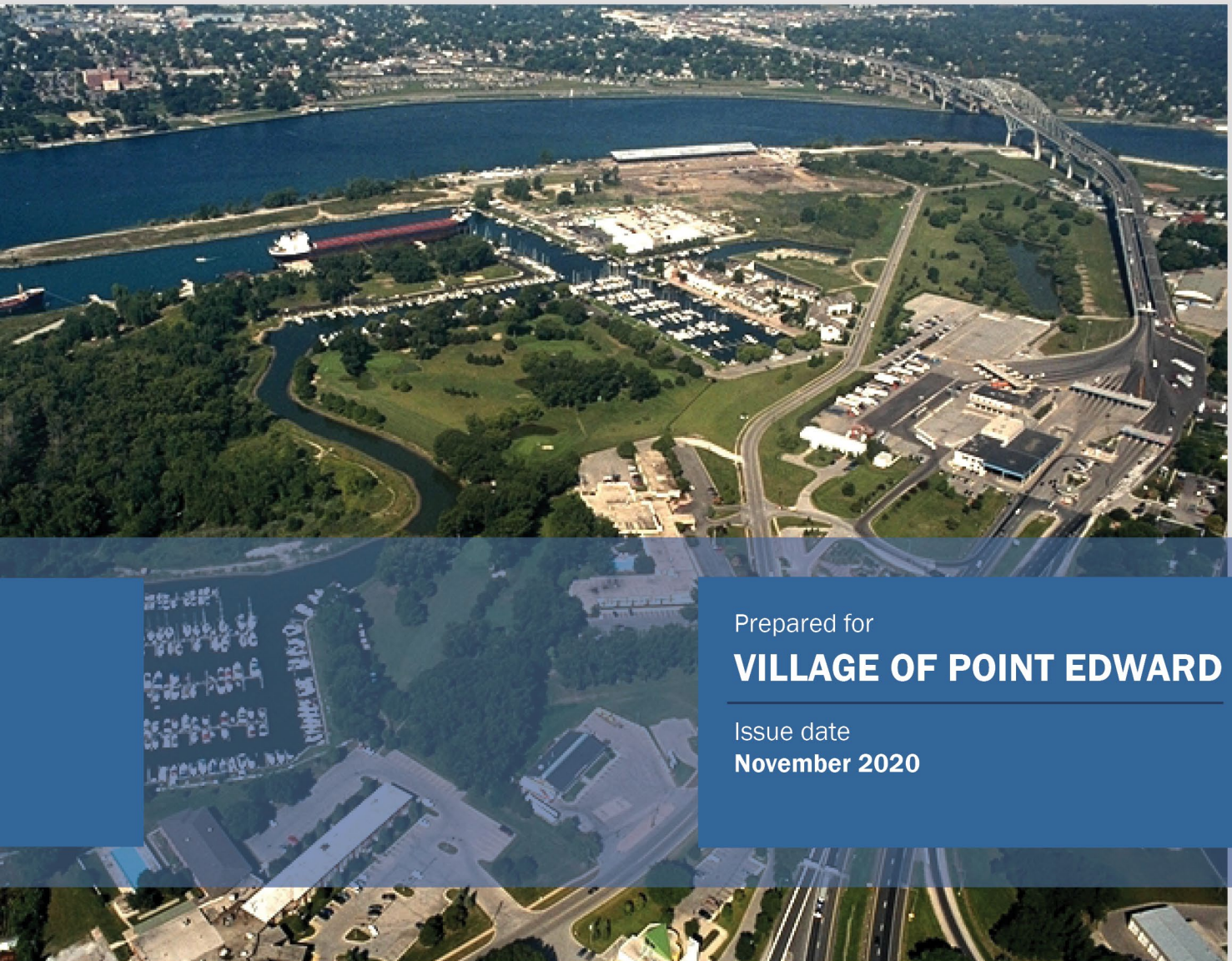


BACKGROUND REPORT

Official Plan Review



Prepared for

VILLAGE OF POINT EDWARD

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1. EXECUTIVE SUMMARY

A. Purpose of this Report

This background report is to provide a review and assessment of the existing Point Edward Official Plan (Point Edward OP or local OP) in order to identify policies that require revisions to existing policies, deletion of policies or preparation of new policies. These changes to the local OP are primarily needed to ensure consistency with the 2020 Provincial Policy Statement (PPS) and conformity to the County of Lambton's new Official Plan (County OP). The report also reflects what the consultant team heard from the public (public meeting, written comments, and public survey), Council, and municipal staff.

In some cases, revisions to the Official Plan are required to reflect recent changes to the *Planning Act*, including matters such as “additional units” and “inclusionary zoning”. In other cases, this report notes parts of the Plan where revisions should update language to better reflect current practice or to provide greater clarity with respect to policy intent.

For the most part, this report is organized in a manner consistent with the table of contents of the current Plan to simplify the reader's review of this report and the Official Plan. It will be used as a basis for specific recommendations on policy revisions, deletions, and additions to ensure the updated Official Plan is consistent with the 2020 PPS, conforms to the County OP, and reflects recent changes to the *Planning Act*.

B. Planning Horizon

The Provincial Policy Statement (2020) (PPS) was updated to provide municipalities with flexibility in planning for growth. The PPS now permits municipalities to plan for “up to” 25 years of growth with a further stipulation that municipalities must plan for 15 years of residential housing supply. This means that the Village must adopt an Official Plan that addresses the requirements for 15 years of residential housing within the context of a plan for the next 25 years.

