

MUNICIPALITY OF CHATHAM-KENT
COMMUNITY DEVELOPMENT AND PLANNING SERVICES
PLANNING SERVICES
INFORMATION REPORT

TO: Mayor and Members of Council

FROM: Ralph Pugliese, MCIP, RPP, DPA
Director, Planning Services

DATE: February 18, 2010

SUBJECT: Medd Development Proposal and Need for a Comprehensive Review as Defined by the Provincial Policy Statement

This report is for the information of Council.

BACKGROUND

The purpose of this report is to inform Council of the status of a planning proposal that will soon be brought to Council for consideration, and the concurrent need to address the Comprehensive Review (CR) requirements of the Provincial Policy Statement (PPS) with respect to the proposal.

Medd Developments is proposing a new home improvement store and multi-screen cinema, along with additional commercial type uses on a vacant 8 hectare (20 acre) site on the west side of St. Clair Street in North Chatham immediately south of the current commercial development. The proposal will add additional lands to the current Power Centre Commercial land supply and will require the expansion of the urban boundary in that location. This proposal is expected to come before Council in April, 2010.

The Planning Act requires all planning proposals to be consistent with the PPS. Under the provincial policy,

“sufficient land shall be made available through intensification and redevelopment ... to accommodate an appropriate range and mix of employment opportunities, housing and other land uses to meet projected needs for a time horizon of up to 20 years.”

As a result, settlement area boundary expansions require justification to support the need for additional lands. The underlying reason for such an investigation is to ensure against an oversupply of development lands which lead to increased maintenance and

operating costs in the long term, and the needless consumption of agricultural land. The analysis used to support the justification is referred to as a Comprehensive Review.

A “Comprehensive Review” is the planning exercise that is used to identify land needs, supply, and appropriate location and direction of growth for all land uses. It allows the consideration of potential impacts from interrelated activities and factors. It allows a municipality to better manage its growth and avoids unnecessary expansions resulting in more efficient use of land and resources. It is defined in the PPS as follows:

“a) for the purposes of policies 1.1.3.9 and 1.3.2, an official plan review, which is initiated by a planning authority, or an official plan amendment, which is initiated or adopted by a planning authority, which:

1. is based on a review of population and growth projections and which reflect projections and allocations by upper-tier municipalities and provincial plans, where applicable; considers alternative directions for growth; and determines how best to accommodate this growth while protecting provincial interests;
2. utilizes opportunities to accommodate projected growth through intensification and redevelopment;
3. confirms that the lands to be developed do not comprise specialty crop areas in accordance with policy 2.3.2;
4. is integrated with planning for infrastructure and public service facilities; and
5. considers cross-jurisdictional issues.”

Section 1.1.3.9 of the PPS which applies to Chatham-Kent provides:

“1.1.3.9 A planning authority may identify a *settlement area* or allow the expansion of a *settlement area* boundary only at the time of a *comprehensive review* and only where it has been demonstrated that:

sufficient opportunities for growth are not available through *intensification*, *redevelopment* and *designated growth areas* to accommodate the projected needs over the identified planning horizon;

- a. the *infrastructure* and *public service facilities* which are planned or available are suitable for the development over the long term and protect public health and safety;

- b. in *prime agricultural areas*:
 - 1. the lands do not comprise *specialty crop areas*;
 - 2. there are no reasonable alternatives which avoid *prime agricultural areas*; and
 - 3. there are no reasonable alternatives on lower priority agricultural lands in *prime agricultural areas*; and
- c. impacts from new or expanding *settlement areas* on agricultural operations which are adjacent or close to the *settlement area* are mitigated to the extent feasible.

In determining the most appropriate direction for expansions to the boundaries of *settlement areas* or the identification of a *settlement area* by a planning authority, a planning authority shall apply the policies of Section 2: Wise Use and Management of Resources and Section 3: Protecting Public Health and Safety.”

The Medd proposal requires an Official Plan Amendment and a CR to satisfy the provisions of the PPS. Consistency with the PPS is a requirement of the *Planning Act*. The CR is a lengthy, elaborate and in-depth analysis that could not be accomplished within the shorter time period planned to bring the Medd proposal to Council.

