



## **Staff Report**

**Meeting Date:** January 19, 2022

**To:** County Council

**Report Number:** PPW 2022-01

**Title:** Draft County Official Plan and Project Consultation Process

**Author:** Bryan Weir, Director of Planning and Public Works

**Approval:** Sheridan Graham, CAO

**Recommendation:** That Report PPW 2022-01 “Draft County Official Plan and Project Consultation Process” from the Director of Planning and Public Works be received for information; and

That the draft consultation process as outlined in this report be adopted; and

That staff be directed to circulate the draft County Official Plan to all local Municipalities and First Nations for review and comment, and that the prescribed public bodies and the Province be provided the draft in accordance with Sections 17(15) and 17(17.1) of the Planning Act; and

That staff be directed to make the draft Official Plan available for public inspection and anyone requesting Notice be advised when and where the draft Official Plan is available.

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### **Overview**

This report is intended to provide Council with an update on the Official Plan project status and is seeking approval for the release of the draft document.

### **Background**

The County initially launched the Official Plan project in 2017, intending at the time to develop a new Official Plan (OP) for the County and the four local Municipalities that were included in the Local Component in the existing Plan. The remaining four local Municipalities, who currently maintain their own separate Official Plans, have subsequently opted into the new County Official Plan. Since the time of project launch,



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several pieces of Provincial legislation have also changed, meaning that the new Official Plan also serves as a conformity exercise. The new Official Plan must conform and be consistent with amendments to the Planning Act, the Clean Water Act, the Provincial Policy Statement (2020), and A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019). In accordance with Section 12(2) of the Places to Grow Act, the County is required to bring its Official Plan into conformity with the Growth Plan by July 1, 2022.

Council last received an update on the Official Plan Project in April 2021 through report PLG 2021-012. As noted above, all eight local Municipalities have opted into the new County Official Plan, meaning that this one document will act as the Official Plan for the County and all local Municipalities. This format creates efficiencies and greater consistency as any legislated Amendments or Provincial conformity exercises requires only one Amendment and the mapping across the County provides for greater connectivity and seamless integration.

Public input and feedback has been welcomed since the Official Plan Project formally launched in 2017. Many of the comments have been in relation to specific shortcomings or points of clarification needed in the current policy environment. Other common issues relate to severances, removal of the 'Agriculture' land use designation for specific properties, protection of the environment and the 30 metre water setback. While all comments have been given due consideration, the change of a land use designation on the basis of a request for the sole purpose of allowing more severances is not the intent of this project as it would circumvent the public process and would not take into consideration the need for additional study or comments from public agencies as would normally be required. In many cases, the Provincial Agricultural Systems mapping, recognition of key hydrological and key natural heritage features in accordance with the Growth Plan and the provincial objective to direct the majority of growth to settlement areas is likely to have a significant impact on many properties.

The Technical Advisory Committee (TAC), made up of staff from all eight local Municipalities and representatives from both Curve Lake and Hiawatha First Nations, has continued to meet regularly to develop and review draft policy. To date, TAC has held 33 meetings, the Minutes of which are available online. TAC members have also committed to reviewing and providing feedback on land use schedules outside of TAC meetings.

Since the time of the last update, the County awarded Hemson Consulting the contract to prepare a Growth Analysis and Land Needs Assessment. This work is largely complete, with a request for an alternative intensification target sent to the Minister of Municipal Affairs in early December 2021.



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December 2020 through to June 2021 saw a series of 10 Focus Reports provided to Council. Each report covered a different topic area and was structured in a way that outlined the current policy environment, the current Provincial Policy impacts, key considerations to be pondered during the development of the Official Plan (OP) and expectations going forward with the project. The reports were intended to provide background information on the provincial legislation that is in effect and that must be followed, and the impacts it may have on the new OP.

A series of three surveys were released in the spring and early summer of 2021. These surveys were released and designed with the goal of not only re-engaging the public and reminding them that this process is ongoing, but also to determine if there are other issues that have not yet been considered and to educate the broader community about the legislative framework in which we are working. The surveys were quite successful, generating over 1,000 responses across the series and providing TAC with necessary input and direction on a number of topics. A summary report of each of these surveys was provided to Council June through August 2021.

The remainder of this report highlights major policy and mapping changes, addresses the issues and obstacles that have been faced, outlines key outstanding items requiring provincial approval, and provides a proposed Public Consultation Process for the roll-out of the draft Official Plan.