Lambton County's Official Plan has a planning horizon to 2031. The County Official Plan was adopted under the 2014 PPS where the planning horizon was less than the current “up to 25 years” in the PPS. In the coming years, Lambton County will need to update its Official Plan to conform to the 2020 PPS. It is anticipated that the planning horizon for the County Official Plan will be extended beyond 2031.

For the Village of Point Edward, it is recommended that the Village adopt a Plan to the year 2046. This provides the Village with opportunities to:

- Have a consistent planning and growth framework as the basis for moving forward;
- Supports the Village in proceeding with key implementation updates:
 - Updating the Zoning By-law;
 - Preparing/updating guidelines for development;
 - Updating the capital infrastructure plans for the Village;
 - Updating the parks plans for the Village;
 - Other updates as necessary (fees, development process, etc).
- Allows the Village to work with Lambton County as the County updates its Official Plan;
- Provides the Village with flexibility in timing of implementation updates and the budgeting for those updates.

C.Planning for Growth in Point Edward

One requirement of the PPS is that the Village must plan for growth. This means ensuring that there is sufficient land supply available for the planning horizon. In 2017, as part of the County Official Plan preparation, County staff completed a land supply analysis that determined Point Edward has sufficient land supply to exceed the 2046 planning horizon. The forecasted population and housing unit per year will be incorporated into the Official Plan with policies that identify that the population and housing units are forecasts and are not considered to be caps or maximums.

2. EXISTING OFFICIAL PLAN: Policy Review

A. Land Use & Built Form

Official Plan Reference: Part B: Land Use Policies

1. Residential (Section 5):

Updates to this Section of the Official Plan are needed not only to respond to the 2020 PPS and new County Official Plan, but also to address recent changes to the *Planning Act*. Other changes will be considered to clarify intent or improve current wording that may be outdated. More detail on these updates is provided in the following sections.

2. 5.1 General Policies

Additional Units

The *Planning Act* (Section 16 (3)) directs that Official Plans authorize the use of “additional units”. This is a “shall” requirement in the Act which makes the additional units a mandatory requirement. Additional units provide for the use of two residential units in a detached house, semi-detached house or rowhouse, and the use of a residential unit in a building or structure that is located on the same property as a detached house, semi-detached house, or rowhouse (i.e. a garden suite or an apartment above a garage as examples).

The intent of this *Planning Act* provision is to encourage development of additional units (accessory dwelling units) with the permitted primary housing stock. However, allowing for these units does not guarantee their development - the Zoning By-law will need to be updated to address the development requirements for additional units.

“Additional units” should not be applied to site density calculations, whether that be minimum or maximum densities as defined in the Official Plan. It is also conceivable that there may be circumstances where these units should be included in density calculations so some flexibility should be applied to this practice until the impacts of this *Planning Act* provision are better understood.

A more rigid approach, however, is encouraged when it comes to site and urban design measures associated with projects of this nature. For additional units inside existing single detached housing, less attention to detail is needed but for new developments proposing additional units in a block form (eg. Townhouses), more rigid development controls are strongly encouraged through the Zoning By-law.

Inclusionary Zoning

Section 16(4) of the *Planning Act* authorizes municipalities to use inclusionary zoning. Although not mandated for Point Edward at this time, policies can be included that enable the use of inclusionary zoning, to provide flexibility should this be something the Municipality later chooses to pursue or is mandated to pursue.

Policies 5.1.1. and 5.1.2 – Maximum Residential Densities

Policies 5.1.1 and 5.1.2, which address maximum densities, are unclear in advising whether the densities noted are gross or net. Such clarity will ensure that undevelopable lands (eg. Floodplain and hazard lands, PSWs, etc) are not included in the density calculations applied to development sites while requiring that streets and developable amenity areas are included in site area calculations. The densities currently applicable to low, medium and high densities are appropriate when consistently applied in this way.

While not considered a major change to the Plan, this will provide helpful clarification and certainty.

Policy 5.2.3 - Intensification

This policy is focused solely on infilling which is an undefined term in the PPS and County OP. “Intensification” is a more inclusive and defined term in the PPS which includes infilling. Therefore, *intensification* should be included in a revised policy. It is also unusual for intensification (which includes infilling) to be pursued solely by means of a plan of subdivision as other forms of land division and tenure are possible. This is more likely accomplished through consent, exemption from part lot control, or site plan control and plan of condominium. The policies should be updated to reflect the broader tools of the *Planning Act* to implement intensification. The policy should also be clear that site plan control may be imposed on such projects.

It is further noted that the County OP (2.3.12) identifies a goal of 20% of new housing units in the County be provided through *intensification* and *redevelopment*. It also requires that local policies and zoning regulations establish criteria for infill lots (2.3.13). Including reference to *intensification* in this policy will help address the County’s policies.

Policy 5.2.4 – Landlocked Parcels

The intent of this policy - to access “landlocked parcels in existing developed areas” - remains relevant but needs to be updated to reflect the potential for parcels to be

accessed by condominium (i.e. private) roads, provided the original parcels of land continue to have legal frontage on public roads. Intensification can be achieved efficiently through the use of private roads accessing new housing but does not preclude public roads also being used, subject to the site-specific conditions unique to each parcel.

