



Town of Essex

OFFICIAL PLAN

Your Community. Your Vision.

Background Review and Gaps Analysis Report

January 2023



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1 INTRODUCTION

The Town of Essex is preparing a new OP (OP) to guide its land use planning decisions for the next 30 years. The OP is a critical document for guiding the Town’s growth, allocation of land for living, working, and playing, and ensuring that critical infrastructure and municipal services are available. This **Background Review and Gaps Analysis Report** is the deliverable of Phase 2 (Background Issues Review and Vision) of the project work plan.

1.1 Context

In Ontario, OPs are the primary tool that municipalities can use to guide the land use and form of their communities. An OP contains the long-term blueprint for how a municipality would like to grow and is the primary tool for applying Provincial land use legislation and policies. OPs may be informed by other studies (e.g., affordable housing, agriculture) and functional master plans (e.g. parks and recreation, transportation), and give authority to implement measures such as Zoning By-laws and community improvement plans. A lower-tier municipality like the Town of Essex must also ensure that its new OP conforms to the upper-tier OP (i.e., County of Essex). This allows for coordination of land use policies and growth with neighbouring lower-tier municipalities and helps prevent uncoordinated development.

The Town of Essex’s current OP was first adopted and came into force in 2009, and was subsequently updated in 2015. The planning horizon of the current OP was originally targeted to 2021. Under the *Planning Act*, municipalities are required to update their OPs every 5 years after the adoption of the OP and a new OP every 10 years. The scope of project is to undertake a review and prepare a new OP:

this allows the Town an opportunity to respond to provincial and County of Essex policy changes as well as new Town initiatives since the last update. These include:

- > The COVID-19 pandemic and its rippling effects on the health care system, economy, global supply chains, and migration patterns;
- > A nationwide housing affordability (and availability) crisis that has reached a new peak in the wake of the pandemic;
- > A global reckoning with the climate change crisis, including a more serious understanding of the effects of global warming past 2 degrees Celsius above pre-industrial levels (and the importance of change at the local level in preventing it);
- > Addressing an aging population and demographic shifts;
- > A changing working patterns and traditional employment uses; and
- > Traditional agricultural practices transitioning toward industrial food production while ensuring individual farmers’ continued viability of working their farms through on-farm diversified uses.

The Town has identified several areas of concentration for the development of new OP which are shown in **Figure 1** below. These areas of concentration will be used to organize the policy gaps and opportunities identified in **Section 5** of this report.



Growth Management



Residential Intensification & Affordable Housing



Energy Conservation & Climate Change



Parks and Open Space



Interpretation & Implementation



Water Source Protection



Cultural, Architectural, & Archeological Heritage



Agriculture & Specialty Crops



Natural Heritage

Figure 1: Areas of Concentration for the New Official Plan

A work plan has been devised that will allow for the project to be completed and the new OP adopted by Council by late summer 2023. The work plan is divided into four phases:

Phase 1: Project Initiation

- > Included project start-up meeting with consultant and Town project teams; preparation of a consultation and engagement strategy to guide engagement with stakeholders and the public on the development of the new OP; and a special meeting of Town Council to official initiate the project.

Phase 2: Background Review

- > Includes initial consultation with the Community Stakeholder and Development Working Groups on high-level issues to be addressed through the new OP; a meeting with County of Essex staff to align the Town's work plan with the County's ongoing OP Review; background review of all applicable policy drivers at the Provincial, County, and Town level; and the **Background Review and Gaps Analysis (BRGA) Report**.

Phase 3: Policy Directions and Communication

- > Includes development of specific policy directions for the new OP based on the gaps and opportunities identified in the BRGA report; a second round of consultation with the Community Stakeholder and Development Working Groups; public consultation through three Focus Groups; and the final **Policy Directions Report**.
- > NOTE: To align with the County of Essex's OP Review work plan (see **Section 3.2.2** of this report), Phase 3 will be undertaken in two parts:

- Phase 3a will involve the development of all non-growth management policy directions, in Fall 2022.
- Phase 3b will produce policy directions based on the County's completed land needs analysis work, expected in Spring 2023.

- > Phase Three also includes an update of the **Colchester Secondary Plan**, which will involve a review of land use and urban design policies in the Secondary Plan as well as heritage and parking studies.

Phase 4: New OP and Project Completion

- > Includes the drafting of the new OP policies and mapping, public consultation, and Council adoption of the new OP in Summer 2023. Following adoption the new OP will be submitted to the County of Essex for approval.

1.2 Purpose of this Report

This Background Review and Gaps Analysis report summarizes the various tasks undertaken in Phase 2 of the project work plan, including:

- > Engagement with various stakeholders, as well as Essex Town Council;
- > Review of all existing and ongoing Provincial, County, and Town policies or initiatives that will drive changes to the Town's OP to ensure conformity
- > A succinct scan of current best practices and innovative methods being employed in preparing OPs across Ontario; and
- > An inventory of policy gaps and opportunities for the new OP.

This review and analysis of gaps and opportunities are essential to ensuring that the new OP has regard for matters of Provincial interest identified in s. 2 of the *Planning Act*, is consistent with the Provincial Policy Statement, 2020 (PPS), and conforms to the County of Essex OP. This report also helps the Town develop an idea of the overall direction and priorities of the new OP before beginning to develop specific policy directions in Phase 3 of the project.

2 CONSULTATION AND ENGAGEMENT SUMMARY (PHASES 1 & 2)

In Phases One and Two of the new OP project, the project team undertook several engagement activities as part of the overall background review work

2.1 Section 26 Council Meeting

On June 6, 2022, a special meeting of Council was held as required under section 26 of the *Planning Act* to officially launch the project and provide Council with an overview of the project goals and work plan. Council received a presentation from WSP and supported the direction of the project.

