Lullo told us that there will be growth in Ilderton, however, they **will not** be growing the Urban Growth Boundary under any circumstances. The consultants believed that the re-zoning of the employment lands to the south of the village are the more appropriate path forward. At the end of the meeting, Mr Di Lullo told us that he would ask to the consultants if we could be “next in line” if there was an expansion of the urban growth boundary in the future.

Our Request for the Lands to be included in the Settlement Boundary

From the beginning of this process we were repeatedly told that population growth in Ilderton would be the only reason to include the Lands in the Settlement Area Boundary. We have tried to be helpful and understanding of the process, however, we have only received either silence or obfuscation in return. This is entirely unsatisfactory for a process that is supposed to serve the public.

As you saw from the timeline above, Mr Alexander of WSP stated as far back as March 2021 that “*If it is determined that additional lands are required to accommodate the population and employment forecasts prepared in support of the Official Plan Review then we will begin to consider specific locations for those expansions, including your clients' property*”.

It did turn out that Ilderton would be growing. In fact, Ilderton has *the largest* need for further lands for new residential properties within its Settlement Area Boundary of any settlement in the Municipality (see the November 2021 Watson report).

However, the “solution” as proposed by the consultants is a *fait accompli* hidden (hopefully not deliberately) on one page of a 206-page technical report. Clearly, work has been done behind the scenes (note the wording on Page 90 that this proposal was completed “*Based on discussions with the Municipality*”). It is not included in the 6th Version of the Official Plan Redline.

However, the public has not been made aware (at least, as far as we know) of any other “specific locations” that were considered, as was alluded to by Mr Alexander in March 2021. We can only surmise that no other locations were in fact considered. How can anyone (the consultants, the Planners, or you, Councillor) be sure that this is in fact the best solution for Ilderton?

The main reason given to us by Mr Di Lullo at our 11 April meeting for this “solution” to the growth problem in Ilderton was that the Settlement Area Boundary would not have to change – it is merely a question of re-zoning. We note and acknowledge the simplicity of this “solution”. However, we also note that it does not even meet the 69-hectare requirement – so it is deficient even before getting off the ground.

However, it is our view that the Official Plan Review process should not be completed in an unsatisfactory manner merely for the ease of the consultants and bureaucrats completing the tasks that make up their daily “to do lists”. Residents of Ilderton will have to quite literally live with the consequences of the consultants and Planner’s recommendations for years to come. For instance:

- Ilderton’s downtown needs to be re-energised and re-invigorated. Section 5.5.1 of the Redline Official Plan acknowledges this when it states that a goal for the Plan should be “*To facilitate the continued health, use and awareness of Village Centres by settlement and surrounding agricultural residents, and to promote their role as a community gathering place.*” Expanding residential zoning to the south will not achieve this.
- The Lands are also located directly beside the Fair Grounds, Ilderton Arena, Ilderton Community Centre and the Legion. These are centres of the community that again will not be served as well if the “solution” of rezoning the land to the south is permitted to go forward.

We could raise other potential drawbacks to the south land “solution” and benefits to the Lands, however, for the sake of brevity we will leave it there.

Next Steps

We acknowledge and understand the Official Plan Review Process has been going on for years. We know that everyone most likely will want to complete the process and get it done. But as you saw from the above, the process has been mishandled. It was not until November 2021 that growth in Ilderton was even acknowledged officially and February 2022 when the “solution” proposed.

Councillors, we would request that you consider carefully whether the “solution” as proposed by the consultants is truly the best option for our village. The south lands “solution” is not the proper area for initial further growth and should be blocked. If growth is to occur in Ilderton (which, according to the studies, it will) you as a member of Municipal Council should consider where the best location for growth

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in Ilderton should be. For the avoidance of doubt, we would suggest that the Settlement Area Boundary should be moved to include our Lands for residential and commercial growth in Ilderton.

We kindly request that you respond substantively to our letter by April 26, 2022.

