



**Meeting Date:** April 17, 2024

**Prepared By:** Marion-Frances Cabral, Planner

**Submitted by:** Marion-Frances Cabral, Planner

**Report No:** PLA-19-2024

**Subject:** Applications for Draft Plan of Subdivision (39T-MC2101), Official Plan Amendment (OPA 54), and Zoning By-law Amendment (ZBA-08-2021) for 21488 Highbury Avenue North; Filed by Ballymote Developments Inc.

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**Recommendation:**

THAT Official Plan Amendment No. 54 (OPA 54) for the land legally described as Concession 6 N Pt Lot 8 (former Township of London) Municipality of Middlesex Centre, and known municipally as 21488 Highbury Avenue North, be ADOPTED and forwarded to the County of Middlesex for consideration of approval;

AND THAT the Zoning By-law Amendment application (ZBA-08-2021), to rezone the subject property from the 'Agriculture (A1)' to 'Hamlet Residential First Density (HR1)' for the land legally described as Concession 6 N Pt Lot 8 (former Township of London) Municipality of Middlesex Centre, and known municipally as 21488 Highbury Avenue North, be DENIED;

AND THAT Council direct staff to prepare a Zoning By-law Amendment application to place a Holding symbol (h-1) on the lands subject to the Plan of Subdivision File 39T-MC2101.

AND FURTHER THAT the County of Middlesex be advised that Middlesex Centre recommends draft plan approval for the land known legally as Concession 6 N Pt Lot 8 (former Township of London) Municipality of Middlesex Centre, and known municipally as 21488 Highbury Avenue North, County File No. 39T-MC2101, subject to the draft plan conditions appended to the Middlesex Centre report PLA-19-2024, and subject to a three (3) year lapse period.

**Purpose:**

The purpose of this report is to provide Council with a recommendation on the draft Plan of Subdivision, Official Plan Amendment and Zoning By-law Amendment for the property known municipally as 21488 Highbury Avenue North in Ballymote, and legally as Concession 6 N Pt Lot 8, former Township of London, Municipality of Middlesex Centre.

A location map is included as Attachment 1 and the revised Plan of Subdivision is included as Attachment 2.

The Plan of Subdivision application was received by the County on March 23, 2021 and deemed complete on April 26, 2021. The Official Plan Amendment and Zoning By-law Amendment applications were received by the Municipality on March 23, 2021 and deemed complete on March 31, 2021.

The applicant submitted a subdivision application to the County with the purpose to create 20 lots for residential development consisting of 5 lots along Medway Road and 15 lots along Highbury Avenue North.

The purpose of the Official Plan Amendment application is to create a Special Policy Area to permit the development of 20 lots through a Plan of Subdivision utilizing private on-site septic services.

The purpose of the Zoning By-law Amendment application is to rezone one (1) lot, Lot 20, from 'Agricultural (A1)' to 'Hamlet Residential First Density (HR1)'. The effect of the zoning would facilitate the construction of one-single detached dwelling on each of the proposed lot. Lots 1 – 19 are currently zoned 'Hamlet Residential First Density (HR1)'.

A Public Meeting was held on May 26, 2021. A number of comments were received with regard to drainage and stormwater management, and the affect of the development on neighbouring properties.

Following the Public Meeting, County and Municipal Staff, UTRCA Staff and the applicant, worked through addressing outstanding concerns including drainage, access, and servicing.

On March 22, 2022 submitted a revised Plan of Subdivision application, which proposes 19 lots (details are provided below). Municipal Staff noted that current water servicing from the City of London will only service lots within the existing Hamlet Area, and Lot 20 would be located outside of the Hamlet Area and, therefore, unserviceable. The revised subdivision plan removes previous "Lot 20" which provides the remnant farm parcel 25.3 m (83 ft) of frontage on Highbury Avenue North. As a result of the revised Plan of Subdivision application, Planning Staff requested the applicant withdraw their Zoning By-law Amendment application since it would not longer be applicable to Lot 20 and note that the Official Plan Amendment would only apply to the development of 19 lots on private on-site septic services.

## **Revised Proposal:**

The revised a Plan of Subdivision to create 19 building lots for single detached dwellings along Highbury Avenue North (County Road 23) and Medway Road (County Road 28). Each lot is proposed on municipal water and private on-site septic systems.

