

DECISION

With respect to the Official Plan
for the County of Essex
Subsection 17(34) and Section 26 of the *Planning Act*

I hereby approve, as modified, the County of Essex Official Plan as adopted by By-law No. 2024-45, subject to the following modifications, with additions in **bold underline** and deletions in **~~bold strikethrough~~**:

1. All references in the County of Essex Official Plan to the various Ministries of the Province of Ontario are replaced with "**the Province**".

2. Section 4.A.1.8 is modified as follows:

The employment and jobs forecast shall be implemented using a forecast of 25 **units jobs** per net hectare for employment lands and 300 square feet per employee for population related jobs.

3. Section 4.A.3.5 is modified as follows:

~~Expansions to the boundaries of a Secondary Settlement Area are not permitted. However, t~~
The County encourages Local Municipalities to undertake a Local Settlement Area Review in accordance with Section 4.A.9 that may result in the reduction and/or re-alignment of the boundaries in conjunction with the corresponding expansion of a Primary Settlement Area boundary. An amendment to this Plan and the local Official Plan shall be required to alter the boundary of any "Settlement Area".

4. Section 4.A.4 is modified by deleting 4.A.4.4 as follows and renumbering subsequent sections:

~~Hamlet boundaries are fixed and will not be altered to accommodate growth. Only adjustments to correct mapping errors may occur.~~

5. Section 4.A.8.2 is modified by deleting clause d) as follows:

The County Settlement Area Review will include:

~~d) Removal of Regional Significant Employment Areas to non-employment uses will only be considered through the ten-year County Settlement Area Review.~~

6. Section 4.A.9.1 is modified as follows:

~~Expansions to the aggregate amount of land within the "Settlement Areas" is not permitted unless a~~ The quantum of Settlement Area expansion required to accommodate projected growth for each local municipality has been identified in Section 4.A.7.3 of this Plan. The County requires each local municipality to undertake a Local Settlement Area Review (LSAR) of its "Settlement Areas" that would identify the most and least appropriate locations for growth ~~The County requires each local municipality to conduct a Local Settlement Area Review (LSAR) of its "Settlement Areas". This review will identify the most and least suitable locations for the Settlement Area expansions outlined in this Plan and/or determine the feasibility of establishing new Settlement Areas or expanding existing Settlement Area boundaries. A LSAR is distinguished from a comprehensive review, as defined in this Plan and the Provincial Planning Statement.~~

7. Section 4.A.9.2 is modified as follows:

~~A LSAR may recommend alterations to the boundary of one or more "Settlement Areas" and may recommend a new Settlement Area. Local municipalities may identify a new settlement area only where it has been demonstrated that infrastructure and public facilities to support the development are planned or available, provided such adjustment would maintain or reduce the aggregate amount of land within the "Settlement Areas" in the municipality. A LSAR may recommend a new settlement area.~~

8. Section 4.A.9.3 h) is modified as follows:

~~When undertaking The preparation of a LSAR, local municipalities shall consider the following follow, at a minimum, the requirements listed below:~~

- h) In the event that the review concludes that one or more "Settlement Area" boundaries should be altered, or a new settlement area is identified, ~~then any adjustment municipality council shall consider must meet~~ the following criteria tests:
- a. That there are no reasonable alternatives which avoid prime agricultural areas.
 - b. There are no reasonable alternatives on lower priority agricultural lands in prime agricultural areas.
 - c. Whether ~~the~~ lands ~~do not~~ comprise specialty crop areas.
 - d. Whether ~~the~~ expansion of any area ~~shall be is~~ limited to only Primary Settlement Areas.

~~e. The aggregate amount of land within all "Settlement Areas" shall be maintained or reduced as a result of the "Settlement Areas" boundary adjustment(s). For example, if a Primary Settlement Area is recommended for expansion, then the corresponding area within an existing Secondary Settlement Area shall be reduced. The areas removed from the Secondary Settlement Area(s) shall be redesignated to "Agriculture" in this Plan and the local Official Plan.~~

~~fe.~~ That the Primary Settlement Area(s) to be expanded are fully serviced with municipal water services, municipal sewage services and stormwater management facilities subject to policy 4.A.9.3 g).

~~gf.~~ 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.

~~hg.~~ The negative impacts from expansions to a Primary Settlement Area boundary on agricultural operations which are near or adjacent to the Primary Settlement Area are mitigated to the extent feasible. Specific policy shall be established in local municipal Official Plans for criteria promoting the establishment of buffers, berms and subdivision design that reduce the impact on surrounding agricultural land, operations and infrastructure. The approval authority may also require the erection of fencing as a condition of approval to reduce trespass on adjacent agricultural land.

