



Meeting Date: January 20, 2021

Submitted by: Marion-Frances Cabral, Planner

Report No: PLA-11-2021

Subject: Application for Draft Plan of Subdivision (39T-MC1701), Official Plan Amendment, and Zoning By-law Amendment known as “Poplar Woods”;
Filed by AGM Limited on behalf of Tomar Realty Corporation

Recommendation:

THAT Report PLA-11-2021 regarding Poplar Woods files 39T-MC1702, OPA and ZBA be received for information.

Purpose:

The purpose of this report is to provide Council with background information on the draft plan of subdivision, official plan amendment and zoning by-law for the property known legally as Concession 8 Pt Lot 6 RP 33R18785 Parts 8 to 10, former Township of Lobo, Municipality of Middlesex Centre.

A location map is included as Attachment 1 and the proposed plan of subdivision is included as Attachment 2.

Proposal:

The applicant is proposing a plan of subdivision to create ten (10) building lots for single detached dwellings and a block for the woodland area. Each lot is proposed to have private on-site servicing and the development will extend Bowling Green.

The land is approximately 3.082 ha (7.6 ac) and is located on the south side of Ilderton Road within the hamlet of Poplar Hill - Coldstream.

Background:

The purpose of the plan of subdivision application is to permit the creation of 10 lots for residential development and blocks for the woodland areas and future roadways.

The purpose of the official plan amendment application is to create a Special Policy Area to permit the development of 10 lots through a plan of subdivision on the subject land utilizing private on-site services.

The purpose of the zoning by-law amendment application is to rezone the northerly portion of the land proposed to be developed from the site-specific 'Existing Use exception 2 (EU-2)' zone to 'Hamlet Residential First Density (HR1)'. The southerly portion of the land is proposed to be rezoned from the site-specific 'Existing Use exception 2 (EU-2)' zone to 'Open Space (OS)'. The effect of the zoning would facilitate the construction of one-single detached dwelling on each of the proposed lots.

The applications were received in 2017. As a result of comments from staff and agencies related to development on private on-site services, the applicant updated and revised part of their submission. The submission is being reviewed comprehensively in concurrence with two (2) other applications for plans of subdivision in the Poplar Hill and Coldstream area (Files: 39T-MC2002 and 39T-MC2003). Materials submitted in 2020 are included as Attachments 6 to 10.

Policy Regulation:

The lands are designated 'Agricultural Area' and contains 'Natural Environment Areas' in the County Official Plan, designated 'Hamlet' and contains floodplain and natural environment areas within the Middlesex Centre Official Plan, and zoned 'Existing Use exception 2 (EU-2)' 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 1.5 speaks to Public Spaces, Recreation, Parks, Trails and Open Space and specifically section 1.5.1 states 'Healthy, active communities should be promoted by:

- a) planning public streets, spaces and facilities to be safe, meet the needs of pedestrians, foster social interaction and facilitate active transportation and community connectivity

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 pervious surfaces; and
- e) Promote stormwater management best practices, including stormwater attenuation and re-use, and low impact development.

Section 2.1 of the PPS speaks to natural heritage features and the importance of protecting these features for the long-term and provides a series of policies intended to protect natural heritage features. Development and site alteration shall not be permitted within significant wetlands, and may be

Section 3.1 of the PPS recognizes natural or human-made Natural Hazards and the necessity to reduce the potential for public cost or risk to Ontario residents. Development shall generally be directed away from hazardous lands adjacent to a river or stream, and shall not be permitted within areas that would be inaccessible to people and vehicles during flooding hazards or erosion hazards.

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 St. Clair Region Conservation Authority. The lands are found within the Wellhead Protection Area – C on Map 3-14 and the Moderate and Low Threat Policy Area shown on Map 3-2-4. 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 by the County of Middlesex Official Plan. Section 3.2. of the Plan directs growth to settlement areas, and promotes a variety of housing types within Settlement Areas

Section 2.3.8.3 – Hamlets in Agricultural Areas states that within the Agricultural Area there are existing designated hamlets that are not Urban or Community Areas such as the Poplar Hill and Coldstream 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 the appropriate types and levels of servicing. 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 Network identifies that County Roads such as Ilderton 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.

It is a goal of the County that development proposals that are likely to generate significant traffic are accompanied by a transportation study addressing the potential impact on the transportation network and surrounding land uses.

