Rural non-farm development and the need for a country-wide official plan in Essex County.

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RURAL NON-FARM DEVELOPMENT AND
THE NEED FOR A COUNTY-WIDE OFFICIAL PLAN
IN ESSEX COUNTY

by

Gail Speirs
Department of Geography

A Thesis
Submitted in partial fulfillment
of the requirements for the degree of
Master of Arts

Faculty of Graduate Studies
University of Windsor
Windsor, Ontario
June, 1979
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I should like the opportunity to express my sincere thanks to the many friends, professors, municipal clerks, employees and planners, whose interests and assistance with this paper encouraged its completion. In particular my advisors, Dr. Jack C. Ransome, Dr. Lorne H. Russwurm, University of Waterloo, and Dr. Trevor Price; all of whom aided this often idealistic researcher with encouragement and constructive criticism, which was always appreciated.

I must also include my friends in the Geography Department and of Electa Hall, who encouraged me to work hard.

To my family I owe the most thanks for the use of their time, patience, confidence and the car.

Thus I am solely responsible for any errors and/or omissions in the preceding text.
Abstract

The purpose of this thesis was to hypothesize that present policies and zoning by-laws directing land use control was not sensitive enough to reduce the amount of non-farm related development in Essex County. The main source of data was the land conveyance applications from 1975 to 1977.

It was observed that there were more residential lots approved in plans of subdivision in urban centres, than there were granted non-farm residential lots. Although the non-farm population of the townships had a higher growth rate than that of the urban centres.

It was also realized that the existing townships did not have the policies of the Foodland Guidelines of the Ministry of Agriculture and Food incorporated as part of their policies and zoning by-laws.

It was concluded that to achieve a reduction in the amount of non-farm development in the townships, it is necessary to incorporate policies which are sensitive and yet consistent to the various soil capabilities of the county’s planning areas. Thus a county official plan, as a tool to present and formulate such a policy, was suggested.
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Chapter 1

INTRODUCTION

To control the type and location of development within a planning area, policies and policy enforcement in the form of a local official plan and set of zoning by-laws are necessary, as evidenced in past municipal planning processes. Each municipality in a county is an independent planning area, or part of a joint planning area. Thus the possible variety of policy statements and regulations and the differences in planning policy interpretation, has often led to various and or inconsistent land use policies.

This thesis will consider whether the lack of consistent policies on a county-wide basis can disrupt the existing land uses of a township. An example of such a policy is the development of agricultural land for non-farm purposes. Although designated for agricultural-related development, these rural areas have received little planning direction to achieve policy consistency within townships and county. This thesis hypothesizes that the present land use control policies in Essex County are not sensitive to local planning goals, and if this is determined to be true, a county-wide approach to planning (i.e. a county official plan) may be a solution.
Objective

The primary task is to assess the need for a county official plan to serve as a tool to coordinate planning policies at the county level. This study assumes that the County Council will apply to the Ministry of Housing and obtain recognition of Essex County as a planning area. The approval is necessary according to the Planning Act of Ontario prior to the County Official Plan being approved by the Ministry of Housing.

To improve the existing planning process, it was necessary to understand the mechanisms and tools in each planning area; e.g., an analysis of the planning area's official plan policies, zoning by-laws and the resultant decisions based upon planning policy. The rural consent applications of 1975, 1976 and 1977 were utilized as an example of a local level planning decisions because it is a form of land use change.
Region under Study

The study area is Essex County located at the southern tip of Southwestern Ontario, (refer to Map 1). The City of Windsor, Pelee Island and the Township of Gosfield South will not be included as part of the study area, (refer to Map 2). Township Official Plan designated urban centres such as Harrow, will be a subordinate aspect of this study and will not be considered as part of the rural area or the rural population. Essex County, has been chosen because it has been strongly affected by urban sprawl. In spite of this continuing influence, it is an area which shows a lack of effort toward a coordinated and consistent planning policy among the townships. According to the Ministry of Treasury, Economics and Intergovernmental Affairs study, under the increasing urban pressures on the agricultural land, Essex County experienced the highest amount of rural non-farm development in Southwestern Ontario, as documented by 1966 and 1971 census data.

The proximity of the township offices facilitated the collection of land conveyance application data and discussion with the township clerks, Land Division personnel and members of the farming and resident non-farming communities. These discussions were necessary to assess the municipal planning systems, the planning controls and their interactions with the provincial government policies and programs.
land under the auspices of the Essex Land Division Committee. This is another example of inconsistency of planning procedures within the county. The effectiveness of various types of land use control organization will be evaluated.
Townships and Urban Centres in Essex County

Legend
- BOUNDARIES - township
- - urban
Present Municipal System

In January 1979, there were twenty-one municipalities in Essex County: thirteen townships and eight incorporated urban centres, (refer to Map 3). The tools, policies and procedures of planning differ among the planning areas.

Of the twenty-one municipalities, nine are independent planning areas and twelve are combined into four joint planning areas, (refer to Table 1). The jurisdiction of three of the joint planning areas in the county includes an urban centre and the surrounding township, e.g., Harrow and Colchester South. The fourth joint planning area consists of four townships and two urban centres. Three of these municipalities are located in Kent County.

According to Table 1, during the time period 1969-77, ten of the township planning areas had received the approval of the Ministry of Housing for their official plan. Seven of these areas had their zoning by-laws approved by the Ministry of Housing during the period, 1970-78. Therefore, each official plan may not be consistent with the others because of policy changes which occurred within the Ministry.

A further analysis indicates that of the eight independent township planning areas, six have local Committees of Adjustment. In one joint planning area, the individual municipalities have kept their own Committees of Adjustment. Two of the individual township planning areas and three of the joint planning areas have transferred their power to convey
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M. of H. = Ministry of Housing approval
-69 = 1969

Chapter 2

REVIEW OF LITERATURE

Prior to the exploration of the need for an official plan for Essex County, it is necessary to review the past and present studies on land use planning in urban fringe areas; the present planning legislation; and the existing planning system within the area of study. This background will aid in the understanding of the land use policy needs of Essex County.

Geography's traditional approach in planning has viewed land use as that "group of human activities by which land is made to yield products of value to man". The attempt to "plan the use of land..... is less than acceptable to some, because it is not an exact science".

Perhaps one reason for this is that there are many possible alternatives as to how land can be utilized and organized. Since geography is concerned with the overall man/environment relationships, it is important that land policies and land use planning be considered. This has become increasingly apparent in the juxtaposition and conflict of urban and agricultural land uses. As will be shown in this thesis, land use planning requires a diversity of participants, including planners, citizens, geographers, economists, agrologists and politicians.

Rodd in discussing the preservation of agricultural
Regional and Rural Planning

Regional planning is concerned with the availability, development and maximization of resources. It has been realized that rural regional planning and plan implementation requires planning approaches different from city planning. The importance of planning resource-oriented areas (e.g. agricultural land) on a very wide but specified range of planning problems is becoming recognized. An attempt to plan any
municipality without continued reference to the larger area... and without understanding those interrelationships, is doomed to failure. Barrow (1977) agreed and suggested that the countryside especially of a city or region, can only be planned as one with the urban area. But historically in this study area, the cooperation and coordination of the City of Windsor and Essex County with respect to land use planning has been very limited. Thus this thesis has approached county planning in Essex County from the context of a county official plan without the major urban area. An example of this relationship occurred in 1976, when a regional planning structure for Windsor-Essex was proposed in a consultant's report, but was not seriously discussed by County and City councils.

Within the context of regional planning, the purpose of rural planning is to emphasize the rural/agricultural areas and to assess their reaction to urbanization. Thus regional planning often acts as a policy response to the increased spread of urban development into areas, regardless of traditional local government boundaries and functions.

The need for rural planning from an agricultural perspective had not been studied in Southwestern Ontario until quite recently. A study by the Ontario government (1961) noted that there was no real reason for concern over the loss of the Niagara fruitland, because of the increase in production. In 1968, Krueger found that a decline in the number of fruit acres had occurred because of the occupation of these lands
by non-farm uses. He suggested the lack of a land use plan and the financial problems of the orchard industry as the reasons for such fruit land occupation.

But such a plan was noted by Hahn (1970) to cause opposition from rural residents who believed rural planning was detrimental to their property rights. Nevertheless, rural planning policies at the provincial level were recommended by Rodd (1976) as an approach to development, particularly non-farm development, in rural areas.

In a study of the development of rural land use, Neice (1977) in an analysis of severance activity in a township planning area "indicated the effects in both type and degree, which rural non-farm residential development has had on the agricultural land base". He concludes that the type of land severance policies must be tailored to the particular circumstances present in the municipality.

