

BACKGROUND REPORT

Official Plan Review



Prepared for

**MUNICIPALITY OF
LAMBTON-SHORES**

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1. EXECUTIVE SUMMARY

A. Introduction

The Municipality of Lambton Shores is undertaking a review of its Official Plan pursuant to Sections 17 and 26 of the *Planning Act*, RSO 1990, as amended. The current Official Plan was adopted in 2015 and is the Official Plan in effect. The objective of this Official Plan review is to ensure consistency with the 2020 Provincial Policy Statement (“PPS”), conformity to the County of Lambton’s new Official Plan (“County OP”), and address issues identified by Council, the community, and staff of the Municipality. This review includes a public process.

In some cases, revisions to the Official Plan are required to reflect recent changes to the *Planning Act* which have occurred. 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 and what is intended.

This Background Report aims to provide an assessment of the existing Municipality of Lambton Shores Official Plan to identify policies that may be missing, in need of updating, requiring more consistency in wording, address emerging issues or to reflect emerging planning policy approaches. The analysis relevant to the update of the Official Plan are presented under the following sections of this report:

1. Section 2.0: Policy Directions
2. Section 3.0: Existing Municipal Documents
3. Section 4.0: Legislative Updates and the Official Plan
4. Section 5.0: Emerging Issues
5. Section 6.0: Next Steps

An Official Plan is the primary tool for guiding land use planning in the Municipality and sets out policies for how land will be used and developed by establishing a framework of goals and objectives for directing and managing growth for up to a 25-year horizon. Though it may be focused on land use, an Official Plan must also be holistic in its direction by incorporating a range of other issues or concerns pertaining to the economy, environment, community or culture within its goals and objectives. The goals, objectives and policies of an Official Plan provide direction to municipal council and staff, landowners, developers, the community at large and other stakeholders.

B. Planning Horizon

The PPS was updated in 2020 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 Municipality must adopt an Official Plan that addresses providing for 15 years of housing supply. At the same time, the Municipality can adopt an Official Plan that plans for up to 25 years.

The County OP has a planning horizon to 2031. The County OP 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, the County of Lambton will need to update its Official Plan to conform to the 2020 PPS. It is anticipated that the planning horizon for the County OP will be extended beyond 2031.

For Lambton Shores, it is recommended that the Municipality adopt a Plan to the year 2046. This provides the Municipality with opportunities to:

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

C. Planning for Growth in Lambton Shores

One requirement of the PPS is that the Municipality 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 OP preparation, County staff completed a land supply analysis that determined Lambton Shores has sufficient land supply to exceed the 2046 planning horizon. The forecasted population and housing units 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.

The forecasted population and housing growth in the County OP has been reviewed as part of this update. The Municipality benefits from having the 2021 Census population information as part of this review. The following is a summary of available information on population.

Source	Population	Horizon Year
Lambton County Official Plan	9,307 to 11,595	2031
2021 Census	11,860	2021

As can be seen from the above, the current population of Lambton Shores in 2021 is slightly greater than the forecasted population to 2031 in the County Official Plan. The County of Lambton is planning future updates to these forecasts; it is important to note that the forecasts are not caps but are targets for which land use designations for housing, community services, and jobs must be incorporated into the Official Plan.

2. EXISTING OFFICIAL PLAN: POLICY DIRECTIONS

A. Neighbourhoods and Community Policies

The Municipality of Lambton Shores has:

- two (2) Urban Centres, being Grand Bend and Forest;
- two (2) Urban Settlements serviced by municipal sanitary services being Thedford and Arkona;
- three (3) Urban Settlements without municipal sanitary services being Ipperwash, Port Franks, and the corridor between Port Franks and Grand Bend known as North Bosanquet; and
- one (1) Secondary Settlement being West Bosanquet.

In addition to a lack of municipal sanitary services, development in Ipperwash, Port Franks, and North Bosanquet are constrained due to the presence of significant natural heritage features. For these reasons, it is anticipated that growth and development will be focused on Grand Bend, Forest, Thedford and Arkona. The balance of Lambton Shores is largely agricultural lands.

There are two areas that are geographically located within Lambton Shores that are not part of the Municipality's jurisdiction. These are Kettle and Stony Point First Nation Reserve and Camp Ipperwash, being a former Canadian Forces training facility returned on April 14, 2016, to the Chippewas of Kettle and Stony Point First Nation.

Consultation with Indigenous Communities will occur as part of the Official Plan review.

Section 5 Residential

The Official Plan intends to meet the Municipality's needs for housing through the protection and maintenance of existing communities and the development of new neighbourhoods that are planned and designed to reflect and preserve Lambton Shores' best features. New developments are encouraged to be compatible with surrounding existing neighbourhoods and provide for a transition between existing lower density neighbourhoods and possible future higher density developments.

The following matters are required to be considered through the Official Plan update for *Planning Act* compliance, to ensure consistency and conformity with Provincial and County Policy, and to address emerging issues:

1. Various sections of the Official Plan provide for a 20-year horizon regarding the inventory of residential land to meet Lambton Shores housing need. The 2020 PPS requires up to a 25-year horizon.
2. As per Chapter 3 of the County OP, North Bosanquet is within an Urban Settlement, which is a focus for growth and development. Contrary to the County OP, Sections 5.4 and 5.7.4 of the Official Plan do not anticipate large-scale, including subdivision development in these areas. The Official Plan should include policies to facilitate a comprehensive approach for the development of these areas. Matters to be considered include a development and phasing plan, servicing strategy and fiscal considerations.
3. Section 5.3 of the Official Plan identifies a range of permitted uses. Additional residential units should be added to the list of permitted uses. Garden suites where additional residential units cannot be accommodated due to servicing constraints, and their impact on comprehensive approaches to development, should also be added. An increased density of 25 units per hectares should also be considered to maintain low-rise built form while accommodating additional density.
4. Section 5.3 permits bed and breakfast establishments. With additional residential unit permissions approved via Bill 23, it is anticipated that there will be increased market demand to establish Short Term Rentals (STRs). The Municipality adopted By-law 43-2022 in 2022 to licence, regulate and govern the operation of STRs. Official Plan policies should have regard to By-law 43-2022 and should also ensure

that STRS are appropriately managed to mitigate compatibility impacts on residential areas.

5. Section 5.3 provides policies regarding group homes, special needs, and seniors housing. These policies are to be reviewed considering recent decisions under the *Ontario Human Rights Code*. These policies also need to be revised to conform with the County OP.
6. Garden suite policies identified in section 5.3 need to be updated to address new legislation. With “as-of-right” permissions for additional units on Urban Parcels of Land, there should be consideration to only allowing garden suites in locations that additional residential units are not permitted.
7. The County of Lambton intensification target of 20% and its direction regarding such intensification need to be included in the Lambton Shores Official Plan.
8. Section 5.4 of the Official Plan includes a policy that no new subdivision development is permitted in the North Bosanquet Planning Area over the lifetime of the Plan. North Bosanquet is an Urban Settlement as per Map 1 of the County OP, which is a location where anticipated growth is planned to be accommodated. Criteria for considering future Growth should be identified for North Bosanquet.
9. Section 5.4 of the Official Plan includes policies pertaining to second suites. These need to be updated based on additional residential unit requirements under Bill 23. Policies should also have consideration for land use compatibility matters, encouraging accessibility, the provision of affordable housing, and sustainable design features.
10. Section 5.4 of the Official Plan includes a policy regarding various matters for modular home parks. It is understood that the policy was intended to apply to a property that was ultimately developed in a different way. The policy should be removed as it is too specific to guide any future modular home park development.
11. Section 5.4 of the Official Plan should include policies to ensure that the Zoning By-law includes “as-of-right” provisions for accessory buildings, and to ensure that new accessory buildings are appropriately sized and in keeping with a character and use that is consistent with residential areas.
12. Policies regarding affordable housing need to be added to ensure conformity with the County OP, including setting a target for new affordable units that has regard for the Lambton County Housing and Homelessness Plan 2014 – 2023.
13. To allow for efficient use of lands, the Official Plan should include policies regarding the use of Class 4 designations for areas, as provided for in the NECP

Environmental Noise Guideline (NCP-300) for residential sites(s), provided that appropriate criteria are addressed.

Section 8 Parks, Open Space, Recreation, Trails, and Tourism

Lambton Shores is committed to providing parks and recreation services to meet the diverse needs, abilities, and interests of its residents. In 2018, Lambton Shores adopted a Recreation & Leisure Services Master Plan Update.