~~ih. The new or expanded settlement area facilitates the phased progression of urban development, associated infrastructure, and public service facilities. A new settlement area shall be identified only where it has been demonstrated that the infrastructure and public service facilities to support development are planned or available.~~

~~i. The new or expanded settlement area supports active transportation and is transit and freight supportive.~~

9. Section 4.C.2.1 d) is modified as follows:

Planning for jobs shall be undertaken jointly with Local Municipalities. It is the policy of the County that:

d) Local Municipalities shall ensure compatibility between employment lands and non-employment lands, including the provision of an appropriate transition between employment lands and non-employment lands.

10. Section 4.C.3.2 is modified by adding a new clause f) as follows:

The following are prohibited in all Regional Significant Employment Areas:

- d) office uses not associated with the primary employment use; **and,**
- e) retail / commercial uses not associated with the primary employment use; **and,**
- f) **other sensitive land uses that are not ancillary to uses permitted in the employment area.**

11. Section 4.C.3.4 is modified as follows:

Regional Significant Employment Areas are clusters of employment uses that range from traditional manufacturing, **research and development in connection with manufacturing,** warehousing, goods movement, **associated retail and office, and ancillary facilities.** ~~knowledge and innovation, and offices or office parks.~~ Detailed land use strategies will be implemented in the local municipal Official Plan and Zoning By-law.

12. Section 4.C.3.5 is modified as follows:

~~Removal of lands within Regional Significant Employment Areas shall not be permitted except during the County's Settlement Area review.~~ The County will work with Local Municipalities to review and update employment area minimum density targets through the County's Settlement Area Review. Removal of lands from a Regional Significant Employment Area shall address:

13. Section 4.C.4.2 is modified by adding new clauses i), j), and k) as follows:

Local municipal Official Plans shall include the following:

- i) **Prohibiting residential uses, commercial uses, public service facilities and other institutional uses on Employment Lands;**
- j) **Prohibiting retail and office uses that are not associated with the primary employment use; and**
- k) **Prohibiting other sensitive land uses that are not ancillary to uses permitted on the Employment Land.**

14. Section 4.C.4.3 is modified as follows:

Local Municipalities shall protect and plan for a diverse ~~mix of lot sizes~~ **range and choice of suitable sites** in Employment Lands.

15. Section 4.C.4.4 is modified as follows:

Conversion of Employment Lands to non-employment uses shall only ~~be considered through a Local Settlement Area Review in accordance with the policies of this Plan,~~ be permitted where it has been demonstrated that:

- a) there is an identified need for the removal and the land is not required for Employment Lands uses over the long term;
- b) the proposed uses would not negatively impact the overall viability of the Employment Lands by:
 - a. avoiding, or where avoidance is not possible, minimizing and mitigating potential impacts to existing or planned employment area uses in accordance with policy 3.5 of the Provincial Planning Statement;
 - b. maintaining access to major goods movement facilities and corridors;
 - c) existing or planned infrastructure and public service facilities are available to accommodate the proposed uses; and
 - d) the local municipality has sufficient Employment Lands to accommodate projected employment growth to the horizon of this Plan.

16. Section 5.A.1.2 is modified as follows:

The removal of land from the "Agricultural" designation shall only be considered for settlement area expansions, or identification of settlement areas and limited non-agricultural uses, provided that the following criteria are considered ~~conditions are met:~~

- a) Whether the land ~~does not~~ comprises a specialty crop area;
- b) there is a demonstrated need as part of a Local Settlement Area Review within the planning horizon for additional land to be designated to accommodate the proposed use;
- c) there are no reasonable alternative locations which avoid the "Agricultural" designation;
- d) there are no reasonable alternative locations in the "Agricultural" designation with a lower priority Canada Land Inventory soils classification; and,

- e) impacts from any new or expanding non-agricultural use on surrounding agricultural operations and lands should be mitigated to the extent feasible.

17. Section 5.A.2.1 f) is modified as follows:

The following uses are permitted within the "Agricultural" designation subject to the policies of this section:

- f) Additional residential units in accordance with the provisions in the *Planning Act* and the Provincial Planning Statement (2024). Where two additional residential units are proposed, at least one of these additional residential units is to be located within or attached to the principal dwelling, and any additional residential units shall comply with the Minimum Distance Separation Formulae from livestock operations. The additional residential units shall be compatible with surrounding agricultural operations, have appropriate sewage and water services, address any public health and safety concerns, be limited in scale, be in proximity to the principal farm building cluster and minimize loss of farmland.