Planning for Agriculture in Southern Ontario (1972), cited several problems of regional rural land use planning which have been, or are, experienced at the level of the decision-making mechanisms:

"1. a lack of central decision-making and policy on land use;
2. a lack of public participation at the local level;
3. a lack of decision-making at the scale of the whole urban field of influences; and,
4. a corresponding lack of systematic correlation between provincial and local policy."
Land use coordination is thus not the only policy aspect dependent upon planning. To attain the most economical use of existing and proposed facilities and services (i.e. sewers and schools), intermunicipal growth and development cooperation is a definite asset. The policy of the draft Official Plan of the Regional Municipality of Hamilton-Wentworth, (1978) stresses the funnelling of proposed rural non-farm development into the existing hamlets. This was a necessary policy to increase the population in certain areas, thus making the installation of services, or the existing services, more financially feasible by increasing the load.

**Agriculture and Rural Planning**

The policy of funnelling development into smaller urban centres proposes to relieve the strain of the financial and natural resources of the municipality. The percentage of land given over to farm and non-farm land use activities was used by Russwurm (1970) to delineate the area of 'urban fringe'. This area which extends thirty miles from the built up edges of metropolitan cities and five miles from smaller cities, is noted to contain approximately one-third of Canada's total farmland. 16

An analysis by Best and Champion (1970) in the British context, concluded that although there are regional variations in the amount of agricultural land converted to urban uses,
the most significant change of a decrease of agricultural acreage occurred in the more rural areas. The possibility of this trend occurring in the study area will be presented as a hypothesis, which if proven true, will further explain the need for a County official plan.

Sokolow (1968) in a study of land use regulations in three townships in Ontario, concluded that the actual "impacts of land use on one another due to development, are minimal because they are reduced by attrition of the acreage of the farms...." Yet by 1970 the Province of Ontario deemed it necessary to legislate the Ontario Code of Practice, which attempts to prevent future conflicts between non-farm residents and the farmers. It provides a framework for the establishment and expansion of livestock enterprises. It proposes to ensure adequate protection to both the farm and the non-farm residents by designating minimum distances within which other types of land use can be developed. This should reduce the encroachment effects of non-farm development on the rights of the specialized farm operators. Although Rodd (1976) felt that such a Code of Practice was needed, it was evidence of further restrictions on the use of agricultural land because of non-farm development.

In the realization of the increasing loss of farmland to non-farm uses, Ransome (1970) questioned "when the province will give some specific thought to how much of the best agricultural land... in Southwestern Ontario is to
to be preserved for the future."¹⁸ In response to this frequent inquiry, the Ontario Institute of Agrologists published a report, *Foodland: Preservation or Starvation*, (1976). This report discusses the decline of the area-oriented resource and proposed programs to increase pressure on the Ontario Ministry of Agriculture and Food to formulate new policies for foodland preservation.

By March 1976, the Ontario government declared its commitment "to maintain a permanent, secure and economically viable agriculture industry...."¹⁹ It proposed two approaches:

1. measures to ensure the economic feasibility of using the best land for agricultural production and,
2. to ensure the preservation of better land for agricultural purposes.²⁰

One such measure, preparing policies to assist municipalities in planning for ongoing agriculture, takes the form of the legislation (December, 1978) of the Ministry of Agriculture and Food - *The Foodland Guidelines*. This approach provides a "methodology to incorporate necessary agricultural considerations into local plans."²¹ Thus bring the expertise and experience of the provincial ministries to become involved in planning at the local decision-making level.
Politics and Rural Planning

Although the provincial government has initiated several planning policies, the decision-making process is at the local level. Planning is considered to be the one remaining aspect in local government which allows the excercise of pure political control... thus reflecting the political nature of planning.  

A system of planning control over private development prevents unwanted development, but does not ensure where development will take place - a negative approach; such is the conclusion of an analysis of linkages between development pressures and political reactions by Clarke (1972).

This study proposes the idea of county planning as an alternate form of regional planning to realize and direct such linkages in Essex County. The regional planning framework is one in which the "government is fully committed to the principles of effective regional planning and should accordingly underpin local planning efforts." In the Ontario context, success in regional planning requires a "good planning board, commitment from council and a responsive plan, to overcome the complexity of planning the rural agricultural community." 

Jones (1977) study on the need for furthering the regional planning process, suggests that local government authorities should not view regional planning as
"an unwarranted interference with their rights and prerogatives," as it is "part of the style of Ontario provincial planning." Rosenberg (1975) analyzed planning powers and the conservation of farmland and suggested that their performance of rural planning is only as "strong as the elected councillors wish it to be." According to Mitchie, (1972) the most fundamental problem of regional planning is that "it lacks any precise and generally accepted identity." Thus rural councillors often feel that "there is no need for a planning programme." Although this may have been probable in the past, the local decision-makers of the study area are now more aware of the developments which are occurring in their respective municipalities and are more willing to initiate a county planning system.

Early in 1962, it was noted that "regional governments are being pushed by the Province of Ontario," as a process by which the province can initiate provincial policy for incorporation at the local levels.

The most prominent type of coordinated planning in Ontario has been under the auspices of the regional government concept. Currently two-thirds of Ontario's population live within restructured local government areas. This system involves linking the services and resources of a
major city, (i.e. Hamilton) with those of the surrounding county (i.e. Wentworth). One of the main principles behind such a merger is to enable the provision of better services through coordinating development proposals and achieving a measure of consistency of land use policy throughout the area, (i.e. Regional Municipality of Hamilton-Wentworth).

Such a reorganization process is viewed by the province as helping to plan for more orderly development, thus enabling a more efficient provision and use of services in rapidly growing areas. In Ontario, the county government has had a limited role in providing local services, but Silcox (1976) recognized that the "trend is towards an increasing role, as problems have had to be dealt with on a regional basis." 32

Such a provincial policy was considered by Beecroft as a must, to encourage municipal planning to be sensible, logical and long-term. He recognized that the "planning process requires a team of specialists, without which you are not planning." 33 Using similar reasoning, the Conservation Council (1973) felt that the municipality could increase its local autonomy, by proving itself capable of carrying out detailed planning.

Planning capabilities will be increased, according to Burghardt (1972), if a permanent staff instead of consultants maintain the official plan, zoning by-laws and
the general planning process. Therefore, to ensure that a municipality has such capabilities, he suggested that "regional government must be imposed from 'above'".34

Ontario Provincial Reports

To establish a policy of regional planning the Ontario provincial government has undertaken extensive research in regional or county planning.

An Ontario Economic Council report (1973) on municipal planning, Subject to Approval, concluded with several recommendations pertaining to the provincial planning process. This report spurred the Ontario government to carry out a comprehensive review of The Planning Act. The Planning Act Review Committee depicted as the main elements of municipal planning the following; "the legal instruments, the procedure and practices employed and the parties involved in the system.35

One concept of the system, the official plan, was questioned most recently by Lang and Armour (1977), in relation to the effectiveness of its decisions related to the natural environment. Lang and Armour, members of the Planning Act Review Committee, suggested that the "overall goals of the municipality are best served by expressing them as a more specific policy expression as has occurred in the official plans of the planning areas of regional municipalities,

The abandonment of the "concept of official plans, in the sense of municipal plans requiring provincial approval," was a major proposal of the Planning Act Review Committee. Official plans would be replaced by 'municipal plans' and municipal planning statements, (municipal planning documents). Within such a plan Niece (1977) suggests that "until such time when proper control and regulation can be enforced, it would appear best to have a highly restrictive set of land division policies in the official plan."  

In 1977 at the interministerial level, a sub-committee was established to "define and assess the problems associated with one form of land division, land conveyances and to carry out a preliminary identification of possible policy proposals." It attempted to include the number and nature of severance activities in the recent past; 1) to assess the cost and the impact of severances on the rural areas; 2) to identify problems of severance administrators; and 3) to suggest recommendations to improve the present severance policies and procedures. Problems of incomplete records and the time needed to compile the data restricted the report's accuracy. These are difficulties in planning at the municipal level that warrant the need for an increase in the coordination of the existing planning services, within the study area, particularly at the county level.
The interministerial report agreed with Bunker (1971) who suggests that the basic philosophy of the official plan system is to "guide development proposals and to provide a vehicle for provincial approval of local actions." This subcommittee report's major recommendations are: 1) that the consent applications proposed use conform with the official plan designation; 2) that the Ministry of Housing should be responsible for ensuring the incorporation of provincial policy into municipal severance policy, and 3) the increased cooperation and consultation of the Ministry of Housing with the Ontario Ministry of Agriculture and Food, in reference to severance application and activity be achieved.

