

THE MUNICIPALITY OF LAMBTON SHORES

Report PL 31-2023

Council Meeting Date: December 19, 2023

TO: Mayor Cook and Members of Council
FROM: Ken Bulgin, Planner
Will Nywening, Senior Planner
RE: Community Improvement Plan Adoption

RECOMMENDATION:

THAT Report PL 31-2023, relating to the adoption of a Community Improvement Plan, be received;

THAT the entire Municipality of Lambton Shores be designated as a Community Improvement Project Area pursuant to Section 28(2) of the *Planning Act*;

THAT implementing By-Law 89 of 2023 be approved;

THAT the Community Improvement Plan created with NPG Planning Solutions, dated December 19, 2023, be adopted pursuant to Section 28(4) of the *Planning Act*; and

THAT implementing By-Law 90 of 2023 be approved.

SUMMARY

This report presents the final draft of the Lambton Shores Community Improvement Plan (CIP) produced by NPG Planning Solutions. Adoption of this plan would establish a Municipality-wide CIP that provides incentive-based programs, including grants, to stimulate and support private sector investment and revitalization within defined core commercial areas of the municipality.

BACKGROUND

On September 11, 2018, Council directed Staff to “prepare a report on developing a Community Improvement Plan which would be focused on capital upgrades to commercial businesses or core business areas in the Municipality to enhance commercial areas”. The Lambton Shores Business Retention and Expansion Study and Action Plan was completed in support of this direction and adopted by Council on June 2, 2020. It recommended the development of a Community Improvement Plan.

The consulting firm NPG Planning Solutions was contracted in September 2022 to provide services related to the development of a Community Improvement Plan. The work, largely conducted from January through October of 2023, included a background review of the municipality, stakeholder engagement, followed by the drafting of the CIP.

An Open House was conducted on November 21, 2023 to introduce the draft CIP to the Lambton Shores community. A Public Meeting, as required by Sections 17(15) and 28(5) of the *Planning Act*, was held at a Lambton Shores Council Meeting on November 28, 2023 allowing members of the public an opportunity to make formal written and/or oral submissions regarding the draft CIP.

DISCUSSION

The proposed CIP was prepared with stakeholder and public consultation throughout the life of the project (including consultation with the Province of Ontario, County of Lambton, Municipal Council, and local stakeholders). Additionally, key members of municipal staff were also engaged in the development and review of the documents, whose input was vital in the creation of the Plan.

Under the *Planning Act*, a Community Improvement Plan (CIP) must be adopted and implemented by way of a By-law. Prior to the adoption of a CIP, a Community Improvement Plan Area (CIPA) must be designated also by way of By-law.

Planning staff are recommending the approval of a by-law to designate the entire Municipality of Lambton Shores as the CIPA. If approved, Planning staff are recommending the adoption of the Lambton Shores CIP. Note that although the entire Municipality is to be designated as a CIPA, incentive programs will not be available to every property. Appendix C to the CIP includes maps identifying the core commercial areas in which the incentive programs are available.

Planning Analysis

The proposed Municipality-wide CIP by-laws recommended for designation and adoption are consistent with the Provincial Policy Statement, 2020 as well as with Lambton Shores Official Plan, and Subsections 28(2) and 28(4) of the *Planning Act* allowing the Council of local municipalities to designate the whole or part of an area covered by an official plan as a CIPA and approve a CIP.

Ministry of Municipal Housing and Affairs Comments

Comments received from the Ministry of Municipal Housing and Affairs (MMAH) on November 20, 2023, were reviewed by staff and indicated the Ministry did not have any concerns with the draft CIP.

Open House and Statutory Public Meeting Submissions

Notice of an Open House and a statutory Public Meeting for the proposed Community Improvement Plan were circulated to prescribed agencies and published on the Municipality of Lambton Shores website on November 6, 2023, as per *Planning Act* requirements.

An Open House was held on Tuesday November 21, 2023 (not required by the Act) and was attended by seven members of the public and three Municipal Councilors. Representatives from NPG Planning Solutions and Municipal and Planning Staff were onsite to obtain feedback and assist attendees in answering any questions about the CIP.

A discrepancy was brought to the attention of staff by a member of the public who had attended the Open House resulting in a change to the CIP, more specifically the Upperwash Boundary Area Map, to include the entirety of a property that previously had only included approximately half of the property due to the existence of multiple zonings on the lot.

The statutory Public Meeting for the proposed Municipality-wide CIP was held on Tuesday, November 28, 2023. Staff received questions from members of Council regarding the application process and possible expansion for commercial properties outside the proposed boundary areas.

Respecting the application process, pending the designation of the CIPA and adoption of the CIP by By-law, staff will prepare a budget that will be presented to Council. If approved, the municipality will then be prepared to accept applications. Applications will be reviewed by staff for eligibility, submission requirements and any other permits or approvals that may be required. If an application meets all requirements it will be analyzed using a scoring matrix (attached to this report).

