

File No.: SO-OP22-01
Municipality: Township of Southwold
Subject Land: Entire Municipality
Applicant: Township of Southwold

Date of Decision: February 22, 2022
Date of Notice: February 28, 2022
Last Date of Appeal: March 21, 2022

NOTICE OF DECISION

With respect to an Official Plan under
Section 17(35) of the Planning Act

Purpose and Effect of the Official Plan

The purpose of this official plan is to replace the Township's existing official plan (adopted by By-law 2011-13). The new official plan contains goals, objectives and policies established primarily to manage and direct physical change and the effects on the social, economic, built and natural environment of the Township including policies and measures as are practicable to ensure the adequate provision of affordable housing and a description of the measures and procedures for informing and obtaining the views of the public in respect of various Planning Act processes.

Effect of Written Submissions on Decision

The written submissions received by Elgin County regarding this official plan were considered as a part of the County's review process. No modifications are proposed through the County's decision.

Decision

On February 22, 2022 Elgin County Council hereby repeals the Official Plan of the Township of Southwold as adopted by By-law No. 2011-13 and all subsequently amendments thereto, and approves as modified the Official Plan of the Township of Southwold, as adopted by By-law No. 2021-68 on November 15, 2021.

When and How to File an Appeal

Any appeal to the Ontario Land Tribunal must be filed with the County of Elgin 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 by the Tribunal.

When the Decision is Final

The decision of the County of Elgin 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 Elgin at the address noted below.

Who Can File an Appeal

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

No person or public body shall be added as a party to the hearing of the appeal unless, before the official plan amendment 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 Land Tribunal, there are reasonable grounds to add the person or public body as a party.

Mailing Address for Filing a Notice of Appeal

County of Elgin
Planning Department
450 Sunset Drive
St. Thomas, ON N5R 5V1

Submit notice of appeal to the attention of the Manager of Planning.

Telephone: 519-631-1460
Fax: 519-633-7661

DECISION

With respect to the Official Plan for the Township of Southwold 17 (34) of the Planning Act

I hereby approve the repeal of the Official Plan of the Township of Southwold and all subsequent amendment thereto, pursuant to By-law No. 2011-13, insofar as this Official Plan is in effect.

I hereby approve all of the Official Plan of the Township of Southwold as adopted by By-law 2021-68, subject to the following modifications:

1. Section 2.4, add a new subsection e) "To ensure that all development is appropriately serviced with an adequate supply drinking water and an adequate sanitary sewage system".
2. Section 3.1.1 replace all references to a "25-year planning horizon" with a "20-year planning horizon".
3. Section 3.2.2.1, delete the word "larger".
4. Section 3.2.2.2, delete the word "major" in the second sentence and replace with "majority".
5. Section 3.2.2.3, replace the words "The Township recognizes hierarchy of servicing" with "The Township recognizes the hierarchy of servicing established the Provincial Policy Statement" in the fourth sentence.
6. Section 3.2.2.3, delete the term "interim servicing study" and replace with "settlement area servicing study".
7. Section 3.2.2.4, delete all subsections and replace with the following:
 - "a) sufficient opportunities to accommodate growth and to satisfy market demand are not available through intensification, redevelopment and designated growth areas to accommodate the projected needs over the identified planning horizon;
 - b) the infrastructure and public service facilities which are planned or available are suitable for the development over the long term, are financially viable over their life cycle, and protect public health and safety and the natural environment;
 - c) in prime agricultural areas:
 - i) the lands do not comprise specialty crop areas; alternative locations have been evaluated, and
 - ii) there are no reasonable alternatives which avoid prime agricultural areas; and,
 - iii) there are no reasonable alternatives on lower priority agricultural lands in prime agricultural areas;

- d) the new or expanding settlement area is in compliance with the minimum distance separation formulae; and
 - e) impacts from new or expanding settlement areas on agricultural operations which are adjacent or close to the settlement area are mitigated to the extent feasible.”
8. Section 3.2.2.5, delete the word “growth” in subsection b).
 9. Section 3.2.3, delete the third sentence and replace with the following:

“Partial services are permitted for infilling and minor rounding out and to address the failure of private sewage and water services on existing lots”
 10. Section 3.2.4, add the words “and constitutes the Township’s Prime Agricultural Area as defined by the Provincial Policy Statement”.
 11. Section 3.2.5.2, replace the existing 10% intensification target with a 15% intensification target.
 12. Section 3.2.7, delete this section in its entirety and replace with the following:

“The Township will provide for an appropriate range and mix of housing options and densities required to meet projected requirements of current and future residents of the Township. To that end, the Township planning shall:

