

File No: 39-TC-OPA12
Municipality: Municipality of Thames Centre
Subject Lands: All lands in the Municipality
Applicant: Municipality of Thames Centre

Date of Decision: June 30, 2015
Date of Notice: July 2, 2015
Last Date of Appeal: July 22, 2015

NOTICE OF DECISION
With respect to an Official Plan Amendment
Section 17(35) and 21 of the Planning Act

Purpose and Effect of the Official Plan Amendment

This Official Plan Amendment implements a number of changes to the Thames Centre Official Plan to ensure regard to matters of provincial interest, consistency with the Provincial Policy Statement, conformity with the County of Middlesex Official Plan and to reflect changing circumstances since approval of the Official Plan.

Decision

On June 30, 2015, County Council approved with modifications Amendment No. 12 to the Official Plan for the Municipality of Thames Centre.

When and How to File an Appeal

Any appeal to the Ontario Municipal Board must be filed with the County of Middlesex no later than 20 days from the date of this notice as shown above as the last date of appeal.

The appeal should be sent to the attention of the Manager of Planning at the address shown below and it must,

- (1) set out the specific part of the proposed official plan amendment to which the appeal applies,
- (2) set out the reasons for the request for the appeal, and
- (3) be accompanied by the fee prescribed under the Ontario Municipal Board Act in the amount of \$125.00 payable by cheque to the Minister of Finance, Province of Ontario.

When the Decision is Final

The decision of the County of Middlesex is final if a Notice of Appeal is not received on or before the last date for filing of a notice of appeal.

Other Related Applications: None

Getting Additional Information

Additional information about the application is available for public inspection during regular office hours at the County of Middlesex at the address noted below.

Who Can File an Appeal

Only individuals, corporations or public bodies may appeal the decision of the County of Middlesex to the Ontario Municipal Board. A notice of appeal may not be filed by an unincorporated association or group. However, an appeal may be filed in the name of an individual who is a member of the association or group on its behalf.

No person or public body shall be added as a party to the hearing of the appeal unless, before the plan was adopted, the person or public body made oral submissions at a public meeting or written submissions to the council, or, in the opinion of the Ontario Municipal Board, there are reasonable grounds to add the person or public body as a party.

Mailing Address for Filing a Notice of Appeal

Manager of Planning, County of Middlesex
399 Ridout Street North | London, ON N6A 2P1
Telephone: (519) 434-7321 Fax: (519) 434-0638

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MODIFICIATIONS TO THAMES CENTRE OFFICIAL PLAN AMENDMENT NO. 12

Amendment No. 12 to the Official Plan for the Municipality of Thames Centre is hereby approved, subject to the following modifications to Part "B" – The Amendment:

- I. Section No. 3 of OPA12 is deleted in its entirety and replaced with the following:

"Section 1.3 PLANNING HISTORY is hereby modified by deleting it in its entirety and replacing it with the following:

"This document is an up-dated version of the first ever Official Plan of the Municipality of Thames Centre adopted by Council on October 2nd, 2003 and approved by the County of Middlesex on July 20th, 2004."

- II. Section No. 6 of OPA12 is modified by inserting "(20)" before the word "establishing".
- III. Section No. 10 of OPA12 is modified by inserting the title "1.10.6 SUMMATION OF ISSUES AND STRATEGIES" before the numbered list.
- IV. Section No. 11 of OPA12 is modified by inserting the word "only" after the word 'while' and deleting the word "only" after the word 'available' in the second sentence.
- V. Section No. 12 of OPA12 is modified by deleting the words:

"12. Section 1.10.2 (1), Residential Growth, is hereby modified by deleting the 1st paragraph in its entirety and replacing it with the following;

"To assist in understanding future land needs, population and housing projection were up-dated as part of the Official Plan Review of 2013-2014. The most recent census population of Thames Centre was recorded at 13000 in 2011 by Statistics Canada -- an increase of 520 persons since 2001. Projections, based on the cohort survival methodology, indicate the total population will increase to 13,247 persons by 2026, significantly lower than projected at the time the Official Plan was prepared. The more recent projections indicate significant growth in the 60+ age group offset by a significant decrease in the family formation years of the 30 to 44 age group and a reduction on the number of younger persons aged 0 to 14 years." "