Lots 1 – 5 on Medway Road have frontages of 23.2 m (76.1 ft) and a lot depth of 77.9 m (255.6 ft) for total lot areas of 1,809 m<sup>2</sup> (0.45 ac). Each lot would have direct access to Medway Road.

Lots 6 – 16 on Highbury Avenue North are located north of the existing property at 21496 Highbury Avenue North. These lots are proposed to have frontages of 25.6 m (84.0 ft) and a lot depth of 72.96 m (239.4 ft) with a total lot area of 1,867.8 m<sup>2</sup> (0.46 ac). Due to the irregular angles of the lot lines, Lot 16 is the smallest lot at 1,770 m<sup>2</sup> (0.44 ac).

Lots 17 – 19 on Highbury Avenue North have lot frontages of 25.3 m (83 ft) and a lot depth of approximately 72.4 m (237.5 ft) with a total lot area of approximately 1,832 m<sup>2</sup> (0.45 ac). An existing single detached dwelling on the property is proposed to be retained and will be located on Lot 18.

Access to the Highbury Avenue lots will be shared with one entrance per two lots, limiting the total number of new driveways onto the County Roads. As such, access easements are proposed on the Highbury Avenue North lots.

The following materials were submitted within the applications and are attached to this report as Attachments 5 to 10.

- Planning Justification Report, March 2021
- Site Servicing Brief, November 2023
- Servicing Drawings, March 2022
- Final Soil Report for Wastewater, June 2021
- Grading Plan and Engineering Details, November 2023
- Development Assessment Report, January 2022

## **Background:**

The land is approximately 35.27 ha (87.15 ac) and is located south side of Medway Road and east side of Highbury Avenue North and partially within the hamlet of Ballymote. The lands contain a single detached dwelling and are actively farmed.

As a result of the applications, the remnant lands, approximately 31.59 ha (78.1 ac) in area, will remain agricultural and have access onto Medway Road and Highbury Avenue North.

The lands are generally surrounded by residential uses to the west and north of the subject lands, and commercial uses to the north. Agricultural lands exist to the east and south.

## **Policy Regulation:**

The lands are designated 'Agricultural Area' in the County Official Plan, designated 'Hamlet' and 'Agricultural' within the Middlesex Centre Official Plan, and zoned 'Hamlet Residential First Density (HR1)' and 'Agricultural (A1)' in the Comprehensive Zoning By-law.

## **Provincial Policy Statement, 2020 (PPS):**

According to Section 3 of the Planning Act, as amended, decisions made by planning authorities "shall be consistent with" the PPS. The principal policies of the PPS that are applicable to the proposed development include:

Section 1.1.1 of the PPS speaks to 'Healthy Livable and safe communities' and how they can be sustained. Section 1.1.1b) states that 'accommodating an appropriate range and mix of residential (including second units, affordable housing and housing for older persons), employment (including industrial and commercial), institutional (including places of worship, cemeteries and long-term care homes), recreation, park and open space, and other uses to meet long-term needs'.

1.1.3.1 Settlement Areas including hamlets shall be the focus of growth and development, and their vitality and regeneration shall be promoted.

1.1.3.2 Land use patterns within settlement areas shall be based on:

a) Densities and a mix of land uses which:

1. Efficiently use land and resources;
2. Are appropriate for, and efficiently use, the infrastructure and public service facilities which are planned or available, and avoid the need for their unjustified and/or uneconomical expansion

Section 1.4 of the PPS speaks to 'Housing' and the requirement 'to provide for an appropriate range and mix of housing types and densities required to meet projected requirements of current and future residents'.

Section 1.6.6. of the PPS outlines the hierarchy for sewage and water services. Generally, the preferred method of servicing is full municipal services. Where this is not available communal or partial services may be permitted within settlement areas to allow for infilling or minor rounding out of existing development provided that site conditions are suitable for the long-term provision of such services with no negative impacts.

Section 1.6.7 of the PPS speaks to stormwater management and that planning for stormwater management shall:

- a) Minimize, or, where possible, prevent increase in contaminant loads;
- b) Minimizing changes in water balance and erosion,
- c) Not increasing risks to human health and safety and property damage;
- d) Maximize the extent and function of vegetative and previous surfaces; and
- e) Promote stormwater management best practices, including stormwater attenuation and re-use, and low impact development.