Huron County is an example of a planning area as defined by the Ministry of Treasury, Economics and Inter-governmental Affairs, in which the governing body of the official plan acts as administrative tool, with which to guide and direct the development of the twenty-six municipalities in the county. Whereas the County of Oxford approached a county official plan through the premises of a restructuring process of the previous county municipal system. At present Oxford County's planning department carries out all the planning activity at the upper tier, including the Land Division Committee on behalf of local municipalities.
An example of increased coordination occurred in 1977 based upon the Huron County Official Plan and the Countryside Planning study by the Ministry of Housing (1975). The Ministry of Agriculture and Food has provided a model township official plan to assist planners and planning board members in formulating policies which are sympathetic to the future or agricultural areas. The model illustrates exact wording and layout for such policies which might be incorporated into an official plan.

Present Rurally-oriented Official Plans

To illustrate the approach of their political units on land use planning, two county official plans, a township official plan and a proposed interim severance policy were selected for analysis. The proposed official plan of the Regional Municipality of Niagara will also be included as an example of a regional official plan. A comparative analysis between these official plans and the policies of the Ministry of Agriculture and Food will also be done.

The official plans of Huron and Oxford counties, the Township of London and the Regional Municipality of Niagara were selected because of their similarities with Essex County, especially the predominance of prime agricultural land. The Regional Municipality of Niagara is an important example because, as in Essex County, there is a high demand for rural non-farm development combined with special crop
production. The interim severance policy of the Regional Municipality of Hamilton-Wentworth is an excellent example of a policy for land division in a regional context. The planning areas of Huron County and Oxford County are under a lesser demand for non-farm development as compared to more populated counties (e.g. Essex County), but both illustrate different approaches to a county official plan. The Township of London is a good example of a township which adjoins a growing metropolitan area and which has approved policies to restrict development due to the increase of rural non-farm development. This is a situation similar to that presently occurring within some townships of Essex County.

The rural policies of the Regional Municipality of Niagara, although not yet approved by the Minister of Housing, does include the guidelines put forward by the Ministry of Agriculture and Food. Policies have been suggested for designated areas; i.e. agriculture, livestock operations, rural, rural residential development and villages. This format of sectioning the planning area into specific land uses, allows for a more dynamic policy. Such a policy could be more sensitive to the area, its needs and development and the use of the adjoining property. The official plan also referred to the inclusion of assistance from several sources, (i.e. federal, provincial and local levels of government), in the attempt to ensure a viable agriculture industry.
Another approach to the land use policy process was the Interim Severance policy of the Regional Municipality of Hamilton-Wentworth, in an attempt to up-date the severance policy before the official plan would be approved by council. This policy was a synopsis of the 'Settlement Capability Study' (1976) and the study 'Towards a Rural Settlement Plan', (1976). These two studies of the rural portion of the Regional Municipality of Hamilton-Wentworth, discussed the feasibility of increasing development of the existing settlement areas and the rural area. The criteria used to identify areas suitable for development and non-growth were based upon sewage disposal facilities, growth limitations, water supply and drainage and soil quality. The 'Towards a Rural Settlement Plan' is an example of the realization that many factors are involved in non-farm development in rural areas and must be weighted on an individual basis in the decision-making process.

The approach taken in the Huron County planning area was similar through the designation of rural land into areas of greenbelt, agriculture and open space. This county's official plan, consent policy is similar to the 1978 Foodland Guidelines of the Ministry of Agriculture and Food, because the format is based upon a set of specific restrictions. For example; the family member must assist in the operation of the farm.
This process is not as sensitive to a particular situation as the point system in the Restructured County of Oxford planning area. Limited non-farm development is permitted in parts of the rural area, although it is discouraged because there is a recognized need for an amendment to the zoning by-laws.

The consent policies of the Huron County Official Plan permit development in hamlet areas or in clusters in designated rural residential areas. Permitting only conveyances for agricultural uses in agricultural areas, emphasizes the attempt by the Land Division Committee to ensure the viability of the farm operation after the proposed conveyance. The policies to encourage non-farm development to locate within the boundaries of the hamlet or village in the Oxford County planning area are similar to those of Huron County.

On a smaller scale similar to the circumstances of a township bordering the City of Windsor, (i.e. the population size of the city, and the agricultural capability of the soil,) the Official Plan of the Township of London (approved by council, 1978) has been selected for review.

Throughout the Official Plan of London Township, there is a definite concern towards encouraging policies to drastically limit the number of non-farm lots receiving approval from the Middlesex County Land Division Committee, in an attempt to preserve the agriculture industry. A
minor emphasis was placed upon the urban centres; their services, facilities, projected population and reasons for restricted growth, all factors which would affect the decision if severances on registered plans of subdivision were to be allowed in these centres. To maintain the rurality of the area by discouraging the intrusion of urban land uses, the policy of the official plan encourages the development of rural registered plans of subdivision on large lots (greater than forty (40) acres). A maximum size limit of one hundred (100) acres was also established to give scope to the private developer and landowner and still limit the demand on school facilities. This policy should also discourage speculative subdivision of agricultural land. To further promote 'rurality' the ten to one hundred (10-100) acre land parcel policy is not to be applied near existing villages. This policy is contrary to the Ministry of Housing policy, (1975), which encourages rural estate development in the periphery of the urban centre for convenience to the urban facilities. It also conflicts with the Huron and Oxford Counties' approaches. The policy of the Ministry of Housing is also being contravened with the policy of permitting the severance of large rural residential parcels, since the Ministry's policy is to restrict the size of the proposed lot to decrease the amount of agricultural land being taken out of production. The County Official Plans of Huron
and Oxford do not have policies restricting the size of a proposed non-agricultural lot.

From the agricultural production viewpoint, the London Township Official Plan has identified an 'area of livestock limitations' within the 'agricultural limitations zone' especially around the City of London. This is a non-farm residential development-oriented policy, which acts as a buffer between the two conflicting uses, because it restricts the farmer's use of his land for livestock purposes. The agricultural policy states that a minimum of fifty-five (55) acres will be required for a lot for agricultural and farm purposes. In an overall context, the policies of the two county official plans precede and are in general agreement with the 1978 guidelines of the Ministry of Agriculture and Food. The methodology of these agricultural policies have: 1. identified agricultural resource land; 2. analysed the competing demands for resource lands; 3. designated agricultural land; and 4. supported the agricultural designations with planning policies.
Essex County

Essex County is an area of eight independent and four joint planning areas. The first formal mention of promoting regional planning in Essex County was in a letter in 1971 from the Minister of Municipal Affairs, Dalton Bales, who suggested that the planning area be defined to cover at least the County of Essex and the City of Windsor.

A Land Use Plan of Essex County was completed in 1973 by a local planning consultant firm and approved by the Essex County Council. This plan was similar in format to background documents for an official plan. The plan's use of 1961 and 1966 census data, has caused it to be outdated as a basis for any present or future decision-making.

In the Essex County Local Government Restructuring Study, (Silcox, 1976), stated, among other recommendations, that the separation of the City and County into distinct local governments, restricts the effectiveness of a number of important local government functions because of the limited service area. Silcox suggested integrating the City of Windsor with Essex County under a single government. Comay (1977) disagrees that such an integration is necessary for a county planning service.

Several studies have described the planning situation in Essex County. In an analysis of several statistical sources, such as severance applications, rural subdivision activity and changes in rural non-farm population
in Southwestern Ontario, 1961-1971, Brown (1976), for the Ministry of Treasury, Economics and Intergovernmental Affairs, distinguished Essex County as the "county most affected by the many forms of urban spread." He suggested "coordination of the area by a policy-making body responsible to the electorate, to lessen the ... difficulty in coping with the larger geographical problems of exurban spread." Development trends in the rural area of Essex County have also been the topic of reports by the Essex Region Conservation Authority (1976) and Speirs (1977). The report of the Conservation Authority entailed a compilation of the county's land conveyance applications from which were identified the areas experiencing development in the non-urban areas. Policy restrictions which limit the Conservation Authority to making recommendations led to a further analysis by Speirs (1977) of the land conveyance data. It was concluded that the type of soil, zoning and/or the proximity to water to the proposed site did little to affect the decision of approval. Hence it was suggested that there was a greater loss of prime agricultural land than that involved in the proposed lot because of the effect which an additional non-farm development may have had on the use of the neighbouring farm land. The occurrences of proposed building lots within floodplain areas were also noted.
In late 1977, a motion by Essex County Council to revive interest in county planning, led to the County Administration preparing a detailed discussion of the planning situation in Essex County. The report viewed those official plans for rural areas as being facsimiles of those prepared for large urban areas. No alternative planning tool or means were suggested. County planning in Essex County was discussed in regards to the probable improvements a county planning department would have to offer; such as county land use and development plans.

