



Report to Council

Department: Development Services
Division: Planning
Date: February 5, 2024
Prepared by: Rita Jabbour, RPP, Manager, Planning Services
Report Number: Planning-2024-02
Subject: Adoption of Official Plan Amendment 9 and Zoning By-Law Amendment for the Essex Sports Field Lands
Number of Pages: 9 including attachments

Recommendation(s)

That Planning Report Planning-2024-02 entitled Adoption of Official Plan No. 9 and Zoning By-Law Amendment for the Essex Sports Field Lands prepared by Rita Jabbour, RPP, Manager, Planning Services dated February 5, 2024 be received;

That By-Law Number 2305, Being a By-Law to Amend the Official Plan for the Town of Essex to redesignate the lands located at the corner of North Malden Road and Batten Side Road **from "Agricultural" to "Parks and Open Space"**, be read a first, second and third time and finally passed on February 5, 2024;

That Official Plan Amendment No. 9 be submitted for approval to the Manager of Planning Services for the County of Essex, and ;

That By-Law Number 2306, Being a By-Law to Amend By-Law 1037, the Comprehensive Zoning By-Law for the Town of Essex, to permit Major Public and Private Recreational Facilities for the lands located at the corner of North Malden Road and Batten Side Road, be read a first, a second, and a third time and finally passed on February 5, 2024.

Purpose

The Town of Essex is undertaking the development of the Vacant lands on the corner of North Malden Road and Batten Sideroad for the purpose of a future active sports complex. To facilitate the development, amendments to the Official Plan are required to redesignate the lands from **“Agricultural” to “Parks and Open Space” in the Town of Essex Official Plan.**

Amendments to the Zoning Bylaw, Bylaw 1037, are also required to establish a zoning category which permits recreational uses as permitted uses for the subject lands. A Special Council Meeting was held on Monday January 15, 2024 prior to the submission of this report to obtain comments from the public and prescribed agencies.

Background and Discussion

The Town of Essex is undertaking the development of municipally owned lands located in Ward 2 on the corner of North Malden Road and Batten Sideroad, just outside of the Essex Centre Primary Settlement Area, southwest of Kings Highway Number 3, for the purpose of a future active sports complex.

An aerial map identifying the location of the subject lands is provided below:



Official Plan and Zoning Classification

The Subject Lands are designated “Agricultural” on Schedule A1, “Land Use Plan”, of the County of Essex Official Plan. They are designated “Agricultural” on Schedule A-1, Land Use Plan, and Schedule A-2, “Essex Centre Land Use Plan”, of the Town of Essex Official Plan. They are in a Prime Agricultural Area.

The Subject lands are designated Agricultural District 1.1 (A1.1) on Map 03 of Zoning Bylaw 1037. This zoning permits general agriculture and farm production support activities.

Proposed Amendments

The Town of Essex acquired the subject lands for the purpose of developing a large-scale sports complex. The complex is intended to serve the recreational needs of the Town and region and will include an array of various recreational uses, namely, soccer and baseball fields with amenities such as washrooms, concession stands, play equipment, walking trails and associated parking.

To assist in financing the development, the Town is interested in parceling portions of the land to private individuals in support of a Public Private Partnership to build the facilities complementary to the active recreational service provided by the Town.

While the Town may lease in the short or long term a portion of the property to a private interest for a complementary municipal use, the Official Plan does not permit the lands or any portion of it to be developed by a private party for any use other than for agricultural purposes.

To do so, the Town must undertake a site-specific amendment to the Town of Essex Official Plan (OPA) to redesignate the lands **from “Agricultural” to “Parks and Open Space”** on Schedule A-1 and Schedule A-2 of the Town of Essex Official Plan. Under the Parks and Open Space designation, **the permitted uses are, “active and passive parks, public or private recreational uses and facilities, including but not limited to golf courses, golf driving ranges and picnic areas and uses accessory to the foregoing uses.”** A copy of the Parks and Open

Space policies (Subsection 5.17) of the Town of Essex Official Plan is attached to this report.

Upon further consultation with the Manager of Planning Services for the County of Essex, a County Official Plan Amendment to incorporate the lands into the Essex Centre Primary Settlement Area was deemed unnecessary to facilitate the development.

Amendments to Zoning Bylaw 1037 are also required to establish a zoning category which permits recreational uses as permitted uses for the subject lands.