The County Official Plan establishes the minimum right-of-way widths of for collector County Roads constructed to an urban standard within settlement areas of 26 metres. Generally, the setbacks for building or structures adjacent to a County road is 33 metres from the centre line, or as the local zoning by-law stipulates.

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 water and sewage treatment facilities, development other than infilling will require a Settlement Capability Study as outlined in Section 2.3.6 – Settlement Capability Study.

The County plan requires site specific development proposals to be accompanied by an evaluating of servicing options within Settlement Areas. The evaluation shall address the County's preferred servicing hierarchy: 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.

Section 2.4.7 – Groundwater Management and 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) implementation of restrictions on development and site alteration to protect all municipal drinking water supplied and sensitive groundwater features".

Section 3.4 – Natural Environment Areas recognizes a diversity of environmental attributes including wetlands and significant woodlands. In order to protect, maintain, and, where necessary, rehabilitate natural features. The Natural Environment Area policies address the appropriateness of development and restrict development to locations which do not adversely affect the sustainability of these features and ecosystem. In addition to contributing to the ecosystem processes, some Natural System elements are considered to be Natural Hazards and pose a risk to life or property if the land is developed. These lands include floodplains, areas of steep slope and erosion-prone slopes. The County

Plan contains policies to restrict development in or near these hazard lands. Further, buildings and structures are generally not permitted within these areas. Uses and buildings that do not detract from the primary function of the Natural System will be permitted.

It is expected that areas designated as Natural Environment Areas will generally remain as such over the long term. Lands designated Natural Environment Areas may be considered for other uses based upon an amendment to the County Plan, the local official plan and zoning by-law. Development within proximity to flood regulated watercourses, wetlands and significant woodland will require a development assessment report (DAR). Development is not permitted within a wetland or within floodprone areas.

Middlesex Centre Official Plan:

The principal policies of Middlesex Centre's Official Plan that are applicable to the proposed development include:

As mentioned above, Middlesex Centre's Official Plan designates the subject property as 'Hamlet' within the Poplar Hill and Coldstream Hamlet Area. The property also contains Flood Plain overlay and Natural Environment areas. 'Significant Woodland' is also identified on Schedule 'B' – Greenlands System.

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.

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.

Section 9.3.1 – Settlement Area Municipal Services recognizes that Poplar Hill-Coldstream is serviced by private sanitary service systems and individual wells. 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.

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 10 lots on private on-site services.

Middlesex Centre's Comprehensive Zoning By-law:

The subject land is zoned 'Existing Use exception 2 (EU-2)' and contains regulated area as identified by the local conservation authority.

The 'Existing Use (EU)' zone states that no land shall be used and no building or structures shall be erected, used, or altered in the 'Existing Use (EU)' zone except for any use existing as of the date of the passing of the Zoning By-law. The site-specific exception 2 (EU-2) recognizes a minimum lot frontage of 15 m (49 ft) and minimum lot area of 2.8 ha (6.9 ac). Any new development requires an amendment to the zoning by-law.

The regulated areas are delineated by shading on Schedule A – Key Map U-12 Popular Hill - Coldstream. Applications for building permits will be referred to the conservation authority having jurisdiction for review prior to issuing the permit.

The applicant has requested to rezone the northerly portion of the land to 'Hamlet Residential First Density (HR1)' where development will occur, and the southerly portion of the land to 'Open Space (OS)' to reflect the natural heritage features and floodplain.

The standards of the 'Hamlet Residential First Density (HR1)' are as follows:

	Hamlet Residential First Density (HR1) zone
Permitted Uses	Accessory use Bed and breakfast establishment Converted dwelling Home occupation Single detached dwelling

	Hamlet Residential First Density (HR1) zone
Minimum Lot Area (a) where a public water supply and public sanitary sewage systems are not available	2, 000 m ² (0.5 ac)
Minimum Lot Frontage	20 m (66 ft)
Minimum Front Yard Setback	In accordance with Section 4.18 of the Zoning By-law; 6 m (20 ft) for all other roads
Minimum Side Yard Setback (a) Interior lot (b) corner lot	1.5 m (5 ft) on one side and 2.5 m (8 ft) on the other side; 6.0 m (20 ft) on the side abutting the road and 1.5 m (5 ft) on the other side
Minimum Rear Yard Setback	8 m (26 ft)
Minimum Floor Area	90 m ² (969 ft ²) for single detached dwelling
Maximum Height	12 m (39.4 ft) for single detached dwelling
Maximum Lot Coverage	35% for the main building 38% for all buildings including accessory buildings subject to Section 4.1 a)

