



Date: February 26, 2024
To: Mayor and Council
Author: Vitra Chodha, Planner
RE: OPA & ZBA-2024-2 - 1119 County Rd 20

RECOMMENDED ACTION

1. That Official Plan Amendment No. 18 (OPA 18) to re-designate 4.4 ha of lands located at 1119 County Rd 20 in the Town of Kingsville, from 'Agricultural' to 'Lakeshore Residential West' and from 'Lakeshore Residential West' to 'Agricultural' **BE APPROVED**, and;
2. That Zoning By-law Amendment OPA & ZBA-2024-2 to re-zone 4.4 ha of lands located at 1119 County Rd 20 in the Town of Kingsville, from 'General Agricultural (A1)' to 'Lakeshore Residential- Holding (LR(h))' and from 'Lakeshore Residential- holding (LR(h))' to 'General Agricultural (A1)' **BE APPROVED**, and By-law 16-2024 being a by-law to amend By-law No. 1-2014, the Comprehensive Zoning By-law for the Town of Kingsville be taken as passed and the Mayor and Clerk **BE AUTHORIZED** to sign the same.

BACKGROUND

Property Owner: Brian Elby Lewis
Municipal Address: 1119 County Rd 20

The Town of Kingsville has received the above-noted applications for lands located on the south side of County Rd 20, on the west side of McCain Sideroad (as seen on Appendix A- Location Map). The subject properties are designated 'Agricultural' and 'Lakeshore Residential West' by the Official Plan and zoned 'Agriculture (A1)' and 'Lakeshore Residential –Holding (LR(h))' under the Kingsville Comprehensive Zoning By-law.

The subject lands have a total area of approximately 40.7 ha (100.5 ac) with a frontage of approximately 182 m (597 ft.) on County Rd 20. The lands are primarily located in the A1 zone, with a portion of the lands within the Lakeshore Residential (LR) zone. A large part of the subject site is currently being used for agricultural purposes, and the site contains a single detached dwelling with multiple accessory structures. The lands zoned LR are situated at the southern end of the property, largely within the 1:100-year flood

limit which restricts development of these lands. The current lands zoned Lakeshore Residential on the subject lands were placed in a holding (h) related to servicing.

The applicant is requesting to swap 4.4 ha (10.87 ac) of lands that are currently designated and zoned 'Lakeshore Residential West' within the 1:100 flood limit with 4.4 ha (10.87 ac) of agriculturally designed and zoned lands on the same property. No additional land is being added to the secondary settlement area, and no other land is being removed from the agricultural area as a result of this proposal.

A Plan of Subdivision application will be required in the future to approve any development on this site. A plan of survey will be required as part of that plan of subdivision confirming that the area for development does not exceed 4.4 ha (10.87 acres). A future Plan of Subdivision will also require Council approval and will be the subject of a future public meeting. At this time, no pre-consultation application, or application for Plan of Subdivision has been submitted. The County of Essex has also received an application to amend the settlement area boundary in line with the proposal to the Town of Kingsville (County file OPA-6).

DISCUSSION

1) Provincial Policy Statement (PPS), 2020:

Part V Policies

Section 1.1.2: Sufficient land shall be made available to accommodate an appropriate range and mix of land uses to meet projected needs for a time horizon of up to 25 years, informed by provincial guidelines.

Within settlement areas, sufficient land shall be made available through intensification and redevelopment and, if necessary, designated growth areas.

Comment: This application is seeking to re-allocate currently designated lands on the same property to allow the future development of a Plan of Subdivision. Any future expansion of the secondary settlement area will need to comply with PPS, County Official Plan, and Town Official Plan.

1.1.3.1 Settlement areas shall be the focus of growth and development.

1.1.3.2 Land use patterns within settlement areas shall also be based on a range of uses and opportunities for intensification and redevelopment in accordance with the criteria in policy 1.1.3.3, where this can be accommodated.

Comment: The proposed use is within a secondary settlement area of Kingsville.

1.1.3.6 New development taking place in designated growth areas should occur adjacent to the existing built-up area and should have a compact form, mix of uses

and densities that allow for the efficient use of land, infrastructure and public service facilities.

Comment: The lands are abutting existing residential lands in the Cedar Creek community and will not introduce any new lands use to the area. The new development will not introduce a new use to the area but will provide additional housing options if and when an application for Plan of Subdivision or Condominium comes forward.