Section 3.1 of the PPS generally directs development away from hazardous lands, such as those subject to flooding or erosion hazards, where there is an unacceptable risk to public health or safety or of property damage.

#### Thames-Sydenham and Region Source Protection Plan:

The subject lands are within the Thames-Sydenham and Region Drinking Water Source Protection area under the jurisdiction of the Upper Thames River Conservation Authority. The lands are found within the Wellhead Protection Area – C on Map 3-1-4 and the Moderate and Low Threat Policy Area shown on Map 3-2-4. Additionally, mapping shows the northern portion of the lands as a Significant Groundwater Recharge Area and a Highly Vulnerable Aquifer. Policies related to new septic systems are addressed within the source protection plan to reduce the risk to drinking water sources from septic systems or septic system holding tanks in vulnerable areas where this activity is a low or moderate threat.

#### County of Middlesex Official Plan:

The principal policies of the County of Middlesex's Official Plan that are applicable to the proposed development are as follows:

The subject property is designated 'Agricultural Areas' and 'Significant Woodland' is identified on Schedule C of the County of Middlesex Official Plan.

Section 3.2 – Settlement Areas of the Plan directs growth to settlement areas, and promotes a variety of housing types within Settlement Areas

Section 2.3.2 – Growth Management Hierarchy and Section 2.3.8.3 – Hamlets in Agricultural Areas state that within the Agricultural Area there are existing designated hamlets that are not Urban or Community Areas such as the Ballymote Hamlet Area. These hamlets may have the potential to accommodate some future development. Infilling, rounding out and minor extensions of these existing hamlets may be permitted subject to the provision of individual on-site sewage and individual on-site water services, and where site conditions are suitable for the long-term provision of such services with no negative impact. A Settlement Capability Study may be required depending on the scale of development proposed. New lots shall generally be created through the consent process.

Further Section 3.3.4 – Detailed Land Use Policies: Hamlets in Agricultural Areas identifies that local official plans may permit development in designated hamlets and development may proceed in these areas. No further land shall be designated for development except by way of a comprehensive review. Infilling, rounding out in depth or minor extensions of existing development may be permitted provided that there is no further outward expansion of the limits of existing development, subject to the following: a) the new development is serviced in accordance with Section 2.4.5 – Sanitary Sewers and Water, and accepted servicing standards; and b) the development complied with the Minimum Distance Separation Formula.

Section 2.3.9 – Agricultural Area Policies directs that non-agricultural activities will be closely scrutinized and directed to Settlement Areas unless the activity is agriculturally related and a location in proximity to agriculture is necessary. Urbanization created conflicts in the agricultural area and continues to encroach on prime agricultural land.

Section 2.4.2 – Transportation System identifies that County Roads such as Highbury Avenue North and Medway Road generally function as arterial or collector roads and direct private access is controlled through By-law 5783 of the County of Middlesex. The County road system provides for the efficient movement of traffic between provincial freeways and highways and local roads. The County shall discourage development which would inhibit traffic movement along the County road system. The cumulative impact of individual private accesses to the County Road system compromises the underlying function of this transportation network.

Section 2.4.5 – Sanitary Sewers and Water promotes efficient and environmentally responsible development which is supportable by appropriate water supply and sewage disposal types and levels. Where partial municipal services are considered the supporting studies shall address all servicing options. The County Plan encourages development on municipal water and sanitary sewer systems. Where local municipalities do not provide or demonstrate a strong potential to provide full municipal services, development on partial services can be permitted within settlement areas to allow for infilling and minor rounding out of existing development on partial services. This may be permitted where

site conditions are suitable for the long-term provision of such services with no negative impacts.

Section 2.4.7 – Water Resource and Source Protection identified that groundwater is a major source of water for domestic, industrial, commercial and agricultural uses in the County and it is imperative that this resource be protected in order to ensure a sustainable and safe supply to those residents and businesses that rely on it. General policies will provide guidance with respect to the protection and management of groundwater resources including the “(c) implement restrictions on development and site alteration to protect all municipal drinking water supplies and sensitive groundwater features”.

Section 2.2.1 – Natural Environment recognizes a diversity of environmental attributes including wetlands and significant woodlands. In order to protect, maintain, and, where necessary, rehabilitate natural features, new development shall be directed away from the Natural Environment wherever possible in accordance with the Provincial Policy Statement, Conservation Authorities Act, Endangered Species Act, Fisheries Act and other relevant Federal or Provincial Legislation.