The following matters are required to be considered through the Official Plan update for *Planning Act* compliance, to ensure consistency and conformity with Provincial and County Policy, and to address emerging issues:

1. Include policies pertaining to the acquisition of waterfront properties along Lake Huron Shoreline to provide additional public access for conformity with the County OP.
2. The Official Plan needs to be updated to ensure that parkland dedication requirements comply with changes to the *Planning Act* resulting from recent legislative changes.
3. Section 8.3.1 of the Official Plan provides that any multiple unit development with more than 25 units may be required to include a private “parkette” for use of its residents. This word parkette should be replaced with “amenity space.” The policy should also be clarified that the provision of such parkette would not replace or provide an exemption from the requirement to provide parkland or cash-in-lieu of parkland.
4. The Official Plan should include a policy that Lambton Shores will also coordinate with stakeholders to provide trails and other open space amenities within existing transportation or utility corridors to encourage efficient use of lands.
5. The Official Plan should include policies that Lambton Shores will continue to work with the County and the Waterfront Regeneration Trust to support the development of the Waterfront Trail as an opportunity to improve the growing cycle-tourism sector for conformity with the County OP.

Section 9 Harbours and Marinas

The Official Plan provides that the Grand Bend and Port Franks Harbours and marinas along Parkhill Creek are an essential element of “sand, sun and fun.” The Outer Harbour in Grand Bend is owned by the Federal government and leased and operated by Lambton Shores. Private operators own the remaining marinas.

Section 9.4 of the Official Plan regarding the Harbours Committee is recommended for deletion as the Committee no longer exists.

Section 10 Campgrounds and Trailer Parks

The Official Plan provides that Lambton Shores includes many small and large privately owned and operated campgrounds and trailer parks. The Official Plan further provides that permitted uses include seasonal tenting, recreational vehicle and trailer parks, and accessory commercial uses. Year-round guest accommodation is not permitted.

For consistency and conformity with the PPS and the County OP, the Official Plan should be clarified that the establishment of campgrounds and trailer parks will not be permitted in any Specialty Crop Area.

Section 12 Uses Permitted in all Designations

The Official Plan provides that “infrastructure” and “public service facilities,” are permitted in all land use designations provided that certain policies are met. The policies further provide that Wayside Pits, Quarries, portable asphalt and concrete plants for public road construction projects are permitted in all land use designations, with some restrictions, included in a separate section of the Official Plan.

The following matters are required to be considered through the Official Plan update for *Planning Act* compliance, to ensure consistency and conformity with Provincial and County Policy, and to address emerging issues:

1. For conformity with the County OP, there should be policies that where woodlot locations cannot be avoided, to permit infrastructure, tree cover removed will be replaced with twice the area of tree cover that is removed at a location specified by affected landowner.
2. Policies are required to ensure that the environmental policies of the Official Plan apply to the design, construction, site restoration and maintenance of public utilities.

B. Economic Growth & Tourism

Details on commerce, industry and tourism Lambton Shores has a healthy variety of industry. Tourism, agriculture, and manufacturing are some of the leading drivers of economic growth. These matters are considered in the following sections of the Official Plan.

Section 4 Agriculture

Lambton Shores' Agricultural Area covers most of the Municipality's land area. The Thedford Marsh is a Provincially Significant Specialty Crop Area that has played an important role in the history and development of the Municipality. Other Specialty Crop Areas include old glacial lake shorelines and sand deposits throughout the Municipality capable of supporting orchard crops.

The following matters are required to be considered through the Official Plan update for *Planning Act* compliance, to ensure consistency and conformity with Provincial and County Policy, and to address emerging issues:

1. Section 2.3.1 of the PPS requires that prime agricultural areas shall be protected for long-term use for agriculture. The goal under Section 4.1 needs to be revised to protect prime agricultural "areas" rather than "lands."
2. Terminology needs to be consistent with the PPS regarding agricultural uses, agriculture-related uses, and on-farm diversified uses. These uses are defined in the Agricultural Section 4.2 of the Official Plan and in the definitions section, being Section 2.5 of the Official Plan. To avoid inconsistencies, the definitions of the use should only be in Section 2.5 being the Definitions section of the Official Plan.
3. The *Farming and Food Production Protection Act, 1998* considers cannabis production to be an agricultural use when grown in a greenhouse (relying primarily on natural light for growth) or by outdoor cultivation. This is a use that is required to be permitted in accordance with Section 2.3.3.2 of the PPS, which states "In prime agricultural areas, all types, sizes and intensities of agricultural uses and normal farm practices shall be promoted and protected in accordance with provincial standards." Cannabis production in formats not specifically permitted in legislation and policy should be prohibited in the agricultural designation.
4. Section 4.1 of the Official Plan includes statistical information regarding agriculture from 2011. This information is not necessary and should be deleted.
5. Section 4.2 of the Official Plan permits farm residences and accommodation for full-time farm labour. Wording is required to ensure that this policy is not interpreted to mean that lands can be rezoned to permit the construction of a new dwelling where a lot has been rezoned as a condition of consent to permit the creation of a new lot for an existing farm residence rendered surplus to a farm operation. This is required for consistency with the PPS.
6. Section 4.3 of the Official Plan permits farm lot additions and adjustments (for legal or technical reasons), if the retained lot is at least 40 hectares and the severed land is added to an abutting farm holding. Minimum lot size requirements are

typically not required for lot additions and adjustments. The policy should also identify types of legal or technical reasons.

7. Section 4.3 of the Official Plan permits lot creation for agriculture-related uses. The criteria are not aligned with the PPS definition of agriculture-related uses. The criteria are aligned with those for on-farm diversified uses. Agriculture-related uses are typically not associated with a specific farm operation. The criteria for considering such lot creations needs to be updated for consistency with the PPS.
8. Section 4.3 of the Official Plan has a general policy regarding secondary uses. This policy needs to be replaced with fulsome criteria for on-farm diversified uses for consistency and conformity with the PPS, the Guidelines on Permitted Uses in Ontario's Prime Agricultural Areas, and the County OP.
9. Agriculture-related and on-farm diversified uses should be permitted as-of-right, where they are clearly compatible and appropriate in prime agricultural areas, as per Section 2.5.2 of the Guidelines on Permitted Uses in Ontario's Prime Agricultural Areas. Enabling policy should be included in the Official Plan that permits such as-of-right uses within agricultural areas through a comprehensive review of the Municipal Zoning By-law. The Policy should also be clarified to provide that additional agriculture-related and on-farm diversified uses may be considered through rezoning or minor variance.
10. The Official Plan requires detailed policies regarding the implementation of the Minimum Distance Separation (MDS) Formulae and Guidelines. Such policies need to incorporate the County OP requirement that MDS I setbacks are required for residential lot creation from all livestock facilities, regardless of whether such facilities are located on a separate lot.

Section 6 Commercial

Section 6 of the Official Plan includes policies regarding lands designated for commercial uses. The Official Plan provides that most commercial development will be directed to Forest, Grand Bend, Arkona and Thedford, the Municipality's main settlement areas. Minor infilling only in existing commercial areas may occur in Port Franks, Ipperwash and West Bosanquet.

The following are the general categories of commercial designations:

1. Downtown Areas: including King Street in Forest, Main Street West in Grand Bend and "downtown" Arkona and Thedford, serve the day-to-day needs of residents of the community and surrounding area and tourists travelling to or through the municipality.

2. Commercial: A general category. The primary use of land will be for businesses engaged in the buying, selling, supplying, leasing and exchange of goods and services.
3. Grand Bend Mixed Uses: includes an area on Ontario Street and an area on Main Street East. These areas are intended for mixed commercial and residential development.
4. Highway Commercial: areas cater to the commercial needs of residents from the community and surrounding agricultural areas, the travelling public, and tourists. Uses of this type require more land and off-street parking and are not suitable in downtown areas. Usually consisting of single-purpose establishments, these areas are oriented toward car use rather than to pedestrian traffic.
5. Mixed Commercial/Industrial: applies to lands on Highway 21 on the north side of Forest and is intended for space extensive uses that cannot be accommodated in other areas of the Municipality.
6. Commercial Special Policy Area: Port Franks' main commercial area on Riverside Drive is in a "Commercial Special Policy Area." This area is subject to flooding and includes existing marinas, and small-scale local and tourist oriented commercial uses.