Policy 5.2.8 - Residential Supply in Approved Plans

This policy, which focuses on the minimum number of years of supply of residential units, needs to be updated to reflect the 2020 PPS (1.4.1) which now requires a 15 year supply of residential land. The policy also needs to respond appropriately to the new County Official Plan (2.3.1) which also recognizes the need for residential land supply. Changes can reflect the 2020 PPS while still conforming with the County Official Plan.

Policy 5.2.10 - Phasing

Revision to this policy should be completed to provide more flexibility to the approval authority when considering phased development proposals. The Village must also ensure there is servicing capacity available for commitment to these developments and that servicing capacity is not extended to projects not committed to moving forward in the short term. This capacity should not be committed until the development is ready for final approvals (i.e. not draft approval but as part of a subdivision or development agreement ready for registration on title).

Such changes to the Official Plan will provide clarity and ensure consistency with the 2020 PPS (eg. 1.6.1, 1.6.3, and 1.6.6) and conformity to the County Official Plan (eg. 7.10.2). In the policies cited above, both the PPS and County OP require coordination, and effective and efficient use of municipal services and infrastructure. Managing reserve capacity in infrastructure systems is a key factor in this regard.

Policy 5.2.12 - Affordable Housing & Intensification

Part (c) of this policy needs to be strengthened to place more emphasis on the importance of permitting residential intensification in the Village. This will better reflect the significant role intensification now plays in Provincial policy. For example, PPS 1.4.3 (b) 2., requires municipalities to permit and facilitate intensification; that wording needs to replace “encourage” in this policy. A revision of this nature will conform with the County OP (2.4.12).

Affordable housing targets

This policy also deals with affordable housing targets but refers to the 2005 PPS. It must be amended to reference the 2020 PPS (1.4.3(a)).

It also states that the Village will establish minimum targets in a future OPA for the Village. The County's OP (2.4.13) relies on a housing and homelessness plan that appears to be dated (projected period 2014-2023). Rather than word a policy to be as specific as the County's policy, it is appropriate to have the local OP policy rely on the County's "most current Housing and Homelessness Plan".

Policy 5.2.14 (d) – Clarify Use of Site Plan Control

The current wording of the policy could be interpreted to mean that site plan control is optional. This policy needs to clarify that this housing form ("medium density dwellings") is subject to the site plan control policies of the Official Plan.

5.4 Bed and Breakfast Establishments (local matter raised by Council)

There are different forms of short-term rental accommodations that include traditional forms of bed and breakfast establishment, but others are marketed as bed and breakfast (air bnb) but may not be owner occupied. Those forms of short-term rentals can lead to enforcement challenges for owners, nearby residents, and the Village. Village Council requested that the consultant team consider some policy additions to further guide them on how best to manage short term rentals in future. Recommendations will be provided as part of the overall policy.

5.5 Compatibility Policies for Residential Areas

This Section is appropriate as written but under the sub-heading "general", consideration should be given to adding "intensification" to the list that starts with "New development". This will ensure consistency with the 2020 PPS.

3. Commercial (Section 6):

In responding to the 2020 PPS and new County Official Plan, both of which encourage and allow for a greater mix of uses as one way to achieve intensification in settlement areas, new policies should be introduced that allow for residential uses in commercial areas that need not be subordinate to commercial uses. However, those new policies should include criteria that place greater emphasis on site and urban design. While there are limited opportunities available, this policy may lead to future investments that maintain or enhance the commercial nature of these areas while increasing housing supply and affordability.

4. Highway Commercial (Section 7):

No changes are required to ensure consistency with the PPS and conformity with the County Official Plan. However, a new policy should be added that allows for

mixed use developments as part of site-specific zoning amendments subject to specific criteria included with that policy.

The County OP (eg. 3.4.1 (b)) allows for a mix of uses in commercial areas that includes residential uses.

5. Mixed Commercial/Industrial (Section 8):

No changes are recommended. No PPS consistency, nor County OP conformity issues are identified. This area contains the Village's primary employment lands. The area west of Front Street could be considered for integration with the surrounding commercial area designation but that is not a recommendation for this review as we have not had any input requesting this from Council nor landowners.

6. Major Institutional (Section 9):

No changes are recommended.

7. Major Open Space (Section 10):

a) Policy 10.1.6 should be modified to give Council more flexibility when negotiating reductions to cash-in-lieu of parkland by, at minimum, changing from "..., Council will reduce the ... payment ..." to "..., Council may consider reducing the payment ...".

This policy is not associated with any bonus provisions in the *Planning Act* and does not contemplate taking more parkland from future developers than is allowed through the parkland / cash in lieu provisions of the *Planning Act*. It is therefore appropriate to maintain this policy but Council should afford itself more flexibility on its implementation. It should also be satisfied that the public interest is served when reducing cash-in-lieu payments.

b) Policy 10.1.8 must be modified to ensure alignment with changes to the *Planning Act*. Density bonus provisions are no longer available to municipalities in Ontario (former Section 37). As a result, ", or through the use of bonussing as described in the implementation policies of this Plan" must be deleted from the end of this policy.

c) Policy 10.1.16 will have an added provision requiring that any proposed redevelopment of the Sarnia Golf course will require a coordinated plan between the City of Sarnia and the Village of Point Edward.