Further, where elements of the Natural Environment are held in private ownership, there is no requirement that the lands shall be made available for public use nor is there any obligation on the part of the County or local municipality to purchase the identified lands.

Development applications within or adjacent to the Natural Environment shall require submission of a Development Assessment Report (DAR). If local municipalities require a DAR or equivalent impact assessment document as part of their approval process, the County will waive its requirements provided that the impact assessment meets the County’s requirements (detailed in the Official Plan).

#### Middlesex Centre Official Plan:

The applicant is requesting to maintain the existing designations on the subject land and create a new Special Policy Area (SPA) to permit the development of twenty (20) lots on private on-site services. The principal policies of Middlesex Centre’s Official Plan that are applicable to the proposed development include:

Middlesex Centre’s Official Plan designates the subject property as ‘Hamlet’ within the Ballymote Hamlet Area and identifies ‘Significant Woodlands’ on Schedule ‘B’ – Greenlands System on the north-east portion of the property.

Section 5.1.3 – Hamlet Settlement Areas states that lands within the ‘Hamlet’ designation include residential, commercial, industrial, and parks and recreation uses. Specific lands shall be established in more detailed through the zoning by-law. Hamlet Areas are expected to accommodate only limited future development, through infilling within the existing settlement boundaries. New lots shall generally be created through the consent process, however, plans of subdivision will be utilized where vacant lands exist within Hamlets between the existing built up area and the existing settlement boundary.

New development within Hamlet Areas must be serviced by acceptable servicing standards. Where partial municipal services are considered, supporting studies must address all applicable servicing options and establish that the development may proceed appropriately on partial municipal services. Significant or major new development, such as the development of more than three new lots through plan(s) of subdivision, will require provision of full municipal services.

Hamlet Areas shall not be expanded within the planning period of this Plan except through a comprehensive review. Section 1.4 – Interpretation and Legal Effect states that the intension of the land use designation boundaries shown in the schedules included in this Plan, be considered approximate, and absolute only where bounded by roads, railways, bodies of water or other similar geographic barriers. Amendments to this Plan will not be required to make minor adjustments to the approximate land use boundaries provided that the general intent of this Plan is maintained.

Section 9.3.1 – Settlement Area Municipal Services recognizes that Ballymote is serviced by private sanitary service systems and municipal water. It is a policy of the Official Plan that future development within settlement areas proceed on the basis of full municipal services, with partial services potential being permitted on an interim basis where proper justification is provided. Further, all lots 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 if municipal water is not available.

Section 6.2 – Design Policies – Plans of Subdivision identify policies to enhance the public realm and high quality subdivision design. Policies address a number of factors including connectivity for pedestrians, cyclists and automobiles; adherence to municipal design standards for rights-of-way and urban design guidelines; and block patterns.

Section 3.2 – Municipal Natural Area and Natural Hazard Policies identifies a policy of the Official Plan is to conserve natural features and functions throughout the Municipality wherever possible especially as they affect quality of life, landscape-aesthetic concerns, water quality and ground water conservation, and similar matters. The Official Plan separated natural features into categories where development is prohibited, such as wetlands; where development and site alteration may be permitted with further study such as significant woodlands; and where preservation is generally encouraged such as woodlands.

Section 3.3 – Natural Environment Areas Designation states that all development or site alteration shall be prohibited except for those permitted in section 3.5 – Permitted Uses Within Municipal Natural Environment Areas and Greenland Features within the following types of natural areas: wetlands; significant habitat or endangered or threatened species; floodplains and flood prone areas mapped and/or regulated by a Conservation Authority.



The boundaries of such features may be more precisely defined through environmental evaluations such as a development assessment report to the satisfaction of the Municipality in consultation with appropriate agencies. Development may be permitted in adjacent lands subject to the completion and findings of a development assessment report (DAR) acceptable to the Municipality. Such developments must not result in a negative impact on the natural areas and functions or ecological processes of the feature in question.

Section 3.4 – Greenland Features Overlay states that features shown on Schedule ‘B’ of the Official Plan constitute, for the most part, significant woodlands. These woodlands are of County significance and are identified through the Middlesex Natural Heritage Study.

Schedule ‘B’ is not a land use designation schedule and is included as part of this Official Plan as a means of raising public awareness of the importance of our natural environment. These lands will be subject to the policies associated with the applicable land use designation on Schedule ‘A’, as well as the natural area policies of this section.