The following matters are required to be considered through the Official Plan update for *Planning Act* compliance, to ensure consistency and conformity with Provincial and County Policy, and to address emerging issues:

Downtown Areas

1. In order to support the tourism economy in proximity to the Downtown, consideration should be given towards adding permitted uses being hotels and other tourist related accommodations above an existing commercial use, provided that such uses conform with the Urban Design Guidelines for Downtowns.
2. Add policy that Lambton Shores will promote the preservation and revitalization of traditional main streets and Downtown Commercial areas to support Main Streets.
3. The County OP includes policies to improve the vitality of the Downtown. Policies should be included for conformity with these policies, including, strengthening main streets as cultural nodes, connecting main streets to natural heritage systems, and locating tourism and leisure related activities in proximity to main streets.
4. Policies are required to ensure that the provision of parking does not adversely impact the character of the Downtown Areas.

5. The County OP includes policies that require proposals for major retail facilities to include an impact assessment that addresses the impact on downtowns and main streets. Proposals are also required to consider other existing and designated retail facilities within the County, the way the proposal is supportive of the County Growth Strategy and any local municipal commercial development strategies. Enabling policies should be implemented in the Official Plan to focus economic vitality within the Downtown.
6. Urban design policies are to be included for Lambton Shores' downtowns to provide direction to design sensitively where older building exist, and to design new and infill buildings. Additional policies are required to enhance public realm experience through façade articulation and signage.

Commercial

1. No changes recommended.

Grand Bend Mixed Uses

1. No changes recommended.

Highway Commercial

1. Provide policies regarding building setback, height, and massing in the Highway Commercial area of the Municipality. Vehicular circulation, pedestrian access, parking and loading services are crucial aspects in the functioning of these areas. Policies that encourage good drive-through facilities, compatible with nearby sensitive uses, are also recommended in this section.

Mixed Commercial/Industrial

1. No changes recommended.

Commercial Special Policy Area

1. No changes recommended.

Section 7 Industrial

The Official Plan provides that the objective of the Industrial designation is to provide an opportunity for further economic development and diversification.

The following matters are required to be considered through the Official Plan update for *Planning Act* compliance, to ensure consistency and conformity with Provincial and County Policy, and to address emerging issues:

1. A policy should be included that Lambton Shores will ensure that that a diversity of zoned and serviced sites is available to support a range of industrial and service activities for conformity with the County OP.
2. The list of permitted uses should be revised for conformity with uses identified in the County OP.
3. Policies are required to prohibit residential and sensitive land uses not ancillary to a primary use within the Industrial designation. Exceptions for ancillary residential and sensitive uses should only be considered that protect the long-term viability of existing or planned industrial, manufacturing, or other uses, as permitted within Provincial and County OP policies.
4. Policies should be developed that ensures that infrastructure is provided to support current and projected needs to industrial areas.
5. Enhanced policies are required to ensure that impacts to sensitive land uses in proximity to new industrial uses are appropriately mitigated. Proposed industrial land uses should not be permitted where it is not possible to provide appropriate separation from or to mitigate impacts on nearby sensitive land uses. The Municipality will also need to have regard to the Province of Ontario Sensitive Land Use Guidelines (“D-6”) in considering industrial and sensitive land uses in proximity to one another.
6. The Official Plan should include policies that Lambton Shores will develop zoning standards to encourage compact, mixed-use development that incorporates compatible industrial uses.
7. Industrial lands should be identified as Employment Areas – enhancing the protection of these lands.
8. With an Employment Area designation, the policies of the PPS (2020) are brought into the Official Plan regarding permissions pertaining to sensitive land uses.
9. Policies are required to ensure that Employment Area conversions do not proceed without an Official Plan Amendment, and to also identify studies that are required to consider the conversion of Employment Areas.
10. Policies are required regarding cannabis production facilities in the Industrial designation. Policies must establish criteria and study requirements to ensure that land use compatibility matters are appropriately addressed.

Section 11 Extractive

Lands designated “Extractive” include existing pits and quarries licensed by the Ministry of Natural Resources and Forestry, under the *Aggregate Resources Act*. These lands may be used for the extraction of mineral resources, such as sand, gravel, stone, or clay. Ancillary uses are permitted, such as aggregate and overburden storage, a stone crushing plant, processing facilities, and administration offices.

The following matters are required to be considered through the Official Plan update for *Planning Act* compliance, to ensure consistency and conformity with Provincial and County Policy, and to address emerging issues:

1. Policies need to be refined to protect extractive areas from incompatible uses, including requiring minimum setbacks for development adjacent to a licensed quarry, and setbacks from licensed pit, and to identify instances in which such setbacks may be reduced, in accordance with the *Aggregate Resources Act*.
2. Policies should encourage lands to be returned to agriculture following closure of aggregate operations, and to provide alternative uses such as woodlots, wetlands, fish and wildlife habitat areas, integrated water systems or passive recreational opportunities that may be appropriate.
3. Policies should be added discouraging resource extraction in Provincially significant or locally significant natural heritage areas, and permit extraction contingent upon the provision of rehabilitation plans that re-establish comparable or improved natural heritage features and/or systems.
4. The policies regarding the requirements pertaining to the establishment of new operations should be revised to address best practices, considering matters such as:
 - effect on water resources, ground water and the natural heritage system,
 - rehabilitation,
 - site development plan,
 - haulage routes and traffic impact,
 - noise, dust, and vibration impacts,
 - archaeology,
 - Planning Justification Report addressing land use compatibility and policy conformity, and
 - soil impacts.

5. Policies should be included in the Official Plan pertaining to requirements for rehabilitation.
6. The Official Plan should specify the types of comments that the Municipality will provide regarding licenses for aggregate extraction to ensure the mitigation of adverse impacts.
7. Policies should be included indicating that Council will consult with Provincial Ministries and any other agency having jurisdiction in considering applications for Official Plan Amendments and Zoning By-law Amendments for extractive operations to ensure that the activities of, and rehabilitation of, an extractive operation will be carried out in accordance with the appropriate legislation and to ensure that the effects on the social and natural environment are properly considered.

Section 18 Economic Development

The Lambton Shores Official Plan provides policies to encourage economic development and competitiveness. With the approval of the County OP, there several policy updates that are required to the Official Plan.

The following matters are required to be considered through the Official Plan update for *Planning Act* compliance, to ensure consistency and conformity with Provincial and County Policy, and to address emerging issues:

1. References to the Lambton Shores strategic plan should be removed. Lambton Shores does not have a strategic plan in place.
2. The PPS includes several mechanisms in Section 1.3.1 through which planning authorities shall promote economic development and competitiveness. These are articulated in Section 18.1 of the Official Plan. Minor changes are required for consistency with the PPS.
3. Section 1.7.1 of the PPS provides that long-term economic prosperity should be supported by several mechanisms. Section 18.2 of the Lambton Shores Official Plan includes “other objectives for ensuring long-term prosperity” that inconsistently mirror many of the policies Section 1.7.1 of the PPS. These other objectives should be updated to consistently mirror Section 1.7.1 of the PPS.
4. Section 5. of the County OP includes policy sections for encouraging economic growth, entrepreneurs and innovation, quality of life, facilitating a growth-ready environment, and providing locations for economic development. Lambton Shores Official Plan needs to be updated for these inclusions.

C. Infrastructure and Public Service Facilities

Section 13 Infrastructure and Public Service Facilities

The PPS provides that “healthy liveable communities are sustained by ensuring that necessary infrastructure and public service facilities are or will be available to meet current and projected needs.” A full range of infrastructure and public services enables “settlement areas” to be the focus for growth, thereby discouraging growth in agricultural areas and areas with significant or sensitive natural heritage, water, and cultural heritage resources. Section 13 of the Official Plan provides policies regarding transportation including active transportation infrastructure, water, sanitary and stormwater management infrastructure, as well as solid waste collection.

The following matters are required to be considered through the Official Plan update for *Planning Act* compliance, to ensure consistency and conformity with Provincial and County Policy, and to address emerging issues:

1. The Official Plan is required to include policies that ensure early consultation with the County of Lambton pertaining to development applications in proximity to County Roads.
2. Policies are required to be clarified regarding road width requirements and dedication of daylighting, bridges, and for future roundabouts (30 metres for County Arterial Roads and 26 metres for collector roads).
3. In Section 13.2.7 of the Official Plan, the policy regarding cash-in-lieu of parking should be clarified to ensure that specific uses that require longer-term and overnight parking such as short-term rentals and residential uses not be eligible to provide cash-in-lieu of parking.
4. Section 13.2.9 includes policies regarding the Lake Huron Circle Tour. As the Lake Huron Circle Tour is no longer maintained in Ontario, Section 13.2.9 will need to be deleted.
5. Policies are required to ensure the implementation of landscaping and other techniques that minimize the visual and noise impacts from roadways on adjacent residential development or in the immediate vicinity of existing or proposed arterial roads.
6. Policies are required regarding heritage roads for conformity with the County OP.
7. New policies are required for trails regarding connections to natural heritage features and links within settlement areas, as well as policies pertaining to a coordinated review of development proposals with the County of Lambton.