- VI. Section No. 16 of OPA12 is modified by changing the numbered sections from 2.1.15, 2.15.1 and 2.15.2 to 2.14.1, 2.14.1.1 and 2.14.1.2.
- VII. Section No. 17 of OPA12 is modified by deleting the "and lying" and inserting the word "urban" before the word "settlement".
- VIII. Section No. 30 of OPA12 is modified by inserting the words "and also provided the residence was built prior to the date specified in the County of Middlesex Official Plan" at the end of subsection (c).
- IX. Section No. 30 of OPA12 is further modified by inserting the words "by a qualified individual at the expense of the applicant" to the end of subsection (j).

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- X. Section No. 45 of OPA12 is deleted in its entirety and replaced with the following:
 "Section 3.3.1 OVERVIEW, is hereby modified by deleting the second sentence in the 2nd paragraph and replacing it with the following:

 "New aggregate operations proposed on lands that are not designated 'Extractive Industrial' will be permitted subject to an amendment to the Zoning By-law and the issuance of a license pursuant to the Aggregate Resources Act."
- XI. Section No. 46 of OPA12 is deleted in its entirety and replaced with the following:
 "Section 3.2.3.1 Environmental Impact Studies (EIS) is hereby modified by replacing the word "council" with the word "Municipality" in the 4th paragraph wherever it occurs."
- XII. Section No. 52 of OPA12 is deleted in its entirety and replaced with the following:
 "Section 4.1 INTRODUCTION – SETTLEMENT AREAS, is hereby modified by deleting the second and third sentences of the 5th paragraph in their entirety and replacing them with the following:

 "New residential development in the Urban Settlement Areas of Dorchester and Thorndale shall be fully serviced by municipal water and municipal sewage services other than limited infilling and small scale redevelopment. New development within Hamlet Settlement Areas shall only occur by individual on-site water services and individual on-site sanitary waste services."
- XIII. Section No. 72 of OPA12 is deleted in its entirety and replaced with the following:
 "Section 4.3.3(5) "RESIDENTIAL" POLICIES, shall be modified by deleting it in its entirety and replacing it with the following:

 "All new development on lands designated 'Residential', other than limited infilling and small scale redevelopment, shall be fully serviced by the municipal water supply system and the municipal sanitary sewage system."
- XIV. Section Nos. 74, 75 and 80 are modified by deleting the word "sanitary" and inserting the word "sewage".
- XV. Section No. 81 of OPA12 is modified by inserting "4.5.3.1" before the title 'SPECIAL SETTLEMENT AREA INDUSTRIAL POLICIES' and by inserting "(1)" before the title 'SETTLEMENT INDUSTRIAL POLICY 1'.
- XVI. Section No. 84 of OPA12 is modified by deleting "4.5.3" and inserting "4.5.4".
- XVII. Section No. 90 of OPA12 is modified by deleting "(4)" and inserting "(8)" and by changing the numbered sections from 7.22, 7.22.1, 7.22.2, and 7.22.3 to 7.23, 7.23.1, 7.23.2, and 7.23.3.
- XVIII. Section No. 90 of OPA12 is further modified by inserting the words "by the municipality" following the word "necessary".

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XIX. Section No. 90 of OPA12 is further modified by deleting the table and inserting in its place the list:

- "Topographic Survey
- Servicing Report
- Hydrogeological Report
- Land Use Compatibility
- Geotechnical Report
- Environmental Impact Study (E.I.S.)
- Traffic Analysis and Impact Study
- Conceptual Stormwater Management Plan
- Tree Survey and Preservation Plan
- Archeological Assessment
- Natural Heritage Assessment
- Natural Hazards
- Noise Analysis
- Vibration Analysis
- Odours, Dust and Nuisance Impacts
- Cultural Heritage Impact Analysis
- Built Heritage Impacts
- Record of Site Conditions (RSC)
- Planning Justification
- Other (to be specified)"

XX. Section No. 93 of OPA12 is deleted in its entirety and replaced with the following:

"Section 7, IMPLEMENTATION AND INTERPRETATION is hereby modified by the addition of the following:

7.24 CORRECTIONS Changes in punctuation, numbering, format or language or other corrections of a clerical, editorial, grammatical, or typographical nature that would not affect the intent or meaning of the document in any way, may be made without an amendment to this Plan."