18. Section 5.A.6.3 b) is modified as follows:

In Agricultural areas lands shall not be redesignated in local Official Plans for non-agricultural uses except for:

- b) Settlement area boundary expansions, as well as the identification of new settlement areas, that implement the County of Essex Settlement Area Review and the Local Settlement Area Review in accordance with the policies of this Plan. ~~In this instance, upon approval of this Plan, settlement area boundary expansions, as well as the identification of new settlement areas, shall not be permitted in specialty crop areas.~~ Settlement area boundary expansions, as well as the identification of new settlement areas, shall consider whether they comply with the Minimum Distance Separation Formulae, in addition to the other policies of this Plan.

19. Section 5.A.8.2 a) is modified as follows:

Specialty crop areas have the highest protection of Agricultural land in the County. Accordingly, the following shall apply:

- a) ~~Settlement areas are not permitted to expand into Specialty Crop Areas.~~ Where a settlement area expansion is being considered, a Specialty Crop Area Study shall be required as part of the County Settlement Area Review and Local Settlement Area Review.

20. Section 5.B.8.5 is modified as follows:

In agricultural areas,

a) extraction of mineral aggregate resources is permitted as an interim use provided that:

i). impacts from any new or expanding extraction on the agricultural system are avoided, or where avoidance is not possible, minimized and mitigated as determined through an agricultural impact assessment or equivalent, based on Provincial guidance, and;

ii). the site will be rehabilitated back to an agricultural condition.

b) Complete rehabilitation to an agricultural condition is not required if:

i). the depth of planned extraction in a quarry makes restoration of pre-extraction agricultural capability unfeasible; and,

ii). agricultural rehabilitation in remaining areas is maximized.

21. Section 6.A.4 is modified as follows:

The County will conserve ~~and manage~~ its cultural heritage resources ~~and cultural-heritage landscape~~ by requiring technical cultural heritage studies (e.g., a cultural heritage impact assessment, ~~conservation plan and/or archaeological assessment~~) for infrastructure projects.

22. Section 6.A.5 is modified as follows:

The Local Municipalities shall ensure that it has accurate and adequate architectural, structural, and economic information to determine the feasibility of rehabilitation and reuse versus demolition when considering demolition applications for **designated protected** heritage properties. All cultural heritage resources to be demolished, removed or significantly altered shall be subject to technical cultural heritage studies (e.g., ~~archaeological assessment~~ a, heritage impact assessment and ~~conservation plan~~). ~~documented for archival purposes with a history, photographic record and measured drawings prior to demolition or alteration: The recommendations of~~ technical cultural heritage studies, such as documentation for archival purposes, shall be the responsibility of the applicant in consultation with relevant municipal heritage committees.

23. Section 6.C.2 is modified as follows:

Development and site alteration shall not be permitted on lands containing archeological resources or areas of archeological potential unless significant archeological resources have been conserved ~~by~~ in accordance with the recommendations of an

archaeological assessment carried out by a consultant archaeologist licensed under the *Ontario Heritage Act*, removal and documentation or preservation on site, or the land has been investigated and cleared or mitigated following clearance from the Province. Where significant archeological resources must be preserved on site, only development and site alteration will be permitted only where the archaeological resources have been assessed, documented, and conserved, which maintain the heritage integrity or the site, as outlined in the assessment, will be permitted. Any alterations to known archaeological sites will only be performed by a licensed archaeologist.

24. Section 8.B.2 b) iv) is modified as follows:

In addition to policy 8.B.1, for any known human made hazards local Official Plans shall include the following:

b) policy direction for the re-use of contaminated and hazardous sites and adjacent lands specifically including:

iv) Where ~~contamination has been identified~~ there is a change of land use to a more sensitive use than the previous, the requirement for a letter "Record of Site Condition Acknowledgement Letter" from the Ministry of the Environment, Conservation and Parks acknowledging receipt of a "Record of Site Condition" and filing to the Environmental Registry prior to development approvals being granted.