8. Policies are required to ensure that the provision of individual on-site sewage services is consistent with the natural heritage policies, and source water protection policies of the Official Plan for conformity with the County OP.
9. Policies should be included clarifying that studies required regarding the provision of services be at the proponent's expense.
10. Policies should be included regarding the requirement for the looping of waterlines, and that subdivision layouts should accommodate the looping of waterlines.
11. Long-term servicing plans and capacity constraints identified in Section 13.3.2 should be updated.
12. The Stormwater Management Objectives are required to be updated for consistency with Section 1.6.6.7 of the PPS.
13. To decrease the high cost of stormwater management, it may be appropriate to include policy that does not require additional stormwater management measures for minor extensions of buildings, parking areas or other hard surface, or permit non-engineered control measures that will obviously address quality and/or quantity issues.
14. New policies should be included recognizing abandoned railways, including their potential use.

Section 16 Former Waste Disposal Sites

Section 16 of the Official Plan provides policies regarding former waste disposal sites.

The following matters are required to be considered through the Official Plan update for *Planning Act* compliance, to ensure consistency and conformity with Provincial and County Policy, and to address emerging issues:

1. References to MOE should be changed to Ministry of the Environment, Conservation and Parks due to renaming.
2. For conformity with the County OP, the Official Plan needs to be updated to require that prior to passage of any development or change of use, on or within 500 metres of the perimeter of an active or closed waste disposal site, consultation with the Ministry of the Environment, Conservation and Parks occur. The policies also need to indicate that a study may be required to be undertaken by a qualified professional that evaluates the presence and impact of environmental contaminants including but not necessarily limited to methane gas and leachate.

D. Natural Heritage

Section 3 Natural Heritage

The policy framework for natural heritage has evolved since the Lambton Shores Official Plan was adopted in 2015.

The County OP was approved in 2018. Natural Heritage policies in the County OP are based on a 2014 Natural Heritage Study prepared as part of the new Official Plan creation process. These policies were approved as part of the new County OP as consistent with the 2014 PPS.

There were no changes to the Natural Heritage policies between the 2014 PPS and the 2020 PPS. As a result, conformity and alignment with the County OP provides the appropriate basis for reviewing and updating Natural Heritage Policies as part of the Municipality's Official Plan update.

Policies in Section 3.0 should be updated to conform to the County OP and more closely align with how it implements the PPS. This requires minor adjustments and refinements to the Plan, rather than significant or wholesale changes.

The County OP identifies three categories of natural heritage features:

1. Group A – most important features with the most restrictions:
 - Provincially and Locally Significant Wetlands
 - Provincially and Locally Significant Coastal Wetlands
 - Habitat of Endangered Species and Threatened Species
 - Fish Habitat
2. Group B – important features with fewer restrictions:
 - Land Adjacent to Group A features and adjacent to certain Group B features (as noted in County OP policies)
 - Significant Woodlands
 - Significant Valleylands
 - Provincially and Regionally Significant Areas of Natural and Scientific Interest (ANSI)
3. Group C – important features subject to local decision-making:
 - Lands Adjacent to other Group B features
 - Primary Corridors, including Core Areas

- Linkage features
- Highly vulnerable Aquifers
- Significant groundwater recharge areas
- Other Surface Water Features
- Woodlots other than significant woodlands.
- Other Significant Natural Areas, including Shrublands, Meadows and Prairies

The County OP includes policies to protect and improve Group A and B features of the Lambton County Natural Heritage System (“LCNHS”) but leaves it to local municipalities to identify and protect Group C features and other features of local significance in their Official Plans. The existing Lambton Shores policy framework does this, though not explicitly using the Group A, B, and C approach of the County’s Official Plan.

The policies of the County OP provide considerable guidance for the development of local Official Plan policies to address the identification, protection, and improvement of Group A and B features. The County OP indicates that Lambton Shores must provide policy and general development controls to address Group C features. Policies in the existing Lambton Shores Official Plan seem to do this for features that correspond to Group C features.

Neither the PPS, nor the County OP require natural hazards be identified by official plans on their schedules. The Regulation Limit of the local Conservation Authority can be used as screening tool for the general location of hazards (or potentially hazardous lands). Subject to minor revisions or refinements, the Lambton Shores Official Plan provides policy direction consistent with the PPS and in conformity with the County OP in relation to hazards.

Natural hazards or hazardous lands such as the Lakeshore Areas 1 and 2 which are identified by land use designations on Schedule A and Schedules A1 to A8 are different than the more general identification of hazards via the Regulation Limit of the local Conservation Authority. It is recommended that identification of hazards on Schedules be limited to areas subject to unique policy requirements and specialized planning needs. Natural hazards policies are applicable to hazards regardless of whether they are identified using designations on schedules of the Municipality’s Official Plan.

The review recommends the following:

1. Update Section 3.0 to introduce and reflect the NHS framework of the County OP.

2. Add policies noting that the location and extent of the natural features and hazards are approximate, and that boundaries of these features and their buffers will be delineated through appropriate studies as deemed acceptable by the municipality and appropriate agencies required as part of development applications.
3. Update EIS policies to be clearer when/where discretion exists to waive or reduce the scope of an EIS, and that a final EIS addressing comments as part of a Municipal review is required for a complete application.
4. Update the natural areas inventory for the Municipality, particularly Group C natural heritage features.
5. Update policy on Hazards as necessary in the Lambton Shores Official Plan to ensure consistency with the PPS and conformity to the County OP and ensure policies directed at natural heritage are not applied natural hazards and vice versa (except where they coincide, and both sets of policies may apply).

Section 17 Natural Resources

Natural Resources is an existing policy section within the Official Plan which includes air, water, woodlots, aggregates, and petroleum.

1. Minor additions are made to Section 17.1 – Water Conservation to encourage further water conservation within the Municipality, such as the promotion of water efficient landscaping tools and methods.
2. Additions are also made to Section 17.6 – Petroleum to ensure consistency with the *Oil, Gas, and Salt Resources Act*.
3. The Government of Ontario passed Bill 34 in 2018 titled *Green Energy Repeal Act*. The *Green Energy Repeal Act* amends various other Acts, including the *Planning Act*. Changes to the *Planning Act* include the amending of definitions to ensure consistency between the *Planning Act* and the *Electricity Act, 1998*, and to promote renewable energy undertaking. This section has been included in the Lambton Shores Official Plan to:
 - Include policies related to alternative and renewable energy systems.
 - Process requirements for reviewing alternative and renewable energy projects.
 - Provide policies related to:
 - District Energy Systems
 - Wind Energy Systems
 - Solar Energy Systems

The revisions and additions within these sections ensure conformity with the PPS and are consistent with the County OP.

Update Section 3.10 - Source Water Protection

This policy section in the Official Plan is required to be updated. Ontario requires municipalities to conform to the Thames-Sydenham Source Protection Plan and Ausable Maitland Bayfield Source Protection Plan under the *Clean Water Act*. The *Clean Water Act* is to enable requirements for protecting the sources of drinking water for communities and their residents. For Lambton Shores, the proximity to the Lambton Shores River and Lake Huron means the Municipality is also in close proximity to two Intake Protection Zones for municipal drinking water: firstly, a surface water intake in proximity to the Chippewas of Kettle and Stony Point First Nation shown in the Thames-Sydenham and Region Source Protection Plan; and secondly, is an IPZ-2 in proximity to an intake to the east of South Huron identified in the Ausable Bayfield Source Protection Plan.

Municipalities are required to implement land use policies to:

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

This section achieves conformity with the PPS which requires municipalities to incorporate the Source Protection Plan into their Official Plans.

E. Community Growth & Community Structure

Lambton Shores is projected in the County OP to have a population of 9,307 to 11,595 residents in 2031, with housing growth of 36 units per year forecasted. The 2021 Census figures confirm that Lambton Shores is slightly above the 2031 forecasted population.