It is the policy of this Plan that development or site alterations within or on lands adjacent to the environmental features, except for those uses included in Section 3.5 - Permitted Uses Within Municipal Natural Environment Areas and Greenland Feature, shall be subject to completion of a development assessment report (DAR) acceptable to the Municipality. The distances associated with adjacent lands are identified in Figure 1 of the Official Plan. Development or site alteration within or adjacent to such features will be prohibited unless it can be shown that there will be minimal or no impacts on the form or function of such features.

Section 3.6 – Floodplain Areas recognizes the regulatory floodplain identified by one of five conservation authorities that have jurisdiction within Middlesex Centre. The municipality generally uses a “one zone” floodplain system. Development and site alteration may be permitted where a development assessment report (DAR) demonstrates no increased risk to life and property, and no impact on flood conveyance, upstream or downstream flood levels or aggravation of existing natural hazard processes such as slope stability. A DAR should also demonstrate no negative impacts on natural features and functions.

Middlesex County Council approved Amendment No. 59 to the Official Plan and it is subject to appeals. While the policies implemented through Amendment No. 59 are not in force and effect, the updated policies are included in this report for informative purposes indicating the intent of Middlesex Centre and Middlesex County, but are not determinative for the purposes of this planning application.

### Middlesex Centre's Comprehensive Zoning By-law:

The subject land is zoned 'Hamlet Residential (HR1)' and 'Agricultural (A1)'. A part of the land along Medway Road contains regulated area as identified by the local conservation authority.

The regulated areas are delineated by shading on Schedule A – Key Map U-2 Ballymote. Applications for building permits will be referred to the conservation authority having jurisdiction for review prior to issuing the permit.

Proposed Lots 1 – 19 are currently zoned 'Hamlet Residential First Density (HR1)'. As a result of the revised subdivision plan, an amendment is no longer needed to address Lot 20 as described in the initial application.

### **Consultation:**

Notice of the application has been circulated to agencies, as well as property owners in accordance with the *Planning Act* and Ontario Regulation 544/06 prior to the Public Meeting in May 2021.

### **Public Comments:**

At the time of the Public Meeting, Planning Staff received a few inquiries related to the proposed development such as the status of the existing dwelling on the subject property and maintenance of the treeline abutting existing dwellings.

On August 2, 2021 the County received a letter of objection from a member of the public. The letter requested that the permissions for the proposed development be frozen. Further, the letter identifies 4 concerns: (1) that the existing water pipeline is aging and cannot accommodate new development without service disruptions and major investment from the Municipality; (2) drainage on the subject lands will be affected with new development and back-up on existing properties; (3) major development will diminish the rural charm of the area; and, (4) Highbury Avenue N has a high traffic volume and further entrances will significantly increase the risk of accidents in the area.

At the time of writing this staff report, Planning Staff did not receive any additional comments from members of the public.

At the time of writing the subject report the following comments were received:

The Municipality's Chief Building Official has reviewed the applications and has no objection but development will require significant lot grading and servicing design information to ensure no impact on existing properties and remnant farmland. Lots must be large enough to accommodate a sewage system and 100 percent contingency areas.

The Municipality's Public Works and Engineering Department has reviewed the applications and note that there is some concern with lot sizing that will have to be addressed through appropriate nitrate studies. There should be some understanding of the results of a nitrate study before rezoning is supported.

Middlesex County Engineer has not provided comments at the time of writing this report. However, general comments through preconsultation required the reduction of driveways along Highbury Avenue North and Medway Road such as an internal road network or shared driveways. Proposed buildings will need to comply with the County Road setback requirement.

The Upper Thames River Conservation Authority (UTRCA) reviewed the applications and submitted studies. As a result of changed to Ontario Regulations and new modeling information, UTRCA staff provided updated recommendations and draft plan conditions related to their review of the stormwater management plan, grading plan, servicing plans, and erosion and sediment control plans. Further, development or site alteration on the land may require permits/approvals from UTRCA. Finally, updated floodplain modeling for major storm events identified that safe access to Lot 1 has not been demonstrated in the provided material. UTRCA advised that Lot 1 should be removed from the subdivision plan unless the applicant can undertake the appropriate studies and work to upsize the culvert under Medway Road.