The pressure behind regionalism comes from three major groups - those seeking administrative devolution from central government; those seeking local government reorganization and those seeking a more efficient land use planning system.

It is the last group, to which this thesis is addressed.
Chapter 3

HYPOTHESES

The purpose of this thesis is to explore the need for a county official plan as one way of establishing a more efficient land use policy system for Essex County. The following hypotheses have been proposed:

1. That the proportion of the rural non-farm population sector of the township was increasing at a higher rate (1966-1976) than the population in the county's designated urban centres.

2. That development on rural lands under the jurisdiction of the Essex County Land Division Committee or the townships' Committee of Adjustment is primarily non-farm residential.

3. That the existing township official plans and zoning practices are not formulated to curb and organize development to protect agricultural land according to the Guidelines of the Ministry of Agriculture and Food, legislated in 1978.

4. That it is easier to obtain in accordance with the zoning by-laws, approval for a residential conveyance in the rural areas in certain townships and/or planning areas, than in the others.

5. That the 1975-1977 trend of non-farm development by conveyance of lots within rural areas of the township, is not in compliance with township official plan policies.
Chapter 4

METHODOLOGY

The acceptance or rejection of the hypotheses will be based upon the following process, which was undertaken to explore the need for a county official plan. Four different types of data were studied. The first data set was the population of the townships subdivided on the basis of urban, rural, rural-farm and rural non-farm from the 1966, 1971 and 1976 publications of Statistics Canada. The second set of data type was derived from the analysis of the existing official plan policy statements and the zoning by-laws of each township or joint planning area. The third data source was the consent applications for the proposed conveyances. The decision on the consent application reflects the interpretation of the township official plan policy and zoning by-laws by the respective Committee or Adjustment or the Essex County Land Division Committee. All of the applications for conveyance submitted to a committee during the time period 1975, 1976 and 1977 were included.

The population classifications of urban, rural, rural farm and rural non-farm for each township, were placed in tables according to year and township.
Land conveyances have been selected as the measurement for the analysis of land use policies in the area. This is because the decision upon the consent application illustrates the use of the land use planning policies in each planning area. This form of development has also been selected because it occurs on an individual basis, one lot per application. The Ministry of Housing's approval is not required as with registered plans of subdivision. The comments and decisions from the council and planning board or provincial ministeries, (e.g. Transportation and Communications), are made upon each conveyance application.

The data from a review of the consent applications was collected and transferred to a chart. The categorizations depicted area: lot location; proposed lot and the retained lot size; and the existing proposed and official plan designated use of the land. Also noted was whether the conveyance was intra-family in nature. The decision of the Committee of Adjustment of the Essex County Land Division Committee was indicated. The cross tabulation of the data of the consent applications for a township on an annual and/or collective basis was then interrelated in the analysis for hypothesis 2, 4 and 5.

The registered plans of subdivision, which received ministerial approval during the 1975 to 1977 time period,
located in the designated urban centres of the study area, were tabulated by the number of lots and the total acreage of the plan of subdivision per urban centre and year of approval, (hypothesis 5).

The official plans and the zoning by-laws of the townships examined were not necessarily those upon which the conveyance decision was based. This is because seven of the official plans and zoning by-laws were approved by the Ministry of Housing prior to 1975, and four were approved during the 1975-77 time span. These official plans and zoning by-laws are still considered relevant to the analysis because this study is not to decide if the decision of the Committee was in accordance with the existing individual official plan policy and zoning by-laws. Instead the purpose of the analysis of the statement of the policy and the restrictions of the township was to interpret the present goals and policies of each township for comparison with other townships in the study area.

A comparison will also be made between township policies and the present policies of the provincial Ministry of Housing and the Ministry of Agriculture and Food. Two charts, one specifies the official plan policies, (Fig.(ii)) while the second designating the zoning by-laws (Fig.iii), displays this information on a township basis. The collective statement of policy and restrictions
were tabulated to determine the occurrence of any predominant policies or zoning by-laws. The policies of the Ontario Ministry of Housing and the Ministry of Agriculture and Food were also included (refer to Fig. ii). A cross-tabulation was then done to show any similarities between the policies of the two provincial ministries and the planning policies and zoning by-laws of each municipality.
Chapter 5

OBSERVATIONS

Hypothesis 1

That the proportion of the rural non-farm population sector of the township was increasing at a higher rate (1966-1976) than the population in the county's designated urban centres.

According to Table 2, the average population increase for Essex County during the 1966 to 1971 was 23.8%. This was greater than the growth rates of the City of Windsor 5.6%, (refer to Table 3). During the same time period the overall 16.6% change of the township populations, was greater than the 10.8% population change in the designated urban centres. (Map 4).

A trend of smaller increases was consistent within all municipalities from 1971 to 1976. The population growth in the designated centres was 9.4%, whereas the rate of population growth of the townships was 10.6%. Negative decreases were evident in the City of Windsor (5.3%), two townships, (Mersea and Tilbury West) and two urban centres, (Harrow and St. Clair Beach). Thus, the population of the townships increased at a greater growth rate than that of the designated urban centres, (Table 2 and Fig. (i)).

With reference to Table 2, one of the four townships, bordering the City of Windsor, Sandwich West (67.%) plus
Maidstone (80.2%) and Malden (78%), had the highest rates of population growth during the 1966-1976 time period. (Although Sandwich West Township cannot be termed a basically rural community it is under the jurisdiction of a township.) The highest growth rates of the urban centres were comparatively lower; (i.e.; the Towns of Essex (49%) and Belle River (42.7%). The difference in the rates of increase may be caused by several reasons: the desire to live in a rural setting and lower-cost housing. The high growth townships suggest areas of possible strain upon the existing services and tax rates because of the increasing service demand from the growing number of non-farm developments.

Each township's population was classified on the basis of rural farm and rural non-farm (refer to Table 4). An analysis showed that during 1971 to 1976, the rural farm proportion of the county population declined by 4.8%, while the rural non-farm proportion increased 21%, a difference of 25.8%. The rural non-farm percentage increase also exceeded the 9.4% growth increase of the population of county urban centres, and also the 10.5% growth rate of Essex County. Thus, the rural non-farm population has increased its proportion of the county population from 50% (1971) to 55% (1976). Therefore, the hypothesis is accepted.
<table>
<thead>
<tr>
<th>Townships</th>
<th>Pop. 1966</th>
<th>1966-71 percent change</th>
<th>Pop. 1971</th>
<th>1971-76 percent change</th>
<th>Pop. 1976</th>
<th>1966-76 percent change</th>
</tr>
</thead>
<tbody>
<tr>
<td>Anderdon</td>
<td>4,256</td>
<td>9.7%</td>
<td>4,667</td>
<td>1.0%</td>
<td>5,019</td>
<td>17.9%</td>
</tr>
<tr>
<td>Colchester N.</td>
<td>2,422</td>
<td>21.0%</td>
<td>2,931</td>
<td>17.6%</td>
<td>3,446</td>
<td>46.4%</td>
</tr>
<tr>
<td>Colchester S.</td>
<td>4,028</td>
<td>17.3%</td>
<td>4,724</td>
<td>4.8%</td>
<td>4,951</td>
<td>22.9%</td>
</tr>
<tr>
<td>Gosfield N.</td>
<td>3,204</td>
<td>7.8%</td>
<td>3,454</td>
<td>5.6%</td>
<td>3,646</td>
<td>13.8%</td>
</tr>
<tr>
<td>Gosfield S.</td>
<td>4,994</td>
<td>26.3%</td>
<td>6,306</td>
<td>13.3%</td>
<td>7,144</td>
<td>43.1%</td>
</tr>
<tr>
<td>Maidstone</td>
<td>4,658</td>
<td>66.0%</td>
<td>7,734</td>
<td>8.6%</td>
<td>8,396</td>
<td>80.2%</td>
</tr>
<tr>
<td>Malden</td>
<td>2,560</td>
<td>23.0%</td>
<td>3,151</td>
<td>44.3%</td>
<td>4,561</td>
<td>78.0%</td>
</tr>
<tr>
<td>Mersea</td>
<td>8,630</td>
<td>5.2%</td>
<td>9,078</td>
<td>-0.6%</td>
<td>9,051</td>
<td>4.5%</td>
</tr>
<tr>
<td>Rochester</td>
<td>2,918</td>
<td>23.0%</td>
<td>3,600</td>
<td>15.4%</td>
<td>4,153</td>
<td>42.0%</td>
</tr>
<tr>
<td>Sandwich S.</td>
<td>4,179</td>
<td>15.7%</td>
<td>4,836</td>
<td>4.2%</td>
<td>5,029</td>
<td>20.6%</td>
</tr>
<tr>
<td>Sandwich W.</td>
<td>8,306</td>
<td>45.8%</td>
<td>12,109</td>
<td>14.9%</td>
<td>13,912</td>
<td>67.5%</td>
</tr>
<tr>
<td>Tilbury N.</td>
<td>2,325</td>
<td>13.8%</td>
<td>2,646</td>
<td>18.5%</td>
<td>3,136</td>
<td>34.9%</td>
</tr>
<tr>
<td>Tilbury W.</td>
<td>1,585</td>
<td>7.5%</td>
<td>1,704</td>
<td>-2.3%</td>
<td>1,664</td>
<td>5.0%</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Townships</th>
<th>Total in Essex County</th>
</tr>
</thead>
<tbody>
<tr>
<td>Pop. 1966</td>
<td>54,065</td>
</tr>
<tr>
<td>1966-71 percent change</td>
<td>23.8%</td>
</tr>
<tr>
<td>Pop. 1971</td>
<td>66,940</td>
</tr>
<tr>
<td>1971-76 percent change</td>
<td>10.6%</td>
</tr>
<tr>
<td>Pop. 1976</td>
<td>74,008</td>
</tr>
<tr>
<td>1966-76 percent change</td>
<td>36.9%</td>
</tr>
</tbody>
</table>