8. Special Tourist Commercial (Section 11):

This former industrial site (brownfield), located at Christina, Exmouth, and Front Streets, south of Hwy 402, offers a significant opportunity for site redevelopment and enhancement that should be viewed as a high value gateway site to be promoted for investment by the Village and Lambton County. Policies should be added to allow for a broader range of uses that can be developed on the site, a requirement for a site-specific zoning by-law amendment for development, and to ensure high quality building design (11.1.1). This will help implement County OP Section 3.10 (Sites With Potential Environmental Contamination). .

The Point Edward sewage treatment system is ultimately to service this site in its entirety (11.2). The former CN spur lands that used to serve the industry need to be integrated into the development plan.

This site could benefit from some form of conceptual development plan to demonstrate acceptable development scenarios for the municipality prior to promoting the site for development. A policy recommendation will be proposed. The Sarnia Lambton Economic Partnership may be helpful in this regard, if not already engaged on this.

9. Waterfront Mixed Use (Section 12):

Policy 12.1.2 is contradictory as currently worded and does not align with policy 12.1.8. Policy 12.1.2 currently requires that “All development ... shall be subject to” Section 41 development agreements but then goes on to say that “All development shall proceed by registered plan of subdivision pursuant to Section 51 of the *Planning Act*”.

These two sections are distinct in the *Act* and do not work together when preparing relevant development agreements. They are designed to address different stages of the development process. Not all development proposals can be processed under Section 51 (subdivision) of the *Act* and not all site plan approvals need to be addressed through Section 51 processes. This can be addressed with minor changes to the policy.

Policy 12.1.12 needs to be reworded to clarify the intent with respect to the maximum number of single and semi-detached dwellings. Based on the policy as worded, the intent appears to be directed to limiting the number of low-density units developed on the site in order to ensure overall site density is achievable. The Waterfront Mixed Use area is intended to accommodate a wide range of housing types although the current maximum density proposed for the area as a whole could

be considered for an increase if a specific development proposal warrants that flexibility.

10. Mixed Use (Section 13):

There is no need for changes to the policies to ensure consistency and conformity with the 2020 PPS and County Official Plan. However, an increase to the maximum densities noted in the policy is needed. The maximum net densities noted do not lend themselves to stacked townhouses and apartments, even if limited to four storeys.

Revisions in other parts of the Official Plan to address the potential for noise mitigation measures for residential development, providing Class 4 designations (per MECP NPC-300 Guideline) to protect existing nearby marine businesses from nuisance complaints associated with noise are needed. Section 17.4 is where these provisions will be addressed.

11. Waterfront Open Space (Section 14):

Given the location of lands designated “Waterfront Open Space” (Section 14) in relation to lands designated “Waterfront Mixed Use” (Section 12), there appears to be a relationship between the intent of policy 14.2.4 (open storage areas “shall be screened from adjacent streets and residential areas ...”) and how this should be applied to mitigate impacts of existing fishery uses on nearby lands in the “Waterfront Mixed Use” designation and on public lands within the “Waterfront Open Space” designation.

From the review of this policy, it is our conclusion that it was intended to ensure open storage areas abutting other lands designated Waterfront Open Space or Waterfront Mixed Use are screened from view where possible, using whatever means possible and appropriate. This policy should therefore be reframed to better allow for this. The main concern here is that it is unlikely that new fishery uses can be established and it is only through an application for development that screening measures can be imposed. Therefore, it is more likely that the Village will have to initiate much of the screening it determines is necessary as part of its program to develop public lands in this designation.

The revised policy should ensure this is clarified in a manner that makes it clear that the Municipality may choose to screen open storage areas from view where these areas may negatively impact public lands. In those instances, it is likely that the screening would be located on public lands.

B. Economic Growth & Tourism

There are various sections within the local OP that may benefit from specific policy additions but there are none recommended or necessary to ensure consistency with the 2020 PPS and conformity to the County OP. Further, there were few comments provided at public meetings by the public or Council that indicated there were specific concerns that needed to be addressed in the updated local OP.

However, there was indication from Council that additional policies were needed to help better address future potential impacts from short term rentals in the Village. Therefore, draft policies related to short term rentals will be provided for consideration to include in the updated local OP.

It should be noted that Section 26 contains a very succinct set of Economic Development policies. This should be confirmed by Council to ensure it adequately addresses the Village's needs. For example, the Village may wish to consider promoting the former foundry site for redevelopment. If this is a Council priority, there may be other sections through which this can be more specifically considered and/or promoted.

For example, Section 23 allows for the identification and prioritization of "individual Community Improvement Project Areas", subject to the existing Official Plan criteria found in Section 23.2. Based on those criteria, this site does not need to be identified specifically as part of the OP Review. However, this is an opportunity to draw Council's attention to the current policy framework and consider if it should do so by bylaw (see Policy 23.4.1).

The point of this dialogue is not to recommend specific changes to the OP in this instance, but it is intended to draw attention to how various parts of the OP can work together to advance economic development priorities for the Village. There are no specific changes recommended to Section 26 based on the PPS and County OP nor from feedback provided by the public and Council to date. ,

C. Infrastructure

Official Plan Reference: Part C - Municipal Services and Utilities

Section 15 Transportation

1. 15.1 Road System

The Village confirmed that no road widenings are currently required nor contemplated. However, reference should be made to proposed changes in Section 15.3 regarding Pedestrian and Bicycle Traffic. Those policies may impact how road rights-of-way are designed and used in future.

2. 15.2 Parking Facilities

On-street parking is already accommodated on Monk Street and Michigan Avenue, to support businesses located in the Central Business District. This policy affirms this decision, clarifying that these parking areas are consistent with Village policy and continue to be supported.