Yours sincerely

Andrew & Rosanna Jefferies
Andrew & Rosanna Jefferies

Encls.

March 24, 2021

sent via email

Municipality of Middlesex Centre
10227 Ilderton Road
Coldstream, ON
N0M 2A0

**RE: Urban Settlement Area Inclusion Request
Part Lots 26 & 27, Concession 11 – ‘Jefferies Lands’
Ilderton, ON**

Our File: JFR/MXC/21-01

We are the planning consultants for Paisley Hill Ltd. with regards to the lands located at Part Lots 26 & 27, Concession 7 (the ‘subject lands’), otherwise known as the Jefferies Lands. This letter is a formal request to the Municipality of Middlesex Centre and its consultant, WSP Group, that the subject lands be considered for inclusion within the Ilderton Urban Settlement Area, should a modification or expansion to the Settlement Area Boundary be identified as warranted through the ongoing Five-Year Review of the Middlesex Centre Official Plan Update.

To support this request, we present a preliminary planning review of the subject lands to ascertain the merits of including these lands within the Urban Settlement Area. Also included is a Conceptual Servicing Brief prepared by Development Engineering Ltd.

SUBJECT LANDS AND SURROUNDING CONTEXT

The subject lands consist of a single, irregularly shaped parcel of land with a frontage of approximately 368m on the north side of Ilderton Road; a maximum lot depth of approximately 703m; and, a total lot area of approximately 30.92ha (Figure 1).

Figure 1- Subject Lands and Area Context



The subject lands are currently used as cultivated fields (cash crop). An open ditch municipal drain (Bear Creek Ilderton Brach 1) traverses the subject lands, flowing generally from northeast to southwest. Lands proximate to the municipal drain are within the St. Clair Region Conservation Authority (SCRCA) regulated area, and may be subject to flood hazards. The subject lands exhibit rolling terrain which generally slopes towards the municipal drain, and generally down to the west.

Surrounding lands uses are comprised of residential and commercial uses within the Ilderton Urban Settlement Boundary abutting to the east, and adjacent to the south; and, open space and agricultural uses to the north, west, and southwest. The subject lands abut the westerly limit of the Ilderton Urban Settlement Area, and are located across Ilderton Road from lands currently under development. The lands abut the Ilderton Community Centre and Arena to the east.

MIDDLESEX COUNTY OFFICIAL PLAN

The subject lands, currently being outside of the Ilderton Urban Settlement Area, are designated as “*Agricultural Area*” as per Schedule A to the Middlesex County Official Plan. This designation recognizes and permits a wide range of agricultural activities, while recognizing the potential for a limited amount of development in existing local hamlets.

The Middlesex County Official Plan does not provide specific settlement area boundaries. Rather, the delineation of specific geographical areas is delegated to the lower-tier municipal Official Plans, in this case the Municipality of Middlesex Centre.

Generally, the majority of development in the County is directed to *Urban Areas*, settlement areas which have, or demonstrate potential to have, full municipal services. Ilderton is an *Urban Area* abutting to the east of the subject lands with full municipal services.

MIDDLESEX CENTRE OFFICIAL PLAN

The subject lands are designated “*Agriculture*” as per Schedule A – Land Use in the Middlesex Centre Official Plan. The “*Agriculture*” designation permits the full range of agricultural uses and a range of agricultural-related uses.

Notably, the subject lands abut the westerly limit of the Ilderton settlement area boundary. A portion of the parcel of land across Ilderton Road to the south are within the boundary as well.

The Middlesex Centre Official Plan provides that “*growth shall generally be directed to areas designation Urban Settlement Areas*” and that “*wherever possible, development within settlement areas should proceed on full municipal services*”.

MIDDLESEX CENTRE ZONING BY-LAW

The subject lands are currently zoned “*Agricultural (A1) Zone*” in the Middlesex Centre Zoning By-Law 2005-005. This zone permits a wide range of agricultural uses, a single detached dwelling, and a limited range of agricultural-related or rural-based uses.