### Table 3
Percentage Change in Population
Growth of Urban Centres in Essex County, 1966-1976

<table>
<thead>
<tr>
<th>Designated Urban Areas</th>
<th>Pop. 1966</th>
<th>1966-71 percent change</th>
<th>Pop. 1971</th>
<th>1971-76 percent change</th>
<th>Pop. 1976</th>
<th>1966-76 percent change</th>
</tr>
</thead>
<tbody>
<tr>
<td>Amherstburg</td>
<td>4,264</td>
<td>11.4%</td>
<td>5,169</td>
<td>7.7%</td>
<td>5,566</td>
<td>19.9%</td>
</tr>
<tr>
<td>Belle River</td>
<td>2,280</td>
<td>28.0</td>
<td>2,917</td>
<td>11.6%</td>
<td>3,254</td>
<td>42.7%</td>
</tr>
<tr>
<td>Essex</td>
<td>3,742</td>
<td>19.5</td>
<td>4,133</td>
<td>34.9%</td>
<td>5,577</td>
<td>49.0%</td>
</tr>
<tr>
<td>Harrow</td>
<td>1,941</td>
<td>1.5</td>
<td>1,971</td>
<td>-1.8%</td>
<td>1,936</td>
<td>0.3%</td>
</tr>
<tr>
<td>Kingsville</td>
<td>3,545</td>
<td>15.3%</td>
<td>4,076</td>
<td>15.1%</td>
<td>4,692</td>
<td>32.0%</td>
</tr>
<tr>
<td>Leamington</td>
<td>9,554</td>
<td>9.2%</td>
<td>10,435</td>
<td>7.0%</td>
<td>11,169</td>
<td>16.9%</td>
</tr>
<tr>
<td>St. Clair Beach</td>
<td>1,746</td>
<td>13.8%</td>
<td>1,987</td>
<td>-1.7%</td>
<td>1,953</td>
<td>11.9%</td>
</tr>
<tr>
<td>Tecumseh</td>
<td>4,992</td>
<td>5.1%</td>
<td>5,171</td>
<td>3.0%</td>
<td>5,326</td>
<td>8.2%</td>
</tr>
<tr>
<td>Total of urban centres (county)</td>
<td>32,371</td>
<td>10.8%</td>
<td>35,859</td>
<td>10.1%</td>
<td>39,473</td>
<td>22.0%</td>
</tr>
</tbody>
</table>

Percent Change in Population in
Essex County; 1966 - 1976

Map 4

Sources: Census of Canada. Cat. 92-632, p. 61, 1966.
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Total population of Essex County*</td>
<td>88,378</td>
<td>16.6%</td>
<td>103,100</td>
<td>1.0%</td>
<td>113,831</td>
<td>28.8%</td>
</tr>
<tr>
<td>1) Urban *</td>
<td>32,371</td>
<td>12.0</td>
<td>36,160</td>
<td>10.1</td>
<td>39,828</td>
<td>23.0</td>
</tr>
<tr>
<td>Percentage of total pop.</td>
<td>36.6%</td>
<td></td>
<td>35.1%</td>
<td></td>
<td>35.0%</td>
<td></td>
</tr>
<tr>
<td>2) Rural</td>
<td>56,007</td>
<td>19.5</td>
<td>66,940</td>
<td>10.6</td>
<td>74,008</td>
<td>32.1</td>
</tr>
<tr>
<td>Percentage of total pop.</td>
<td>63.4</td>
<td></td>
<td>64.9</td>
<td></td>
<td>65.8</td>
<td></td>
</tr>
<tr>
<td>(a) non-farm pop. percent of total</td>
<td>36,415</td>
<td>41.1</td>
<td>51,372</td>
<td>20.5</td>
<td>61,897</td>
<td>70.0</td>
</tr>
<tr>
<td>(b) farm pop. percent of total</td>
<td>19,595</td>
<td>-20.5</td>
<td>15,568</td>
<td>-21.7</td>
<td>12,191</td>
<td>-37.8</td>
</tr>
<tr>
<td>Percentage farm of rural</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Percentage non-farm of rural</td>
<td>35.0</td>
<td></td>
<td>23.3</td>
<td></td>
<td>16.5</td>
<td></td>
</tr>
<tr>
<td>Percentage non-farm of rural</td>
<td>65.0</td>
<td></td>
<td>76.7</td>
<td></td>
<td>83.5</td>
<td></td>
</tr>
</tbody>
</table>


(* excluding the City of Windsor)
Urban, Rural farm and non-farm Population in Essex County; 1966, 1971 and 1976

Hypothesis 2

That development on rural lands under the jurisdiction of the Essex County Land Division Committee or the township Committees of Adjustment is primarily non-farm residential.

According the Table 5, 1519 consent applications were made during the 1975, 1976 and 1977 study period. Of these applications, 78% (1203) were approved, 18% (281) were denied and 4% (62) were deferred by their respective Committee of Adjustment or the Essex County Land Division Committee, (refer to Map 5). Further analysis of the approved severances established that the majority of the conveyances, 51.3% (637) were proposed new lots, while 18.6% (231) of the lots were located in existing registered plans of subdivision. Conveyances granted for technical reasons, i.e.; mortgage purposes, or to widen driveway and agricultural purposes accounted for 7.2% and 16.4%, respectively.

A more detailed breakdown of the approved new lots is shown in Table 6. This table indicates that of the 637 'new lots' (Table 5), 51% (324) were to be located on land zoned for rural and/or agricultural purposes, (Map 6). The denials of such lots were 30% (14) of the total number of applications for consent for rural residential lots.

A further step of comparison, Table 7, shows that there were more 'new lots' for residential purposes, 184 (52.5%) being conveyed to a family member as rural farm,
<table>
<thead>
<tr>
<th>Year</th>
<th>Total Applications</th>
<th>Total Granted</th>
<th>New Lots</th>
<th>Registered Lots</th>
<th>Technical</th>
<th>Agric. Lots</th>
<th>Res./Agric.</th>
<th>Other</th>
<th>Surplus House</th>
<th>Denied</th>
<th>Deferred</th>
</tr>
</thead>
<tbody>
<tr>
<td>1975</td>
<td>428</td>
<td>340</td>
<td>183</td>
<td>39</td>
<td>27</td>
<td>48</td>
<td>14</td>
<td>29</td>
<td>-</td>
<td>76</td>
<td>12</td>
</tr>
<tr>
<td>1976</td>
<td>540</td>
<td>398</td>
<td>234</td>
<td>77</td>
<td>28</td>
<td>52</td>
<td>-</td>
<td>-</td>
<td>7</td>
<td>120</td>
<td>22</td>
</tr>
<tr>
<td>1977</td>
<td>584</td>
<td>465</td>
<td>220</td>
<td>115</td>
<td>37</td>
<td>64</td>
<td>15</td>
<td>11</td>
<td>3</td>
<td>91</td>
<td>28</td>
</tr>
<tr>
<td>Total</td>
<td>1552</td>
<td>1203</td>
<td>637</td>
<td>231</td>
<td>92</td>
<td>164</td>
<td>29</td>
<td>4</td>
<td>10</td>
<td>287</td>
<td>.62</td>
</tr>
</tbody>
</table>