### **Analysis:**

To consider the appropriateness of the requested Official Plan Amendment, Zoning By-law Amendment, and Plan of Subdivision, the applications must conform to the policies of the PPS, 2020, Middlesex County Plan, and Middlesex Centre Official Plan and maintain the intent of their policies.

### Official Plan Amendment

To consider the appropriateness of the requested Official Plan Amendment, the following should be evaluated:

**a) Does the proposed amendment relate, and conform to the vision for the Municipality of Middlesex Centre?**

The requested amendment proposes to retain the Hamlet designation, and permit the development of 19 residential dwellings on partial servicing with individual septic systems since full municipal servicing is not planned and provided. The proposed amendment permits development compatible with the surrounding community, and is limited to the existing settlement boundary and located in line with the built-up area.

**b) Is there a demonstrated need or justification for the proposed change?**

The proposed change does not amend the land use designation of the land. However, it does permit the development of lands within the existing settlement area boundary. The requested amendment is requested as there is no provision or planned provision of full municipal services within the Hamlet Area.

**c) Is the amendment in keeping with Provincial and County policy?**

The Provincial Policy Statement establishes a hierarchy of servicing for development where full municipal servicing is the preferred form. Where it is not planned or provided, the Municipality can consider development on partial servicing, private communal servicing or private individual servicing. Municipal Staff are satisfied that in lieu of the preferred servicing option, partial servicing is a preferred alternative for the long-term provision of such services provided that there are no negative impacts.

**d) What are the effects of the proposed change on the demand for Municipal services, infrastructure and facilities?**

The proposed development incur additional demand on water services that are provided by the City of London.

No new public roads or rights-of-way are proposed as a result of the subdivision plan. However, some improvements may be required to improve drainage and to provide shared access to the properties.

**e) Can the lands affected by the application be adequately serviced to accommodate the proposed development? Are improvements necessary to adequately service the lands in question?**

Based on the provided information to date, Municipal Staff are of the opinion that the servicing proposal on conventional septic systems and municipal water can accommodate the proposed development. A more comprehensive review will be required before final approval of the Plan of Subdivision and prior to any development.

The Municipality requested that the applicant provide additional information related to servicing to ensure that individual septic systems can be accommodate an average sized dwelling on each Lot while meeting provincial guidelines. It is Municipal Staff's preference to see larger lot sizes to provide additional flexibility to future landowners.

**f) What impacts will the proposed development have on surrounding land uses, traffic systems, infrastructure and servicing, settlement or Municipal character, features or structures of cultural heritage importance, and natural environment features? Can negative impacts be mitigated or eliminated?**

The additional 19 dwellings will generate minimal traffic that can be accommodated within the existing capacity of Highbury Avenue North and Medway Road. The County limits the number of entrances along County Roads, including Highbury Avenue North, which has a higher travel speed and larger traffic volumes. As a result, shared driveways that limit the amount of accesses are proposed along Highbury Avenue North, however, they are not required on Medway Road.

The proposed subdivision plan creates strip development that is similar to the existing lot fabric of the Hamlet area.

The proposed development is not anticipated to have any negative impacts onto the natural environment and natural heritage features. Planning Staff note that existing agricultural operations including the development of a farm house can occur on the remaining agricultural land. The Owner will need to confirm with the Conservation Authority if permits or approvals are required.

Zoning By-law Amendment

As mentioned previously, the Zoning By-law Amendment application is no longer needed to rezone proposed Lot 20 since it has been removed from the subdivision plan. As such, Planning Staff recommend the application be denied as the lands will remain outside of the Plan of Subdivision and zoned 'Agricultural (A1)'.

Planning Staff reviewed the proposed Lots 1 – 19 and it appears that they meet the minimum lot frontage and minimum lot area requirements for the 'Hamlet Residential (HR1)' zone. Further, the existing dwelling which will be located on Lot 18 appears to meet the minimum setback and maximum lot coverage requirements of the 'Hamlet Residential (HR1)' zone. Confirmation will be required prior to final approval of the Plan of Subdivision.

Planning Staff also recommend that Council direct Municipal Staff to initiate a Zoning By-law Amendment to place a Holding Symbol (h-1) on the land subject to the Plan of Subdivision to prevent premature development. The Holding Symbol (h-1) will require the Owner to enter into a Subdivision Agreement before Hold can be removed.