A new Green District has been proposed for the Subject Lands. Green District 1.6 (G1.6) establishes permitted uses and lot and building regulations for major public and private recreational uses. Permitted uses in the G1.6 zoning district will include recreational facilities, commercial outdoor recreational facilities, fairgrounds, greenways, public parks, outdoor **markets and temporary outdoor vendor's sites. The proposed regulations for the G1.6 zoning district is attached to this report.** The Zoning Bylaw Amendment also proposes to add new definitions to Bylaw 1037 for a Recreation Facility and a Commercial Outdoor Recreational Facility. The proposed definitions are provided within Bylaw Number 2036, which is **attached to this report.**

Proposal Conformity with Provincial and Municipal Policy

Provincial Policy Statement (2020)

Subsection 1.0 of the Provincial Policy Statement (PPS, 2020) provides policies to manage and direct land use to achieve efficient and resilient development and land use patterns.

Subsection 1.1.1 of the PPS states that healthy, livable and safe communities are sustained by:

- a) Promoting efficient development and land use patterns which sustain the financial well being of the Province and municipalities over the long term;
- b) accommodating recreation, parks and open spaces;

- c) avoiding development and land use patterns which may cause environmental or public health and safety concerns;
- d) avoiding development and land use patterns that would prevent the efficient expansion of settlement areas in those areas which are adjacent or close to settlement areas; and,
- e) improving accessibility for persons with disabilities and older persons by addressing land use barriers which restrict their full participation in society.

In accordance with the PPS (2020), sufficient land shall be made available to accommodate an appropriate range and mix of land uses to meet projected needs for a time horizon of up to 25 years (subsection 1.1.2).

Response: The proposed Amendments would allow for Private investment to assist with the development of the facilities. A Public Private Partnership sustains the financial well being of the Town of Essex in providing recreational services to its residents and area residents. The amendments will accommodate recreation, parks and open space. No environmental (man made or natural) or public health and safety concerns are present on or adjacent the lands. The proposed uses will not affect the expansion of the settlement area in the future and the amendments are located on lands that are accessible to all persons by vehicle or active transportation.

In prime agricultural areas, non-agricultural uses are only permitted for limited non-residential uses, if all the following are demonstrated:

1. The land does not comprise a speciality crop area;
2. The proposed use complies with the minimum distance separation formulae;
3. There is an identified need within the planning horizon provided for in policy 1.1.2 for additional land to accommodate the proposed use; and
4. Alternative locations have been evaluated, and
 - i. there are no reasonable alternative locations which avoid prime agricultural areas; and

- ii. there are no reasonable alternative locations in prime agricultural areas with lower priority agricultural lands (subsection 2.3.6).

Impacts from any new or expanding non-agricultural uses on surrounding agricultural operations and lands are to be mitigated to the extent feasible.

Response: The Subject lands do not comprise a specialty crop area. The proposed use complies with the minimum distance separation formulae. There is a need to accommodate additional recreational lands within the Planning Horizon provided in Policy 1.1.2. According to the recently adopted Town of Essex Community Services Master Plan (2023), expected population growth and the anticipated demographic structure indicates that a shift in average population age will result in an increased market demand on existing facilities and services, as well as growing market demand for the development and expansion of new facilities and services across the Town (p. 11). The largest ongoing development in the Town of Essex is the Essex Town Centre Subdivision which proposes to add 567 residential units to the Community. The Town of Essex is a relatively small community, therefore, any new residential development can have significant impact on parks and recreation utilization rates and demand for more facilities and programs.

The Town has one of the lower actual service levels amongst comparator municipalities in term of parkland per 1,000 people and is below the average of comparator municipalities. In order to maintain the recommended service level target over the 10 year planning horizon of the Community Services Master Plan, the Town will need to consider obtaining additional parkland as the population increases.

All agricultural lands within the Town of Essex are considered prime agricultural lands. Therefore, there are no reasonable alternative locations which avoid prime agricultural area or on lower priority agricultural lands. No lands presently exist within the Essex Centre Primary Settlement Area to accommodate the need for Baseball diamonds, Playgrounds, Outdoor Aquatics, Skateparks, Outdoor Event Spaces, Ice Pads, Gymnasiums, Meeting/Multi-Purposed Rooms, and Tennis and Pickleball Courts.