Source: Consent Applications, 1975, 1976 and 1977 - Author

1 Other is an agglomeration of commercial, industrial and institutional
Table 6

Number of Residential Lots Conveyed
in an Agricultural Zone

<table>
<thead>
<tr>
<th>Year</th>
<th>Number of Conveyances Granted</th>
<th>Total Granted Residential New Lots</th>
<th>Number of Residential Lots in Agricultural Zone Granted</th>
<th>Denied</th>
</tr>
</thead>
<tbody>
<tr>
<td>1975</td>
<td>340</td>
<td>183</td>
<td>108</td>
<td>45</td>
</tr>
<tr>
<td>1976</td>
<td>398</td>
<td>234</td>
<td>128</td>
<td>55</td>
</tr>
<tr>
<td>1977</td>
<td>465</td>
<td>220</td>
<td>88</td>
<td>40</td>
</tr>
<tr>
<td></td>
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**Note:** Farm = farm related residential development  
Non-farm = not related to farming development  
* = the percentage of the farm and non-farm conveyances of the total conveyances granted.
than to non-farm owners, 166 (47.5%), during the three year period of the study. This trend is in accordance with the policy of the township official plans and zoning by-laws, which stresses the family-member's needed assistance for the operation of the farm prior to the conveyance. Therefore, the hypothesis must be rejected.

It should be noted though, that according to Table 7, there was not a great difference in the percentages. This illustrates that the zoning restrictions to deter approving non-farm residential lots in rural areas have either not been strictly enforced, or the requirement of being a farm family member is not the most greatest deterrent to non-farm residential development in the official plan policy and zoning by-laws of the townships (refer to Map 6).

**Hypothesis 3**

That the existing township official plans and zoning practices are not formulated to curb and organize development to protect agricultural land according to the Guidelines of the Ministry of Agriculture and Food, legislated in 1978.

A review of the official plans of the townships of the study area regarding the conveyance of land in rural/agricultural designated areas showed a consistency of certain policies in most of the official plans, (refer to Fig. (ii)). The most frequent policy restricted the right to a conveyance for residential purposes to a.
Severance Policies of the Township

Official Plans in Essex County

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</table>

Source: Official Plans
A General Rural Development Policy
1. encourage registered plans of subdivision.
2. no registered plans of subdivision allowed.
3. encourage compactness.
4. encourage compact development in hamlets.
5. discourage further division of rural land.
6. discourage ribbon development.
7. development in rural areas will not need urban services.
8. to decrease speculation.
9. discourage an increase in non-farm growth.
10. a special holding zone where changes in land use are anticipated.

B Rural Consent Policies
11. consent allowed in rural areas.
12. provide limited residential consents in rural areas.
13. owner of land must be a bona-fide farmer.
14. for retirement purposes.
15. a lot for a family member's residence, who assists on farm.
16. infilling development.
17. surplus house.
18. minimum lot area established.
19. minimum floor area established.
20. lot cannot be farmed economically.
21. good agricultural land to be preserved.
22. protect agricultural uses.
23. prohibit obnoxious agricultural uses.
24. decrease amount of agricultural land involved.
25. land being used is considered marginal for agricultural development.
26. proposed use is agriculturally related.
27. hardship of refusal.
28. agricultural areas only for agricultural development.

C Rural Residential Policy
29. estate type subdivision allowed.
30. will consider smaller lots (than estate-type).
31. pre-designing lots which may be split later.
32. direct development to hamlets.

D Restriction on the Location of the Proposed Conveyance
33. determined number of lots to be conveyed for a three year period.
34. maximum number of lots which can be conveyed.
35. soil and drainage suitable for proposed purpose.
36. adequate buffering between two possible conflicting uses.
37. road access to the lot.
38. does not impose or create a traffic hazard.
39. distance between livestock operations and residential lot in accordance with the Agricultural Code of Practice.
40. preference to five year resident applicants.
41. preference given to those close to urban services and facilities.
42. preference if services are available.

E Size of Lot Policies in Rural Areas
43. variations in density of residential homes per farm.
44. relationship of frontage depth of lot to be conveyed.
family-member of a bona-fide farmer, who assists on the farm. Most of the official plans of the townships, nine of thirteen, also recognized a need and incorporated a policy to allow a farmer to sever his house and the lot from the agricultural land for retirement purposes.

Another well-noted policy of eight of the thirteen official plans, was the requirement of soil and drainage suitability in regards to residential sewage disposal. A policy of infilling development was also noted by several (eight of thirteen) of the official plans with the intent of locating non-farm growth where an intrusion minimizing service demands would be made. The need to preserve agricultural land was also specified with equal frequency, although no suggestions on the possible ways in which to approach the problem were stated in the official plans.

The guidelines of the Ministry of Agriculture and Food approach land use planning in agriculturally productive areas, from the perspective of what is necessary to preserve and ensure the resource's future. Most official plans and planners adopt the approach of emphasizing the preservation of agricultural land, (eight of thirteen).

These guidelines emphasize that in the designation of areas for non-farm development, the decision must encompass the relationships between the soil's
agricultural capabilities and the rating of the land parcel. According to the A.R.D.A. agricultural capability classification of Essex County, (refer to Map 6), there are only three small land parcel of less than class 3 agricultural capability. Therefore, according to the focal point of the Ministry of Agriculture and Food's policy to discourage conveyances in productive areas, and to allow some development in areas of limited agricultural capability (classes 4, 5, 6 and 7), in this study area there should be no severances or a very limited number for non-farm uses permitted.

In a comparison with the guidelines of the Ontario Ministry of Agriculture and Food, several omissions of the existing policy structure of the existing townships' official plans were noted. In most of the official plans and zoning by-laws, the establishment of a viable farm unit has depended upon minimum lot sizes for a farm unit and on the soil capabilities of the land. This is not mentioned in either the official plans or the zoning by-laws of the townships. Mersea Township did classify the agricultural land into three distinct categories, each with a different development policy.

This example of segregating agricultural land types to establish policies complimentary and sensitive to the land's agricultural capabilities, has not been used else-
Soil Capability for Agriculture in Essex County

Legend

- urban centres
- township boundary
- county boundary
- soil classification boundary

Class  Description
1  - no significant limitations in use for crops.
2  - moderate limitations which restrict the range of crops.
3  - moderately severe limitations that restrict the range of crops or require special conservation practices, or both.
5  - very severe limitations which restrict their capability to produce perennial forage crops.
7  - no capability for arable culture or permanent pasture.
0  - organic soils.

Subclasses
s  - adverse soil characteristics.
w  - excess water other than flooding, limits use for agriculture.
r  - solid-bedrock is less than three feet from the surface.

where in the study area, although other townships in the study area, according to A.R.D.A. have a variety of agricultural capabilities within the planning areas of the townships. Minimum lot size restrictions on the retained lot is a policy of the Ministry of Agriculture and Food, which although not stated explicitly, have become the policy of most township official plans.

The use of agricultural land and areas only for agricultural purposes, was suggested by only two of the thirteen official plans. This is one of the major policies of the Ontario Federation of Agrologists (1977) in an attempt to decrease the number of non-farm residences. This decrease would also be reflected in reducing restrictions on nearby farming operations in accordance with the Ontario Agricultural Code of Practice.

Based on this cross-analysis of the Ministries of Housing and Agriculture and Food policies, the official plans policies and the zoning by-laws of the townships, it was found that there was one policy in which the official plans of the study area were consistently more restrictive than the provincial guidelines. This policy refers to the Ministry of Housing policy of 1975, which allows for unrelated farm assistants to be allowed a conveyed lot for residential purposes from the farmer. In Essex County, according to the township official plans, such a
conveyance requires the assistant to be a family member of the bona-fide farmer.

In a review of the zoning by-laws, (refer to Fig. (iii)), it was observed that little attempt was made by the decision-makers of the official plan to initiate a more detailed breakdown and analysis of the rural area. This effort could develop the zoning beyond the basic rural agricultural and rural residential designations. There is evidence that the zoning by-laws have not been formulated to curb the attrition of land suitable for agricultural production. This was evident because the restrictions limited the minimum size of the residential lot allowed for an area greater than that needed, according to the soil and drainage conditions established for adequate sanitation. (For example; in the Rochester Township zoning by-law, one to fifty (1-50) acres = Residential first low density development.) Therefore, the hypothesis is accepted.
# The Zoning By-laws of the Townships in Essex County

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<tr>
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<th>Restricted Agriculture</th>
<th>Specialized Farms</th>
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<th>Zoning by-law approval</th>
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<td>(20/1 lot coverage)</td>
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<td>0.5 (20/1 coverage)</td>
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### Frequency of Occurrence

| 12 | 4 | 8 | 1 | 9 | 4 | 4 |

**Notes:**
- ac. = minimum lot area in acres.
- ft. = minimum lot frontage in feet.
- "*" denotes the accordance of the zoning by-law with the Ontario Agricultural Code of Practice.
- In limiting the area within which there can be no conflicting uses, e.g., piggery within 200' of a non-consistent residence, would be a conflicting use.