A wording change to policy 15.2.3 is required to ensure consistency with the wording of the PPS, removing reference to “handicapped persons” and replacing with “persons with disabilities and older persons”.

3. 15.3 Pedestrian and Bicycle Traffic

This policy would benefit from further clarification to enhance the bicycle master plan for the Village.

4. 15.3.9 Bicycle Master Plan

Policy 7.3.3 of the County OP and policies in the PPS make reference to multimodal transportation systems and planning public streets that facilitate active transportation. To respond to these policies, this Official Plan should make reference to the need for designing “complete streets” and identify updating public road cross sections as a step towards ensuring provision for safe cycling within road rights-of-way in the Village.

While reference may be made to “Complete Streets” in the proposed new policy, “Complete Streets” need not be defined in the Official Plan. This is a broader discussion that can determine the best fit for the Village as part of the Bicycle Master Plan preparation.

For initial guidance to the Village, “A Place to Grow” Provincial Plan defines Complete Streets as “*Streets planned to balance the needs of all road users, including pedestrians, cyclists, transit-users, and motorists*”. The Village is not obligated to use this definition because this Plan does not apply to Lambton County. But it may serve as a useful reference for the Bicycle Master Plan.

5. Bicycle Parking Facilities for New Development

Consideration will be given to a new policy for bicycle parking in private developments. This builds upon Policy 15.3.12 where bicycle parking is identified as an option for Municipally owned and operated facilities.

This new policy could allow the Village to negotiate site specific vehicle parking reductions for private developments based on the provision of bicycle parking facilities. The nature and extent of such parking reductions may be dependent on the specifics of each proposal. However, a standard requirement should be developed for use in the Zoning By-law, either on a site-specific basis or incorporated as a standard provision in the Comprehensive Zoning Bylaw.

6. Section 16 Public Uses and Utilities

Relevant PPS policies include Section 1.6 (Infrastructure and Public Service Facilities). The applicable County Official Plan section is “7.8 Utility Corridors”. Based on our review of these policies, no amendments are proposed to the Village’s Official Plan.

Section 17 Municipal Services, Stormwater Management and Sensitive Land Uses

1. 17.1 Sanitary Sewerage

Current wording in Section 17.1.1 appears to be adequate to address long term sanitary requirements for the Municipality. Policy 17.1.1.1 states that “The Village’s sanitary sewer system currently has adequate capacity to accommodate the forecast development within the Village”. This statement continues to be accurate and therefore no other changes to Section 17.1 are necessary.

2. 17.2 Municipal Potable Water Service

No changes proposed.

3. 17.3 Storm Water Management

No changes proposed.

4. 17.4 Land Use Compatibility

In order to ensure there is an opportunity to address any potential conflict for new sensitive land uses proposed in proximity to existing noise producing industry, it is recommended that a policy be added to this Section that enables use of the Class 4 designation as contemplated by MECP Environmental Noise Guideline NPC-300. This guideline provides a mechanism for allowing sensitive land uses to be developed near existing noise producing businesses, placing the onus on the new land use to put in place

all necessary measures required to mitigate noise impacts from the existing business on the proposed sensitive land use.

This guideline allows for intensification while limiting the risk of future complaints from new residents against existing industries. Most importantly, any measures required to mitigate those impacts are not imposed on those existing businesses and must be addressed prior to establishing the new land use.

5. 17.5-17.7 Well Sites; Waste Management; Public Utilities

No changes are required for the balance of Section 17.

6. Renewable Energy Systems

Refer to Section G of this report. Section 22 of the Official Plan addresses Renewable Energy.

D. Natural Heritage

Natural Heritage and Energy Conservation are addressed in the Community Development (Part D) section of the Official Plan. Please refer to Part G of this report for more information.

E. Mineral Resources

No Current Official Plan References

The Lambton County Official Plan identifies the entire municipality of Point Edward as “Potential Aggregate Deposit” (Appendix Map B - Mineral Aggregate Resources). This mapping is not recommended for inclusion in the Point Edward Official Plan for the following reasons:

- The entire Village of Point Edward is a Settlement Area meaning all lands have been or will be developed for a mix of residential, employment, parks, natural heritage, community services and more.
- There is no ability to achieve land use compatibility between the existing uses and planned functions in Point Edward and any extraction of the potential aggregate deposit.

As part of this Official Plan Update, the Village may wish to request an update to the County Official Plan to remove the Village from Appendix Map B.

F. Community Growth & Community Structure

1. Existing Development

Point Edward can be viewed through a dual lens, set on each side of the international bridge that connects Canada with the United States. One area lies north of the highway and international bridge and the other lies south of this international thoroughfare.

2. The “North Side” (Michigan Avenue area)

On the north side, the development pattern is well established and not expected to undergo significant change in the planning period (to 2046). The north side can be broadly described as a low-density village setting with well-established commercial areas that anchor the west and east ends of the village.

The current Official Plan describes the west commercial anchor as the “Central Business District”. The extent of this area is incorrectly described in the Introduction (Part 4) of the current Official Plan and should be more accurately described as the area lying between Livingston Street and Monk Street along Michigan Avenue. This description more accurately aligns with the current Land Use Schedule (Schedule A). There are opportunities for more commercial businesses to use vacant lands on the south side of Michigan Avenue in addition to the existing stores and restaurants already found in this area.