## Plan of Subdivision

To consider the appropriateness of the proposed Plan of Subdivision it must conform to the policies of the Middlesex Centre Official Plan, in addition to the County Official Plan and PPS:

- a) Plans of subdivision will not be required where three or fewer new lots are proposed to be created or where circumstances exist where a Plan of Subdivision is not considered by the Municipality to be necessary. Where more than three new lots are to be created, the Municipality may exercise flexibility in determining whether a Plan of Subdivision process is required. Notwithstanding the above, in all cases where the creation or extension of municipal streets and/or services is proposed, a Plan of Subdivision process will be required.**

A total of 19 lots for single detached dwellings are proposed. A Plan of Subdivision is an appropriate method to subdivide the land, and address the orderly development including the comprehensive review of drainage and stormwater management on surrounding lands, the Municipal Drain and County Roads, the provision shared accesses, and to assess impacts of individual septic servicing.

- b) When considering plans of subdivision applications, the review is to consider whether the proposed development is premature. One key consideration of this review relates to the availability of appropriate services and capacity. Other relevant factors may also be considered.**

Full municipal services are not provided or planned for the Hamlet Area of Ballymote. To accommodate the proposed Plan of Subdivision, partial services are available through private individual on-site sanitary service and municipal water for each of the 19 lots. After review of the technical reports provided by the applicant, Municipal Staff are satisfied that the proposed servicing can be used to accommodate the proposed Plan of Subdivision.

- c) The review of plans of subdivision within the Municipality will be based in part on consideration of design policies included in Section 6.0 of this Plan and the Municipality's Urban Design Guidelines.**

Subsection 6.1 related to Settlement Area design goals establishes a set of criteria to maintain and improve design characteristics for new development across the Municipality. The proposed development is designed to integrate with and reflect the lotting patterns in the existing community and without compromising the agricultural land surrounding the Hamlet Area. Due to the servicing constraints, the proposed development does not consider medium to high density residential uses, however, it maximizes developable land. New development will have regard to the Municipality's Urban Design Guidelines.

- d) Where possible, plans of subdivision within the Municipality will incorporate a mixture of housing types and levels of affordability in keeping with policies included in Residential policies included in Section 5.2 of this Plan.**

All lots area sized and proposed to accommodate single detached dwellings. The ability to provide medium to high density residential uses is limited due to the lack of full municipal services within the Hamlet Area. Should municipal services be provided in the future, lots may be able to be further subdivided or intensified to accommodate a mixture of housing types.

- e) All lots within a proposed Plan of Subdivision must have frontage on a public road which is or will be opened and maintained on a year round basis, and constructed to an acceptable Municipal standard.**

Lots 1 – 5 will have frontage on Medway Road (County Road 28) and Lots 6 – 19 will have frontage onto Highbury Avenue North (County Road 23). No new municipal or private roads are proposed within this Plan of Subdivision.

- f) Plans of subdivision that respect natural contours and topography will be encouraged. All unique natural features and assets, as well as heritage features, should be preserved and integrated into the subdivision design.**

The Plan of Subdivision does not alter or reduce the size of existing natural features including woodlands and wetlands that are located on the eastern portion of the land that will remain undeveloped.

- g) For large plans of subdivision, consideration of appropriate staging or phasing will be included.**

The proposed Plan of Subdivision is considered to be developed in a single phase.

- h) It is the policy of this Plan that all new plans of subdivision be subject to a subdivision agreement between the Municipality and the owner / developer. This agreement shall address various matters pertaining to the Plan of Subdivision, as determined by the Municipality.**

The applicant will be required to enter into a subdivision agreement within the municipality prior to final plan approval and development of the lands. The subdivision agreement will need to address the draft conditions for the orderly development of land.

- i) Park land dedication provided to the Municipality in keeping with Section 9.5 of this Plan, must be considered suitable for park land purposes and acceptable to the Municipality. Under no circumstances shall Municipal Council be obligated to accept park land which is being offered by an applicant for a proposed Plan of Subdivision. Park land dedications shall be reviewed in the context of public realm policies included in Section 6.0 of this Plan.**

The applicant will convey up to 5% of the land included within the Plan of Subdivision or the Municipality may accept cash-in-lieu for parkland dedication for all or a portion of the conveyance. At this time, no blocks are identified for parkland dedication.

