

The Corporation of the Town of Lakeshore

Report to Council

Community & Development Services

Development Services



To: Mayor & Members of Council

From: Tammie Ryall, Director of Community & Development Services

Date: December 10, 2020

Subject: Town of Lakeshore Official Plan Review(1).docx

Recommendation

The compiled comments submitted from the public regarding the Official Plan review be received (Attachments 1 and 2);

The changes and amendments as recommended in this report, and as directed by Council, be incorporated into the final version of the Official Plan, as presented at the December 15, 2020 Council Meeting; and,

Administration prepare a final version of the Official Plan review and adopting By-law, to be presented at a future Council meeting.

Background

Official Plan Review

The reasons for initiating an Official Plan review and a description of the public consultation and engagement process were summarized in the previous report to Council presented on November 17, 2020. At that Council meeting, the statutory Public meeting required under the Planning Act for the Official Plan review took place. Several members of the public attended the meeting, held virtually, and made delegations to Council. The written submissions from that meeting are attached. A summary of the verbal submissions were included in the minutes of the November 17, 2020 Council meeting.

At that meeting, the following resolution was passed:

399-11-2020

Receive the Draft Town of Lakeshore Official Plan and Schedules, dated September 2020, appended as Attachment 1 and Attachment 2, to this report.

Employment Lands Study

Regarding the comments received regarding Employment Lands along the 401, Council directed Administration in 2019 to proceed with the development of an Employment Land Strategy for the Town of Lakeshore that includes exploring the need for converting lands along the Highway 401 corridor to employment uses in the future. This study would develop a comprehensive strategy to guide the designation and development of urban employment lands in the Town. In particular, the study focused on how to address employment land needs to better meet the Town's employment objectives. Section 3.3.2.1 of the Official Plan identifies the designation of additional employment lands through an ELS (Employment Land Strategy).

The initiative to study future employment lands along the 401 has generated interest in the region and created momentum for the County of Essex to initiate a regional employment land study as the first background study to their Official Plan Review process.

As a result, Council decided to discontinue Phase 2 of the Town's ELS study, as the County of Essex was undertaking Phase 1 of their required 5 Year Official Plan Review, which commenced in January 2020, starting with the County's Growth Projections exercise and Regional Employment Land Needs Study. Administration will have to come back to Council with some strategic planning policy recommendations, which would include a Phase 2 of the Town's ELS study, subject to future budget approval. When the results of the County's Phase 1 Official Plan Review exercise is complete, Phase 1 of the Town's ELS may have to be updated or even revised with the next census of population, which is to take place in May of 2021. On April 28, 2020, the following resolution was passed.

112-04-2020

1. Council receive the report entitled "Employment Lands Strategy – Phase 1, Town of Lakeshore, Final Report" prepared by Watson & Associates Economists Ltd., dated January 31, 2020, and attached to this report as Appendix A, and;
2. Council accept, and adopt, the population projections provided in the report entitled "Employment Lands Strategy – Phase 1, Town of Lakeshore, Final Report" prepared by Watson & Associates Economists Ltd., dated January 31, 2020, and attached to this report as Appendix A.

[space included intentionally]

Short Term Rentals

Regarding comments on regulating Short Term Rentals, a report was presented to Council on September 1, 2020. At that time, the following resolution was passed.

292-09-202

Direct Administration to proceed with Option #1 – public consultation in 2021, as described in the report by the Manager of Legislative Services and Manager of Development Services, presented September 1, 2020.

Comments

This report is intended to summarize the comments received from the public and at the statutory public meeting, and describe how the comments have been reviewed and addressed. The County of Essex and the Lower Thames Valley Conservation Authority provided additional comments in response to the notice of the public meeting.

County of Essex

Two comments of note from the County of Essex are explained below.

(1) The first is Section 2.3.2, I) (Page 10) “*Strongly support and participate in the completion of the County’s Regional Economic and Employment Land Strategy, which will provide a plan and policies for the development of a regional serving Employment Area, **particularly in the Town of Lakeshore and along Highway 401 corridor,***” (emphasis added)

County administration is recommending that the phrase “*particularly in the Town of Lakeshore and along Highway 401 corridor,*” be removed as it could be interpreted to predetermine the outcome of the study. Town Administration notes that this policy is in the “Planning Objectives and Strategies” section of the Official Plan which sets out high level goals to be achieved during the life of the Official Plan. To address the County’s concerns, Administration would recommend a re-wording of the section to state:

“*Strongly support and participate in the completion of the County’s Regional Economic and Employment Land Strategy which will provide a plan and policies for the development of a regional serving Employment Area. **“The Town supports the consideration of a Regional Employment Land Area in the Town of Lakeshore and along the Highway 401 corridor.”***” (emphasis added)

To be consistent, this same change should be made to Section 3.3.2, Employment Areas which currently states:

“*The Town will strongly support and participate in the completion of the County’s Regional Economic and Employment Land Strategy, which will provide a plan and policies for the development of a regional serving Employment Area, **particularly in the Town of Lakeshore and along Highway 401 corridor.***”

(2) The second comment is regarding phrases in the “Managing Change, Where and How to Grow” Section 3.3 which refer to future expansions of secondary settlement areas.