2.2 Community Stakeholder Working Group Meeting #1

On June 28, 2022, the first meeting was held for the Community Stakeholder Working Group (CSWG), an informal group representing stakeholder interests across various sectors within the Town, including business, heritage, accessibility, housing, and employment. WSP presented a short presentation to the group summarizing the goals of the new OP and the project’s work plan, then led a discussion based on a series of community-based questions.

Key issues that were raised included:

- > The Town’s positive history of collaboration with various parties in Essex, and the need to continue fostering cooperation and innovation in the Town
- > The unique nature of the four main communities in the Town (Essex, Harrow, McGregor, and Colchester) and the need to plan for each settlement
- > The need for the Town to set an example and be a leader in housing, accessibility, and inclusion

- > The OP should encourage a mix of housing types: a significant population is now older and seeking to downsize some space but without the maintenance
- > Land use and transportation planning should prioritize active transportation and making it easier for people to get outside and moving. Improving the public realm and ease of access to services can also increase opportunities for social participation for older people
- > Cultural heritage resources, including historical facades along main streets should be maintained wherever possible – the greenest building is the one you already have
- > Central location of Essex is a plus – could be viewed as a hub within the Windsor-Essex region - easy access to other local municipalities

2.3 Development Working Group Meeting #1

On June 28, 2022, the first meeting was held for the Development Working Group (DWG). As with the CSWG, this is an informal group which represents landowners, developers, and the builder community in Essex. WSP presented a short presentation to the group summarizing the goals of the new OP and the project’s work plan, then led a discussion based on a series of development-based questions.

Key issues that were raised included:

- > There is strong support for the Town trying to leverage the new Windsor-Detroit border crossing, Stellantis’ retooling of its Windsor Assembly Plant, and the incoming NextStar Energy battery plant and seek development to support industrial and

commercial growth in the Town. Some group members indicated that they are seeing increased interest in the Windsor-Essex region from outside investors

- > Concern was raised that several pieces of vacant property designated and zoned for residential uses within the Town's settlement area are owned by people who are uninterested in developing those residential uses
- > There is strong interest in the potential of Colchester as a site for increased development
- > Group members agreed that there is a large potential demand for multi-unit housing developments and condominium units in particular. Buildings up to five or six storeys in areas of major intensification would be feasible from a sales perspective

2.4 Technical Advisory Meeting

On December 1, 2022, a meeting was held to discuss the initial findings of the draft Background Review and Gaps Analysis Report. Attendees included Town staff members and representatives from the County of Essex Infrastructure and Planning department and the Essex Region Conservation Authority (ERCA).

Key issues that were raised included:

- > That large portions of the County's Natural Heritage System (NHS) are as yet unmapped in Essex's OP.
- > The need to consider restoration opportunities for the NHS in addition to protection of existing features. ERCA staff noted that ideally the various fragments of the County's NHS would be linked together.

- > Development in urban areas continues to be the biggest threat to natural heritage features within the Town. It was noted that the OP could have more stringent direction around development in or near natural heritage or hydrological features like wetlands, as well as over vulnerable aquifers and significant groundwater recharge areas.
- > Wetlands are especially in need of protection through more robust OP policies.
- > The new OP should include policies which provide for reasonable buffering between development and the NHS.
- > The preparation of the OP needs to consider the potential growth of the commercial greenhouse sector in Essex. As observed in nearby Kingsville and Leamington, greenhouses have high potential to affect groundwater, both by taking water for operations and by restricting recharge through impervious surfaces.
- > Climate change impacts that should be considered in the new OP include in-migration and long-term demographic changes; increased frequency and intensity of severe storm events; and increased potential for shoreline flooding along Lake Erie. There may be need to adjust floodplain mapping and flood risk assessment policies in the OP.
- > Additional residential unit policies will need to be looked at in the wake of Bill 23.
- > Industrial growth should be encouraged and targeted to the Highway 3 corridor, and a broad swath of sectors should be encouraged to locate in Essex by providing services and adequate land.

- > Should a settlement area boundary expansion be necessary, Harrow is in a better position from a servicing perspective to handle growth – in 2024 there will be a servicing master plan/water modeling study undertaken.
- > Policies should be included in the new OP requiring Functional Servicing Reports/Environmental Assessments for new infrastructure.
- > Under the County OP, only Essex and Harrow as primary settlement areas are eligible for boundary expansions. County staff indicated that intensification in McGregor and Colchester would be supported, but that the bulk of growth should be directed to Essex and Harrow as more complete communities.
- > There are still gaps in the Town OP around transportation. County staff indicated that they will be starting work on an update to the County Transportation Master Plan that can help inform new Town OP policies.
- > There is concern both for the loss of agricultural lands in general, but also the loss of smaller farms to as they are acquired by larger agricultural operations.
- > In planning for industrial areas, it was suggested that the Town could consider planning for greenhouse development in a specific area that is adequately serviced (to avoid groundwater taking) and avoids prime agricultural lands and groundwater recharge areas.

3 BACKGROUND POLICY REVIEW

The Provincial, County, and Town policy context have direct implications of the new OP for the Town of Essex. An initial overview of these key documents is provided below to understand what has changed since Town's OP was last updated in 2015. More detailed considerations stemming from these documents are summarized in **Section 5** of this Report to understand where policies may need to change. The Policy Directions Report in Phase 3 of the project will translate the gaps and conflicts identified in Section 4.2 into specific policy directions and consideration for the new OP.

3.1 Provincial Planning Context

3.1.1 *Planning Act*

The *Planning Act* is the central governing statute for land-use planning in the Province of Ontario and provides the legal basis for, among other things, the preparation and updating of municipalities' OPs. Much of what the *Planning Act* governs regarding OPs is procedural such as timelines for approval and consultation requirements, but it does prescribe certain components that must be incorporated into an OP. The *Act* also stipulates that all planning decisions in a municipality, including preparing and updating OPs (Section 26), must be consistent with the PPS and shall have regard for a list of Provincial interests. These interests include, but are not limited to, the protection of natural heritage and cultural heritage resources, adequate and efficient provision and use of water, transportation, and energy infrastructure, accessibility, and adequate supply of employment and housing.