Given the above considerations, administration consulted with MMAH staff to explore options for moving forward. The discussions were conducted without prejudice. For the purposes of the Medd proposal, the Ministry would consider the terms of the PPS to be substantially satisfied for the short term, provided that the Municipality commits to undertaking a full CR in phases beginning with the rationalization for the expansion to the Power Center Commercial designation and the urban boundary expansion. A Terms of Reference (ToR), which outlines the proposed approach and the time required to complete the exercise has been drafted and is now being considered by the MMAH. The final ToR will be provided to Council in a subsequent report.

COMMENTS

This approach will provide a means of addressing the consistency requirements of the PPS with regard to the Medd proposal notwithstanding the absence of a full CR at this time. The St. Clair/Pioneer Line location is the only Power Centre Commercial area in all of Chatham-Kent. Unlike most types of residential land uses where there is a distribution of demand throughout the Municipality, power centre uses are highly location-sensitive because they are regional-scale activities that rely on proximity to other retail activities. The developers of these stores are unlikely to develop within the Municipality if their location criteria cannot be met. Therefore, re-designation of land for these uses can be considered and justified even if there is a supply of suitably designated land in another location. This justification has been provided and will be a factor in forming the final recommendations to Council on the proposal.

In order to accommodate this approach, a separate motion of Council will be required to confirm its commitment to proceed with a full CR. This recommendation will be contained in a report, which will soon be brought before Council for consideration once administration and the MMAH have agreed on the final ToR.

Notwithstanding the Medd proposal, it is worthwhile noting that the Municipality will be expected to conduct an analysis of its land needs and supply along with options for redevelopment and intensification at the time of its scheduled Official Plan update in 2013, as required by the *Planning Act*. Administration considers this to be a prudent planning exercise that will lead to more orderly, sustainable, cost effective and efficient forms of development.

The review will be based on the Municipality of Chatham-Kent's Growth Analysis, 2006-2031, completed in October 2009 and adopted by Council in January 2010. Results will be incorporated in the Official Plan policy and implemented through the planning process and related protocols. The process will involve a broad array of stakeholders including developers, builders, the general public and a cross section of Municipal departments.

A key element of this initiative is to work with stakeholders in identifying options and implications of managing an over, or undersupply of land in urban and rural settlement areas and examine opportunities for intensification and redevelopment to accommodate an appropriate range and mix of land uses to meet projected needs. Fiscal, infrastructure, economic, resource and other related implications will also be key considerations.

The recommended commencement for this initiative will be March 2011 once budget allocations have been confirmed. Until then, Planning Services will undertake preliminary work in preparation for the analysis.

CONSULTATION

With regard to the overall need for a CR and Growth Management Plan, members of the Executive Management Team, the Director of Engineering and Transportation, and the Director of Legal Services were consulted.

With regard to the Medd proposal, the following took part in the discussion:

The Director of Engineering and Transportation, the Development Planner, Chatham-Kent Planning Consultant, Chatham-Kent Outside Legal Counsel, Planner and Legal Counsel for the MMAH.

All parties agree with the approach taken.

In addition, the proponent for the Medd development was also advised of the pending arrangement subject to Council's final consideration and approval.

FINANCIAL IMPLICATIONS

The anticipated budget for the Growth Management Plan is anticipated to be as follows:

Background Study, Settlement Growth Allocation and Identification of Options and Implications	\$ 50,000
Consultation	\$ 30,000
Policy Development	\$ 20,000
Possible Hearing and Dispute Resolution	\$150,000
Total	\$250,000

Costs beyond the Policy Development stage noted above are difficult to anticipate as they are dependent upon the nature of any objections and appeals resulting from the review and Council's approval. All attempts will be made to resolve issues both prior to, and following Council's decision.

Once completed, the following fiscal benefits are expected to materialize:

- Provide more fiscal certainty in capital, operating and maintenance budgeting through more clearly defined development patterns that will optimize municipal investment in infrastructure and levels of service
- Reduce the cost and make more efficient use of infrastructure by encouraging a compact urban form through redevelopment and a more intensive use of fully serviced urban spaces
- Lead to urban forms that are less dependant on the automobile, provide greater pedestrian accessibility and facilitate healthy lifestyles
- Provide more certainty to developers and community leaders on the direction and speed of growth in communities throughout Chatham-Kent
- Build confidence with MMAH and with the development industry

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