Any meaningful development on the subject lands for non-agriculture uses will require an amendment to the existing zone.

SERVICING

The attached Conceptual Servicing Brief provides details on existing service connections proximate to the subject lands and a general overview of how the subject lands can be serviced in an appropriate and cost-effective manner. At a high level, the Conceptual Servicing Brief concludes:

- Multiple municipal water mains are available proximate to the subject lands to provide water service, with water pressures anticipated to be sufficient for development;
- Sanitary capacity is available via the Timberwalk subdivision and associated pumping station to the south;
- Due to the depth of existing sewers and topography of the subject lands, some sort of pump system will be required, either a standard pumping station or low-pressure sewer and grinder pump system, with the preference being the latter;
- A stormwater management (SWM) system will likely utilize the open-ditch municipal drain as an outlet for stormwater. A SWM infrastructure system would likely include a SWM pond, outlet structure, and associated linear open space along the drain channel. Opportunities for parkland proximate to the SWM facility would enhance the area.

Generally, the subject lands can be appropriately and cost effectively serviced to permit the development of the subject lands for a range of development options, including low- and medium-density residential uses.

Please see the attached Conceptual Servicing Brief for additional details on servicing options for the subject lands. Notably, the brief provides details on the low-pressure sewer and grinder pump system which may be implemented as an efficient and cost-effective system to service the lands without the need for a pumping station.

LAND USE PLANNING CONSIDERATIONS

The subject lands are the next logical development location on the west side of Ilderton. Should it be determined that an expansion or modification of the settlement area boundary is required to meet long term land needs, the subject lands should be considered for inclusion within the settlement area boundary.

As per the information provided in the Conceptual Servicing Brief, there is ample opportunity to provide cost effective servicing options for the subject lands. There are few constraints to development that would have any meaningful impact on their development.

The subject lands may accommodate between approximately 680 and 1040 units, depending on the ultimate proposed development scenario (as identified in the Conceptual Servicing Brief). Given current housing trends, a shift towards denser forms of housing, such as townhouses or low-rise apartment buildings, may be also appropriate in the future for portions of the subject lands. Such determination as to specific land uses would be likely determined either through the comprehensive review process or after the lands are included within the settlement area boundary.

Due to the depth of the subject lands, there is no risk of 'strip' development along Ilderton Road. Rather, a comprehensive subdivision plan with a mix of uses, likely predominantly residential, would be implemented to develop the subject lands with appropriate phasing.

The subject lands are located with the potential for multiple access points, including access onto a County arterial road, being Ilderton Road. No sightline issues are anticipated with a new collector road access onto Ilderton Road. Secondary access may be available via King Street.

The closest livestock operations in the area are located approximately 1km away from the subject lands and are unlike to conflict with MDS Guidelines.

Given the small geographic area of Ilderton, it is expected that a portion of residents of any future development on the subject lands would use active transportation (e.g. walking, cycling) to access area businesses and services. Due to the linear open space requirements of the existing municipal drain, there may also be opportunities for multi-use trails through the subject lands, further enhancing pedestrian and cycling connectivity.

As the subject lands abut the Ilderton Community Centre and Arena, there are opportunities to enhance the area with multi-use trails connecting to existing municipal buildings and co-location of parkland features. As it is understood that upgrades to the existing community centre and arena may be coming in the near future, enhancement of the abutting lands for public use and/or pedestrian connections, through the development of the subject lands, would be of additional benefit to the broader community.

Generally, the subject lands are a good candidate for inclusion within the Ilderton settlement area boundary by virtue of their proximity to existing development; serviceability; and ability to accommodate future population growth. As such, we request that the subject lands be considered for inclusion in the Ilderton settlement area boundary if it is determined through the Municipal Official Plan Update warrants an expansion or modification to the boundary.