Since 2015, when the Town of Essex OP was last updated, the *Planning Act* has been amended several times through different pieces of legislation. These key changes include the following:

- > ***Smart Growth for our Communities Act, 2015 (Bill 73)***: made significant amendments to the *Planning Act*, along with changes to the *Development Charges Act*. In broad terms, the reforms introduced by Bill 73 were intended to improve citizen engagement and the appeals process. Other changes were meant to give municipalities more tools to fund community services and growth;
- > ***Promoting Affordable Housing Act, 2016 (Bill 7)***: amended the *Planning Act*, adding a prescription that OPs should contain policies authorizing inclusionary zoning, as well as adding various subsections guiding the implementation, assessment, and appeal of inclusionary zoning;
- > ***Building Better Communities and Conserving Watersheds Act, 2017 (Bill 139)***: significantly reformed the planning appeals process, replacing the Ontario Municipal Board with the Local Planning Appeal Tribunal and putting more emphasis on the decisions of planning authorities. Many changes made by Bill 139 were subsequently amended by Bill 108 (see below). Bill 139 also modified Community Planning Permit legislation, which set out an alternative approach to development approval processes in place of zoning and site plan control; introduced protected Major Transit Station Areas; and added a requirement for OPs to contain policies related to climate change adaptation and GHG mitigation.
- > ***More Homes, More Choice Act, 2019 (Bill 108)***: amended the *Local Planning Appeal*

Tribunal Act to change the appeals process, and amended the *Planning Act* regarding additional residential units, development charges, and Community Benefits Charges (formerly known as Section 37 Benefits).

- > ***COVID-19 Economic Recovery Act, 2020 (Bill 197)***: expanded, in part, the scope of a Minister’s Zoning Order to allow the Minister to make decisions as it relates to site plan control and inclusionary zoning (affordable housing).
- > ***Supporting Broadband and Infrastructure Expansion Act, 2021 (Bill 257)***: amended, in part, the *Planning Act* so that a Minister’s Zoning Order does not have to be consistent with the PPS. In addition, the changes provide that any existing Minister’s Zoning Orders, never had to be consistent with the PPS. The overall purpose of the *Supporting Broadband and Infrastructure Expansion Act, 2021* is to remove barriers to help ensure the deployment of high-speed broadband infrastructure.
- > ***Supporting People and Businesses Act, 2021 (Bill 13)***: intended to streamline planning processes in Ontario municipalities to make them more efficient for people and businesses coming out of the COVID-19 pandemic. The major change to the *Planning Act* from Bill 13 was to allow the Council of a municipality to delegate the authority to pass by-laws under section 34 of the *Act* that are of a minor nature (e.g., passing a temporary-use by-law or lifting a holding symbol) to a committee of council or an individual who is an officer, employee or agent of the municipality.
- > ***More Homes for Everyone Act, 2022 (Bill 109)***: made significant amendments to the *Planning Act*. New subsections were added

that introduce a refunding regime for planning application fees if municipalities fail to render a decision on an application within certain timeframes.

- > ***More Homes Built Faster Act, 2022 (Bill 23)***: introduces sweeping changes to the land use planning regime in Ontario, with immediate amendments to the *Planning Act, Development Charges Act, Conservation Authorities Act, Ontario Land Tribunal Act*, and the *Ontario Heritage Act*, as well as proposals and direction for making further changes to natural heritage policies, integration of the PPS with the Growth Plan, and the development of standardized tools for zoning.

3.1.2 Provincial Policy Statement, 2020

The PPS is a consolidation of the Province of Ontario’s land use policies, outlining Provincial planning goals and objectives and giving specific direction on how to achieve them. The PPS is issued under Section 3 of the *Planning Act*, and as noted above, every municipal planning decision in Ontario must be consistent with the PPS, which provides for relative reliability and predictability of land use policies across jurisdictions.

Since the Town of Essex OP was last updated in 2015, the PPS was revised in 2020. Key changes to the PPS in the 2020 update will need to be considered in this update to the OP and include:

- > An increased emphasis on planning for intensification and transit-supportive development to achieve cost-effective growth (s. 1.1.1);
- > Municipalities are required to have a sufficient land supply for a range of uses

- for a 25-year horizon (up from 20 years in the previous version of the PPS) (s. 1.1.2);
- > An increased emphasis on preparing for the impacts of climate change (s. 1.1.3.2);
- > The allowance for municipalities to adjust settlement area boundaries (s. 1.1.3.9) and convert employment areas to non-employment uses (s. 1.3.2.5) outside of a local comprehensive review, subject to certain conditions;
- > Municipalities are required to engage with Indigenous communities on land use matters, whereas the previous version of the PPS simply encouraged engagement (s. 1.2.2);
- > More stringent requirements regarding land use compatibility that prioritize avoidance of any potential adverse affects of major industrial facilities on sensitive land uses (s. 1.2.6);
- > Municipalities are required to identify strategic sites for economic investment and monitor available and suitable sites for employment. (s. 1.3.1);
- > When updating OPs municipalities should assess employment area designations, and ensure that OPs provide for separation or mitigation of impacts and affects between industrial and manufacturing and sensitive land uses (s. 1.3.2)
- > Municipalities are required to maintain at all times the ability to accommodate residential growth for a minimum of 25 years, and should provide for a mix of market-based and affordable housing (s. 1.4).
- > Stormwater management should be integrated with wastewater and drinking water service planning, and prepare for climate change impacts, including using green infrastructure (s. 1.6.6)

- > Municipalities should use an “agricultural system” approach to planning for agriculture, which maintains a continuity of the agricultural land base and connections to the agri-food network (s. 2.3)

3.2 County of Essex/Windsor-Essex Region Planning Context

3.2.1 County of Essex Official Plan (2014)

The County of Essex OP (2014) has been published in accordance with the *Planning Act*. It sets out the aims, objectives, and policies to manage and direct physical change and the effects on the social, economic, cultural heritage, and natural environment of Essex. The first County OP was adopted by County Council in 2002 and approved by the Ministry of Municipal Affairs and Housing in 2005, and was subsequently updated in 2014. The County OP provides additional policy framework, particularly with respect to the allocation of population and employment targets to the area municipalities, and identifying the land budget required to accommodate this growth. The County OP provides more detailed land use planning that the local municipalities’ OPs must conform with. It also provides more detailed strategies, policies, and land use designations for planning and development at the local level. The County is also undergoing an OP review which will include growth projections to 2046.