### **Analysis**

#### **Development of the Plan**

The Official Plan was largely developed by creating consistencies between local Municipalities through land use designations and mapping, and then refining the policies to reflect provincial legislation and local context. For example, most Townships currently have a shoreline/waterfront designation but all are named differently (Shoreline, Seasonal Residential, Recreational Dwelling Area etc.). The properties in this designation were carried forward and are now within the Waterfront Residential land use designation in the draft Official Plan. The associated Waterfront Residential policies were reviewed by TAC and any Township-specific policies were also carried forward where it was warranted. A similar process was undertaken for each land use designation, and other development-related policies. Criteria for Assessing Consent Applications, for example, were developed by maintaining policies that were already consistent across the County and adding in policy that fills a void, provides clarity or implements the Growth Plan and/or Provincial Policy Statement. The intent has been to develop an Official Plan that is easier to read and has County-wide consistencies while maintaining conformity with provincial legislation and still allowing sufficient flexibility for local autonomy.



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Peterborough Public Health was an early and eager participant in the Official Plan process. Their involvement resulted in a fulsome document titled “Health in Official Plans: A Toolkit” which made a number of recommendations related to developing healthy and resilient communities, many of which have made their way into the draft Official Plan. County staff and/or the TAC has met with and incorporated comments from the Accessibility Advisory Committee, local Conservation Authorities (including Risk Management Officer), Peterborough and the Kawarthas Economic Development and local Municipal economic development staff and Peterborough County Public Works. Members of the Peterborough Agricultural Community have been engaged and suggestions have been provided to ensure that our local farmers have the opportunity to participate in the public consultation process, and early discussions about some of the key issues facing the agricultural community have been started. It is anticipated that broader discussion and participation will occur through the public consultation process early this year.

### Structure of the Official Plan

Unlike the current County Official Plan which has both a ‘County Component’ and a ‘Local Component’, the draft Official Plan is structured to read as a single comprehensive document. To reduce redundancy, variations to policies that are specific to each Township can be found throughout the Plan. The draft OP contains eight sets of land use schedules as well as a series of appendices. Appendices have been provided for the benefit of the reader to assist in the interpretation and implementation of the Plan; these appendices can be changed or updated at any time without need for an Official Plan Amendment.

Where possible, the policies contained in the Official Plan have been drafted to allow for sufficient flexibility to allow local Municipalities to maintain their own individual goals and direction, and in many cases defers further direction to the local Zoning By-Law or other local By-Law or guidance document. This approach is intended to reduce red tape in the processing of some development applications, or where public consultation by means of a Zoning By-Law Amendment would be sufficient.

The new ‘Local Component’ at the end of the draft Official Plan is organized by Township and the sections contain site-specific policies carried forward from existing OP documents. Going forward, it is anticipated that any future site-specific amendments would be added to these sections. This ensures that Councils, staff and members of the public don’t necessarily need to wade through policies that are not applicable in their Municipality and provides a simple way of amending the document without impacting the format of earlier sections.



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While it is important that the new Official Plan be read in its entirety to form a planning opinion on a development application, there has been significant effort put into structuring the Plan such that relevant policies can quickly be found, read and understood. For example, the 'Development Applications' section is located near the beginning of the Official Plan and its subsections are ordered to mirror the process an application would take and provides clear criteria for assessing applications (severances, plans of subdivision etc.). Remaining sections of the OP include land use designation policies and policies specific to certain types of features.

The draft County Official Plan is attached as Appendix A to this report, and Section 1.5 of the draft OP contains more specific information on the structure of the document.

### Major Changes

Major changes that are immediately noticeable from the Official Plans in effect today are the extent of the Natural Core Area and Agriculture land use designations.

The Natural Core Area designation reflects all mapped wetlands, streams and a 30-metre vegetation protection zone (or 15 metre vegetation protection zone in settlement areas). This reflects most of the key hydrologic features that are already protected through the provincial Growth Plan, which does not permit development in these areas. TAC recognizes that this is a major shift in mapping from what is in place today, but the policies of the Growth Plan restricting lot creation in these areas has been implemented since the updated Growth Plan initially came into effect in 2017. As was identified in the 'Focus on Natural Heritage' report to Council, it was important that the new Official Plan be transparent about where development can and cannot happen.

Changes to the Agriculture land use designation reflect the implementation of the Provincial Agricultural System. This System identified lands as either 'prime' or 'candidate' areas. Lands identified as 'prime' are required to be given the highest level of protection and as a result were placed into the Agriculture land use designation. Exceptions to this were very limited and could only be made to recognize natural heritage features such as wetlands or where an existing employment use or designation is in place. Lands identified as 'candidate' were strongly encouraged to be placed in the Agriculture land use designation as well, and where they were not included, documentation and justification must be provided to the province. County staff and TAC members reviewed this mapping carefully and used local knowledge, air photos, and street view to make determinations.