As per the PPS, settlement areas are to be the focus of growth and development in Lambton Shores. Discussion of these areas is followed by a brief outline of the components of planning for growth in Lambton Shores.

Settlement Areas

The Municipality of Lambton Shores has four settlement areas where growth will occur: Forest, Grand Bend, Arkona, Thedford. These settlement areas are serviced by full municipal services. Forest and Grand Bend are Lambton Shores Urban Centres.

Forest is the largest community in Lambton Shores. Forest is situated on what was once dense forest. When the Grand Trunk Railway was built through where the community now sits, the station was named for the dense forest. Forest contains a range of local serving community facilities, including an enclosed arena for hockey or ringette, a community centre for dances held by the community with baseball and soccer fields, a lawn bowling club, public tennis courts, splash pad and an agricultural society with grounds used for a fall fair and occasional campsites. Located at the south part of Forest is the Forest Amphitheatre, a natural amphitheatre located at the conservation area (Esli Dodge Conservation Area).

Grand Bend is a community along the shores Lake Huron, catering to summer tourism. Grand Bend is home to a variety of stores and eateries. The main strip is the centre of activity in the community, with shopping during the day and night life venues during the evening drawing crowds.

Arkona and Thedford are smaller Urban Settlements in Lambton Shores on full municipal services, with much smaller populations than Forest or Grand Bend.

Growth Management

Planning for growth in Lambton Shores involves integrating a number of components of the Municipality OP. These include the following:

1. Identify the planning horizon for the Official Plan (see Executive Summary for discussion and recommendation);
2. Include the forecasted growth for the Municipality based on the County OP. The projected 2031 population for the Municipality is as follows:

	DWELLINGS ALLOCATED ANNUALLY	PROJECTED 2031 POPULATION
Municipality of Lambton Shores	50	9,307 to 11,595

3. Adding policies that:
 - a. Establish that the forecasted population and dwellings are not caps;
 - b. Address how growth will be forecasted between 2031 and 2046;
 - c. Coordinate the monitoring policies in the Implementation Section to ensure that regular monitoring of growth occurs so that any housing supply issues/constraints can be identified for early resolution;

4. Implementing the four-level settlement hierarchy for the Municipality to conform with the County OP:
 - a. Urban Centre – the communities of Grand Bend and Forest;
 - b. Urban Settlements – the communities of Arkona and Thedford;
 - c. Urban Settlements without municipal sanitary services - being Ipperwash, Port Franks, and the corridor between Port Franks and Grand Bend known as North Bosanquet; and
 - d. Secondary Settlement - West Bosanquet.

The preceding policies will be added to Section 2 to implement the growth management approach.

F. Community Development

Section 14 Culture

Section 14. of the Lambton Shores Official Plan provides as follows:

The term “Culture” includes the arts, cultural industries and heritage resources, including aboriginal lore. The “arts” include music, theatre, dance, visual art, media arts and literature. The “cultural industries” include film, television, music, recording, publishing and multimedia. “Heritage resources” include oral traditions. Cultural landscapes, archeological sites, structures, artefacts and associated record.

Notably, the policies in this section only focus on cultural heritage and archaeological resources as defined in the PPS. Section 14.1 of the Lambton Shores Official Plan focuses on archaeological resources. Section 14.2 of the Lambton Shores Official Plan focuses on Built Heritage Resources and Cultural Heritage Landscapes. Also of note, the Municipal Official Plan maps its Archaeological Resources in Schedule D.

The following matters are required to be considered through the Official Plan update for *Planning Act* compliance, to ensure consistency and conformity with Provincial and County Policy, and to address emerging issues:

Archaeology

1. The Standards and Guidelines for Consultant Archaeologists identifies two options for the conservation of archaeological resources, being avoidance and protection, and excavation, with a preference being for avoidance and protection. The policies should be updated to be in line with this standard.

2. The Official Plan identifies and describes the four stages of archaeological assessments. The wording should be updated for consistency with the Standards and Guidelines for Consultant Archaeologists.
3. The Official Plan should encourage applicants to prepare archaeological assessments early in the planning stages of the development, when plans are most flexible, particularly as such studies may deem it appropriate to conserve through avoidance and protection measures.

Built Heritage and Cultural Landscapes

1. The description of Cultural Heritage Resources needs to be updated based on language consistent with the PPS.
2. Policies should be included in the Official Plan regarding the adoption of a Municipal Register of Properties of Cultural Heritage Value or Interest, and including properties within the Municipal Register, as required under Section 27 of the *Ontario Heritage Act*.
3. Policies should be included in the Official Plan regarding submission requirements for requests for the demolition of buildings or structures located on properties on the Municipal Register to implement Section 27(11) of the *Ontario Heritage Act*, including primary and secondary research, visual inspection, and evaluation against prescribed criteria for determining Cultural Heritage Value or Interest prepared by a qualified heritage consultant (Ontario Regulation 9/06), and architectural plans pertaining to the replacement building or structure.
4. For Planning Applications regarding properties on the Municipal Register, policies should be included that require an evaluation against prescribed criteria for determining Cultural Heritage Value or Interest. If the property has been found to meet prescribed criteria as part of such an assessment, the proponent should be required to provide a Heritage Impact Assessment, prepared by a qualified heritage professional in support of the Planning Application in accordance with technical guidance included in the Ontario Heritage Toolkit.
5. A policy should be included indicating that Lambton Shores will designate properties that meet criteria for determining Cultural Heritage Value or Interest, despite objections from landowners, as the conservation of significant Built Heritage Resources is in the public interest, as per the PPS and described in the Ontario Heritage Toolkit.

6. The PPS defines adjacent lands as “those lands contiguous to a protected heritage property or as otherwise defined in the municipal official plan.” A policy should be included within the Official Plan that lands within 50 metres of designated properties under the *Ontario Heritage Act*, shall be required to complete a Heritage Impact Assessment. A 50-metre buffer is commonly used for the consideration of impacts.
7. The Official Plan identifies a Cultural Heritage Evaluation Report (CHER) as being a submission requirement. These are typically used to determine whether a property, collection of properties, or landscape feature has cultural heritage value. These have been indicated as required submission requirements for development Cultural Heritage Evaluation Report (CHER). Cultural Heritage Evaluation Reports are not the appropriate mechanism to address impacts of development (Heritage Impact Assessment) or to detail how a cultural heritage resource can be conserved (Conservation Plan). The term CHER is not consistent with Ontario practice (evaluation against prescribed criteria for determining Cultural Heritage Value or Interest (Ontario Regulation 9/06) is a more accurate description). The policies need to be updated to indicate when an evaluation against prescribed criteria for determining Cultural Heritage Value or Interest (Ontario Regulation 9/06), a Heritage Impact Assessment, and a Conservation Plan are required.
8. Policies should be added that permit Lambton Shores to designate Cultural Heritage Landscapes as Special Policy Areas in the Official Plan. This approach is consistent with the definition of Cultural Heritage Landscape in the PPS.
9. The phrase Arts, Culture and Heritage Advisory Committee should be replaced with Municipal Heritage Committee, as per Section 28(1) and 28(3) of the *Ontario Heritage Act*.

Section 15 Community Design and Improvement

The Lambton Shores OP provides policies on sustainable design principles and elements; urban design principles and guidelines; community improvement; community design plan; and policies on accessibility. A review of the policies identified following updates:

1. Provide urban design policies for building and site design, streetscape features and improvements, individual safety, landscaping, and parking to improve the vibrancy, aesthetics, and connectivity of all areas in the Municipality. Include policy direction for design of ‘Commercial and Industrial Areas’ and ‘New Neighbourhoods.’
2. Update community improvement policies for enhanced clarity and guidance on affordable housing, brownfield remediation, efficient use of vacant/underutilized

properties, objectives for different land-uses, criteria for establishing Community Improvement Plan (CIP) areas, and implementation of CIPs.

3. Include summary of the Community Design Plan prepared for the community of Ipperwash.
4. Ensure policy commitment to accessibility and an equitable, barrier-free environment through urban design elements in public buildings and facilities, design components of new buildings through site plan control, and accessible communication methods.

G. Implementation

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

1. Update references to the PPS 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. 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.
4. 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*.
5. Delete provisions related to Bonus Zoning as these provisions have been removed from the *Planning Act*.
6. Add policy permitting the municipality to acquire as a condition of Plan of Subdivision, Condominium or Consent, dedication of land for daylighting, bridges, trails, and multi-use pathways in addition to existing listed dedications being future road widenings, one-foot reserves, pedestrian walkways, bicycle paths.
7. Add policies regarding other powers of the Committee of Adjustment respecting parcels including Certificates of Validation and Certificates of Cancellation in response to Bill 276, *Supporting Recovery and Competitiveness Act, 2021*.