The County OP promotes population and employment growth that is managed in a way that will:

- > Minimize adverse impacts on agricultural and natural heritage features.
- > Be phased in accordance with the availability of appropriate types and levels of service; and
- > Implement the County's planning principles as outlined in its plan.

The over-arching goals of the County OP are:

- > To protect and enhance the natural heritage system and prime agricultural areas and encourage a broad range of agricultural, agriculture-related, and secondary uses to ensure that the agricultural industry can continue to thrive and innovate.
- > To direct the majority of growth (including intensification and affordable housing), and investment (infrastructure and community services and facilities) to the County's Primary Settlement Areas.
- > To encourage reduced greenhouse gas emissions and energy consumption in the County by promoting built forms and transportation systems that create more sustainable, efficient, healthy, and liveable communities.
- > To provide a broad range of housing choices, employment, and leisure opportunities for a growing and aging population.
- > To create and maintain an improved balance between residential and employment growth in each of the Primary Settlement Areas, by increasing employment opportunities closer to where people live.

The population and employment projections in the County OP are based on the 20-year planning period from 2011 to 2031. Whereas the current Town's OP contemplates growth

up to the year 2021, the PPS requires municipalities to plan for a 25-year planning horizon, hence there is a need to plan for forecasted population and employment growth to the year 2046.

3.2.2 County of Essex Comprehensive Official Plan Review (Ongoing)

The Province of Ontario adopted a new PPS in 2020. Per the PPS, 2020, the County of Essex is required to identify and allocate population, housing and employment projections for lower-tier municipalities. This includes identifying areas where growth or development will be directed, along with targets for intensification and redevelopment.

The *Planning Act* requires municipalities to review their OP once every five years. The current County OP was adopted and approved on July 19, 2005, based on background work that started in 2009. This OP Review provides a forum for elected officials (decision makers), to work collaboratively with key stakeholders and the community at large to formulate new fiscally and environmentally responsible policies that can take advantage of regional attributes and respond to the opportunities, challenges, and issues that lie ahead. It should be noted that all local OPs (as adopted by each of the seven Essex County municipalities) are required to conform to the approved County of Essex OP.

The OP Review is being undertaken in three phases:

Phase 1

A growth projection background report will be finalized by the County's consultant in the Fall

of 2022 which will provide the county and local population, household, and employment forecasting.

Phase 2

Based on the scope of the additional work that is identified in the Phase 1 discussion paper, background studies and technical reports will be undertaken in Phase 2. One of those will be completing an analysis of future land requirements based on growth projections that are generated during Phase 1.

Phase 3

This phase will include the preparation of the draft new OP, and the presentation of the draft document to Essex County council, key stakeholders, and the community.

3.2.3 Windsor Essex Housing and Homelessness Master Plan

The updated Windsor Essex 10-Year Housing and Homelessness Master Plan (2019 – 2028) (HHMP) lays out renewed guiding principles, goals, and targets that are in line with the emerging and best practices as well as the latest data about needs in the community. The aim of the plan is to provide a comprehensive approach to delivering a system of housing and homeless services. It aims to reduce gaps and improve access, awareness, and access to affordable and safe housing.

The document outlines an approach and a shared community vision of what actions are needed to effectively address housing and homelessness needs across the County. The following strategic opportunities are identified as requirements to meet the vision of achieving a “safe, affordable, accessible, and quality home” for all Windsor Essex residents.

Integration

The Town should integrate the need for affordable housing as a strategic priority and incorporate policies to assist in creating new affordable housing units where feasible.

The Strategy also identifies priority activities and timelines to implement these strategic opportunities. This includes a long-term commitment to provide housing for 2,800 people experiencing homelessness through Coordinated Access (CA) systems by 2028 and increasing the number of households assisted in RGI and affordable housing units to 30%. In addition, 100 new affordable housing units will be created for homeless Indigenous Peoples and youth respectively, with appropriate support.

The Town’s OP will require updates related to identifying land use planning tools and financial incentives to encourage the development of affordable housing and further diversification of the housing stock in the Town of Essex. Some of the strategic opportunities and priorities that relate to the Town’s OP review include:

- > Encouraging the adoption of planning, financial, and policy tools highlighted in the HHMP Strategy to facilitate and promote affordable housing development across the Town.
- > Adjusting municipal land use planning regulations and offering incentives to increase the supply of affordable housing.
- > Identifying municipal surplus properties and pursuing the use for affordable housing developments.
- > Implementing Homeless Individuals and Families Information System (HIFIS) in the

community and expanding its use across sectors.

3.2.4 Essex Region Source Protection Plan

In the Essex Region Source Protection Area (ERSPA), municipal drinking water comes from Lake St. Clair, Lake Erie, and the Detroit River. The Essex Region Watershed is approximately 1,681 sq. km comprised of 28 smaller sub-watersheds, flowing either generally northward into Lake St. Clair, westward into the Detroit River, or southward into Lake Erie (or entirely into Lake Erie in the case of Pelee Island). These sources of water are all connected in a watershed and through the water cycle. The *Clean Water Act* (2006) was created by the Ontario government to ensure communities can protect their drinking water supplies from contamination and overuse. The *Act* requires the development and implementation of local Source Protection Plans.

