



**Date:** March 13, 2023

**To:** Mayor and Council

**Author:** Richard J.H. Wyma  
Director of Community and Development Services

**RE:** Adoption of Official Plan 5-Year Conformity Review

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## RECOMMENDED ACTION

1. That the Official Plan 5-Year Conformity Review, attached as Appendix "A", and associated Official Plan Schedules "A", "A-1", "A-2", "B", "B1", "C", "D", "E", "F", "G" and "H" and Official Plan Appendices "A", "B", and "C", as presented and updated to respond to comments from the County of Essex **BE ADOPTED**; and
2. That Administration **BE DIRECTED** to forward the updated plan to the County of Essex for final approval; and
3. That **By-law 32-2023** being a by-law to amend the Official Plan of the Town of Kingsville be taken as having been read three times and finally passed and the Mayor and Clerk **BE AUTHORIZED** to sign same.

## BACKGROUND

In the fall of 2017, Administration initiated the review of the Town of Kingsville Official Plan. As noted below, review included council workshops, stakeholder meetings, completion of reports to inform the review, public open houses and reviews of draft plans by Council.

- Fall of 2017 - Review process started
- December 2017 - Council workshop
- January 2018 – initial stakeholders meeting
- February 2018 – Mandatory Section 26 (*Planning Act*) meeting with Council/public
- March 2018 – second stakeholders meeting
- June 2018 – third stakeholders meeting
- June 2018 – completion of the Issues and Policy Direction report
- August 2018 – introductory public open house
- November 2018 – initial draft based on staff and stakeholder input
- May 2019 – second public open house
- September 2019 – second draft based on public comment

- November 2019 – third public open house
- January 2020 – public meeting to introduce final document to Council /public
- May 2020 – revised draft completed based on feedback from January 2020 meeting
- September 2020 – additional revision based on ERCA and County technical comment

At the December 14, 2020 meeting of Council, the completed five-year Official Plan review was presented and adopted by Council.

## **DISCUSSION**

Following Council adoption of the Official Plan in December 2020, the plan was circulated to County of Essex for approval. The County circulated the draft to the Essex Region Conservation Authority. Both the County and ERCA raised a number of additional comments. The draft Official Plan 5-Year Conformity Review was amended to respond to comments.

Revisions to the plan to address County comments were primarily required to clarify or confirm references to Provincial Policy, and to ensure that Town policy was consistent with wording and policy in the County Official Plan. In addition, Administration also responded to comments from ERCA regarding natural heritage and hazards, and Source Water protection. Response to comments did require some restructuring of adopted policy as well as some revisions to align Town policy with County Policy, especially related to Natural Heritage.

In addition, in response to Council priorities, direction, and approvals, the Draft Official Plan was further amended to include policies that were not part of the original RFP for the 5-year review, including:

- 2018 – Affordable Housing Policy Development
- 2019 – Greenhouse Policy Review Policy
- 2022 – Boarding, Lodging and Rooming House

The amended Draft Official Plan (Appendix A) and Schedules A-H (Appendix B) is the current working version for consideration by Council for adoption. To assist in Council and community review of the plan, Administration has highlighted changes within the document, and provided notes where changes were made to conform with County or provincial policy, new direction from Council, or sections reworked based on internal review to clarify the policy or language of the Official Plan. This includes changes related to:

- The 'Air Quality, Energy Conservation and Green Infrastructure' section (Section 2.2) was restructured as a Climate Change section to align drafted policies around climate adaptation and mitigation and link to the County of Essex Regional Energy Plan. This section was also amended to include policies previously included in the Energy, Conservation, Air Quality and Climate Change section (Section 6.3.3)