25. Section 11.B.2 is modified as follows:

Provincial Highways are under the jurisdiction of the Ministry of Transportation (**MTO**) and ~~are subject to permit control and approval under the *Public Transportation and Highway Improvement Act*~~. In addition to all municipal requirements under the *Planning Act*, Ministry of Transportation approvals and permits are required for land development, change in land use, access, signs, works or activities within MTO's permit control area under the *Public Transportation and Highway Improvement Act*. Direct access to a provincial highway is discouraged and often prohibited, access to Provincial Highways, where permitted, and for the construction of buildings, structures and signs in proximity to the Provincial Highways. All applicants proposing new development or changes to existing development on lands adjacent to a Provincial Highway are advised to consult with the Ministry of Transportation prior to making formal applications under the *Planning Act*.

26. Table 11-1 is modified as follows:

COUNTY ROAD ALLOWANCES				
Road No.	Road Name	From	To	Designated road allowance (metres - up to the maximum)
1	Lauzon Parkway Extension	Hwy 401	Hwy 3	50

2	CR 42	City/County Boundary	CR 43	40
3	CR 42	CR 43	Shiff Drive	35
4	CR 42	Shiff Drive	St. Alphonse Ave	30
5	CR 42	St. Alphonse Ave	CR 19	35
6	CR 42	CR 19	W Puce Rd	36
7	CR 42	W Puce Rd	Puce River Bridge	36
8	CR 43	City Boundary at CPR Tracks	Shields Ave	50
9	CR 43	Shields Ave	CR 42	50
10	CR 43	CR 42	760m south of CR 42	50
44	CR 19	CPR South	HWY 3	40
42	CR 22	CR 25	West Belle River Rd	36 m
<u>11</u>	<u>CR 19</u>	<u>VIA rail</u>	<u>Sylvestre Drive</u>	<u>40</u>
<u>12</u>	<u>CR 19</u>	<u>Hwy 3</u>	<u>225m south of CR 42</u>	<u>40</u>
<u>13</u>	<u>CR 19</u>	<u>225m south of CR 42</u>	<u>CR 22</u>	<u>37</u>
<u>14</u>	<u>CR 20</u>	<u>120 m East of Woodbridge Lane</u>	<u>400 m West of Union Avenue</u>	<u>30.95</u>
<u>15</u>	<u>CR 20</u>	<u>400 m West of Union Avenue</u>	<u>Sherk Street</u>	<u>28.29</u>
<u>16</u>	<u>CR 22</u>	<u>City boundary</u>	<u>East of Lesperance Rd</u>	<u>55</u>
<u>17</u>	<u>CR 22</u>	<u>CR 19</u>	<u>Old Tecumseh Rd</u>	<u>45</u>
<u>18</u>	<u>CR 22</u>	<u>Old Tecumseh Rd</u>	<u>IC Roy Dr</u>	<u>40</u>
<u>19</u>	<u>CR 22</u>	<u>IC Roy</u>	<u>West Belle River Rd</u>	<u>40</u>
20	CR 3	Todd Lane	Cahill Drain	30
21	CR 3	Cahill Drain	Meagan Dr	30
22	CR 7	Cousineau Rd	Sandwich W Pkwy	35

27. Section 11.G.6 is modified as follows:

All proposed residential or other sensitive use development within 75 metres of a railway right-of-way will be required to undertake noise and vibration studies in accordance with MECP's Environmental Noise Guideline NPC-300, to the satisfaction of the local municipality in consultation with the appropriate railway, and shall undertake appropriate measures to mitigate any adverse effects from noise and vibration that were identified.

28. Sections 12.D.2 b) and c) are modified as follows:

When submitting an application to amend this Plan, the applicant shall provide supporting documentation, to the satisfaction of the County of Essex, which adequately addresses the following:


- b) Whether the amendment proposes a new settlement area or the expansion of a "Settlement Area" boundary ~~which has been justified as part of a Comprehensive Review or~~ according to a Local Settlement Area Review.
- c) Whether the amendment proposes the conversion of lands within an employment area to non-employment uses which has been justified according to Section 4.C.3.5 of this Plan ~~as part of a Comprehensive Review that demonstrates that the land is not required for employment purposes over the long-term and that there is a need for the conversion.~~

29. Definition of "archaeological resources" under Section 13 is modified as follows:

Archaeological resources ~~means~~ includes artifacts, archaeological sites and marine archaeological sites, as defined under the Ontario Heritage Act. The identification and evaluation of such resources are based upon archaeological ~~fieldwork as defined~~ assessments carried out by an archaeologist licensed under the *Ontario Heritage Act*.

30. Schedules A1, A2, and B are replaced with the schedules found in Appendix A.

Dated at London this 15th day of August, 2025



Ian Kerr, Acting Assistant Deputy Minister
Municipal and Housing Operations Division
Ministry of Municipal Affairs and Housing

Appendix A