The Essex Region Source Protection Plan is a management strategy that looks at the current and future sources of municipal residential drinking water within the Essex Region. It identifies the potential threats to these sources and develops actions and programs to reduce or eliminate these risks. This Source Protection Plan was approved on April 15, 2015, and came into effect on October 1, 2015.

The Source Protection Plan identifies four different types of vulnerable areas that affect drinking water quality including:

- > Highly Vulnerable Aquifers (HVA), which are areas underground that are highly saturated with water – enough water that it can be drawn for human use; and

- > Significant Groundwater Recharge Areas (SGRA), which are areas on the landscape that are characterized by porous soils, such as sand or gravel, that allows the water to seep easily into the ground and flow to an aquifer.
- > Intake Protection Zones (IPZ), which are the areas on the water and land surrounding a municipal surface water intake.
- > Wellhead Protection Areas (WHPA), which are not applicable in the Essex Region, as no municipal drinking water systems are supplied by groundwater.

The Source Protection Plan directs that OPs be updated within three years of the effective date, or at the time of the next OP Review, whichever comes first. The Town is currently containing Source Protection Plan aligned with the Essex Region Source Protection Plan (2015).

3.3 Town of Essex Planning Context

3.3.1 Agritourism Strategy (2021)

The Town of Essex's 2019-2022 Corporate Strategic Plan outlined priorities and strategies to be focused on the future including goals and actions in support of Agri-tourism through an Agritourism Strategy, which was completed in 2021. In this strategy, the Town has identified multiple action items that would support Agri-Tourism including:

- > Emphasis on the agricultural economy.
- > Development of a comprehensive tourism strategy; and
- > Development of Agri-tourism and eco-tourism offerings.

To move forward with a focused approach to tourism development in the Town of Essex that concentrates on their largest tourism industry, the preparation of an Agri-Tourism Strategy would provide the Town with vision and direction. Although the town has a variety of tourism drivers, it is important to consider that most of them are often tied or somehow affiliated with their local Agri-tourism offerings.

Four (4) objectives served to guide the strategy development process:

- > To establish a shared understanding of the agritourism landscape
- > To uncover the agritourism development challenges and ways to address these
- > To identify strengths and opportunities for the destination
- > To shed light on potential actions for the medium-term.

Currently, in the Town of Essex, County Road 50 east and west of Colchester is a popular tourist route, where traditional field crop farming has changed to more diverse agricultural production, most visible in the form of vineyards and wineries, combined with new facilities for Agri-tourism.

Key considerations in the Agritourism Strategy for the new OP include:

- > Supporting the development of Harrow based on the Downtown Harrow Streetscape Design Guidelines (2018).
- > In the Town, there is a limited number of on-farm accommodations; however, there is a potential for this issue to be considered in the upcoming review of OP impacting short-term rental accommodations.
- > Considering that the local food system is not fixed to jurisdictional boundaries, it is

also important not to limit agritourism to a set geographical place, as visitors do not pay attention to such boundaries, and any efforts to bridge urban-rural connections is worthwhile.

- > Encouraging u-pick farm destinations.
- > Reviewing the definition of agritourism periodically helps to ensure that it does not limit entrepreneurship or access to funding.
- > Building awareness around rules and regulations related to agritourism development

3.3.2 Climate Ready - A Climate Change Adaptation Plan

A climate change adaptation plan for the town of Essex 2021 – 2026 Climate Ready - aligns with Goal 13 of the United Nations’ Sustainable Development Goals. The City of Windsor and the County of Essex declared climate emergencies in 2019 as well, recognizing that future climate performance must be a high priority in all regional decision-making. This Adaptation Plan, accommodating the Town of Essex’s unique needs, is built on the foundation of the Town’s OP, Strategic Plan, by-laws, policies, and practices.

The objectives of Climate Ready are second-tier expectations or high-level intentions that set the direction for action items and help develop a path to achieving them. Based on the impacts, variety of service deliveries, and the Town’s partnerships with stakeholders, two sets of objectives have been developed.

Community Engagement and Partnership Objectives

These are objectives identified to be accomplished in partnership with

stakeholders, private and public entities, and residents, in order to promote a culture of sustainability and support climate resilience in the community.

- > Support the Enhancement of the Health, Safety, and Quality of Life of the Town of Essex Community
- > Encourage the Preservation of the Natural Environment and Support the Adoption of Nature-Based Solutions
- > Minimize Risk to Private Buildings and Property
- > Support Opportunities for Investment into Adaptation-Based Innovation for Local Business
- > Help Advocate for Community Emergency Preparedness
- > Promote Community Engagement and Participation in Climate Change Awareness and Adaptation Opportunities

Corporate Objectives

These are objectives identified to be accomplished by targeting current services, operations, assets, policies, and utilities managed by the Corporation of the Town of Essex.

- > Protect the Town’s Natural Assets and Emphasize Nature-based Solutions
- > Build and Strengthen the Town’s Infrastructure Resilience
- > Integrate Climate Change Adaptation into Town Planning and Policy Making
- > Build Community Services Tempered to Climate Change Impacts
- > Integrating climate change considerations into municipal policies and policy-making procedures will allow the Town to be

strategically and fiscally proactive in protecting its operations, service deliveries, assets, and infrastructure against climate change impacts and associated consequences.

- > Including climate change language during revision of OP.

3.3.3 Parks, Recreation and Culture Master Plan

The Town’s 2015 Parks, Recreation and Culture Master Plan (PRCMP) is intended to address a broad variety of issues related to parks, leisure facilities, programs, culture and overall service. Through analysis, of public input, facility usage, demographic data, trends, and financial realities, the PRCMP helped identify strategies to guide the ongoing provision and management of municipal parks and recreation services for the next 10 to 15 years. These services have been recognized to contribute immeasurable benefits to the quality of life in the Town, and can reduce anti-social behaviour, create a sense of community pride and build comradery between neighbourhoods.