- Secondary Dwelling Units (Section 2.10) was redefined as Additional Dwelling Units and re-worked in response to comments from the County and recent changes in legislation
- A section on Attainable Housing (Section 2.12.1) was added to reflect Council priorities
- Parkland Dedication policies (section 3.5.2) identified in the draft Official Plan established a total supply of 2.1 hectares of parkland per 1,000 population. This ratio was increased to 2.5 hectares per 1,000 population as part of the 2018 Parks, Recreation, Arts and Culture Master Plan, but not adjusted in the draft Official Plan. The amended draft was changed to be consistent with PRAC Master Plan. As noted in the draft Official Plan, and the PRAC Master Plan, even 2.5 ha/1,000 is the lowest in Essex County. Though no standard exists, most current plans include standards for both 'local' parkland and 'community/regional' parkland, amounting to collective ratios of 3.7 to 4.0 ha/1,000. It is recommended that this ratio be reviewed as part of the update to the 2018 PRAC Master Plan.
- Residential development criteria (Section 3.6.1.2) as reworked by Administration will be further reviewed and amended to reflect recent discussions related to Main Street development.
- Natural Heritage System (Section 4.2) was revised to reflect comments from the County and ERCA. Comments, and changes directly reflect the 2014 County of Essex Official Plan and align with similar policies in other municipalities in keeping with that Plan. These changes include new policies and/or restructured earlier policies to conform with the County Official Plan. Policies related to endangered and threatened habitat were changed to provide clarity and conform with Provincial Policy.
- Source Water Protection policies (Section 4.5.3) was amended to reflect comments by the Essex Region Source Water Protection Authority, and to conform with the Essex Region Source Water Protection Plan and associated Risk Management policies.
- Interpretation (Section 8.11.2) was revised to reflect County of Essex Comments, Provincial Policy Statement and to conform with the County Official Plan.

It should be noted, that since Council's adoption, there have been changes to provincial legislation and policy however, in many cases, clarifying regulations related to those policy changes are not yet available and as such, this draft includes only those 'high level' changes that are required to align with required policy changes.

## **FINANCIAL CONSIDERATIONS**

The original budget for the review was \$75,000. With approval of Council, the Town hired WSP Canada to assist in updating the Plan. The WSP portion of the budget was fully billed in 2020.

Due to additional time taken to develop and include the affordable housing policy, greenhouse policy, and Boarding, Lodging and Rooming House amendments, there was some minor additional expenses that were covered by either annual budget

allocations, special project budgets, or through the department's professional fees and services budget.

Addressing the County comments and final preparation of the draft Official Plan have been completed internally. Once the Town and County approve this Official Plan, the document will be posted to the Town website. A limited number of hardcopies will be prepared for internal use. Hard copies will be available for a fee as outlined in the fees and charges by-law.

## **ENVIRONMENTAL CONSIDERATIONS**

The 5-Year Review process for the Official Plan conforms with the County of Essex 2012 Official Plan policies related to natural heritage and natural heritage systems. The plan also includes policies related to storm water management, particularly quality of discharge. There will also need to be longer-term consideration given to some areas within the Town that currently permit development but should perhaps be reconsidered due to erosion, flooding or other natural hazards.

In addition, the 'Air Quality, Energy Conservation and Green Infrastructure' section was restructured to reflect actions to mitigate risks and vulnerabilities, increase community resilience and consider the impact of development on environment, economy and society. Further this section identifies the need for a Climate Change Strategy to advance identified goals.

## **CONSULTATIONS**

The revised Official Plan was posted to the Town website as part of the 2020/2021 Council Approvals. Following Council's adoption of the plan, a Notice of Adoption was also posted in local newspapers and to the Town website and social media platforms for consideration and review by the public.

County of Essex and agencies reviewed the draft Official Plan and provided comments which were addressed in this draft.

Internally the revised Plan has been reviewed by the Director of Community and Development Services, the Manager of Planning, and was reviewed by TAC, and individually with departmental staff on relevant topics.

In an effort to advance the Plan, the Draft was provided to the County for review. Administration has met with the County and believes it has addressed all earlier County and ERCA comments.

PREPARED BY:



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Richard J.H. Wyma CSLA  
**Director of Community and Development Services**

REVIEWED BY:



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John Norton  
**Chief Administrative Officer**

**Attachments:**

- **Appendix A:** Official Plan 5-Year Conformity Review including Official Plan Schedules and Appendices – Clean Version. This version ‘accepts’ all changes as noted in Appendix B.
- **Appendix B:** Official Plan 5-Year Conformity Review including Official Plan Schedules and Appendices – Tracked Comments. This version highlights changes made and provides associated notes and comments related to those changes.
- **By-law 32-2023** being a by-law to amend the Official Plan of the Town of Kingsville