



February 7, 2018

Robert Brown, H. Ba., MCIP, RPP
Manager of Planning Services
Planning & Development Services Department
The Corporation of the Town of Kingsville
2021 Division Road North
Kingsville, Ontario N9Y 2Y9

Dear Sir:

The Town is undertaking a 5-Year review and update to its Official Plan. The purpose of this Special Meeting of Council is to discuss potential revisions that may be required to the Town's Official Plan and provide an opportunity for the public to offer comments to Council regarding any issues or matters that should be considered in the Official Plan Review.

Pursuant to Section 26(3)(b) of the *Planning Act*, before making revisions to the Town's Official Plan, the Town is required to hold a Special Meeting of Council, open to the public, to discuss the revisions that may be required.

BACKGROUND

The purpose of the Special Meeting of Council is to discuss potential revisions that may be required to the Official Plan and provide an opportunity for the public to offer comments to Council regarding any issues or matters that should be considered in the Official Plan Review. Comments received from the public at this meeting will be valuable information to obtain before updating and formulating policy directions. Staff will review all submissions received and will consider them during the review process.

In accordance with the Planning Act, notice of today's Special Meeting of Council appeared in the Kingsville Report on January 2 and 9, 2018, in the Southpoint Sun on January 3 and 10 and the Essex Free Press on January 11, 2018.

In this regard, the purpose of this report is to provide an outline of the potential revisions that may be required to the Town's Official Plan, as well as to provide a summary of the tasks that have been completed and the next steps to be undertaken during the Official Plan Review process.



The Town initiated the 5-Year Official Plan in November 2017, and retained WSP Canada Group Limited (WSP) to assist in the Official Plan Review. The Town of Kingsville's Official Plan came into effect on February 1, 2012, and since this time there have been several planning framework changes at the Provincial and County level that need to be addressed. The *Planning Act* requires Municipalities to ensure that their Official Plan has regard to matters of provincial interest and is consistent with the Provincial Policy Statement (PPS), 2014. The PPS was revised in 2014, and provides direction on matters of provincial interest related to land use planning and development, as a result, the Town's Official Plan needs to be examined and updated to ensure consistency with the PPS. There is also further legislation that has been created or amended, which will impact policies in the Town of Kingsville's Official Plan. Examples of these applicable Acts include recent amendments to the *Planning Act (Smart Growth for Our Communities Act, 2015 (Bill 73))* and *Building Better Communities and Conserving Watersheds Act, 2017 (Bill 139))*, and the *Clean Water Act*.

In addition, Section 27 of the *Planning Act* requires lower-tier municipalities to amend their Official Plans to conform to the upper-tier Official Plan. Therefore, the Town of Kingsville is required to conform to Essex County's Official Plan that was approved on April 28, 2014.

The primary purpose of the Town's Official Plan Review is to undertake a "scoped" review to address matters of consistency and conformity with applicable Provincial and County policies and legislation. It is not the intent of the Official Plan Review to consider requests for site-specific amendments to the Town's Official Plan, which would be better addressed through supporting justification and planning analysis undertaken through a site-specific Official Plan Amendment process.

Supporting Studies

In support of the Official Plan Review, the Town just completed an update to its Development Charge Study and implemented a development charges fee schedule, and the Essex Region Conservation Authority (ERCA) will be preparing a Natural Heritage Review Discussion Paper to inform policy updates.

Furthermore, the Town has also recently completed studies which will inform policy development for the updated Official Plan, including: Kingsville Strategic Plan (2017-2022); Kingsville Transportation Master Plan, 2012; Parks, Recreation, Arts & Culture Master Plan, 2013; and the Kingsville Active Transportation Master Plan, 2012. The Official Plan Review should also implement new County plans and policies arising from the County Wide Active Transportation System (CWATS), Essex Region Natural Heritage System Strategy, and the ongoing County of Essex Agricultural Lot Size Study.

The consulting team is currently undertaking comprehensive background reviews and are preparing a Draft Issues and Policy Directions Report to identify issues and policies which should be reviewed and updated through the Review.