It should be noted that at the time of this report’s publication, the Town is undertaking the preparation of a new Community Services Master Plan to take the place of the existing PRCMP. The final Community Services Master Plan will inform the new OP, but the 2015 PRCMP still contains helpful recommendations for consideration in the new OP’s preparation.

The following includes an overview of notable PRCMP recommendations:

Parkland

- > It is recommended the Town determine parkland needs in each settlement area

and have conceptual designs completed to determine amount of property required for the next 15 years to accommodate current and new amenities as well as additional parking.

- > A parkland inventory database should be established and regularly updated for the purpose of keeping ongoing documenting on parks and open spaces in the Town.
- > Maintain a commitment to accessibility, safety, and security within the Town's parks system through compliance with the *Accessibility for Ontarians with Disabilities Act* (AODA) and safety principles.

Park Acquisition Policies and Guidelines

- > The Town should not accept undevelopable Open Space lands (e.g., storm water management ponds, woodlots, hazard lands, etc.) as part of the parkland dedication requirement.

Trails

- > Continue to move forward with providing connecting trail links between all trail systems within the municipality.
- > Work with the Town's Communication Manager to develop trail maps for connectivity and promote walking and cycling connections with distances in all areas of the municipality.
- > Develop a policy and plan that ensures all trails in urban centres which are maintained by the Town of Essex are hard surfaced and accessible

Community Development and Partnership

- > Collect annual registration data from all organizations that use Town parks and facilities and monitor facility utilization to

assist in tracking trends, changing demands, and allocations.

- > Pursue potential partnerships and sponsorship opportunities that are consistent with the Department's vision in order to reduce reliance on tax dollars in providing quality parks, recreation, and cultural services in Essex.

Facilities

- > Request annually sport organization registration numbers to track trends and plan ahead for gaps or to fill gaps with Town programming.

Sports Fields

- > Continue to undertake regular assessments of existing sport fields and engage all user groups to identify and prioritize necessary sport field improvements.

Playgrounds

- > Establish an annual playground reserve fund to help contribute to replacing all playgrounds within the next 10 years.
- > Undertake a site investigation to evaluate and identify potential parks in which to install outdoor fitness stations.

4 SELECT CURRENT BEST PRACTICES

There are several influences to draw on in the preparation of the new OP in addition to stakeholder and public direction and policy drivers at the Provincial, County, and Town levels. Best practices for both policy and formatting and style of OPs or other municipal planning documents are constantly evolving, and the new Essex OP is an opportunity to employ current innovative methods. This section summarizes best practices in several key areas which either fall outside or expand upon changes to the Town of Essex required for conformity.

4.1 Indigenous Peoples

Over the past fifteen years more and more light has been shed on the legacy of settler colonialism in Canada and the deep harm it has caused to the Indigenous peoples on whose traditional territories many municipalities now sit. In particular, the reports of the **Truth and Reconciliation Commission of Canada** published in 2015 highlight the trauma inflicted on Indigenous peoples through the Residential Schools system, not to mention the unmarked mass graves at former school sites that continue to be discovered.

Municipalities in Canada have a responsibility to contribute toward reconciliation with Indigenous peoples and acknowledgement of the traditional rights and territories of First Nations, Métis, and Inuit communities.

4.1.1 Best Practice: City of Peterborough, Ontario

The City of Peterborough’s new OP, adopted in November 2021, contains a land acknowledgement preceding the table of contents for the OP. Throughout the OP there

are numerous policies related to Indigenous peoples, including the following:

- > “Providing opportunities for **Indigenous placemaking** and working with Indigenous communities to celebrate and commemorate Indigenous history and/or culture in public spaces” (s. 2.2.3.b.vii)
- > Substantial policy in Section 5.1 (Cultural Heritage) relating to the consultation of Indigenous communities regarding any archeological or historical sites or resources
- > A dedicated Section 7.1 (Indigenous Peoples of Canada and the Duty to Consult) which promises to balance the growth and development requirements of the city with the traditional knowledge and cultural heritage of the Treaty 20 First Nations on whose traditional territory Peterborough stands.

4.2 Diversity, Equity, and Inclusion (DEI)

The new OP provides an excellent opportunity to ensure that the Town’s land-use planning decisions are in the best interest of all residents of and visitors to Essex, regardless of race or ethnicity, age, gender, sexual orientation, language, abilities, or socio-economic status. Planning for Diversity, Equity, and Inclusion (DEI) can be done both through the inclusion of policy in the new OP, and through ensuring that the formatting of the OP is accessible and complies with the *Accessibility for Ontarians with Disabilities Act, 2005* (AODA).

4.2.1 Best Practice: Town of Caledon, Ontario

The Town of Caledon’s new OP, which is targeted for adoption in 2023, addresses DEI

directly in the land use planning process by requiring that planning decisions in Caledon be viewed through an Equity and Inclusion Lens:

“ This lens recognizes that the OP needs to consider the impact it will have upon groups of people who are most at risk of exclusion. This lens acknowledges the connection between age, race, language, ethnicity, socioeconomic status, geographic location, gender, abilities and sexuality, to ensure the Plan will foster an inclusive and accessible community for all. Planning for equity contributes to the development of sustainable, resilient and healthy communities by more effectively and systematically addressing community well-being.

different contexts in terms of location and size, the City Plan represents a contemporary and innovative way of presenting planning policies which is more interesting for the reader.



Figure 2: Sample pages from the Edmonton City Plan

4.3 Ease of Use and Readability

Besides being accessible to all users and readers, the new OP should be easy and enjoyable to read while retaining all the required policies to guide land use planning in Essex. Many municipalities both within and outside Ontario are choosing to make their OPs graphic-rich and jargon-light.