8. Update the policies regarding Site Plan Control to provide more clarity for the use of Site Plan Control and to also address the delegation of Site Plan Control through Bill 109.
9. Update the policies on how to interpret the land use boundaries in the Official Plan Maps and Schedules.
10. Update the list of development applications requiring public participation to conform to the requirements of the County OP.
11. Add new policies in the following areas to assist in interpreting and implementing the Official Plan:
 - a. Policies that identify that the Municipality will review its delegation of authority to staff to support an efficient and streamlined development process;
 - b. Policies that support the Municipality acquiring land, if needed, to implement the Official Plan;
 - c. Policies that define how Maps, Schedules, Tables and Appendices are to be interpreted; and
 - d. Policies on guidelines and how guidelines assist in making decisions but are not regulations.
12. Adding policies to support monitoring of the Official Plan to ensure housing growth is monitored for any issues/constraints so early resolution can be achieved.
13. Add new policies to support delegation of decision making and implement recent legislative changes (see Emerging Issues Section of this report).

3. EXISTING MUNICIPAL DOCUMENTS

The Municipality of Lambton Shores has adopted several studies and reports containing policy recommendations and/or conclusions which should be considered for the Official Plan review. This section summarizes a selection of key studies and reports and identifies relevant recommendations that can be included in the Updated Official Plan.

A. Strategic Priorities (2019-2022)

The Strategic Priorities 2019-2022 provides a comprehensive list of priorities the Municipality wishes to implement between 2019 and 2022. The priorities relate to three general areas of public service: community growth and support, infrastructure improvements, and governance and organizational management.

The Community Growth and Support priorities seek to encourage the development of a new school in Forest and a Grand Bend community hub while encouraging co-operation with community organizations and governments to provide transportation improvements and encourage affordable housing. The Infrastructure Improvement priorities prioritizes transportation improvements such as continuous repair and rehabilitation of its road system and the development of a strategy to expand the parking capacity in Grand Bend. The Governance and Organizational Management strategies focus on the strategic management of funds, the review of the ward structure and the promotion of the Lambton Shores brand in all forms.

B. Recreation and Leisure Services Master Plan (2018 Update)

The 2018 the Municipality updated the Recreation and Leisure Services Master Plan (RLSMP) in response to changes in community demographics, trends, interests, and preferences that have occurred since the RLSMP was prepared in 2011. The RLSMP update reviews the assessments and recommendations from 2011 received from a community engagement programme.

The RLSMP update establishes nine (9) strategic directions the Municipality seeks to improve on. The RLSMP encourages the Municipality to be a leading provider and facilitator of quality services by being innovative, creative, and fiscally responsible. The Master Plan also seeks to provide greater support for volunteers and municipal staff. The Municipality has made excellent progress in providing support based on the 2011 RLSMP and further investment will allow the Municipality to further achieve the recommendations set forth in the report.

The RLSMP contains 50 recommendations spanning municipal delivery of parks, recreation and culture facilities and services. The recommendations have been assigned by four key periods within the 10-year master planning horizon (Short Term – 2019 to 2022, Medium Term – 2023 to 2025, Long Term 2026 to 2029, Ongoing – 2019 to 2029). The top recommendations within the RLSMP encourage the following: the development of a Public Art Policy, creation of an Arts, Culture, & Heritage Committee, develop a Trails Master Plan, and the construction of outdoor recreation facilities within the community. There is also an emphasis on improvements to existing facilities such as the Klondyke Sports Park.

C. Parking Study for Grand Bend

The Municipality is presently undertaking a comprehensive parking review study for the Grand Bend area. The recommendations of this Study will need to be considered as part of the Official Plan review.

D. Grand Bend - Stormwater Master Plan

The Municipality is preparing a Stormwater Master Plan for Grand Bend, anticipated to be completed in early 2024. The Stormwater Master Plan will need to be considered in the Official Plan update when it is available.

E. Roads Management Study

In 2022 B.M. Ross and Associates Ltd. Prepared a Road Management Study (RMS) for the Municipality of Lambton Shores to help the Municipality prioritize the road improvement schedule in a cost-effective way. The study includes recommendations and probable costs for work to be completed within a 5-year timeline and a 6-10 year timeline. There are several major components to the RMS assessment process including:

1. preparation of an inventory of the road system from previous assessment report and road map network data,
2. review with staff regarding the conditions of the road,
3. preparation of traffic counts within the Municipality, and
4. summary of operational costs and budget information provided by the Municipality.

The methodology of the study was completed in accordance with the MTO's Method and Inventory Manual. A field review was conducted where characteristics of each road section was recorded, and condition scores were assigned. Assumptions were developed based on the condition scores and characteristics of the road to predict

how quickly the condition of the road will deteriorate and when rehabilitation will be required. These assumptions were essential in the development of the RMS.

Generally speaking, the rural road system within the Municipality is in fair condition and is well maintained, however the condition ratings suggest a number of roads need to be reconstructed over the next few years. When comparing the condition ratings from 2017, the average condition scores are similar implying that the efforts taken by the Municipality has been sufficient to keep up with the deterioration rates of the roads. The RMS notes that there is a lack of proper road drainage throughout some of the Municipality's roads and there are areas where water can puddle. Drainage improvements such as catch basins with fence drain outlets and ditch clean outs are recommended. Encroachment of agricultural lands onto municipal Right-of-Ways was also noted which has negatively affected road-base drainage and resulted in the destruction of road ditches.

Current maintenance programs need to continue at least at the current level for asphalt roads (High-Class Bituminous) roads. Gravel roads also fared well and maintenance for these roads is recommended to continue at the current level. "Tar and chip" roads or "Low-Class Bituminous" were scored lower which suggests that these types of roads are not being maintained in a timely manner. It is recommended that these roads be resurfaced every 5-7 years.

A cost comparison was developed to assess the cost-differences based on the different types of roads within the municipality. It is noted within the RMS that the annual cost to maintain an asphalt surfaced road over the long term is about twice as much as for gravel (\$13,619 per km/year compared to \$5,140 per km/year).

Road maintenance needs fluctuate from one year to the next, so it is difficult for municipalities to complete repairs needed annually. The RMS estimates capital improvement costs to be at approximately \$2.18 million a year during the 10-year road study window across all road types. These estimates exclude tasks normally considered capital improvements such as resurfacing the Low-Class Bituminous roads, and patching and resurfacing the High-Class Bituminous roads.

Total Suggested 10 Year Expenditure Forecast for Road Improvements

Category	2023	2024	2025	2026	2027
Specific Maintenance Needs	\$86,400	\$86,400	\$86,400	\$86,400	\$86,400
Road Improvements	\$2,995,000	\$2,181,900	\$2,060,700	\$2,068,100	\$3,663,200
Suggested Annual Budget	\$3,081,400	\$2,267,400	\$2,147,100	\$2,154,500	\$3,749,600

Category	2028	2029	2030	2031	2032
Specific Maintenance Needs	\$86,400	\$86,400	\$86,400	\$86,400	\$86,400
Road Improvements	\$3,195,000	\$1,560,500	\$621,200	\$1,572,400	\$1,895,900
Suggested Annual Budget	\$3,281,400	\$1,646,900	\$717,600	\$1,658,800	\$1,982,300

F. Business Retention and Expansion Study and Action Plan

The Municipality of Lambton Shores has undertaken a Business Retention and Expansion (BR&E) Study to support its local business community. As explained by the Province of Ontario and the Ontario Ministry of Agriculture, Food, and Rural Affairs (OMAFRA), the BR&E program allows eligible organizations to “support local businesses so they can grow, create jobs and stay in [their] community; write and implement an action plan to foster business development, investment and job creation; and collect business and market data to support economic development planning.”

The goal of the BR&E Study is to identify specific action items that can be achieved over a ten-year period and is an action plan to strengthen the local business climate. The BR&E study has identified four (4) distinct pillars of support for the business community:

1. Increase Communication and Collaboration;
2. Improve Quality of Workforce;
3. Municipal Support and Services; and
4. Business Attraction.