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The addition of a Natural Heritage System (NHS) overlay is another significant addition to the draft County Official Plan. Cavan Monaghan is the only Township in the County that currently implements a Natural Heritage System, meaning that the addition of a NHS is a newer approach for the majority of the County. This overlay is a requirement of the provincial Growth Plan. The Province has developed its own Natural Heritage System for the County which must be implemented and may be refined through the development of the new Official Plan. The County has been working with the Province to utilize the Kawarthas, Naturally Connected mapping as the Natural Heritage System overlay, as was outlined in the 'Focus on Natural Heritage' report to Council. Within the NHS, certain natural heritage features are given a higher level of protection – in some circumstances, development is prohibited within and adjacent to these features when the lands are within the NHS. Within the NHS, developments also have additional criteria that must be met over and above those required outside of the System.

Wildland fire mapping and related policy is another addition to the OP that is new to all local Municipalities. To achieve conformity with the Provincial Policy Statement new development will be directed away from areas that are unsafe due to the presence of hazardous forest types for wildland fire. Where development does occur in these areas, the risk must be mitigated in accordance with wildland fire assessment and mitigation standards. Wildland fire mapping has been provided by the province and identifies areas with high to extreme risk for wildland fires.

New to the OP is the acknowledgement of our local First Nations neighbours and the recognition of Treaty 20 lands and the County's desire to engage and consult with indigenous people. This follows our commitment identified in the Friendship Accord developed through the Community Economic Development Initiative (CEDI) project. It also addresses consultation processes identified in Provincial policy documents. A land acknowledgement is also found at the beginning of the new OP.

Finally, the completion and implementation of a Growth Management Study and Land Needs Assessment is a significant change from the current policy environment. The County has never undertaken a fulsome growth study of this nature before, and the results have informed where development can occur and the density at which it should be occurring. While there is some language in the existing OP that addresses these issues, the new OP provides greater clarity. Boundaries of settlement areas and employment areas have been refined based on these results. Given that the provincial objective is to direct the majority of development to serviced settlement areas first, then to rural settlement areas and finally for limited rural development, the results of the Land Needs Assessment has been critical to ensuring appropriate policies are in place to achieve this and comply with Provincial legislation.





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### Challenges and Setbacks

The Official Plan Project was initially launched in summer 2017 and was to be undertaken in-house rather than through the use of a consultant. At that time it was anticipated that the project would be complete and a draft sent to the province for approval by the end of 2019. The timeline was ambitious considering it would be consolidating five Official Plans (County OP including Local Component, plus four local OP's) into one and would require the coordination of all eight local Municipalities, the County and local First Nations. During the course of preparing the Plan there have been several major challenges and setbacks.

Soon after the Official Plan Project formally commenced, the Province released a new version of the Growth Plan that was significantly different from the previous version. The 2017 Growth Plan contained much more detail and had very specific requirements and responsibilities for upper and single-tier municipalities. Throughout the Growth Plan reference was made to guidance materials, mapping and methodologies that must be followed in the implementation of the document but none of these materials were immediately available, making it impossible to proceed with the development of related Official Plan policies. Many of the provincial guidelines and mapping (Natural Heritage System, Agricultural System) did not become available even as a draft until 2018.

Mid-2018 saw a provincial election and a change in Provincial government, followed by a release of another new Growth Plan in 2019 with a Land Needs Assessment methodology not yet complete. Given the restrictive nature of the Growth Plan, County Council passed a resolution requesting to be removed from the Growth Plan recognizing that adequate Provincial policy is contained in both the Provincial Policy Statement and the County Official Plan to govern development within the County. To date, the County remains a part of the Growth Plan for the Greater Golden Horseshoe and therefore must comply with that policy document.

All of these changes have meant that staff time has been diverted to review and comment on draft documents, guidelines and mapping, attend Provincial workshops and forums, and assess and provide guidance to applications that were in process at the time as it had potential to impact many of these files; any decisions made after the 2017 and 2019 Growth Plans came into effect must conform to the document.

Despite changes in Provincial legislation, the Technical Advisory Committee has remained focused on the objective of completing the OP process and has continued to meet regularly. Although restrictions imposed by the Covid-19 pandemic briefly



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interrupted the work being done, the TAC has remained committed and has been able to adapt to meeting remotely. That said, certain parts of the project, such as mapping and land use schedule review, has not been as efficient as a 'hands-on' approach.