XXI. Section No. 14 of OPA12 is modified by deleting the words "Source Water Protection Act" and inserting the words "Clean Water Act".

XXII. Section No. 19 of OPA12 is modified by deleting the second and third paragraphs and replacing them with the following:

"The Municipality recognizes and supports the need for Source Water Protection Plans (SPP) as required by the Clean Water Act to ensure the protection of municipal drinking water systems. Source water protection plans have been prepared for the Thames-Sydenham and Region and the Kettle Creek Source Protection Area to ensure the on-going protection of these systems from contamination. The Clean Water Act (CWA) stipulates that once SPPs are approved and in effect, all decisions under the Planning Act shall be in conformity with the policies of the SPPs that address significant drinking water threats and have regard for those policies that address low and moderate drinking water threats."

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- XXIII. Schedule B-1 - Dorchester Settlement Areas is modified by designating lands along Catherine Street 'Residential' from 'Protection Area' as found as Schedule A to this decision.
- XXIV. Schedule A – Land Use Plan is modified by designating lands along Westchester Bourne 'Agricultural' from 'Highway Commercial' and 'Industrial' as found as Schedule B to this decision.
- XXV. Section No. 1 of OPA12 is modified by including the words "Schedule 'A-14' Belmont Wellhead Protection Area" and by including the corresponding schedule as found as Schedule C of this Decision.



Committee of the Whole

Meeting Date: June 16, 2015
Submitted by: Durk Vanderwerff, Planning Manager
Subject: Amendment No. 12 to the Municipality of Thames Centre
Official Plan File No. 39-TC-OPA12

BACKGROUND:

The Planning Act requires that municipalities review their official plans not less than every five years to ensure that the document has regard to matters of provincial interest and is consistent with the Provincial Policy Statement. The Municipality of Thames Centre, utilizing a consulting firm, undertook a Comprehensive Review of its Official Plan in order to meet that requirement.

Amendment No. 12 to the Thames Centre Official Plan would implement the findings of the Municipal Comprehensive Review by making changes that would generally update the Plan: to reflect the 2014 Provincial Policy Statement, to reflect the provision of full municipal services to Thorndale, to change the residence surplus to a farming operation policies, to more clearly define the boundaries of un-serviced hamlets, to re-allocate industrially designated lands along Highway 401, to outline what constitutes a 'complete application', and to add policies to reflect drinking source water protection planning.

Amendment No. 12 includes the re-allocation or 'moving' of lands designated for development in accordance with the County's Land Balance Sheet approach whereby lands are designated for development in exchange for the agricultural designation of other lands provided the net impact on the prime agricultural area is balanced. This report recommends approval of Amendment No. 12 (Attachment One) subject to modifications (Attachment Two) that have been agreed upon by the Municipality.

ANALYSIS:

The completion of the Municipal Comprehensive Review was initiated in December 2011, delayed and restarted in January 2013, with a background report completed in October 2013. The process culminated in the adoption of Amendment No. 12 by Municipal Council in October of last year and submission to the County as the Approval Authority. As part of the County's review, an agency circulation was carried out.

Amendment No. 12 makes a large number of changes to the Official Plan policies and mapping schedules. Most of the changes proposed by Amendment No. 12 were not identified by the County or outside agencies as requiring further analysis. As outlined below, there were however several key issues that were considered during the County's review of Amendment No. 12 and which result in recommended modifications.