For example, in Section 3.3.3. Hamlet Area, subsection c), (page 28) it states: “The Town will monitor and review the Hamlet Areas on an on-going basis to ensure that they are appropriately managed and the policies of this Plan are fulfilled. It is anticipated that sufficient land has been designated to accommodate Hamlet Area growth and development, therefore, Hamlet Area expansions or the establishment of new Hamlet Areas **are not permitted within the planning horizon.**” (emphasis added)

County Administration notes that the phrase “are not permitted within the planning horizon” should be removed as the direction in the County Official Plan is that only Primary Urban areas will be able to expand, not Secondary Urban Areas, such as Hamlets.

Administration would recommend changing these policies, to remove the phrase “are not permitted within the planning horizon” to be in conformity to the County Official Plan.

Lower Thames Valley Conservation Authority (LTVCA)

The most recent comments from LTVCA request specific wording changes to provide clarity to the plan, particularly with regard to development in Lighthouse Cove. The requested changes will be addressed, and responses will be provided to the Authority and the County of Essex.

Secondary Dwelling Units

Updates to policies with respect to secondary dwelling unit permissions and policies (Section 4.3.1.5.1, page 63) to implement the Strong Communities through Affordable Housing Act, 2011, which mandates policies for the permission of secondary dwelling units within singles, semi-detached and townhouse dwellings, or within an attached or detached accessory building or structure associated with a single detached dwelling, semi-detached dwelling or townhouse dwelling, subject to certain criteria. Administration recommends no change to the policies as presented in the September 2020 version of the Official Plan update.

Short Term Rentals

Short term rentals are referenced in several Sections which permit residential uses in the Official Plan update. The policy direction is that they would only be permitted in a single detached dwelling, have adequate parking and be subject to a zoning by-law amendment. For example, the policy in the Waterfront Residential Designation, Section 6.4.1 Permitted Uses (page 138) states:

“c) Bed and breakfast establishments **and other short term accommodations will be permitted within a single detached residential dwelling, provided that all of the required parking is accommodated on the same lot, and subject to a site-specific amendment to the Zoning By-law.**” (emphasis added)

The effect of this policy is that short term rentals would not be permitted automatically, the owner would need to apply for a site-specific zoning by-law amendment similar to a Bed and Breakfast establishment. There is no mention of short term rentals in the current Official Plan therefore it was added to provide policy guidance.

As noted above, Council directed administration to review short term rentals in 2021 and undertake public consultation on this topic. So other approaches, in addition to what is noted above, could be adopted when that review is completed. If required, an Official Plan amendment could be initiated to implement the outcomes of the study.

Administration recommends no change to the policies as presented in the September 2020 version of the Official Plan update.

Employment Lands along Highway 401

As mentioned above, Council directed an examination of lands along the Highway 401 Corridor for Employment uses. As such, the Official Plan speaks to this and that the Town will work closely with the County of Essex on a County-wide Employment Strategy, with the intent to consider lands in strategic locations along Highway 401 for employment uses.

Regarding the comments received from members of the public requesting that employment lands be placed along Highway 401, it is noted that the County-wide Employment Strategy will inform employment land changes, and the Town Plan includes several references to support this. Therefore no changes to the Official Plan are recommended.

Specific references which support employment lands are set out below.