2) County of Essex Official Plan

The County of Essex is the final approval authority for all Official Plan amendments. The subject lands are within a secondary settlement area. The application alters the boundary, which will require an amendment to the County Official Plan. However, the alteration is a 1:1 re-allocation (swap) and as a result does not expand the settlement area boundary. As such, it satisfies County Official Plan policies that allow for land swaps provided that the aggregate amount of land with all settlement areas are maintained or reduced as part of the boundary adjustment and that areas removed are redesignated to Agriculture (Section 3.2.3.1 (h)). The County of Essex has also received an application to amend the settlement area boundary in line with the proposal to the Town of Kingsville (County file OPA-6).

Once the Official Plan Amendment is approved and OPA 18 is adopted by the Council, administration is to forward the adopted By-law 15-2024 (OPA 18) to the County of Essex for final approval.

3) Town of Kingsville Official Plan

The Official Plan for the Town of Kingsville designates the subject site as 'Agricultural' and 'Lakeshore Residential West'. The applicant is proposing to shift the portion of the site that is currently designated as 'Lakeshore Residential West' in the Official Plan with the same amount of currently designated 'Agricultural' lands to allow for future residential development.

Section 2.1.1 Land Use Planning Principles outlines the following applicable items:

- a) to create more compact, mixed use, and pedestrian oriented development within designated and fully serviced urban settlement areas;*
- b) to support and promote healthy, diverse and vibrant settlement areas, where all residents can live, work and enjoy recreational opportunities;*
- c) to provide a broad range of housing types, services and amenities, employment and leisure opportunities for a growing and aging population;*

- d) *to promote attainable and affordable housing and special needs housing within Primary Settlement Areas, and to a lesser extent within Secondary Settlement Areas;*
- f) *to require the efficient use of land, resources, water and sanitary sewage treatment facilities, other infrastructure and public service facilities to accommodate growth, in a fiscally appropriate manner;*
- h) *to focus urban type development within the designated Primary Settlement Areas of the community of Kingsville and the eastern portion of the Lakeshore West Residential Area, and to a lesser extent to the Secondary Settlement Areas of the Village of Cottam, the Hamlet of Ruthven and the Lakeshore West Residential Area;*
- x) *to prohibit development within, and/or direct development away from natural and human-made hazardous areas, in accordance with the policies of this Plan; and*
- y) *to promote natural habitat restoration within, and linkages between, natural areas to support the development of the natural heritage system.*

Comment: The proposed swap of the designated land conforms with many of the above noted items.

Section 3.6 includes goals and policies related to residentially designated lands. Section 3.6.4 provides additional guidance on the 'Lakeshore Residential West' designation. This includes the following goals:

3.6.4.1 Goals

The following goals are established for the areas designated "Lakeshore Residential West" on Schedule "A" of this Plan:

- a) *to recognize existing residential development and areas previously designated for residential development;*
- b) *to ensure that new development occurs in a manner in keeping with the capacity of the services available and the financial capability of the municipality;*
- c) *to encourage infilling of the existing development pattern;*
- d) *to provide the opportunity for the provision of affordable housing in accordance with Section 2.13 of this Plan; and*
- e) *to ensure that expansions of the Lakeshore Residential West designation identified as a Primary Settlement Area are serviced by full (sanitary sewage, potable water and stormwater management) municipal servicing and the uncommitted reserve sewage system and/or reserve water system capacity of the Town's sanitary sewage and potable water systems can adequately*

accommodate the expansion of the designation, and in accordance with the settlement area expansion policies of Section 1.6.3 of this Plan.

Comment: The proposed swap of the designated land conforms with the goals and policies of the 'Lakeshore Residential West' designation.

The Official Plan also includes procedures and policies to follow to amend the Official Plan:

8.11.1 Amendment Procedures

Should changing conditions necessitate the need for an amendment of the Official Plan or the Zoning By-law, in accordance with the Planning Act, due regard shall be given to the following criteria:

- a) the need for the proposed use;*
- b) the extent to which the existing areas in the proposed categories are developed, and the nature and adequacy of such existing development;*
- c) the physical suitability of the land for such proposed use, and in the case of lands exhibiting a potential hazard, consideration shall be given to:*
 - i. the existing environment and/or physical hazards;*
 - ii. the potential impacts of these hazards; and*
 - iii. the proposed methods by which these impacts may be overcome in a manner consistent with accepted engineering techniques and resource management practices;*
- d) the location of the area under consideration with respect to:*
 - i. the adequacy of the existing and proposed highway system in relation to the development of such proposed areas;*
 - ii. the convenience and accessibility of the site for vehicular and pedestrian traffic, and the traffic safety in relation thereto; and*
 - iii. the adequacy of the potable water supply and distribution system, sanitary sewage collection and treatment facilities, stormwater management facilities, and other municipal services in view of the policies contained in this Plan;*
- e) the compatibility of the proposed use with uses in adjoining areas;*
- f) the impact of such proposed use on the surrounding areas with respect to any possible depreciating or deteriorating effects;*
- g) the potential effect of the proposed use on the financial position of the Town and its capacity to provide proper municipal services;*