4.3.1 Best Practice: City of Edmonton

The Edmonton City Plan, which was adopted in December 2020, combines a Municipal Development Plan (similar to an OP in Ontario) and Transportation Master Plan in one comprehensive document. The City Plan is highly graphical, with a focus on presenting information visually to support succinct policies. While Edmonton and Essex are highly

4.4 Agriculture

Essex County is one of three major areas within Ontario that have well-established fruit and vegetable and viticulture industries. OPs can be used to refine a municipality’s vision for its agricultural industries through goals, objectives, and policies to guide agricultural land use and by designating prime and specialty agricultural lands. Additionally, municipalities which are home to agricultural operations which employ temporary workers, including the Town of Essex’s neighbours in Essex County, are increasingly taking steps to guide the provision of worker housing through their OPs and associated planning tools.

4.4.1 Best Practice: Town of Lincoln, Ontario



The Town of Lincoln is located in Niagara Region, straddling the Niagara Escarpment and adjacent to Lake Ontario. The Town is home to over fifty wineries as well as tender fruit and vegetable growers. In the Town’s OP, adopted in 2014, agricultural lands are designated as **Specialty Agricultural** or **Prime Agricultural**. Both designations allow for a wide variety of agricultural, agriculture-related, and on-farm diversified uses (including farm wineries, estate wineries and micro-breweries). The Specialty Agricultural designation implements the policies of the Ontario Greenbelt Plan to protect the Niagara Peninsula Tender Fruit and Grape Area and contains additional policies and protections. These include:

- > Prohibiting the redesignation of Specialty Agricultural lands to other designation except in accordance with the Greenbelt Plan;
- > Requiring that uses in the Specialty Agricultural designation maintain and not detract from the predominance of agriculture in the Agricultural Area (for example, a property on which a winery is located should be maintained primarily for growing grapes, as opposed to non-agricultural accessory uses such as event spaces, tasting rooms, etc.;
- > Requiring that all lands in the Specialty Agricultural designation be zoned for Agriculture in the Town’s zoning by-law, and that existing uses which are permitted by the OP be allowed as exception zones.

4.5 Housing and Intensification

Goals in OPs for compact and walkable neighbourhoods and complete communities must be supported by policies to achieve increased densities and intensify underutilized areas. While the *Planning Act* and PPS require

that OPs prioritize intensification and limit greenfield development, there is otherwise little direction in how to achieve these goals. In other words, what does true intensification look like in terms of housing and development? The response by some municipalities in Ontario has been to introduce bold policies that allow for much wider range of housing types and to limit outward growth of settlement areas.

4.5.1 Best Practice: City of Hamilton

As part of its ongoing Municipal Comprehensive Review, the City of Hamilton adopted amendments to its Urban and Rural OPs which contain policies deliberately aimed at achieving a 100% intensification rate (i.e., allocating all future growth within the existing urban boundary). To implement this policy decision, amendments to the City’s Zoning By-law have also been proposed which would expand the permitted uses in low-density residential zones to include semi-detached, triplexes, fourplexes and townhouse dwellings. These changes are intended to promote small-scale intensification opportunities within established low density neighbourhoods, while making use of existing infrastructure and services.

5 POLICY GAPS AND OPPORTUNITIES



5.1 Growth Management

Gaps

- > The Town is required to have a sufficient land supply for 25 years (s. 1.1.2 of the PPS), as directed by the County of Essex through its OP Review.
- > The OP should aspire to integrate land use planning, infrastructure planning growth management, transit-supportive development, and intensification to achieve cost effective developments. (s.1.1.1 of the PPS).
- > The OP should include policies which direct avoidance or mitigation of any potential adverse affects of major industrial facilities on sensitive land uses (s. 1.2.6. of the PPS).
- > The OP should identify strategic sites for economic investment, and confirm that areas currently designated for employment (industrial or otherwise) are appropriate (s. 1.3 of the PPS).

Opportunities

- > Much of the policy direction for the new OP related to growth management will be driven by the outcomes of the County of Essex's OP Review, which will determine the forecasted population, housing, and employment growth for the Town of Essex, as well as how much land will be needed to accommodate this growth. Nevertheless, the Town will have flexibility in how it chooses to allocate growth between its settlement areas.
- > Planning for economic growth and employment in the new OP can consider the location of the Town within the Windsor-Essex region and aim to accommodate secondary and tertiary industries to support the major manufacturing uses and agricultural uses nearby.



5.2 Residential Intensification and Housing

Gaps

- > The Town should look for both small and large scale intensification opportunities within the settlement area (s. 1.1.1 of the PPS), as contemplated through the County OP Review.
- > The Town should seek to provide a mix of different housing types to allow for more affordable options (s. 1.1.1 of the PPS).
- > The OP should include sufficient land designated for residential uses to accommodate residential growth for a minimum of 25 years.
- > The OP should encourage the adoption of planning, financial, and policy tools highlighted in the Windsor-Essex Housing and Homelessness Master Plan to facilitate and promote affordable housing development across the Town.

Opportunities

- > The Town can consider revising the definition of residential intensification to include new housing options. Included are a range of housing types, such as multiplexes, additional residential units, tiny homes, and multi-residential buildings.
- > The OP could include policy committing the Town to identifying municipal surplus properties and pursuing the use for affordable housing developments. This would be supported by the Town's Strategic Plan.
- > The OP can aspire to implementing the Homeless Individuals and Families Information System (HIFIS) in the Town.
- > The OP can promote increased density in neighbourhoods zoned exclusively for single-detached homes to encourage townhomes, duplex, and triplex dwellings.
- > The Town can consider repealing municipal policies that focus on preserving a neighbourhood's character and instead set uniform provincial standards for urban design, including building shadows and setbacks.
- > The Town can consider allowing unused or underutilized commercial lands to be used for new residential development without the need for an OP amendment and/or rezoning.

- > The Town can consider reviewing innovative housing standards such as zero lot line housing, tiny homes, shared housing, and other means to reduce land costs and increase density and implement inclusionary zoning to permit a wider range of housing types as of right.