The BR&E Study findings identify that there are both obstacles and opportunities shared by business owners across the Municipality of Lambton Shores, and that individual industries or even individual communities within Lambton Shores may require specific attention to address unique issues. One example relevant to land use planning is that for Grand Bend, the availability of parking to meet the demands of traffic flow is a concern during the high season for retail. In contrast, businesses in Forest and Thedford felt that parking availability is quite sufficient for the needs of their businesses.

The BR&E Study identified the following strategic directions related to Land Use Planning that will need to be considered as part of the Official Plan review:

3.2 Conduct a Community Improvement Plan

Community Improvement Plans are designed to stimulate targeted reinvestment and coordinate planning efforts. The Community Improvement Plan will create an action plan for revitalization or rehabilitation projects that may need to be undertaken to improve the overall experience for residents, visitors and business owners.

4.4 Establish a long-term promotional campaign to attract and encourage development, retail and services

Work with Sarnia-Lambton Economic Partnership to develop a long term campaign to proactively attract businesses that fill gaps in the current business mix.

The BR&E Study also identified the following interview take-aways related to Land Use Planning that will need to be considered as part of the Official Plan review:

SUPPORTING WORKFORCE

A common theme amongst the comments regarding workforce in Lambton Shores was the concern of how to support employees when there is limited availability of affordable places to stay.

Additionally, there is a need across every community to attract a younger demographic to fill support employment needs.

ATTRACTING NEW BUSINESS

Comments regarding attracting new businesses focused primarily on how to reduce barriers to and ultimately encourage more development in Lambton Shores.

There was also an acknowledgement that, in order for new businesses to come to Lambton Shores, there needs to be the services to support and attract year-round residents

TRANSPORTATION

Ideas regarding improving transportation in Grand Bend include a municipal parking lot outside of town with a shuttle to reduce the use of business parking spaces by beach go-ers. Another suggestion included traffic mirrors in Port Franks.

G. Ipperwash Community Design Plan

In 2015, Stempski Kelly Associates Inc. in conjunction with the Municipality of Lambton Shores released the Ipperwash Community Design Plan. Ipperwash is a small community within the Municipality of Lambton Shores composed of full-time residents and seasonal residents. The community is primarily residential with small commercial plazas.

Community engagement determined that the community identity is defined by the beach and its maintenance. The theme of “Beach Culture” was identified as being the preferred theme for the community and is characterized by popular beach related activities such as sunbathing, swimming and playing on the beach. However, when the theme was translated into design elements for the streetscape, the response was not favourable and a more ‘traditional’ design palette with elements of lakeside cottage living.

Several recommendations were identified with associated priorities. Upgrades to beach access parks were identified as being the highest priority alongside improvements to wayfinding and the creation of a Wayfinding Plan. The development of a community centre of gathering space was identified as a medium priority. Currently there are no available lands for community gathering and all events are held in Thedford. The creation of a community centre near other community amenities is a focus for Ipperwash residents. Intersection improvements were identified as low priority improvements to the community.

The community design plan provides design improvement suggestions including the required materials and colours for signs, locations for bike lanes and symbol marking, and the location and design of information kiosks for implementation within the Municipality.

H. Port Franks Community Design Plan

In 2008, EDA Collaborative Inc. developed the Lambton Shores Community Design Plan for communities in Lambton Shores. The design plan for Port Franks has since been updated internally by staff. The Plan was updated through public consultation methods including mail surveys and focus groups.

Port Franks is a small residential village that is located eight kilometres north of Thedford, Ontario. Historically, the area was difficult to reach by land because of the impassable sand dunes. Port Franks is a destination for boaters and homeowners but is not a direct tourist destination. Port Franks features a handful of businesses, but no services or amenities, which means that residents must travel to surrounding communities for daily tasks.

The Port Franks Community Design Plan Update investigated the recommendation including in the original Community Design Plan completed by EDA and discovered that most recommendations were still relevant to the Port Franks community. These included the need for a small grocery store, marking of historically significant sites, extending pedestrian walkways and the creation of a neighbourhood trail system. Several new themes were identified during the public consultation. The theme with the most comments were regarding environmental issues and the maintenance of environmental features. The second most popular theme was regarding the

connectivity of the community and the improvement of trails and sidewalk infrastructure. Interestingly, a 'do nothing' option was included due to the numerous comments suggesting that nothing be done in the community. These responses ranged from respondents being satisfied with the Port Franks community as is, and others citing increased taxes as a reason not to implement any of the recommendations.

Based on the data received through the public input, there are some clear themes and recommendations that the Port Franks community still believe to be relevant from the 2008 design plan. The greatest priority in the community is the need for a small grocery store and expanding pedestrian and cycle-friendly connections throughout Port Franks and other communities.

I. 2022 Development Charges Background Study and By-law Draft Report

On November 10, 2022, DFA Infrastructure International Inc. prepared a Draft Development Charges (DC) Background Study and By-law. The purpose of the document is to:

1. Document the DC policies and calculations of the new rates that inform the preparation of the new DC By-law;
2. Present the proposed new DC By-Law to replace the existing by-law upon approval; and
3. Meet the requirements of the DCA and O.Reg.82/98.

The Background Study estimates population growth to be 2,304 to 2031 and 4,608 to 2041, and employment growth to be 1,562 to 2041. The Background Study estimates the construction of 2,060 dwelling units between 2022-2041, with 1,782 being single/semi-detached dwelling units, 145 being multiple unit development and 134 being apartment type dwellings. As per the Background Study, there would be an increase in charges for the provision of total municipal services. There would be a substantive increase in development charges for the provision of wastewater services in Grand Bend. Development charges for municipal water services and wastewater services in Forest would be eliminated as the water reserve balance and the wastewater reserve balance for the Forest wastewater service area exceed their respective recoverable net capital costs.

J. Asset Management Plan

The Asset Management Plan (AMP) prepared by Public Sector Digest Inc. provides an overview of the state of local infrastructure, existing service levels, and whether

sufficient financial resources are being directed at Lambton Shores' assets to maintain them, meet desired service levels, and accommodate projected growth.

The AMP analyzes the following asset classes: the road network; bridges and culverts, buildings, storm, water, sanitary, machinery and equipment, and vehicles. In 2016, these assets were valued at \$285 million at replacement cost. The Municipality's road network represented 42 percent of that valuation, with sanitary and water services together comprising 39 percent.

The AMP determined that the average annual investment to maintain these assets would be \$6,862,000, while the Municipality was only budgeting \$2,639,000. That indicates a considerable long-term infrastructure deficit and reflects insufficient resources for sustainable approach to asset management. For 2016, the Municipality's tax revenue was \$6,408,000. The AMP recommended a strategy for full funding over the next 20 years, though it notes the injunction of additional funds is needed to address the existing infrastructure backlog.

The AMP reveals that the Municipality's historical investment in infrastructure has been continuous since 1950 but that significant expenditures were made between 1985 and 2004 relative to other periods. The AMP also reveals that just over 90 percent of the Municipality's assets had more than 10 years of useful life remaining (as of 2016), while only a modest percent had already exceeded their service life or would in the next five years. However, 21 percent of assets were determined to be in fair to poor condition, with a further 3 percent in very poor condition.

The AMP notes that there are two primary risks to a Municipality's financial sustainability: the total lifecycle costs of infrastructure; and establishing levels of service that exceed its financial capacity. The AMP is intended to map out the lifecycle costs of infrastructure and suggest how they may be aligned with fiscal capacity and levels of service expectations that can be sustained by the Municipality. An important component of the AMP is avoiding under-investment in maintenance that shortens the life of assets and results in service disruptions and increased costs. But an additional component is accounting for growth requirements.

4. LEGISLATIVE UPDATES AND THE OFFICIAL PLAN

This section of the Background Report for the Official Plan Review identifies legislative updates related to Lambton Shores in the Official Plan update.

A. More Homes Built Faster Act (2022)

In November 2022, the Government of Ontario passed the *More Homes Built Faster Act*, also known as Bill 23. This Act provides updates to the *Planning Act* and other pieces of legislation related to building more homes in Ontario. Relative to the Official

Plan, the following sections provide the key information for the Lambton Shores Official Plan Update. Although the legislation has been passed and received Royal Assent, certain parts of the legislation have not been proclaimed.