Study Work Program

The Official Plan Review is being undertaken in three Stages which generally include:

- **Stage 1 – Background Review and Consultation Strategy (Winter 2018):** includes a review of key issues and proposed policy directions to be considered to implement new Provincial and County planning frameworks. Holding a Special Meeting of Council, which is the purpose of this meeting, to allow the public opportunity to identify matters to be reviewed. Stage 1 also includes the preparation of a Communications and Consultation Strategy to outline methods to engage with the community and stakeholders.
- **Stage 2 – Policy Formulation (Spring 2018):** includes the preparation of a Draft Issues and Policy Directions Report to identify recommended policy approaches to address the key planning issues, based on background reviews and community consultation. This will include the preparation of a Draft Official Plan Amendment to update the Official Plan policies based on the recommended policy directions. A series of three public open houses will be held throughout the Town to present the Draft Official Plan Amendment.
- **Stage 3 – Prepare Final Official Plan Amendment (Fall 2018):** a Final Official Plan Amendment will be prepared and presented at a Statutory Public Meeting, followed by consideration of Council for adoption. The Adopted Official Plan Amendment will then be submitted to the County of Essex for approval.

Over the course of the Study there will be numerous opportunities for public consultation and engagement through a series of Public Open Houses, as well as a Statutory Public Meeting before Council to bring forward a recommended Official Plan Amendment to update the Town's Official Plan. It is anticipated that the Official Plan Amendment may be brought forward to Council for consideration in Fall 2018.

DISCUSSION OF MATTERS TO BE ADDRESSED

The Town's current Official Plan will need to be updated to implement new Provincial and County plans, policies and legislation. The major components that will need to be addressed in the Official Plan Review that have been identified to date are summarized below, but not limited to:

- a) **Growth Management** – Updates to the growth projections and policies (Section 1.5) is required to reflect the County's updated growth management work and the policies of the County Official Plan. The County as the upper-tier planning authority is responsible for establishing population, housing, and employment projections on a County-wide basis, and allocating these forecasts to the lower-tier municipalities. The County Official Plan projects a 2031 population of 24,400 persons to the Town, whereas the current Town of Kingsville Official Plan forecasts a 2026 population ranging from 22,762 (low scenario) to 26,467 (high scenario) persons. As such, the population forecasts are generally

consistent with the Town's current projections, and extended to the year 2031. The Town's planning horizon year should be updated to 2031 to conform to the County Official Plan. The Town's existing settlement area boundaries are reflected in the County Official Plan, and the Town's settlement area boundaries must conform to the delineated boundaries in the County Official Plan. In accordance with the County Plan, the settlement areas contain sufficient land for the County as a whole, and each local municipality to accommodate all employment and residential growth to the year 2031.

- b) **Community Structure / Settlement Area Hierarchy** – Updates to the community structure and settlement area hierarchy are required to conform to the County Official Plan. The County Official Plan identifies Primary and Secondary Settlement Areas, where Primary Settlement areas represent the largest and traditional centres of settlement and commerce and are to be the focus of growth and investment. The County Official Plan identifies the Primary Settlement Areas of Kingsville and a portion of the abutting Lakeshore Residential West designated lands. Secondary Settlement Areas include: Village of Cottam, Hamlet of Ruthven, portions of the Lakeshore Residential Areas, the Special Residential designation (Country Village) and areas of Industrial designations. The Town may consider identifying the Primary and Secondary Settlement Areas as identified in the County Official Plan with a particular policy emphasis on focusing growth to the Primary Settlement Areas on full municipal services.

- c) **Settlement Area Expansions / Local Comprehensive Review** – In accordance with the County Plan, the delineated settlement areas contain sufficient land for the County as a whole, and each local municipality to accommodate all employment and residential growth to the year 2031. Expansions to the aggregate amount of land within the Settlement Areas are not permitted, as this would require a comprehensive review of the County Official Plan. However, the County Official Plan provides policies for municipalities to undertake a local comprehensive review, which may result in an alteration to one or more settlement area boundaries provided the adjustment would maintain or reduce the aggregate amount of land within the Settlement Areas. In doing so, the expansion of any Settlement Area shall be limited to only Primary Settlement Areas, which would require a similar reduction in designated area in a Secondary Settlement Area. The Town's Official Plan should establish a framework and criteria for undertaking a local comprehensive review in the future, should that be determined to be appropriate by the Town.

- d) **Residential Intensification** – A review of the Official Plan residential intensification policies is required, including identification of an intensification target, and policy updates to implement the new County of Essex Official Plan requirements. The County Official Plan requires that 15% of all new residential development annually occur by way of residential intensification (i.e., development within the existing built-up areas through redevelopment of vacant or underutilized lands, infill development, and conversions). Residential intensification is to be directed to the Primary Settlement Areas to increase their vitality and offer a range of housing choices, efficient use of land and optimize existing infrastructure. The Official Plan should provide polices to direct

residential intensification to appropriate locations within Primary Settlement Areas (Kingsville) and to a lesser extent to Secondary Settlement Areas where full municipal water and sanitary services are provided. Consideration should be given to establishing built form policies for residential intensification to ensure intensification is contextually appropriate to Kingsville and the character of existing stable residential neighborhoods are protected. Through discussions with Town staff it has been identified that the Town is currently achieving the 15% residential intensification target.