### Outstanding Items

Upon the release of the Provincial Land Needs Assessment Methodology in August 2020, the County began the process of engaging a consulting firm to complete a Growth Analysis that included the Land Needs Assessment together with an update to the Development Charges By-Law. Hemson Consulting was awarded the contract and the Analysis is nearing completion, with an alternative intensification target having been requested from the Province in December 2021. A final report from Hemson, outlining any additional settlement area or employment lands that may be added to the mapping or the need to identify excess lands is expected to be completed shortly. This report may impact the draft land use schedules as local Municipalities may need to change their settlement area boundaries or add employment lands, or alternatively mark certain lands as excess, where development cannot yet take place. Targets identified in the text of the draft document may also be subject to change pending the outcome of Provincial review.

The County, together with the support of the Technical Advisory Committee submitted a proposed refinement to the provincial Natural Heritage System that utilized the Kawartha's Naturally Connected (KNC) mapping. The KNC mapping involved an active stakeholder engagement process and included the County of Peterborough, all eight local Municipalities, two local Conservation Authorities, First Nations communities, Ontario Ministry of Natural Resources, Ontario Ministry of Tourism, Culture and Sport, Parks Canada (Trent-Severn Waterway), neighbouring Municipalities and several other local conservation organizations and cottage associations. In developing the mapping, the KNC Scenario Planning Team identified local priorities that balanced protection of the environment, local economy and socio-political aspects resulting in mapping that is locally appropriate given the diverse geography of the County. The replacement of the provincial mapping with KNC mapping was not initially accepted by the province, and County staff are continuing to work with the province to find a solution that is mutually acceptable.

### Next Steps

A high-level draft Public Consultation Process and timeline is attached as Appendix B to this report. In an effort to meet the provincial conformity deadline of July 1, 2022, as established in the Places to Grow Act, it is important to get a draft document circulated to





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the province as soon as possible. The Planning Act requires new Official Plans to be sent to the province 90 days in advance of posting Notice of a Public Meeting. County staff and TAC members also wanted sufficient time for local Municipalities and all members of the public waiting on the release of a draft to review the document.

With a draft Official Plan sent to the Province in January 2022, a formal public meeting cannot take place until April 2022 under the timelines established through the Planning Act and associated regulations. However, open houses and other forms of public consultations may take place in the interim. The Public Consultation Process before Council proposes a series of virtual open houses, beginning approximately one month after the release of the draft to the public.

### **Financial Impact**

Not applicable.

### **Anticipated Impacts on Local and/or First Nations Communities**

Curve Lake and Hiawatha First Nations staff as well as local Township staff are members of the Technical Advisory Committee and as such have had the opportunity to review and comment on draft policies as they are developed, and have directly assisted in the preparation of consultation policies found in the draft Official Plan.

### **Alignment to County of Peterborough Strategic Plan Priorities**

#### **To provide high quality services to residents, businesses and Townships:**

**Communications** – To elevate the County of Peterborough's profile, enhance community engagement, and communicate proactively. The draft Official Plan is being released for public comment and future open houses and public meeting will be scheduled and advertised.

**Financial Responsibility** – To ensure evidence-informed planning and approaches to achieve financial sustainability and accountability, while keeping ratepayers top of mind. The draft Official Plan contains policies to direct the majority of development towards settlement areas, making the most efficient use of existing infrastructure.

**Infrastructure** – To efficiently address current infrastructure demands, while maintaining the vision and planning necessary to meet future needs. The draft Official Plan contains policies to improve the active transportation system, implement Transportation Master Plans and enforce requirements set out by roads authorities.



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**Housing** – To engage in partnership and planning in support of meeting the housing needs of our community. The draft Official Plan contains policies to encourage a variety of housing options.

**Industry & Business** – To support the attraction, retention and growth of local business and industry. The draft Official Plan designates lands for employment uses and encourages a diverse mix of uses in downtown commercial areas.

### In consultation with:

1. Iain Mudd, Manager of Planning
2. Keziah Holden, Senior Planner

**Communication completed/required:** As outlined in the attached Public Consultation Process, the draft Official Plan will be circulated to the Ministry of Municipal Affairs, all local Municipalities, First Nations and posted online for public review. Notice will be provided to all public agencies and members of the public in accordance with the Planning Act.

Virtual public open houses will be organized and scheduled throughout first quarter, with formal public meeting to be hosted by County Council early in the second quarter.

### Attachments

1. Appendix A – Draft County Official Plan
2. Appendix B – Public Consultation Process

Respectfully Submitted,

Bryan Weir  
Director of Planning and Public Works

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