- h) the potential effect of the proposed use in relation to the intent and implementing regulations of the Environmental Protection Act, Ontario Resources Act, Pesticides Act, Safe Drinking Water Act and Environmental Assessment Act;*
- i) the regulations of the Essex Region Conservation Authority;*
- j) compliance with the general development policies and the more specific and relevant land use policies of this Plan, as well as the specific requirements for the particular use in the Zoning By-law;*
- k) conformity with the County Official Plan and Provincial Policy; and*
- l) Where an application for an amendment to this Plan is refused by Town Council and a notice of appeal is filed, the Town may pursue mediation, conciliation or other dispute resolution techniques in an attempt to resolve the dispute, in accordance with the requirements of the Planning Act.*

Comment: The proposed swap of the designated land conforms with the Official Plan. After review with the County, it was determined that a formal amendment to change the area of the designated 'Lakeshore Residential West' lands was required as this is not a minor boundary adjustment and results in the re-designation of an additional parcel. The lands to be swapped are exchanged at a one-to-one ratio, resulting in no net increase in the secondary settlement area, as is permitted within the context of the County Official Plan.

4) Comprehensive Zoning By-law – Town of Kingsville

The subject lands are zoned 'Agriculture (A1)' and 'Lakeshore Residential- Holding (LR(h))' under the Kingsville Comprehensive Zoning By-law.

An amendment to the zoning by-law is proposed along with the Official Plan amendment to recognize the 'Lakeshore Residential- Holding (LR (h))' on the lands swapped into the settlement area. The lands being removed from the settlement area will be rezoned to 'General Agricultural (A1)'.

If the requested official plan amendment and zoning by-law amendment is approved the applicant will also be required to submit for a Plan of Subdivision/Condominium for the future development of the site. These future applications will also require Council approval and will be the subject of a future public meeting.

A Planning Justification Report prepared by Monteith Brown Planning Consultants (Jay McGuffin, MCIP, RPP) is attached as Appendix D. In the Justification report, Mr. McGuffin reviews the policy context and provides planning rationale to support the application.

FINANCIAL CONSIDERATIONS

No financial impact from the change in the land use designations is anticipated. If the future Plan of Subdivision application is approved, the proposed development will result

in an increase in assessment. Development charges and building permit fees will be collected at the permit stage.

ENVIRONMENTAL CONSIDERATIONS

No environmental impacts are anticipated as a direct result of this application. Additional reports regarding Species at Risk and an Environmental Site Assessment will be required at the future Plan of Subdivision application stage.

The area of lands within the flood limits are identified as High and medium Priority Restoration lands in the Town of Kingsville's Official Plan, and the Essex Region Natural Heritage System Strategy. The Town has encouraged the applicant to consider restoration of the high priority lands to protect the Cedar Creek watershed in keeping with the Official Plan.

CONSULTATIONS

In accordance to O. Reg 545/06 of the Planning Act, property owners within a minimum of 120m of the subject site boundaries received the Notice of Public Meeting by mail. The Notice was also posted to the Town's website on the same date. No comments have been received at the time of writing this report.

Agency & Administrative Consultations

Outside agencies are circulated at the time the application is submitted. Comments received are included below. In accordance with O. Reg. 545/06 of the Planning Act, Agencies also received the Notice of Public Meeting by email.

1) Essex Region Conservation Authority (ERCA)

ERCA has expressed no objection to the proposed official plan and zoning by-law amendment. They will be circulated on future Plan of Subdivision application and will review the Storm Water Management Plan and permit may be required at the time of future development. The property is adjacent to ERCA lands and the applicant will need to reach out to ERCA prior to any construction and/or site alterations.

2) Technical Advisory Committee

The Technical Advisory Committee has been involved in reviewing the proposed development, and will continue to be involved in the future Plan of Subdivision application. No concerns were identified for the proposed settlement area swap. It was noted that development will not have access to water services until the expansion of the South West Water Area is completed; and further, any development application will also be required to complete a functional servicing study to confirm servicing capacity.

3) County of Essex

The County of Essex has completed pre-consultation on the proposed amendment and is aligning County OP requirements with Town OP requirements.

Administration will forward the OPA amendment (OPA 18) to the County of Essex for final approval.

PREPARED BY:

Vitra Chodha

Vitra Chodha
Planner

REVIEWED BY:



Richard Wyma, CSLA
Director of Planning and Development