Regarding the possible expansion of the proposed boundary areas to include additional commercially zoned properties, the goal of this CIP is to target core commercial areas, areas that feature contiguous commercial development and often higher pedestrian activity. The intent of the CIP incentives is to encourage investment that would not otherwise occur and in turn spur other commercial property owners to make investments that improve the quality and viability of commercial areas. Commercial properties outside proposed boundary areas are likely in lower density Commercial areas or are isolated amongst residential zoning and their inclusion in the proposed CIP would not be in line with the goals of the Plan.

Comments were received at both the Open House and Public Meeting requesting that the three Legion Branches within the Municipality (Thedford, Forest, and Grand Bend) be eligible for the incentive programs of the CIP. Staff recommends against this request. Staff reviewed the request looking at the locations of the Legions and reviewing the particulars of the proposed CIP incentives. The Legions, especially Thedford and Forest, are located in such a way that the investments there would not meet the goal of encouraging further investment and improvement of surrounding commercial properties. Many of the particular programs have been designed for commercial properties and

various aspects of the CIP and the underlying assumptions would have to be redrafted to accommodate this. Staff believes that Community Vibrancy Fund applications would be a more appropriate avenue to access resources for property improvements for Legion properties.

Agency Comments

On November 20, 2020, the Ministry of Transportation Ontario (MTO) provided written comment indicating as per the *Public Transportation and Highway Improvement Act* and MTO's highway access management guidelines, that any new development or expansion that falls within the MTO's permit control area will require MTO permits prior to any work taking place within the permit control area.

On November 28, 2023, staff received written correspondence (attached to this report) from the St. Clair Region Conservation Authority (SCRCA) recommending the inclusion of language in the proposed CIP to advise that some development/redevelopment of properties may require review and permission from the conservation authority, per Ontario Regulation 171/06. Staff feel that matters of development within the regulated area are sufficiently addressed via the provisions of the *Planning Act*, County and Municipal official plans, Municipal zoning by-law, and other regulatory processes associated with development/redevelopment (i.e. building permits). Rather than addressing CA permit requirements, specifically, Staff revised the CIP at Sections 6.5.1 *General Application Information* (#1 & #6) and 7.5 *Application Decisions*, to include a stipulation that any approvals and/or permits required from external agencies must be obtained prior to any project approvals and/or release of funds under the CIP process.

No further comments or submissions have been received as part of the statutory circulation/approvals process.

Coming into Effect

Per Section 28(5) of the *Planning Act*, the CIP adoption process borrows various processes applicable to adoption of an Official Plan under Section 17 of the Act including the requirement to submit an Official Plan or CIP to the "approval authority". As the upper tier municipality, the County of Lambton, is the approval authority for both Official Plans and any CIP adopted by the Municipality of Lambton Shores. The Manager of Planning and Development Services at the County of Lambton has however formally exempted the CIP from approval, using an ability to do so under the Act.

The Municipality will be required to provide notice of adoption to public agencies and those who participated in the process. With the exemption granted by the County, the CIP will not have to be forwarded to the County for approval and will come into effect upon expiration of a 20 day appeal period.

Once the CIP is in effect, Council will need to establish a budget for the CIP and then commercial property owners within the project boundary areas will be apply to make applications for the various incentives for staffs review.

Draft Documents

The draft CIP was provided to Council as an information item at the November 7, 2023 Council meeting. A final draft with the amendments noted in this report is included in the by-laws section of Council's agenda. The three appendices to the CIP and the decision matrix that will be used by staff to assess applications are attached to this report. The three appendices are:

- A) The application form
- B) A list of heritage buildings relevant to one of the incentive programs
- C) The incentive boundary maps

Planning Opinion

Based on the above, Planning staff is recommending that Council approve the CIP and associated by-laws to establish the Community Improvement Plan Area and adopt the CIP. It is Planning staff's opinion the CIP and associated by-laws:

- Satisfy the requirements of the *Planning Act*, and are consistent with the Provincial Policy Statement;
- Conform to the County of Lambton Official Plan;
- Meet the intent and support the objectives of the Municipality of Lambton Shores Official Plan;
- Constitute good planning; and
- Are in the public interest.

ALTERNATIVES TO CONSIDER

None at this time.

RECOMMENDED ACTIONS

Staff recommend that Report PL 31-2023 be received, the designation of the entire Municipality of Lambton Shores as a Community Improvement Plan Area, and the adoption of the Lambton Shores Community Improvement Plan.

FINANCIAL IMPACT

There are no direct financial implications associated with this report. Any financial impacts resulting from the adoption of the Lambton Shores Community Improvement Plan will be included in future operating budgets, pending Council approval.

CONSULTATION

NPG Planning Solutions

Steve McAuley (CAO)

Ken Melanson (Manager, Planning and Development Services)