If you have any questions, or require further information, please do not hesitate to call.

Yours very truly,

ZELINKA PRIAMO LTD.



Matt Campbell, BA, CPT
Senior Planner

cc. Andrew and Rosanna Jefferies, Paisley Hill Ltd.
Ryan Hern, Development Engineering
Matt Alexander, WSP Group



November 12, 2021

sent via email

Marion Cabral, Planner
Municipality of Middlesex Centre
10227 Ilderton Road
Coldstream, ON
N0M 2A0
mcabral@middlesex.on.ca

**RE: Middlesex Centre Official Plan Update
Urban Settlement Area Inclusion Request
Part Lots 26 & 27, Concession 11 – ‘Jefferies Lands’
Ilderton, ON**

Our File: JFR/MXC/21-01

We are the planning consultants for Paisley Hill Ltd. with regards to the lands located at Part Lots 26 & 27, Concession 7 (the ‘subject lands’), otherwise known as the Jefferies Lands. We have previously submitted a letter to the Municipality of Middlesex Centre (the ‘Municipality’) and its retained land use planning consultant, WSP Group (‘WSP’) formally requesting the consideration of the subject lands for inclusion within the Ilderton Settlement Area Boundary.

We were previously advised by the Municipality and WSP that consideration of any lands for a settlement area expansion would require justification for any expansion through a comprehensive land needs analysis.

As expressed during the Public Information Session on October 29, 2021, WSP advised that the *Growth Management Study Technical Report*, a comprehensive land needs analysis report, being prepared by Watson & Associates (‘Watson’) was not yet complete and, therefore, no analysis was undertaken for the land needs in Middlesex Centre. This deviation from the work program was a shock to us and to many of the participants during the meeting.

It is widely accepted that an Official Plan Update process includes a Municipal Comprehensive Review, which examines, and has regard for, the various land needs in the applicable jurisdiction. Such was intended to be the case for Middlesex Centre.

In their presentation, WSP identified two potential future urban area expansion areas: one in Arva, and one in Delaware. Neither Arva nor Delaware operates on Middlesex Centre municipal sanitary services. This is a puzzling departure from criteria for priority settlement expansion.

Shortly after the WSP Public Information Session, the Watson *Growth Management Study Technical Report* was published online in a draft form. The draft study provides two important statements: first, that there is sufficient designated land for urban growth over the 15-year planning horizon; and, secondly, that there is a deficit of residential land in a number of settlement areas in Middlesex Centre over the 25-year planning horizon. For Ilderton specifically, 69ha of land is identified as being required over the 25-year planning horizon.

We are concerned that the Official Plan Update being carried out by WSP has progressed far in advance of the Watson report, and did not take into account any of the findings of the Watson report. Given that the advertised scope of the Official Plan Update was a comprehensive review

of land needs in the municipality, and that the draft redline Official Plan document was presented before the draft Watson report was prepared, it is possible that the Official Plan update has been conducted prematurely.

If the Municipality's intent in this current Official Plan Update is only to update policies to ensure the Official Plan is consistent with the 2020 Provincial Policy Statement, that should have been clearly explained to the public from the outset of the process. Otherwise, the Official Plan Update should consider settlement area expansions as being a necessary component of the update.

Given the anticipated scope of work for the Official Plan Update, we are concerned that this change to not include a settlement area expansion review is short-sighted. Land needs are accelerating in southwestern Ontario; and it is unclear whether current trends are being addressed in the Official Plan Update in a manner which will make the Middlesex Centre Official Plan a relevant and reliable document in the coming years.

If you have any questions, or require further information, please do not hesitate to call.

Yours very truly,

ZELINKA PRIAMO LTD.



Matt Campbell, BA, CPT
Senior Planner

cc. Andrew and Rosanna Jefferies, Paisley Hill Ltd.
Michael Di Lullo, Middlesex Centre
Ryan Hern, Development Engineering
Matt Alexander, WSP Group