Minor / Technical Wording

There are several proposed minor or technical modifications to make wording consistent and also to address matters noticed by the Municipality subsequent to Amendment No. 12 being adopted. For example, the proposed modifications include wording to clarify that although development within Thorndale and Dorchester is intended to occur on full municipal services, there are some areas that do not yet have sanitary sewers and therefore a limited amount infilling and minor rounding out of existing development may occur subject to appropriate site conditions.

Upper Thames River Conservation Authority

Amendment No. 12 includes policies to address drinking source water protection planning. The Upper Thames River Conservation Authority (UTRCA) provided detailed comments on this issue and there are some wording changes that should be undertaken by modification. Also, Amendment No. 12 as adopted made reference to Map 'A14', which is to show the Wellhead Protection Area for Belmont that extends into Thames Centre, however the map was not included in the adopted Amendment No. 12. This should be included by modification.

Ministry of Municipal Affairs and Housing

The Ministry of Municipal Affairs and Housing (MAH) expressed concern about the fulfillment of the comprehensive review requirements of the Provincial Policy Statement (PPS) related to the amount of land designated for development. This item is further addressed under the 'Land Balance Sheet' heading later in this report however after reviewing Amendment No. 12 against the PPS and the County Official Plan I am satisfied that the Municipality has met the requirements of a Comprehensive Review.

City of London

The City of London provided comments primarily concerning the re-allocation of industrial land to the Donnybrook Industrial Area along Highway 401. Their concerns relate to three matters: (1) industrial development occurring without full municipal services, (2) that the amount of industrial land proposed to be designated exceeds a 20 year supply, and (3) a recommendation that a policy be included “*..not permitting any non-industrial uses or uses often considered as appropriate secondary uses in industrial areas. Highway service commercial uses and any other similar uses should also not be permitted within the Rural Industrial land use designation.*”.

Further, Council for the City of London resolved:

“That, the Civic Administration be requested to advise Middlesex County that Municipal Council reiterates the concerns previously expressed by the Civic Administration with respect to the amount of land that has been re-designated for future industrial development adjacent to the existing Donnybrook Industrial Area north of Highway 401, and recommending that a 20 year land supply is more appropriate than a potential 70 year land supply.”

Concerning item (1), the Thames Centre Official Plan does permit development within the Rural Industrial designation without full municipal services provided the uses are ‘dry’ uses. There are some space extensive industrial uses, such as warehousing, that do not typically require full municipal services. While the PPS and the County Official Plan outline a servicing hierarchy with full municipal services being the preferred level of services, individual on-site sewage services and individual on-site water services may be used where municipal services are not available and provided that site conditions are suitable for the long-term provision of such services.

Concerning item (2) that the amount of industrial land proposed to be designated exceeds a 20 year supply; while the numbers are addressed under the ‘Land Balance Sheet’ heading later in this report, it is my opinion that the Municipality’s efforts to concentrate industrial lands along the 401 corridor are not inconsistent with the London’s approach to this issue.

The City recently undertook a planning exercise that resulted in the adoption of an official plan amendment on March 31, 2015 that re-allocates approximately 300 hectares of industrial land along the Highway 401 corridor (to capitalize on the strategic location) in exchange for the re-designation of approximately 300 hectares of industrial lands elsewhere in the City (that are less suitable for industrial uses or poorly located) while maintaining an inventory of industrial lands that exceeds a 20 year supply.

The City and Thames Centre are reallocating industrial lands within their respective boundaries but are not increasing the total amount of land that has been identified for industrial development.

Concerning item (3) recommending the inclusion of more specific wording limiting the accessory retail uses and not permitting highway commercial uses; the Rural Industrial designation allows 'accessory retail uses located within an industrial use'. This is not uncommon within industrial designations and is generally intended to allow a business to sell a small amount of their product locally and often including the sale of bulk goods or 'factory seconds'. The existing Thames Centre Official Plan policies already preclude highway commercial uses within the Rural Industrial designation.

After reviewing the PPS, the County Official Plan, and the Thames Centre Official Plan, I am not recommending modifications to address the matters raised by the City of London.