 - a) maintain at all times the ability to accommodate residential growth for a minimum of 15 years through residential intensification and redevelopment and, if necessary, lands which are designated and available for residential development; and
 - b) maintain at all times where new development is to occur, land with servicing capacity sufficient to provide at least a three-year supply of residential units available through lands suitably zoned to facilitate residential intensification and redevelopment, and land in draft approved and registered plans.”
 13. Section 3.3.1.4, delete the word “broader” from subsection b).
 14. Section 3.4, delete the word “should” and replace with the word “will” before the word “support” in the first sentence.
 15. Section 3.4.1.1, replace the word “percent” with the “%” after the number “30”.
 16. Section 4.1.2.6, insert the word “Habitat” after “Wildlife” in Table 4.1.
 17. Section 4.1.5.4, add the following at the end of the last sentence: “and must comply with the requirements of the County’s Woodlands Conservation By-law.”

18. Section 4.1.5.5, replace the words “Have regard for” with “Comply with” in subsection h).
19. Section 4.2.3.3, replace the words “written approval” with “a valid permit / permission” in the first sentence.
20. Section 4.2.4.1, replace “is not permitted” and replace with “will only be permitted”.
21. Section 4.2.5.1, delete the word “no”, pluralize the words “building” and “structure” and insert the word “only” after the word “shall”.
22. Section 4.3.2.2, replace with the word “Aquifer” in the section title with “Aquifer”.
23. Section 4.3.2.4, insert the words “, at the time of application” after the word “submit” in the last sentence.
24. Section 4.4.2.5, delete the section in its entirety and replace with the following:

“Wayside pits and quarries, portable asphalt plants and portable concrete plants used on public authority contracts shall be permitted, without the need for an official plan amendment, rezoning, or development permit under the Planning Act in all areas, except those areas of existing development or particular environmental sensitivity which have been determined to be incompatible with extraction and associated activities.”
25. Section 5.1.2.1 change the policy references in this section as follows:
 - Subsection c) to policy 5.1.3.2
 - Subsection h) to policy 5.1.3.3
 - Subsection i) to policy 5.1.4.2.
26. Section 5.1.2.1 k), replace the words “secondary dwelling units” with “residential permissions within the Agricultural Area in accordance with policy 5.1.3.3.”
27. Section 5.1.2.2.2 insert the words “small scale” before the word “food” in the first sentence.
28. Section 5.1.3.2, insert the words “established in the Zoning By-law” at the end of subsection c).
29. Section 5.1.3.3, add the following words at the end of the section:

“e) Secondary dwelling units where:
 - i) the size of the secondary dwelling unit is smaller relative to the primary residence;
 - ii) the secondary dwelling is located within the farm cluster; and,
 - iii) the secondary dwelling has adequate servicing.”
30. Section 5.1.4.5, insert the word “generally” before the number 40 in the first sentence.

31. Section 5.1.4.6, replace the paragraph with the following: “Severances for agricultural related uses may be considered where both the severed and retained lots are generally 40 hectares in size. Despite this lot area requirement, the lot may be severed from an agricultural lot that is generally less than 40 hectares provided that the agricultural land is merged in name and title to an abutting agricultural lot.”

32. Section 5.1.5.1, Insert the following at the end of this section:

“Nothing in this Plan shall limit the ability of farmers to carry out normal farm practices in accordance with the Farming and Food Production Protection Act.”

33. Section 5.1.5.2, insert the words “and said formulae shall be incorporated into the Township’s Zoning By-law” at the end of the sentence.

34. Section 5.2.2.2, change the policy references in this section as follows:

- Subsection h) to policy 5.2.2.3.6
- Subsection i) to policy 5.2.2.3.7

Add a new subsection after subsection g) as follows: “Professional offices and small-space commercial uses in accordance with policy 5.2.3.5. ”and re-number the remaining subsections as required.

35. Table 5.1, delete the table in its entirety and replace with the following:

| Density: | Dwelling type: | Maximum Density: | Maximum Building Height: |
|----------|---|------------------------------------|--|
| Low | Single-detached, semi-detached, duplexes, triplexes | Generally 20 units per net hectare | Generally up to 3 storeys |
| Medium | Townhomes and low-rise apartments | Generally 50 units per net hectare | Generally up to 3 storeys for townhomes and 6 storeys for low-rise apartment |

36. Section 5.2.2.3.5, is deleted in its entirety and replaced with the following:

"5.2.2.3.5 Professional Offices and Small-Scale Commercial Uses

Certain types of professional offices and small-scale commercial uses which are compatible with a residential neighbourhood and may be intended to serve as a needed function to nearby residents may be permitted in specific residentially designated areas. These uses include, but are not limited to a convenience store, café, law office, doctor’s office, chiropractic practice, dentist, accounting practice or similar uses. Development standards can blend such uses into the residential

community to minimize undesired impacts. Professional offices and small-scale commercial uses will be permitted in existing residential dwellings within the Residential Areas provided:

- a) The proposed use is limited to a professional practice or small-scale commercial use;
 - b) Within Settlement Areas, the use fronts onto a Collector or Arterial Road; and,
 - c) Adequate parking and pedestrian connections are provided.”
37. Section 5.2.2.4.1, delete the first sentence being “Site Layout of all new residential development shall maintain or enhance the neighbourhood’s prevailing pattern of lot widths, lot depth and lot area”.
38. Section 5.2.4.4.1, delete the word “residential uses” and “residences” throughout this section and replace with “sensitive land uses”.
39. Section 5.3.2, create a new subsection following subsection g) as follows:
- “h) Institutional uses such as places of worship, community halls, and schools that will support the viability of the Hamlet and which are commiserate with the servicing policies of this plan.”
40. Section 6.2.2.1, delete the word “be” and replace with “been” in the second paragraph.
41. Section 6.2.2.2, delete the letter “o” and replace with the word “on” in the second sentence.
42. Section 6.2.3.1, insert the word “municipal” before the word “water” in the section title and first sentence.
43. Section 7.7, Replace “Local Planning Appeal Tribunal (LPAT)” with “Ontario Land Tribunal (OLT)”.
44. Section 7.8.3.1, insert the words “legally-established” before the word “uses”.
45. Section 7.11.2.1, insert the words “which may cover part or all of the corporate boundaries of the Township” at the end of the first sentence”.
46. Section 7.14, delete subsection d) in its entirety and delete the word “and” at the end of subsection c).
47. Section 7.15, delete subsection d) in its entirety and delete the word “and” at the end of subsection c).
48. Section 7.19, insert the words “Provincial Policy Statement, Elgin County Official Plan, and this” before the word “Official” in subsection a).

49. Section 7.20, delete the first two sentences of the section in their entirety.
50. Section 7.22.4, delete the word “amendment” from subsections b), c) and d) and replace with “variance” and delete the word “and” at the end of subsection c).
51. Section 7.22.4, delete subsection d) in its entirety.
52. Section 7.23.3, delete the words “of sufficient size for agricultural use, including adequate land for manure utilization from livestock on the property” and replace with “generally 40 hectares in size” at the end of Subsection a).
53. Create a new section entitled “3.7 Contaminated Sites” which states the following:

“If the site of a proposed use or development is in the opinion of the Township or other approval authority known or suspected to be a contaminated site, Council shall require that prior to permitting development on the site, the proponent shall complete the following to the satisfaction of the Township or other approval authority:

- a) Environmental Site Assessment (ESA) in accordance with Ministry of Environment guidelines; and,
- b) Site restoration in accordance with a remedial plan, where the need for remediation is identified. Where an ESA has determined that contamination exists, no development shall be permitted until such time as the completion of any required decommissioning and/or remediation of the site, and a Record of Site Condition has been prepared by a Qualified Person confirming that site soil conditions meet Provincial criteria for the proposed use.”

54. Create a new section entitled “3.5.4 Industrial Operations and Employment Lands” which states the following and renumber the subsequent sections accordingly:

“Sensitive land uses shall be planned and developed to minimize and mitigate any potential negative impacts from existing industrial operations and planned employment areas to ensure the long-term operational and economic viability of said operations and areas in accordance with provincial guidelines, standards and procedures.”

55. Create a new section after the existing Section 5.1.3 entitled “5.1.4 Non Farm Uses” as follows, and renumber subsequent sections as appropriate:

“The Township shall only permit non-agricultural uses in the agricultural designation for:

- a) extraction of minerals, petroleum resources and mineral aggregate resources; or
- b) limited non-residential uses, provided that all of the following are demonstrated:
 - i) the land does not comprise a specialty crop area;
 - ii) the proposed use complies with the minimum distance separation formulae;
- c) there is an identified need within the 20 year planning horizon of this plan for additional land to accommodate the proposed use and alternative locations have been evaluated, and

- i) there are no reasonable alternative locations which avoid prime agricultural areas; and
- ii) there are no reasonable alternative locations in prime agricultural areas with lower priority agricultural lands.”

56. Create a new section after the existing Section 6.2.2.4 entitled “6.2.2.5 Sanitary Sewage System Capacity” as follows:

“New development shall demonstrate that the municipal sanitary sewage system has uncommitted reserve capacity available in order to ensure that capacity is not exceeded. The Township may require the oversizing of sewer lines where future servicing extensions are anticipated. The developer is responsible for the necessary extensions and/or enlargements.”

57. That the Table of Content, page numbering, and section numbering is revised as required to address all modifications.

Dated at the County of Elgin this 22nd day of February 2022.



Brian Lima
General Manager of Engineering, Planning & Enterprise / Deputy CAO
County of Elgin