The standards of the 'Open Space (OS)' are as follows:

	Open Space (OS) zone
Permitted Uses	<p>No land shall be used and no buildings or structures shall be erected, used, or altered in the Open Space (OS) Zone except for the following purposes:</p> <p>Accessory use</p> <p>Agricultural use, excluding buildings and structures</p> <p>Conservation use</p> <p>Forestry use</p> <p>Nursery</p> <p>Park, public or private</p>
Minimum Front Yard Setback	<p>In accordance with Section 4.18 of the Zoning By-law;</p> <p>10 m (33 ft) for all other roads</p>
Minimum Side Yard Setback	10 m (33 ft)
Minimum Rear Yard Setback	7.5 m (25 ft)
Maximum Height	12 m (39.4 ft)
Maximum Lot Coverage	20%

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.

Public Comments:

Staff received a few comments from area residents ahead of the public meeting and are summarized as follows:

- Concern about storm water infiltrating groundwater supply
- Area residents have wells at different depths and there are often concerns with the lack of water and water quality. Additional development will deplete resources and can deteriorate water quality.

Agency Comments:

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

The Municipality's Chief Building Official has reviewed the applications and requests lot grading and servicing plans showing wells, septic, contingency and building locations. Also, consideration must be made of water quality and quantity impacts.

The Municipality's Public Works and Engineering Department has reviewed the applications and note that the studies submitted to the municipality are under review. Detailed comments will be provided in the future regarding the engineering matters. These comments could potentially affect the lot size and layout of the subdivision.

Middlesex County Engineer reviewed the application and note some concerns with access to County Road 16 (Ilderton Road) from lots 1 and 2. The County Engineering department would require that both lots be serviced through a single shared access point. As such a series of 0.3 m (1.0 ft) reserves and easements would need to be established to restrict access along the common property line.

Additionally, left and right turn lane improvements will be required at the intersection of Bowling Green Drive and Ilderton Road. All costs associated with the design and construction of these lands will be the responsibility of the developer.

The St. Clair Region Conservation Authority (SCRCA) has reviewed the applications and reports submitted by the applicant. Detailed comments are provided within Attachment 5 of this report.

In summary, it is the opinion of the SCRCA that:

1. Consistency with Section 3.1 of the PPS has been demonstrated;
2. Ontario Regulation 171/06 does apply to the subject site. A permit from SCRCA will be required prior to any development taking place within the regulated area;
3. Consistency with Section 2.1 of the PPS can be demonstrated through conditions relating to natural heritage feature protection, stormwater management, and

landowner stewardship; if the control of nitrates from on-site private servicing can be demonstrated; and

4. The subject site is located within an area that is subject to the policies contained in the Source Protection Plan.

Additionally, SCRCA collects fees for the review of the Plan of Subdivision, Official Plan Amendment and Zoning By-law Amendment applications. A total of \$2980 is payable to the SCRCA.

Canada Post reviewed the initial and current applications and will provide mail delivery services to the subdivision through centralized Community Mail Boxes and offered comments that will be reflected in the draft approval or subdivision agreement of the plan of subdivision.

TVDSB reviewed the application in 2017 stated that Vallyview PS is under capacity.

ESSO requests that a 20 m setback for development on both sides of the pipeline. ESSO also requests to review the design prior to finalization, and may require a crossing/encroachment agreement for construction and permanent structures within 7.5 m of the pipeline or any equipment crossing over the pipeline.

Financial Implications:

None.

Strategic Plan:

This matter aligns with following strategic priorities:

- 1a. Planning & Positioning: Diversifying future residential development.
- 1c. Planning & Positioning: Realizing development potential.
- 3c. Quality of Life: Meeting the needs of both current and future citizens.

Attachments:

Attachment 1 – Location map

Attachment 2 – Draft plan of subdivision

Attachment 3 – Draft Official Plan Amendment

Attachment 4 – Draft Zoning By-law Amendment map

Attachment 5 – St. Clair Region Conservation Authority comments, November 23, 2020

Attachment 6 – Planning Justification Report, June 2017

Attachment 7 – Planning Justification Addendum, September 2020

Attachment 8 – Soil Assessment LID Report, March 2020

Attachment 9 – Functional Servicing Report, August 2020

Attachment 10 – JFM Environmental response to AGM, August 2020