The east end commercial anchor is best described as an area centred on the intersection of St. Clair and Helena Streets. This area offers a number of convenient retail and personal service shops that include baked goods, hair stylist, bowling alley, and liquor store, among others.

The other commercial area on the north side of Hwy 402 is located at Christina Street. This area includes hotels (Quality and Comfort Inns), Offices (at Lite Street), and Auto Service Facility.

The Village’s Mixed-Use Commercial/Industrial area generally runs along the east side of Front Street although there is one block that lies on the west side of Front that abuts the St. Clair/Helena Commercial area and may have long term potential to become integrated as part of that commercial anchor for the Village.

Encouraging more of a focus on built form, particularly in this area, would be helpful in encouraging a level of quality control over how redevelopment of sites in this area

proceeds and the associated new or renovated buildings present themselves at this important community interface. This emphasis on building and site design could be requested in exchange for greater flexibility for uses considered appropriate at these locations and provided through site specific development applications if proposed west of Front Street. More in-depth study and design controls may also be appropriately pursued by the Village as part of a Community Planning Permit System (CPPS) review for the area. A broader range of policy advice regarding the CPPS system is included in this report and can form the basis for such an approach to this area.

The low-density residential areas have a number of potential opportunities for minor intensification through lot severances and potential site redevelopment. However, the Plan should speak to this in the form of general development guidelines and recommended options for zoning and site plan approaches designed to manage any intensification proposed in this part of the Village. Nevertheless, it is generally expected that development patterns in this part of the Village will remain reasonably stable during the planning period. Based on feedback received to date, there does not appear to be community nor Council support for significant intensification in this area.

3. The “South Side” (Venetian Boulevard area)

This part of the Village is an interesting contrast to the “north side”, one that affords many opportunities for new development. While the feedback from existing residents was clear that medium and high-density development is not supported near them, that feedback is understandable in the north part of the Village. However, when assessing development potential south of the 402/Blue Water Bridge, there are several sites well suited to a very different approach that can accommodate significant assessment growth for the Village without disrupting the character of the areas so cherished by existing residents living on the “north side”.

One of the sites that may warrant more careful attention is located between Front and Christina at Exmouth but there are other sites in the area being actively investigated for development based on information provided by Village staff. The nature of these investigations to date is generally preliminary but there are at least two sites actively under consideration for residential development, both on Venetian Boulevard. If these move forward, they could provide for over 100 new housing units in the Village.

G. Community Development

Official Plan Reference: Part D: Community Development

1. Section 18: Natural Heritage

The first paragraph can be modified to ensure it expresses a range of options that appropriately protect significant natural heritage features that may go beyond discouraging development. There may be circumstances where development must be prohibited or restricted rather than simply discouraged. As well, this is an opportunity to introduce the concepts of enhancement and restoration as relevant measures to address development proposals that impact significant natural heritage features.

2. Section 18.1: General Policies

Section 18.1.1 should be revised to ensure natural heritage terms are consistent with the wording provided in the PPS 2020.

Section 18.1.1 should also address *development* and *site alteration* in the sub-sections so as to put into context the notion of land use permissions currently identified in the Official Plan. This will ensure consistency with the Natural Heritage Section of the PPS (2.1) and conformity with the County OP's Natural Heritage policies (eg. 8.2.2(b)), provided the term "shall not" is used rather than "will not" as found in the County policies.

These changes will lead to removal of Section 18.2.2 but should be replaced with more current language consistent with the PPS 2020 (2.1.5 and 2.1.8) and County OP (8.2.2).

Policy 18.1.4 uses "Environmentally Sensitive Areas or features" and should be modified to reflect current language in the PPS 2020 (Significant Natural Heritage Features).

Other changes to current policy should address the inconsistent, outdated, and interchangeable use of terms such as Environmentally Sensitive Areas, sensitive natural area, and natural heritage area(s).

3. Section 18.2: Significant Natural Areas

As noted above, Section 18.2.2 should be removed from this Section and replaced with a modified policy for 18.1.1.

Policy 18.2.7 ("Woodlot Management") may need some clarification if this is intended to apply to all woodlots or if it should specific significant woodlots. Regardless, there is a need to confirm that the County Bylaw referenced remains relevant. If so, it may be appropriate to add "or equivalent bylaw in force" after "Lambton County Woodlands Conservation By-law".

Policy 18.2.9 (“Tree Saving Plans”), sub-section (g) needs to remove references to “Environmental Evaluation” and replace those with “Environmental Impact Study (EIS)”.

4. Section 18.3: St. Clair River and Unstable Lands

Policy 18.3.6 makes reference to the PPS, 2005. Edits are required to the text to ensure alignment with the current PPS, 2020, Section 3.1.5.

5. Section 18A – Source Water Protection

This is a new policy section in the Official Plan. Ontario requires municipalities to conform to the Thames-Sydenham Source Protection Plan under the *Clean Water Act*. For Point Edward, the proximity to the St. Clair River and Lake Huron mean the Village is also in close proximity to the Intake Protection Zones for municipal drinking water. The Source Protection Plan also establishes Event Based Areas – these are areas where an event such as a spill could impact the drinking water source.

Municipalities are required to implement land use policies to:

- protect drinking water sources and groundwater sources;
- include policies that identify potential threats to the source of drinking water;
- Include policies on how development applications in the vicinity of the Intake Protection Zones, Event Based Areas, Groundwater Protection Areas (Highly Vulnerable Aquifers and Significant Groundwater Recharge Areas) will be addressed to ensure the protection of the source of drinking water.