5.3 Energy Conservation and Climate Change

Gaps

- > The Town is required to consider the impacts of climate change in its OP and land use planning decisions (s. 1.1.3.2(d) of the PPS), and to include policies identifying goals and actions for mitigating GHG emissions and adapting to climate change (s. 16(14) of the *Planning Act*).

Opportunities

- > The Town may consider applying a climate lens to the new OP, which considers the impacts and affects of climate change on all planning decisions. For example, planning for growth and housing could consider the impact of climate migration on future population growth.
- > The Town should build off of the work completed through the Climate Change Adaptation Plan and continue to incorporate climate change language and policies into the OP.
- > Support the local re-use of excess soil through planning and development approvals (subject to O. Reg. 406/19 under the Provincial *Environmental Protection Act*) so as to avoid the environmental and financial cost of transporting fill over long distances.
- > Promote community engagement and participation in climate change awareness and adaptation opportunities.



5.4 Natural Heritage

Gaps

- > The Town is required to consider the impacts of climate change in its OP and land use planning decisions (s. 1.1.3.2(d) of the PPS), and to include policies identifying goals and actions for mitigating GHG emissions and adapting to climate change (s. 16(14) of the *Planning Act*).
- > Natural heritage system mapping and policies in the new OP must conform to the County of Essex’s updated OP and thus be consistent with the PPS (s. 2.1) and Provincial mapping

Opportunities

- > There may be opportunities to better identify key natural heritage features in the Town such as Provincially Significant Wetlands.
- > Guidance and data from the Essex Region Conservation Authority may be highly useful in defining natural heritage mapping and policies in the new OP



5.5 Agriculture and Specialty Crops

Gaps

- > The Town should adopt a “agricultural system” approach to planning for agriculture, which maintains a continuity of the agricultural land base and connections to the agri-food network (s. 2.3 of the PPS).
- > The Town should promote agritourism through the OP, including adding a specific definition for agritourism within the OP document and exploring opportunities to provide on-farm accommodations for travellers (i.e. through short-term rental accommodations).

Opportunities

- > An agricultural system policy framework could be incorporated in the OP to provide a more comprehensive and integrated approach to planning for agricultural uses.
- > Creating new land use designations for both prime agriculture and speciality crop areas could allow for more specific policies and further protections of agricultural lands, while improving legibility and interpretation of agricultural policies and uses.
- > Opportunities and recommendations identified in the Town’s Agritourism Development Strategy can be integrated into the OP to support and promote agritourism in Essex.



5.6 Source Water Protection

Gaps

- > The OP is required to implement the policies of the Essex Region Source Protection Plan, including ensuring that Highly Vulnerable Aquifers, Significant Groundwater Recharge Areas, and Intake Protection Zones are identified in the OP schedules in alignment with the Source Protection Plan, and that policies to support their protection are present.

Opportunities

- > There may be an opportunity to incorporate additional considerations for source protection into climate change and servicing policies of the new OP to ensure that a holistic view to water is being taken.



5.7 Cultural, Architectural, and Archeological Heritage

Gaps

- > The Town is required to engage with Indigenous communities on land use matters (s. 1.2.2 of the PPS) and should create opportunities which contribute toward reconciliation with Indigenous peoples.
- > The OP should align with the policies and procedures outlined in the Ontario *Heritage Act*. This includes changes made to the **Act** through Bill 108 and Bill 23.

Opportunities

- > Develop OP policy relating to the consultation of Indigenous communities regarding any archeological or historical sites or resources.
- > The Town should find opportunities to highlight and celebrate its cultural heritage resources to promote its history and create a sense of place.
- > Consider the conservation and protection of heritage buildings through a sustainability lens (“The greenest building is the one you already have”).



5.8 Parks, Open Space, and Recreation

Gaps

- > The OP will need to align with the completed Parks, Recreation and Culture Master Plan and County Wide Active Transportation System Master Plan. Any new recommendations or policy outcomes from the updated documents should be integrated in the OP.
- > The OP needs to include policies that create land use patterns which support active transportation (section 1.1.3.2 of the PPS) and promote healthy, active communities (section 1.5.1 of the PPS).

Opportunities

- > The Town should prioritize active transportation and provide easy access to active transportation infrastructure.
- > Improvements to the public realm and ease of access to services can also increase opportunities for social participation for older people.



5.9 Housekeeping, Implementation and Interpretation

Gaps

- > The Town's new OP will have to conform with the County of Essex OP, and be consistent with the PPS or any of its successors.
- > Should the Town elect to delegate certain planning decisions from Council to staff or another entity as per the changes to the *Planning Act* in Bill 13, enabling policies will have to be introduced to the OP.
- > Current OP policies around parkland acquisition and community benefits will have to be reviewed to confirm alignment with recent changes to the *Planning Act* (e.g. the removal of the previous Section 37 (density bonusing) and replacement with new Section 37 (Community Benefits Charges)

Opportunities

- > Consulting Indigenous Peoples on planning matters when section 35 Aboriginal or treaty rights are affected. This language is more concrete and provides certainty as to when consultation with an Aboriginal community shall be required.
- > Section 9 (Implementation) of the existing OP should be reviewed to ensure that all planning tools available to the Town under the *Planning Act* are being fully enabled and are up to current standards.
- > The Town can seek to make the OP enjoyable to read while retaining all the required policies to guide land use planning in Essex. This includes making the document graphic-rich and jargon-light.
- > The new OP should be AODA-compliant and easily web-accessible.

6 NEXT STEPS

Following the completion of this report, the project will move into **Phase 3** with the development of policy directions for the new OP. This will include:

- > Drafting the **Policy Directions Report**, which will include detailed policy directions and options for the new OP, based on the gaps and opportunities identified in this report.
- > A second consultation cluster with the Community Stakeholder Working Group and the Development Working Group.
- > A series of Public Focus Groups to discuss the proposed policy directions for the new OP.
- > The final **Policy Directions Report**, which will provide the roadmap for the drafting of new OP policies.