Public Comments

The County received copies of several pieces of correspondence concerning individual properties and/or private interests. With one exception, after reviewing the correspondence with municipal staff I am satisfied that Thames Centre Council was aware of those submission prior to adopting Amendment No. 12 and that there is nothing in the submissions that would cause me to recommend modifications to Amendment No. 12.

The one public submission that does cause me to recommend modification, is for a property located at 3931 Catherine Street within Dorchester. The front of the property (along Catherine Street) is designated 'Residential' and the rear of the property (associated with the Thames River) is designated 'Protection Area'. The landowner has made a submission to the County that the boundary between those designations does not reflect revised hydraulic modeling information.

The UTRCA has confirmed that their mapping has been updated as result of the revised hydraulic work and therefore it is appropriate to change the boundary between the designations. Given this new information and with the agreement of the Municipality, the land use schedule should be updated through modification to reflect the revised hydraulic modeling.

Land Balance Sheet

Policy 1.1.3.8 of the PPS provides for the expansion of a settlement area boundary only at the time of a comprehensive review and only where criteria are satisfied. Similarly, Policy 2.3.5 of the PPS provides for the removal of land from the prime agricultural area only where it has been demonstrated that criteria are satisfied.

The Background Document to Amendment No. 12 concludes that the existing supply of designated land is in excess of the 20 year projected planning time horizon such that "...*there is no apparent need or justification for boundary expansion...*". This is not unique to Thames Centre, many of our municipalities have found that the existing supply of land is sufficient however they often also find that the supply is not in the right locations.

With this in mind, in exercising the County's Approval Authority responsibility, we have taken an approach whereby lands can be reallocated within a municipality provided the net impact on the prime agricultural area is zero. In other words, even where an existing oversupply of land exists, land can be removed from the prime agricultural area provided other land of equal area is returned to the prime agricultural area.

For Thames Centre, approximately 510 hectares (1260 acres) of land is being changed in designation. For example, approximately 25 hectares of land is being removed from nine hamlets that do not have services and added to the fully-serviced urban settlement areas of Dorchester and Thorndale, a large amount of land next to Thorndale that is currently designated Rural Industrial is being added to Thorndale and is now to be developed utilizing full municipal services, and finally, industrially designated land from several areas of the Municipality is being added to the Donnybrook Industrial Area along Highway 401.

In order to determine if a Comprehensive Review is achieving a net impact of zero, a municipal-wide Land Balance Sheet (LBS) is used to tabulate the lands being removed from and being returned to the prime agricultural area. A LBS was completed by the Municipality and updated during the approval process. Although the LBS initially did not balance, the Municipality has suggested one modification to designate a 20 hectare property agricultural.

After reviewing the numbers and after consulting with the Municipality on several occasions, it is concluded that the net impact of all of the changes to the land use schedules, after the recommended modification, is the removal of less than five hectares of land from the prime agricultural area. Given the overall direction of Amendment No. 12, the intent and purpose of the PPS and the County Official Plan are satisfied in this regard.

Conclusion

The Municipality of Thames Centre has undertaken a Municipal Comprehensive Review process. The Municipal process culminated in the adoption of Amendment No. 12, which makes a number of policy and mapping changes to the Municipality's Official Plan.

There are a number of recommended modifications based on the County's review and comments received from agencies. There also are a small number of housekeeping modifications to correct wording and numbering inconsistencies. The modifications have been reviewed with Municipal staff and there is agreement on all of the modifications.

Amendment No. 12 has been reviewed against the PPS and the County Official Plan and subject to the recommended modifications, I have identified no consistency or conformity issues. Based on the above, it is my opinion that Amendment No. 12 as recommended to be modified is consistent with the Provincial Policy Statement, conforms to the County Official Plan and represents good land use planning. For the above reasons, Amendment No. 12 is recommended for approval subject to modifications.

RECOMMENDATION:

That the County of Middlesex approve Amendment No. 12 (File No. 39-MC-OPA12) to the Municipality of Thames Centre Official Plan with modifications and that staff provide notice of this decision as required by the Planning Act.

Attachments