- e) **Affordable Housing** – Review affordable housing policies to support the provision of affordable housing (rental and ownership housing) to low and moderate income households. The County Official Plan requires that the Town plan to achieve a minimum affordable housing target of 20% of all new development. The Town’s policies and strategies to encourage alternative forms of affordable housing and achieve affordable housing targets should be reviewed. The County encourages the preparation of a housing strategy to outline opportunities to increase the supply of affordable housing consistent with the Windsor Essex Housing and Homelessness Plan. The Town’s secondary dwelling unit policies (Official Plan Amendment 5) is a means to assist the Town in achieving their affordable housing target.

- f) **Special Needs Housing** – A review of the Town’s special needs housing policies related to group homes (Section 3.6.1 p)) is required to be consistent with recent decisions from the Ontario Human Rights Commission. Consideration should be given to revising policies which identify specific groups/users as well as locational criteria, which may be in conflict with Human Rights Commission decisions. Furthermore, the policies should be consistent with the Town’s Zoning By-law which permits group homes in all Residential zones, whereas the Official Plan permits them in the form of single unit detached dwellings, anywhere single unit dwellings are permitted.

- g) **Parks & Open Space** – Review Official Plan policies of Section 3.5 with respect to the provision of parks and open spaces and parkland dedication requirements consistent with the *Planning Act*, and implement the policy recommendations from the Town’s Parks, Recreation, Arts and Culture Master Plan. Recommendations from the Master Plan include: policy direction on when to take parkland vs. cash-in-lieu of parkland dedication; identify lands that are unsuitable for parkland dedication (i.e., hazard constraints and natural heritage features); and how to calculate parkland dedication requirements. The Master Plan also recommends the Town increase its target to 2.5 hectares of active parkland per 1,000 residents.

Additionally, Bill 73 included changes to parkland dedication requirements under the Planning Act, including the need to prepare a Parks Plan in order to identify policies for payment-in-lieu of parkland, which only applies to new Official Plan policies. Additionally, the ratio to be used to calculate payment-in-lieu of parkland dedication is 1 hectare for every 500 dwelling units proposed. This is reduced from the requirement of 1 hectare for every 300 dwelling units.

- h) **Natural Heritage Policies** – Updates to the natural heritage policies are required to ensure consistency with the Natural Heritage Reference Manual, Second Edition, the new PPS, 2014, and County Official Plan. The Official Plan should be updated to implement the Essex Region Natural Heritage System Strategy (ERNHSS) as implemented in the County Official Plan to identify a Natural Heritage System for the Town, including the identification of natural linkages and restoration opportunities to enhance natural heritage features and connectivity. Policy recommendations with respect to natural heritage will be further identified through the Natural Heritage Discussion Paper, being undertaken by ERCA in support of the Official Plan review.
- i) **Source Protection Plan** – Implementation of the Essex Region Source Protection Plan including significant threats and designated vulnerable areas will be addressed. As part of the review, new policies will be developed with associated mapping to implement the Source Protection Plan and ensure that planning decisions are in conformity with the policies that address significant drinking water threats as per Section 39(1)(a) of the Clean Water Act. Official Plan mapping will be required to identify: Intake Protections Zones (IPZ's), Significant Groundwater Recharge Areas (SGRA's), and Highly Vulnerable Aquifers (HVA's), and restrict certain uses within these areas which may pose a contamination threat.
- j) **Agricultural Policies** – Review of agricultural land uses policies (Section 3.1) for consistency with PPS, 2014, and the Province's Guidelines on Permitted Uses in Ontario Agricultural Areas, 2016. Updates to definitions and terms to be consistent with the PPS, including: agricultural uses, agriculture-related uses, and on-farm diversified uses are required. The policies should ensure sufficient flexibility to accommodate a range of agricultural uses, including home occupations, home industries, agri-tourism and uses that produce value-added agricultural products. Additional policies and criteria should be established to regulate agriculture-related uses, and on-farm diversified uses, as well as policies for greenhouses. Minimum Distance Separation (MDS) policies will be reviewed in relation to the Province's new Minimum Distance Separation (MDS) Document - Publication 853 (2017) with respect to compliance with minimum distance separation requirements from agricultural uses.
- k) **Minimum Agricultural Lot Sizes** – Review of minimum agricultural lot size requirements, in light of the ongoing County of Essex Agricultural Lot Size Study. The Town's current Official Plan establishes a minimum lot size of 40 hectares, however, exceptions are currently provided for specialty crop operations (minimum of 16 hectares).
- l) **Transportation Policies** – Update policies to implement the Town's Transportation Master Plan, 2012, including road classifications and road improvements.
- m) **Active Transportation Network** – Include new policies and mapping to implement the Town's Active Transportation Master Plan, 2012, including a new Schedule to identify existing and proposed active transportation networks