County and Town of Essex Official Plan

The County of Essex and Town of Essex Official Plan both promote a broad range of leisure opportunities. Section 5.17 of the Town of Essex Official Plan, specifically, supports the provision of a variety of public or private recreational opportunities, uses, and facilities in suitable locations through land designation and acquisition.

Limited non-residential uses in Agricultural designations are permitted under both Plans, provided the conditions described under Subsection 2.3.6 of the PPS (2020) are met.

Response: The proposed amendments will allow for a broad range of leisure and recreational opportunities through public and private development. The lands are a suitable location due to their proximity to the Essex Centre Primary Settlement Area. Recent road improvements to Highway 3 have resulted in safer intersections through the elimination of direct access from Highway 3 and the construction of multi-use trails.

Statutory Public Meeting

A statutory Public Meeting was held on Monday January 15, 2024 to hear representation from the Public regarding the merits and concerns related to the application for site specific Official Plan and Zoning Bylaw Amendment.

In advance of the meeting, Planning Services received no written comments from property owners within 120 metres of the Subject Lands (Ontario Regulation for Public Notice) or because of the notice published in the local Essex Free Press and Harrow News.

Written comments were received from the following agencies:

- Ministry of Transportation (MTO),
- Essex Region Conservation Authority (ERCA),
- Ministry of Environment, Conservation and Parks (MECP).

The agencies have indicated no objections to the proposal. Any new building or structure proposed on the lands will require MTO pre-consultation, review and permits prior to building permit issuance. The ERCA has requested continued circulation of the proposal if the

property is subject to site plan control approval for further comments on stormwater management.

Two (2) members of the public appeared as delegates. The delegates generally endorsed/supported the plan to develop the recreational lands and provided comments/recommendations regarding branding with a focus on local context.

No comments were received from Council members.

Recommendations

It is our recommendation that Bylaw Number 2305 and Bylaw Number 2306 be adopted by Council.

The proposed Bylaws are consistent with Section 1.0 and Subsection 2.3.6 of the Provincial Policy Statement (2020), Subsection 3.3.4 of the County of Essex Official Plan, and Subsection 5.17 of the Town of Essex Official Plan.

Next Steps

Notice of decision will be circulated to all members of the public and agencies who made written or oral comments on the proposed amendments. Notice will also be published in the local papers. A 20-day appeal period will be effective as of the date of adoption of the Bylaws. If no appeals are received within the 20-day appeal period, Bylaw 2035 will be submitted to the Manager of Planning Services for the County of Essex for final adoption.

Bylaw 2036 (the Zoning Bylaw Amendment) will be effective upon adoption of Bylaw 2035.

Financial Impact

There is minimal financial impact anticipated for the processing of the Official Plan Amendment and Zoning Bylaw Amendment. As a Town initiated amendment, no application cost are applicable, but costs normally recouped through the application fee for the

preparation and advertisement of public notices, and the preparation of Staff reports and Bylaws, will be absorbed by the Planning and Zoning Operating budget.

Consultations

Joseph A. Malandrucolo, Director, Legal and Legislative Services/ Clerk

Kate Giurissevich, Director, Corporate Services/Treasurer

Kevin Girard, Director, Infrastructure Services

Jake Morassut, Director, Community Services

Rebecca Belanger, Manager, Planning Services, County of Essex

Link to Strategic Priorities

- Embrace asset management best practices to build, maintain, and continuously improve our municipally owned infrastructure.
- Leverage our Town's competitive advantages to promote jobs and economic investment.**
- Take care of our natural environment and strengthen the sense of belonging to everyone **who makes Essex "home"**.
- Deliver friendly customer service in an efficient, effective, and transparent manner while providing an exceptional working environment for our employees.
- Build corporate-level and community-level climate resilience through community engagement and partnership and corporate objectives.


Report Approval Details

Document Title:	Adoption of OPA and ZBA for Essex Sports Field Lands - Planning-2024-02.docx
Attachments:	- Bylaw 2306.pdf - Bylaw 2305 (OPA).pdf - Official Plan.pdf
Final Approval Date:	Jan 30, 2024

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



Lori Chadwick, Director, Development Services - Jan 30, 2024 - 4:51 PM



Doug Sweet, Chief Administrative Officer - Jan 30, 2024 - 4:52 PM