Source: Municipal zoning by-laws of townships of Essex County - Author
Hypothesis 4

That it is easier to obtain in accordance with the zoning by-laws, approval for a residential conveyance in the rural areas in certain townships and/or planning areas, than in the others.

Table 8 illustrates that on a study area basis, there has been a slight increase in the percentage of denial decisions, as compared to the total consent applications during the study time period. The individual Committees of Adjustment have maintained a slight trend 1975-1977 toward increasing the number of denied conveyances, peaking in 1976. The member townships of the Essex County Land Division Committee show a similar trend but without the sudden increase. The smallest percentage of denials over the three year time span were recorded by Sandwich West 5%, Sandwich South 28%, Maidstone 12% and Tilbury North 6% townships, (refer to Map 8).

The first two townships share a boundary with the City of Windsor and are therefore subject to urban development due to the overflow from the development occurring within the city. It was thus evident that the zoning by-laws and planning policies of the four townships were not being fully enforced in the decision-making process, to reduce the number of non-farm lot conveyances. This was found to be particularly so in regard to the
Table 8

Decisions on the Residential Conveyances
by Municipal Committee

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Committee of Adjustment

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Source: Applications for consents, 1975 1976 and 1977 - Author
Map 8

Total Granted Residential Lots per Township, 1975–1977

Legend:
- not within study area
- 1–30 (lots)
- 31–60
- 61–90
- 91–120

evidence of deviation from the minimum lot size by-law in Tilbury North township.

A comparison of the number of the denied residential conveyances by the respective committee, proved to be of negligible consequence. The Committees of Adjustment had 130 (165) compared to the Essex County Land Division Committee's 156 (21%) of the total conveyances were denied over the three year study period.

The approval of one particular land use type, a 'new lot' for residential purposes in a designated rural area, has during the study's time period experienced a definite decrease in the townships of Sandwich West, Anderdon and Rochester. The number of residential lots granted on land zoned agriculture, has increased (according to Table 8) in Maidstone and Gosfield North. Therefore of the twelve townships in the study area, two have shown an increase; three, a decrease and several have remained stable during the 1975-1977 time period. Although there is evidence of a stabilization occurring, it was still not in accordance with provincial policy of 1976. This policy was aimed to increase the number of approved rural residential lots, which are located within existing registered plans of subdivision. Therefore, the hypothesis is accepted.
Hypothesis 5

That the 1975-1977 trend of non-farm development by conveyance of lots within rural areas of the township is not in compliance with township official plan policies.

A review of the registered plans of subdivision approved 1975 to 1977 noted a decrease in the number of serviced residential lots in the urban centres, (refer to Table 9). According to this table, the number of lots decreased 83% from 1,386 in 1975, to 237 in 1976. In 1977, the 59 proposed lots were located in two urban centres; a decrease in lots of 75% (1976-77) and 95% (1975-77). Table 9 showed that three urban centres were responsible for the greatest portion of registered plan of subdivision lots, (Belle River, Leamington and Tecumseh). In excluding these urban centres, and their neighbouring townships, (Rochester and Mersea), on an urban centre to township basis, there were more rural non-farm residential conveyances granted, 129 (refer to Table 7), in the remaining four urban centres and ten townships, than lots within approved registered plans of subdivision. This is the majority of the study area.

The Towns of Amherstburg and Essex were the only municipalities to have no registered plans of subdivision approved during this time period. A lack of sewage
Table 9

The Area and Number of Approved Registered Plans of Subdivision Lots in the Urban Centres of the Study Area

<table>
<thead>
<tr>
<th>Towns/Village</th>
<th>Total area in acres</th>
<th>Number of lots</th>
</tr>
</thead>
<tbody>
<tr>
<td>1975</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Belle River</td>
<td>150.0</td>
<td>463</td>
</tr>
<tr>
<td>Harrow</td>
<td>40.4</td>
<td>100</td>
</tr>
<tr>
<td>Leamington</td>
<td>136.0</td>
<td>463</td>
</tr>
<tr>
<td>Tecumseh</td>
<td>65.0</td>
<td>360</td>
</tr>
<tr>
<td>Total</td>
<td>391.4</td>
<td>1386</td>
</tr>
<tr>
<td>1976</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Belle River</td>
<td>6.0</td>
<td>24</td>
</tr>
<tr>
<td>Leamington</td>
<td>64.7</td>
<td>173</td>
</tr>
<tr>
<td>St. Clair Beach</td>
<td>0.7</td>
<td>3</td>
</tr>
<tr>
<td>Tecumseh</td>
<td>7.6</td>
<td>37</td>
</tr>
<tr>
<td>Total</td>
<td>78.3</td>
<td>237</td>
</tr>
<tr>
<td>1977</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Belle River</td>
<td>7.9</td>
<td>51</td>
</tr>
<tr>
<td>Leamington</td>
<td>13.2</td>
<td>28</td>
</tr>
<tr>
<td>Total</td>
<td>21.1</td>
<td>59</td>
</tr>
<tr>
<td>Total</td>
<td></td>
<td></td>
</tr>
<tr>
<td>1975-77</td>
<td>491.5</td>
<td>1682</td>
</tr>
</tbody>
</table>

facilities in Essex and a lack of vacant land for residential development in Amherstburg appeared to have been the immediate reasons. Amherstburg, because of this restriction, is at present discussing the possibility of annexing land from Malden and/or Anderdon townships.

A cross-comparison of the number of 1) rural 'new lots' which were conveyed, 2) conveyances in registered plans of subdivision and 3) lots in newly created registered plans of subdivision, were tabulated in Table 10. It was observed from this table that the number of lots in the registered plans of subdivision approved during the study time period 1975-1977 were greater in those granted in agricultural areas.

This comparison revealed that 231 lots (19.2% of the total lots granted) were severed within previously approved registered plans of subdivision in the rural areas. Thus 1913 residential lots were approved within registered plans of subdivision, created or existing, in the study area. When compared to the 324 residential lots conveyed in Table 11, it was established that there were more residential lots in plans of subdivision in the urban centres than created on a piece-meal basis in rural areas. On a study area basis, the total number of
### Number, Area and Zoning of Residential Conveyances in the Study Area

<table>
<thead>
<tr>
<th>Year</th>
<th>Total granted</th>
<th>total new lots granted</th>
<th>Number of residential lots in agriculture granted</th>
<th>Number of acres granted</th>
<th>Number of lots conveyed in registered subdivisions</th>
<th>Number of lots in registered subdivisions app'ld '75-7</th>
<th>Total residential lots</th>
</tr>
</thead>
<tbody>
<tr>
<td>1975</td>
<td>340</td>
<td>183</td>
<td>108</td>
<td>45</td>
<td>438</td>
<td>39</td>
<td>1386</td>
</tr>
<tr>
<td>1976</td>
<td>398</td>
<td>234</td>
<td>128</td>
<td>55</td>
<td>306</td>
<td>77</td>
<td>237</td>
</tr>
<tr>
<td>1977</td>
<td>465</td>
<td>220</td>
<td>88</td>
<td>40</td>
<td>217</td>
<td>115</td>
<td>59</td>
</tr>
<tr>
<td>Total</td>
<td>1203</td>
<td>637</td>
<td>324</td>
<td>140</td>
<td>961</td>
<td>231</td>
<td>1682</td>
</tr>
</tbody>
</table>

Source: Consents Applications, 1975, 1976 and 1977 - Author
Table 11

Number and acreage of types of Residential Development in the study area

<table>
<thead>
<tr>
<th>Type of Residential Lot</th>
<th>1975 % of total</th>
<th>1976 % of total</th>
<th>1977 % of total</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>rural farm</td>
<td>69 64</td>
<td>61 48</td>
<td>54 61</td>
<td>184</td>
</tr>
<tr>
<td>rural non-farm lots in registered plans of subdivision</td>
<td>54 33</td>
<td>66 40</td>
<td>44 27</td>
<td>164</td>
</tr>
<tr>
<td>lots in registered plans of subdivision</td>
<td>1386 92.8</td>
<td>237 16.5</td>
<td>59 4.0</td>
<td>1682</td>
</tr>
<tr>
<td>Total res. lots in county</td>
<td>1494</td>
<td>365</td>
<td>147</td>
<td>2020</td>
</tr>
</tbody>
</table>

| acreage of farm residences | 126 | 100 | 128 | 354 |
| acreage of non-farm residences | 298 | 206 | 112 | 616 |
| Total | 424 | 306 | 240 | 970 |

Source: Consent Applications and the approved Registered Plans of Subdivision for 1975, 1976 and 1977 - Author
conveyances granted for non-farm residential lots in the townships was less than the same type of development in the urban centres. Therefore the hypothesis must be rejected.