- Section 2.3.2, c) (Page 10) *“Use the economic development opportunities associated with the Highway 401 exposure;”*
- Section 2.3.2, l) (Page 10) *“Strongly support and participate in the completion of the County’s Regional Economic and Employment Land Strategy, which will provide a plan and policies for the development of a regional serving Employment Area, particularly in the Town of Lakeshore and along Highway 401 corridor;”* (proposed changes to this policy are noted above).
- Section 2.3.2, Page 11 – f) and g)
*“f) Direct heavy industrial uses, manufacturing and logistics to appropriate locations to avoid land use conflicts and take advantage of the inter-regional attributes and international border crossings accessed from Highway 401;
g) Protect major goods movement facilities and corridors, including areas readily accessible to the Highway 401 corridor for long term employment uses that require those locations and from incompatible land uses;”*
- Table 3.2, references to Comber and County Road 19 (page 20)

“Secondary Employment Areas Comber Highway 401/County Road 19”

- Section 3.3.2, Employment Areas, Page 24, 3rd and 4th paragraphs:
“It is intended that the role of the existing Primary Settlement Employment Areas within and adjacent to the Patillo/Advance Special Planning Area and the Secondary Settlement Employment Area in Comber Urban Area will continue. The Secondary Settlement Employment Area within Stoney Point/Pointe-Aux-Roches Settlement Area may develop subject to the appropriate provision of services. Employment growth will be focused to the Primary Settlement Employment Areas, and to a lesser extent to the Secondary Settlement Employment Areas.
- *The Town will strongly support and participate in the completion of the County’s Regional Economic and Employment Land Strategy, which will provide a plan and policies for the development of a regional serving Employment Area, particularly in the Town of Lakeshore and along Highway 401 corridor.”*
(proposed changes to this policy are noted above).
- Page 193, Table 7.1 (Servicing) – Reference to Comber and Highway 401/County Road 19 and the level of municipal sewage and water services.

Regarding lands to be developed in the Patillo Road employment area, the policies include the need for a buffer between the existing residential and industrial uses.

- Section 9.3.d), page 264, Patillo/Advance Special Planning Area:
“The Secondary Plan will identify an appropriate Urban Buffer within the Urban Reserve Designation, located along the western and northern portion of the Urban Reserve Designation. The Secondary Plan will provide appropriate policies to ensure land use compatibility through appropriate land use transitions and buffer areas between the Urban Area and the future development of lands within the Urban Reserve Area.”

Michael Parent, properties in the area of W. Pike Creek Rd, south of County Road 22, Attachment 1, comment dated March 15/16 and Attachment 2, last page.

Concerning Michael Parent’s request to re-designate his residential property at 210 West Pike Creek Road, Administration would have no concerns with changing the designation from Mixed Use, which permits commercial uses, to Residential to match the zoning as it would recognize a long established residential use/area. The residential area is not likely to change in the long term. Administration is recommending the change to residential, and will continue to follow up with neighbouring properties to confirm that they support the change as well. As of the writing of this report, the owners of 224 West Pike Creek Road and 201 West Pike Road have indicated agreement and support to have their properties changed to Residential as well as Mr. Parent.

Summary of Recommended changes

- County of Essex – Items 1 and 2, noted above.
- LTVCA Comments – Noted above.
- Comment No. 29, Michael Parent, 210 W. Pike Creek Rd, and neighbouring properties – Mixed Use to Residential designation.

Next Steps

All members of the public who took the time to express their comments will be responded to by Administration, as set out in the attached chart.

Pending Council concurrence, the Official Plan will be revised to its final version. Adoption is anticipated at the next available Council Meeting, targeted for February 2, 2021. Following Council adoption, notice of the adoption will be sent to those persons and agencies which are prescribed under the Planning Act and Regulations. The Official Plan review does not come into effect immediately, as it requires approval by the Approval Authority. It will be submitted to the County of Essex, which is the Approval Authority, for review and approval.

Others Consulted

The County of Essex, outside agencies and the public, as required by the Planning Act. Discussion with agency staff and members of the public has been undertaken to clarify requests for changes.

Financial Impacts

There are no additional budget impacts resulting from the recommendation. Council allocated \$115,000.00 to this capital project in 2020.

Attachments:

1. Compiled comments with responses
2. Written Submissions received for public meeting
3. LTVCA comments dated November 17, 2020
4. Draft Official Plan (September 2020) was previously supplied to Council members.
Link is:

<https://www.lakeshore.ca/en/business-and-development/resources/Documents/OfficialPlanReview/OPR-Draft-2020.pdf>

Report Approval Details

Document Title:	Town of Lakeshore Official Plan Review.docx
Attachments:	<ul style="list-style-type: none">- Attachment 1 OP Public Comments with Responses_Nov 2020 - address and roll number removed.pdf- Attachment 2, Written comments received for public meeting.pdf- Attachment 3 - Written comments received for public meeting.pdf- Attachment 4 - LTVCA comments Nov 17 20.pdf- Attachment 5 - Amico comments on Official Plan.pdf- Attachment 6 - Sylvestre comments on Official Plan.pdf
Final Approval Date:	Dec 10, 2020

This report and all of its attachments were approved and signed as outlined below:

Tammie Ryall

Kristen Newman