- j) The extent to which the plan's design optimizes the available supply, means of supplying, efficient use and conservation of energy.**

The proposed Plan of Subdivision optimizes existing infrastructure and developable land available while maintaining a consistent lot fabric pattern with the surrounding community.

- k) 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.**

The Plan of Subdivision is applicable only to the land within the Hamlet Area. Land outside of the Hamlet Area will remain agricultural. The Plan of Subdivision addresses a number of matters including servicing, drainage, and access to municipal standards.

- l) That highways, including pedestrian pathways, bicycle pathways and public transit rights of way, be dedicated as the approval authority considers necessary.**

Reserves and any land required to be conveyed to the County for road widening purposes will be considered through the Plan of Subdivision. No new roads or improvements to roads or the public right-of-way is considered along Highbury Avenue North and Medway Road.

Municipal Staff reviewed the technical reports and grading plans provided by the applicant, and are satisfied that the proposed development and lotting pattern can accommodate the 19 lots for single detached dwellings, and that the impact of partial servicing would be minimal and that contaminant loading would not exceed provincial thresholds.



Conditions of draft plan approval of the Plan of Subdivision will require the applicant to address comments from the Municipality, County, and UTRCA. Special draft plan conditions include:

- A Municipal Drain Report be prepared or updated to relocate or modify the existing drain adjacent to Lot 6. The report will also need to address easements and building setbacks within the Plan of Subdivision.
- If not completed yet, the Owner is to provide relevant studies to the satisfaction of the Municipality including hydrogeological study, geotechnical study, stormwater management report and plan, sewage impact assessment report, comprehensive servicing report, and development assessment report.
- An extension municipal water services to Lots 1 – 5 on Medway Road, and a municipal water connection to the existing dwelling at 21496 Highbury Avenue North.
- Conveyance of any land, shared driveway easements and infrastructure improvements found within the County Road right-of-way will be at the sole cost and the responsibility of the Owner.
- Provision of fencing on the north side of Lot 6 to separate the existing commercial use from the proposed residential use. No fencing is required to the rear of the lots abutting agricultural lands.
- A homeowner's guide is to be prepared to provide guidance and education about the long-term maintenance and monitoring of septic system and nitrate control; recommendations from the hydrogeological assessment for using de-icing salt, water softeners or fertilizers; warning clause or information regarding potential odours due to proximity to normal farm practices; and details acknowledging the traffic volume and noise is expected to increase over time along County Roads.
- Outstanding concerns noted in a development assessment report (DAR) are addressed. The DAR is to review both natural heritage and natural hazards that occur on or in proximity to the development.
- Due to floodplain modeling, the culvert under Medway Road is to be upsized and the municipal drain(s) appropriately addressed. If this cannot be fulfilled, the Owner will not be able to develop Lot 1.

Given the above and comments by the public, agencies and council, Planning Staff is satisfied that the Official Plan Amendment Application and Plan of Subdivision can be supported and are consistent with the PPS, 2020, and in conformity with the County of Middlesex and Middlesex Centre Official Plans and comprehensive zoning by-law. As such, Planning Staff recommended adoption of the Official Plan Amendment and to forward it to the County for consideration for approval, and that Middlesex Centre recommend draft plan approval subject to the attached draft plan conditions.

Further, Planning Staff find that the Zoning By-law Amendment is not consistent with the PPS, 2020 and does not conform to the County of Middlesex and Middlesex Centre Official Plans. As such, Planning Staff recommend that this application is denied.

Finally, Planning Staff recommend that Council direct staff to prepare a Zoning By-law Amendment application to place a Holding Symbol (h-1) on the lands subject to the Plan of Subdivision.

This opinion is provided in consideration of all information and comments provided at previous public meetings and from agencies. Should new information arise regarding prior to or at this meeting, Council is advised to take such information into account when considering the applications.

**Financial Implications:**

None.

**Strategic Plan:**

This matter aligns with following strategic priorities:

- Balanced Growth

**Attachments:**

Attachment 1 – Location map

Attachment 2 – Draft Plan of Subdivision

Attachment 3 – Preliminary Draft Plan Conditions

Attachment 4 – Draft Official Plan Amendment

Attachment 5 – Planning Justification Report

Attachment 6 – Site Servicing Brief

Attachment 7 – Site Servicing Drawings

Attachment 8 – Final Soil Report for Wastewater

Attachment 9 – Grading Plan and Engineering Details

Attachment 10 – Development Assessment Report