In comparison to residential growth within urban centres, the trend of rural non-farm residential development in the majority of the study area does appear to have been large. This is particularly true when coinciding with the fact that such development was to have been discouraged in the township official plans and zoning by-laws. Although an important policy of the official plans of the study area was to direct development from the rural areas of the township, this particular policy aspect, was not enforced in all municipalities. Thus there was not the expectant decrease of the number of rural non-farm residential lots than had been proposed, in the actual decision-making process.
Chapter 6

CONCLUSIONS

Based upon the following observations, hypothesis 1, 3, and 4 have been accepted, thereby proving that:

1. the proportion of the rural non-farm population of the townships increased at a higher rate (1966-76) than the population in the designated urban centres of the county;

3. the existing township official plans and zoning practices were not adequately formulated to organize and curb development to protect agricultural productive land, according to the Foodland Guidelines of the Ministry of Agriculture and Food, 1978; and

4. there are more residential conveyances approved in rural areas of certain townships and/or planning areas than in other townships and/or planning areas.

Hypothesis 2, to prove that the development on rural lands, under the jurisdiction of the Essex County Land Division Committee or the township Committees of Adjustment, is primarily non-farm residential, was rejected. Also rejected was hypothesis 5, which was to show that the trend in development by non-farm conveyances in the rural areas was not in compliance with the township official plans.
The conveyance policies are one part of the general policy statement of the township official plan, but these policies were not necessarily enforced to their fullest extent in the study area, which was exemplified in Hypothesis 3.

The trend of the growth of the non-farm population in the rural areas was against the official plan policy of the townships which emphasize the townships as rural areas. Thus development is occurring in areas for which it was not planned or even discouraged in the official plan policy statement. Therefore any future policies must be encouraged and enforced by each municipal council and planning board.

The predominant type of development which resulted from the existing land division policies and decision-making process was residential lots. Although this type was to have been restricted and thus discouraged by most of the official plans of the county, development still occurred because of policy 'loop-holes'. It was concluded after a review of the land consent applications and the statistics that the most frequently abused policy was that requiring the purchaser, a son or daughter, to be actively engaged in the farming operation of the bona-fide farmer. Thus further investigations into each consent application will be needed to decrease the amount of residential lot conveyances.

Hypothesis 4 illustrated that there was a lack of consistent policies within the decision-making process.
Therefore the tightening of official plan policies and zoning by-laws, to restrict further land division by conveyance for non-farm development is also a necessary measure. It must be held consistently county-wide, if the number of the county rural non-farm residents is to remain stable and not increase.

If stricter zoning by-laws are not initiated by each township, further land division will ensue. Several townships have already realized the cost which rural non-farm development has placed on previously agricultural areas: for example; improvement of road surfaces, more schools, etc.

Based on the present planning legislation, the concept of the official plan on a county-wide basis is one way in which consistent policies on land use and land division can be attained. To achieve and maintain these policies, as suggested by the different agencies and government ministries, would require a county planning department. This department would act as a source of reference to keep the township officials and councillors aware of new policies and legislation (e.g. the guidelines of the Ministry of Agriculture and Food). This should thus encourage the municipal officials to up-date their own official plans and zoning by-laws, to allow the use and development of the land at a pace which best suits the welfare of the existing and future township residents.

Therefore, it is concluded that an approach to land use planning for Essex County, based upon consistent policies sensitive to the preservation of agricultural land, needs to be
be established. Thus the adoption of a county official plan as the primary planning tool is required.

The purpose of a county official plan is five-fold:

1. to identify certain generalized land use objectives significant to the county;
2. to encourage intermunicipal coordination;
3. to establish a planning process at the county level within which the secondary or local official plans of the townships will evolve as the official plans of the county.
4. to provide guidance on land use for participating municipalities; and
5. to establish a measure of consistency of consent policies between the Land Division Committee and the Committees of Adjustment across the county.

The intervention of the county official plan "in local planning would be limited to matters of direct concern." These specific concerns would be established by the Essex County Council. Comay (1977) recommended that such intervention should be oriented to "local proposals and planning decisions which are not consistent with stated county interests." The main policy of the official plan would be to limit non-farm development in the county and direct growth to those municipalities which have the capacity to absorb extra development based on the present and foreseeable:

1) hard services;
2) transportation, educational and health facilities, and
3) the amount of undeveloped land within the urban boundaries.

Following County Council approval, the plan would be then submitted to the Ministry of Housing for approval to attain
the status of an official plan. A similar county planning
approach is in existence as part of a two-tier planning system
in Huron County.

Eventually, with the aide of the county official
plan, the county planning department will be able to suggest
and thus initiate provincial policies to improve the
planning policies and process at the township level.
APPENDIX

Footnotes

1. The City of Windsor has not been included because it is a major urban area with its own Official Plan, zoning by-laws, planning board and planning department.

2. Pelee Island was not included in the study area because it is not within the 'urban fringe' area of the City of Windsor and the Ministry of Housing is responsible for the administration of consent applications.

3. The Township of Gosfield South was not included because of the inaccessibility of the consent applications.


8. Ibid., p. 19.


27. Ibid, p. 17.


37. Niece, op. cit., p. 112.


42. Ibid, p. 80.

43. Glasson, op. cit., p. 33.

44. The population of the unincorporated areas were not identified because of the absence of the 1976 census information at the time research.


47. Ibid, p. iv.
Definitions

Agricultural - refers to the use of the land for all types of general and specialized farming, agriculturally-oriented refers to land uses such as; the sale of farm implements.

Census farm - is an agricultural holding of more than one acre with sales of agricultural products totally $50.00 or more (1971 census definition).

- is an agricultural holding of more than one acre with sales of agricultural products totally $1,200.00 or more (1976 census definition).

Committee of Adjustment - "if an municipality has passed a by-law under section 35... it may by by-law constitute and appoint a Committee of Adjustment for the municipality, composed of three or more such persons as the council considers advisable to decide upon land conveyances." (Planning Act of Ontario, S 41 (ss.1))

Land conveyance applications - a formal application to change one piece of property into two legally feasible properties in accordance with the municipality's land zoning by-laws and the official plan.

Land conveyance or severance - is the consent of the appropriate committee of subdivision control to allow an owner of a parcel of land to transfer his rights of ownership of the specified lot in the parcel to another individual.

Land division committee - where one or more municipalities forming part of a county for municipal purposes... do not have a Committee of Adjustment, the council of the county...will constitute and appoint a land division committee composed of three or more such persons as the council considers advisable to decide on land conveyances (severances). (Planning Act of Ontario, S 30, (ss1))

Official plan - "means a program and policy... covering a planning area... designated to secure the health, safety, convenience and welfare of the inhabitants of the area, and must be approved by the Minister of Housing." (Planning Act of Ontario, S 1 (ssh))
Planning board - is designated by the council of a municipality to have the planning jurisdiction of the planning area.

Registered plans of subdivision - is a plan of subdivision, which is required when subdividing for three or more to which the council of a municipality has designated a by-law. (Planning Act of Ontario, S 39, (ss4))

Rural - refers to all population which is not defined by Census of Canada as urban.

Rural non-farm development - all development not related to farming. (This definition is to be held consistent with the definition of a census farm.)

Rural non-farm residences - all houses which are built for the population which are not directly or indirectly related to farming.

Urban - includes the population living in 1) incorporated cities, towns and villages with a population of 1,000 or more; 2) unincorporated places of 1,000 or more having a population density of at least 1,000 per square mile; 3) the built up fringes of (1) and (2) having a minimum population of 1,000 and a density of at least 1,000 per square mile. (Census of Canada, 1971 and 1976)

Zoning - was devised to maintain the established character and to prevent intrusions by or conversions to uses deleterious to adjacent properties or to the community as a whole. (Ontario Economic Council, 1973, p. 72)

Zoning by-laws - are by-laws passed under Section 38 of the Ontario Planning Act, or any predecessor thereof and approved by the Ontario Municipal Board, (O.M.B.). (Planning Act of Ontario, S 1; (ss e))
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