The new section of the Point Edward Official Plan incorporates the requirements of the Thames-Sydenham Source Protection Plan and the County of Lambton Official Plan. The new section achieves conformity with the PPS which requires municipalities to incorporate the Source Protection Plan into their Official Plans.

6. Section 19: Cultural Heritage

This section needs updates to confirm terms are current; otherwise, no substantive changes are proposed or necessary.

Marine Archaeology:

Given the Village’s location at Lake Huron and the St. Clair River, it is prudent to include specific policy references that address the potential for marine archaeological

resources to be impacted by shoreline and waterfront development. The definition in the PPS for Archaeological resources references marine archaeological sites and the proposed policy revisions are intended to address this.

7. Section 20: Amenity and Design

In policy 20.3, a cross reference to policies in Section 17.4 may be helpful. Policy 17.4 addresses “Land Use Compatibility” in a manner consistent with this section of the Plan but provides more specific policy direction than 20.3.

8. Section 21: Urban Design

There are no conformity issues but County OP policy 2.1 notes: “a 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”.

If Council determines that implementation of a Community Planning Permit System is appropriate, preparation of the CPPS will allow for further enhancement of urban design measures in the Village.

9. Section 22: Energy Conservation

There are no references to Climate Change. There is a need for a new Section to ensure 1.8 (Energy Conservation, Air Quality and Climate Change) of the PPS is properly addressed in the OP.

10. Section 23: Community Improvement

This Section is thorough and there is nothing specifically needed for revision or addition. However, policy 23.4.7 (Bonus Zoning Provisions) must be deleted because the *Planning Act* (Section 37) no longer allows bonus zoning.

The Official Plan does not need to identify specific sites to ensure consistency with the PPS and conformity to the County OP, the former foundry site at Christina, Front, and Exmouth Streets warrants mention in this report as a potential future “Community Improvement Project Area(s)” given its gateway location into Canada, Lambton County, and Point Edward.

11. Sections 24: Signs

There are no consistency and conformity issues to address. No other issues were raised by the public, staff or Council and we do not recommend any changes.

12. Section 25: Property Maintenance

There are no consistency and conformity issues to address. No other issues were raised by the public, staff or Council.

13. Section 26: Economic Development

There are no recommended changes to this section.

H. Implementation

Official Plan Reference: Part E: Implementation

Policies that guide Council, staff, members of the public, and applications on how the Village's Official Plan will be implemented are important considerations for the Village. The Village's current Official Plan has an Implementation Section with policies. A review of the policies identified the following updates:

1. Update references to the Provincial Policy Statement from the 2005 PPS to the 2020 PPS.
2. Update the Official Plan Review timeline from five years to ten years to align with recent changes to the *Planning Act*.
3. The policies on the Holding provision tools to be used as part of the Zoning By-law need to list the reasons Council may enact a holding by-law. This is to be consistent with the requirements of the *Planning Act*.
4. Clarification that temporary land use by-laws under the Planning Act will be required to conform to the Official Plan to reduce the potential for incompatible land uses.
5. Delete provisions related to Bonus Zoning as these provisions have been removed from the *Planning Act*.
6. Revise the policies on pre-consultation to be more definitive to assist applicants and streamline approvals. Add new policy to ensure any studies required for a development application are completed by Qualified Persons.
7. Update the policies regarding Site Plan Control to provide more clarity for the use of Site Plan Control.
8. Update the policies on how to interpret the land use boundaries in the Official Plan Maps and Schedules.
9. Update the list of development applications requiring public participation to conform to the requirements of the Lambton County Official Plan.
10. Add new policies in the following areas to assist in interpreting and implementing the Official Plan:
 - a. Policies that identify that the Village will review its delegation of authority to staff to support an efficient and streamlined development process;

- b. Policies that support the Village acquiring land, if needed, to implement the Official Plan;
 - c. Policies that define how Maps, Schedules, Tables and Appendices are to be interpreted;
 - d. Policies on guidelines and how guidelines assist in making decisions but are not regulations.
11. Adding policies to support monitoring of the Official Plan.

3. EMERGING ISSUES FOR POINT EDWARD

This section of the Background Report for the Official Plan Review identifies emerging issues for Point Edward in the Official Plan. Some issues are addressed in more detail under relevant section and policy headings earlier in the Background Report; others are discussed below as specific topics that are more generally summarized below in this section.

A. More Homes, More Choice: Ontario's Housing Supply Action Plan:

In May 2019, the Ontario Government released the Housing Supply Action Plan. The Housing Supply Action Plan is to address Ontario's housing issues through actions in five key areas:

- Speed – time to delivery of new housing
- Cost – overall cost of development including infrastructure to service development
- Mix – ensuring housing choice through a mix of housing types
- Rent – ensuring a mix of tenure choices are available for Ontarians
- Innovation – supporting new ideas and creativity in delivering housing in Ontario

This section of the Background Report focuses on those areas of the Official Plan Review that are not addressed elsewhere (particularly the Provincial Policy Statement and the Lambton County Official Plan) and is not an exhaustive review of the Housing Supply Action Plan. Some of the key actions in the Housing Supply Action Plan are implemented through other legislation such as the Ontario *Heritage Act*, the *Endangered Species Act*, the *Conservation Authorities Act*, and more. Key opportunities the Housing Supply Action Plan relative to the Official Plan are:

1. Community Planning Permit System (CPPS)

This is a system that combines the existing Minor Variance and Site Plan process into one “permit” for the development. This type of system is more predictable in terms of what development will occur. More specifically, a community planning permit system allows Council to create a by-law similar to a zoning by-law with one exception: the by-law will also include how much flexibility is available. For example, a community planning permit by-law could identify a front yard setback of 6 m with flexibility of up to 2 m (i.e. reducing to 4 m the front yard setback) and that the permit could be issued. With a more typical Zoning By-law, this type of variance would need a Committee of Adjustment application. Using the Community Planning Permit By-law allows the flexibility is built into to allow the permit to be issued.