Municipal Register of Properties of Cultural Heritage Value or Interest – Ontario Heritage Act

Bill 23 approved several changes regarding the Municipal Register, summarized as follows:

1. Information included in the Municipal Register must be accessible to the public on the municipality's website.
2. Previously there were no prescribed criteria for determining properties of cultural heritage value or interest for non-designated properties on the Municipal Register. The Province has prescribed and requires that properties meet prescribed criteria prior to their inclusion on the Municipal Register.
3. Non-designated properties are required to be removed from the Municipal Register under the following circumstances:
 - a. Council withdraws the notice of intention to designate a property;
 - b. Council does not pass a By-law designating a property in accordance with legislative timelines, following issuance of notice of intention to designate a property;
 - c. The Ontario Land Tribunal repeals a designating By-law;
 - d. Properties included in the Municipal Register after the *More Homes Built Faster Act, 2022* comes into force are required to be removed from the Municipal Register if Council does not give a notice of intension to designate the property before the second anniversary of the day the property was included in the register; and
 - e. Properties included in the Municipal Register before the *More Homes Built Faster Act, 2022* comes into force are required to be removed from the Municipal Register if Council does not give a notice of intension to designate the property before the second anniversary of the day the *More Homes Built Faster Act, 2022* comes into force.
 - f. Consultation is no longer required with the Municipal Heritage Committee to remove non-designated properties from the Municipal Register.

4. Properties required to be removed from the Municipal Register are not permitted to be reincluded on the Municipal Register for a period of five (5) years.

Designation Properties following Prescribed Events – *Ontario Heritage Act*

As part of the *More Homes, More Choice Act, 2019*, the Province made a number of changes to the *Ontario Heritage Act*. This included a change that a municipality may not give notice of intention to designate a property after 90 days have elapsed from a prescribed event. These prescribed events included applications under the *Planning Act*, for Official Plan Amendment, Zoning By-law Amendment, and Plan of Subdivision. Bill 23 further amended the *Ontario Heritage Act* to only permit a municipality to designate a property at any time following a prescribed event if the property is listed on the Municipal Register.

Changes to Heritage Conservation Districts – *Ontario Heritage Act*

Bill 23 changes the *Ontario Heritage Act* to require that Heritage Conservation Districts meet any criteria that may be prescribed for determining cultural heritage value or interest with respect to Heritage Conservation Districts. These criteria are identified in O. Reg. 569/22: Criteria for Determining Cultural Heritage Value or Interest. The Province is also considering establishing processes for amending and repealing by-laws adopting Heritage Conservation Districts and Heritage Conservation District Plans.

Additional Residential Units

Bill 23 now allows up to three (3) residential units – “as of right” within a single-detached, semi-detached or row house dwelling on a property that is zoned for residential use. The changes supersede local official plans and zoning to automatically apply province-wide to any parcel of land where residential uses are permitted in settlement areas with full municipal water and sewage services (except for legal non-conforming uses such as existing houses on hazard lands). Official Plans and Zoning By-laws are not permitted to require more than one (1) parking space per additional residential unit or provide for a minimum unit size.

Public Meetings for Plans of Subdivision

Bill 23 removed the requirement for a public meeting for a plan of subdivision. Policy 10.9.1(b) of the County OP requires public meetings for plans of subdivision. The Lambton Shores Official Plan will need to comply with the legislation.

Parkland Dedication

Bill 23 reduces parkland dedication requirements and alters what was implemented in the *Planning Act* in 2019 (see below). The following is a complete list of the changes to parkland dedication. The Municipality’s parkland dedication by-law and process

should be reviewed. For the parkland dedication requirements, only the maximum alternative rate will be updated in the Official Plan. The remaining details are provided for information.

1. For developments or redevelopments that include an affordable or attainable housing component, the maximum amount of parkland that could be collected would be based on the number of residential units that are not considered to be attainable or affordable.
2. Parkland dedication would not be permitted to be collected for non-profit housing.
3. Parkland dedication would not be permitted to be collected for additional residential units within or ancillary to a single-detached, semi-detached or rowhouse.
4. Reduce the maximum alternative rate of parkland dedication to:
 - one hectare (ha) per 600 units (down from one ha per 300 units) for the conveyance of land; and
 - one ha per 1000 units (down from one ha per 500 units) for cash-in-lieu;
 - Provide for the deduction of any existing residential units on the lands prior to redevelopment from the determination of unit count for the purposes of the alternative rates outlined above;
5. Cap parkland dedication requirements in circumstances where the alternative rate is used to:
 - 10% of the value of the land, if the land proposed for development is 5 ha or less in area; and
 - 15% of the value of the land, if the land proposed for redevelopment is greater than 5 ha in area.
6. Bill 23 includes other provisions that would address implementation of parkland dedication:
 - Permit a municipality to accept encumbered land, and permit an owner of land to appeal a decision of a municipality not to accept parkland;
 - Applicable parkland dedication requirements are determined as of the date a site plan application (or zoning application, if site plan control is not applicable) is made, provided that a building permit is obtained within two years of site plan approval; and

- Require municipalities to spend or allocate at least 60% of the funds in its cash-in-lieu of parkland account annually.

The proposed transition provisions provide that the above would apply to any development that does not yet have a building permit.

Community Benefits Charges

Bill 23 includes a minor change allowing municipalities to enter into development agreements where owners of land would be providing facilities, services or matters required because of development or redevelopment in the area to which the by-law applies. Bill 23 also changes the maximum amounts that can be collected as part of a community benefits charge. This amount is related to the floor area of building or structure proposed to be erected, excluding affordable and attainable residential units.

Site Plan Control

Bill 23 includes the following changes regarding Site Plan Control:

1. remove the ability to apply site plan control with respect to the construction erection or placing of a building or structure on an urban parcel of land containing less than 10 residential units.
2. remove the ability to control exterior design or the appearance of elements, facilities and works on lands or adjoining highways through Site Plan Control.

B. Supporting People and Businesses Act (2021)

In 2021, the Province of Ontario enacted legislation called *Supporting People and Businesses Act, 2021*. This legislation provides the ability for municipalities to delegate certain decisions to municipal staff. The decisions are more routine decisions and could include matters such as temporary use by-laws, removal of holding symbols and other minor zoning by-law amendments. To delegate this authority, the legislation requires municipalities to provide Official Plan policies to enable these delegated decisions. The update to the Lambton Shores Official Plan will include these policies; Lambton Shores Municipality Council will need to address which decisions are delegated (and to whom – staff, committee etc.) through a By-law adopted by Council.

C. More Home, More Choice: Ontario's Housing Supply Action Plan (2019)

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:

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

The Housing Supply Action Plan resulted in the passage of the *More Homes, More Choice Act, 2019, S.O. 2019, c. 9 - Bill 108*. This section of the Background Report focuses on those areas of the Official Plan Review that are not addressed elsewhere (particularly the PPS and the County OP) 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:

Inclusionary Zoning

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

Density Bonusing 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”. 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.

Parkland Dedication

Bill 197 also made the following changes to the *Planning Act* regarding parkland dedication requirements:

0. Public notice and consultation required before passing an alternative rate by-law, which can now be appealed to the Ontario Land Tribunal.

The alternative rate currently specified in the Municipality's OP will need to be reviewed considering Bill 23 (see above).

5. EMERGING ISSUES

A. 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 Ontario Land Tribunal.

The Municipality's current Official Plan has strong policies on green energy projects. These policies were written when the Municipality was a commenting agency on provincial decision-making processes. The policies need to be updated to reflect:

1. A Zoning By-law Amendment is required for a green energy project (wind and/or solar) outside the settlement areas;
2. Large scale wind and/or solar projects are not permitted in the settlement areas;
3. Large scale wind and/or solar projects are not permitted in the Restricted Agricultural Area;
4. Only small-scale wind and solar installations will be permitted in residential areas in the settlement areas;
5. Solar panels will be encouraged on buildings in industrial and commercial areas (not including the Central Commercial Area);
6. The Zoning By-law will establish distance separation from sensitive land uses; and,
7. Clarifying the decision-making process for the Municipality.

B. Cannabis Facilities

Cannabis cultivation and processing are contemporary 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. The policy updates will address key points of land use compatibility: land use compatibility to sensitive land uses (residential, day care centres, nursing/retirement homes) using Ontario's D-6 Guidelines between Industrial Facilities; addressing issues such as light, parking,

waste management, security, stormwater management, traffic, odour, and more. Outdoor growing is more typically seen in agricultural areas and is a growing operation where the crop is grown in fields. As outdoor growing is more challenging to address impacts, enhanced planning applications should be required.

6. NEXT STEPS

This Background Report, together with the Community Survey Report, are the two major review documents that will form the basis of the draft update to the Municipality Official Plan. In 2024, a draft update to the Official Plan will be provided for Council and the community to review.