(bikeways, multi-use paths, etc.). Consideration should be given to identifying the County Wide Active Transportation System (CWATS).

- n) **Energy Conservation** – New policies and tools to support sustainability and energy conservation should be considered, including the preparation of Local Energy Plans to support municipal conservation initiatives.
- o) **Implementation and Interpretation** – Recent amendments to the Planning Act, as a result of the Planning Statute Law Amendment Act, 2014, (Bill 73) and Building Better Communities and Conserving Watersheds Act, 2017 (Bill 139), should be reflected in the new Official Plan. Official Plan policy updates related to Bill 73, may include:
- the list of matters of Provincial interest is expanded to include built form that is well-designed, encourages a sense of place and provides for public spaces that are of high quality, safe accessible, attractive and vibrant;
 - the required contents of an Official Plan are expanded to include a description of the measures and procedures for informing and obtaining the views of the public in regards to Official Plans/Amendments, Zoning By-laws, Plans of Subdivisions and consents;
 - the review timeframe for an Official Plan is modified to ten years after a new Official Plan has come into effect and every 5 years thereafter;
 - requirements for the preparation of a Parks Plan (prior to adopting new policies regarding cash-in-lieu of parkland);
 - municipalities may, by by-law, establish criteria to be complied with in order to approve minor variances; and
 - changes to regulations regarding amendments to Official Plans and alternative dispute resolution in certain Ontario Municipal Board (OMB) appeals.

Consideration will be given to the amendments related to Bill 139, which proposes an extensive range of reforms including placing a greater scope of authority with local Councils and planning authorities. Under the proposed new appeal process, the OMB will be replaced with a new Local Planning Appeal Tribunal (LPAT). While many of the proposed procedures and practices of the new LPAT mirror those of the OMB, some of the amendments introduced by Bill 139 have an impact on how planning appeals are processed.

- p) **Consolidation of Recent Official Plan Amendments and Housekeeping Matters** - Update the Official Plan to consolidate recent Official Plan amendments that have been approved since the Official Plan was approved, including the following:
- OPA 1 – By-law no. 08-2013 – Waterfront Development – July 2013
 - OPA 2 – By-law no. 64-2013 – Highway Commercial (Seacliffe Drive) – July 2013
 - OPA 3 – By-law no. 39-2014 – Medical Marihuana Production Facilities – April 2014
 - OPA 4 – By-law no. 43-2014 – Kingsville Golf and Country Club – April 2014



- OPA 5 – By-law no. 30-2016 – Secondary Dwelling Units – December 2015

NEXT STEPS

The next steps in the Official Plan Review process will include the preparation of the Draft Issues and Policy Directions Report, which will form the basis for consultation with the public and identify matters to be reviewed and recommended policy approaches. Based upon the input received, the consulting team and staff will work to prepare a Draft Official Plan Amendment to implement the recommended policy directions. The Draft Official Plan Amendment will be presented at a series of Public Open Houses for review and comment. The final stage will include revisions to the Draft Official Plan Amendment, and consultation with the public at a Statutory Public Meeting, prior to bringing forward a recommended Official Plan Amendment to Council for consideration for adoption (anticipated in Fall 2018). The Adopted Official Plan Amendment will then be submitted to the County of Essex for approval.

CONSULTATIONS

This Special Council Meeting represents the formal initiation of the Town's 5-Year Official Plan Review, to provide an opportunity for the public to offer comments to Council regarding any issues or matters that should be considered in the Official Plan Review. Over the course of the Study there will be numerous opportunities for public consultation and engagement.

Yours sincerely,

WSP Canada Group Limited

A handwritten signature in black ink, appearing to read 'Randall Roth'. The signature is fluid and cursive.

Randall Roth
Senior Project Manager
Planning, Landscape Architecture and Urban
Design