A second aspect of the CPPS which streamlines development approval is delegation of decisions to a staff person in the municipality. Once the CPPS By-law is adopted by Council, the decisions can be done at a staff level because Council has established what is permitted, how much flexibility is acceptable, and no permit can be issued without complying to the CPPS By-law.

A Community Planning Permit System requires policies in the Official Plan to enable the specific by-laws regulating development. The Official Plan Review will include policies that address how the Village will develop Community Planning Permit Systems through:

- Establish the objectives for the Community Planning Permit System
- Identifying the entire Village as a potential Community Planning Permit System Area;
- Requiring the creation of a background study to understand the area and/or issue(s) to be part of the Community Planning Permit System.
- Requiring public engagement on the Community Planning Permit System background study;
- Establishing policies on permitted uses, standards of development, and that the Community Planning Permit System shall incorporate variations on use and standards;
- Establishing requirements for a complete permit application;
- Establishing the criteria for reviewing a permit application;
- Establishing the requirements for agreements and financial securities to implement the permit system;
- Establishing the ability for Council to delegate approval of permits and execution of agreements to staff.

2. Additional Dwelling Units

Additional Dwelling Units are additional housing units within an existing home, or a new unit on an existing property (such as a garden suite), or a new unit in another building on a property (above a garage, conversion of all or part of an existing building on a property). The Ontario government has updated the *Planning Act* as a result of the Housing Supply Action Plan and those changes now require municipalities to permit accessory dwelling units in their broadest forms in residential housing.

This was discussed earlier in this Background Report; updates to the Residential policies will address Additional Dwelling Units.

3. Density Bonusing (S. 37 of the Planning Act) and Community Benefits Charges

In July 2020, the Ontario government passed Bill 197 – The COVID-19 Economic Recovery Act 2020. One section of the Bill implements the Housing Supply Action Plan by removing the existing Section 37 (Density Bonusing) provisions of the Planning Act and instituting a “Community Benefits Charge”. The Community Benefits Charge is intended to create a one size fits all funding approach for certain services defined in the legislation:

- libraries
- long-term Care
- park development (excluding parkland acquisition)
- public housing
- recreation
- child care
- housing services (e.g. affordable housing & shelters)
- by-law enforcement and court services
- emergency preparedness

The legislation further stipulates that the Community Benefits Charge will not apply in the following circumstances:

- development of a proposed building or structure with fewer than five storeys at or above ground;
- development of a proposed building or structure with fewer than 10 residential units;
- redevelopment of an existing building or structure that will have fewer than five storeys at or above ground after the redevelopment;
- redevelopment that proposes to add fewer than 10 residential units to an existing building or structure; or
- such types of development or redevelopment as are prescribed in future regulations.

In order to implement a Community Benefits Charge, a Community Benefits Strategy must be prepared. The Official Plan will need to be updated to reflect this change in the *Planning Act* as well as establish policies for the preparation of the Community Benefits Charge, should the municipality choose to use it in future.

B. Green Energy Projects

In 2019, the Ontario government enacted Bill 34 which included changes to Ontario's Planning Act relating to green energy projects. Green energy projects are typically wind energy projects and solar energy projects. Decisions on green energy projects are now made locally with municipal Councils responsible for decisions. Green energy project decisions by a Council cannot be appealed to the Local Planning Appeal Tribunal. As a consequence, it is important that the Official Plan Reviews include updated policies on criteria for evaluating green energy proposals. Point Edward currently has policies to regarding renewable energy in Section 22.1; these policies will be updated to include land use compatibility requirements for renewable energy projects.

C. Cannabis Facilities

Cannabis cultivation and processing are new issues facing Ontario municipalities. Municipalities are typically addressing a multitude of issues in addressing land use policy for cannabis facilities. Most municipalities address both urban and agricultural areas for cannabis facilities; as Point Edward has only urban land (settlement area), the issue of cannabis facilities and land use will focus on Employment Areas. The policy updates will include addressing key points of land use compatibility: land use compatibility to sensitive land uses (residential, day care centres, nursing/retirement homes) through the use of the D-6 Guidelines between Industrial Facilities; addressing issues such as light, parking, waste management, security, stormwater management, traffic, odour, and more. A rezoning and site plan will be required for each proposed cannabis facility to ensure there is a public review process engaging local residents.

Outdoor growing is more typically seen in agricultural areas and is a growing operation where the crop is grown in fields. Because Point Edward is entirely a settlement area, outdoor growing is not supported.

4. NEXT STEPS

This Background Report, together with the Community Vision Report, are the two major review documents that will form the basis of the draft update to the Village Official Plan. In 2021, a draft update to the Official Plan will be provided for Council and the community to review.