

August 18, 2023

The Honourable Steve Clark,
Minister of Municipal Affairs and Housing
777 Bay Street, 17th Floor
Toronto, ON
M7A 2J3

Via email – minister.mah@ontario.ca

Re: New County Official Plan – ERO comments

Please be advised that at its meeting held on the 8th day of August 2023, the Council of the Township of Selwyn passed the following resolution:

Resolution No. 2023 – 165 – New County Official Plan – ERO comments

Deputy Mayor Ron Black – Councillor Brian Henry –

That the report of the Planner regarding the new Official Plan be received for information; and

That County Staff Report PPW 2023-17 related to the new County Official Plan as presented to County Council on August 2, 2023 be received for information; and

That the Minister of Municipal Affairs and Housing be requested to defer approval of the new County Official Plan until after the new Provincial Planning Statement comes into effect and that the Minister then modify the Official Plan to be consistent with the new Provincial Planning Statement and provide the modified version to the County and the local municipalities for comment prior to final approval thereof; and

That Council direct staff to forward a copy of this report and resolution to the County of Peterborough, the Minister of Municipal Affairs and Housing (MMAH) through the ERO website and our local MPP as the Township of Selwyn's formal response on the new County Official Plan.

Carried.

If you have any questions, please do not hesitate to contact the Township Office at 705-292-9507 or info@selwyntownship.ca.

Sincerely,

Megin Hunter

Megin Hunter Admin,
Assistant

CC: dave.smithco@pc.ola.org
info@ptbocounty.ca



Date: August 8, 2023

To: Mayor Sherry Senis and Council Members

From: Per Lundberg, Planner

Subject: New County Official Plan – ERO comments

Status: For Direction

Recommendation

That the report regarding the new Official Plan be received for information; and

That County Staff Report PPW 2023-17 on the new County Official Plan as presented to County Council on August 2, 2023 be received for information; and

That the Minister of Municipal Affairs and Housing be requested to defer approval of the new County Official Plan until after the new Provincial Planning Statement comes into effect and that the Minister then modify the Official Plan to be consistent with the new Provincial Planning Statement and provide the modified version to the County and the local municipalities for comment prior to final approval thereof; and

That Council direct staff to forward a copy of this report and resolution to the County of Peterborough, the Minister of Municipal Affairs and Housing (MMAH) through the ERO website and our local MPP as the Township of Selwyn's formal response on the new County Official Plan.

Information

On June 21, 2023, the Province posted a notice regarding the approval of the County Official Plan (OP) on the Environmental Registry of Ontario (ERO) for a 60-day commenting period ending on August 20, 2023.

Providing comments on the ERO provides the local Townships and County the opportunity to request modifications to the OP which are the result of Official Plan Amendments or legislative changes since adoption.

As detailed in the County report PPW 2023-17, the Province has released a draft new Provincial Planning Statement (PPS) which will replace the existing Provincial Policy Statement and Growth Plan for the Greater Golden Horseshoe (GPGGH). A report on the new Provincial Planning Statement was brought forward to Council on May 23, 2023 with Township comments submitted to the Province in accordance with Resolution No. 2023 – 114.

The principal recommendation in County Report PPW 2023-17 is that an approval decision on the new County Official Plan by the Minister be deferred until such time as the new PPS comes into effect and any necessary changes are made to the new County Official Plan in order for it to be consistent with this new forthcoming Provincial policy direction. Township staff are in agreement with this recommendation as otherwise the new County Official Plan would immediately be out of sync with new Provincial policy requiring an immediate local major amendment to the approved new Official Plan.

Additionally, County staff are recommending additional changes to reflect Official Plan Amendments (OPAs) that have been approved since the new Official Plan was adopted as well as some minor modifications that have been requested by local Townships.

The minor modifications and OPAs affecting the Township of Selwyn as included in County Staff Report PPW 2023-17, are as follows:

Minor Modifications:

Schedule SEL-8 be modified to change the land use designation from 'Rural' to 'Trailer Park' at Part Lot 8, Concession 9 (Ennismore Ward) for Grandview Trailer Park. This was previously done through OPA No. 11 for the Township of Ennismore in 1999/2000, however, this OPA was not reflected in the Official Plan for Smith-Ennismore-Lakefield as approved in 2008. As such, this is a corrective action. The entire site is currently zoned Recreational Commercial (RC) Zone to permit the trailer park with the exception of small area around a stream which is zoned Environmental Protection (EP) Zone.

Schedule SEL-3 be modified for 758 Ward Street in Bridgenorth from 'Community Core' to 'Community Commercial' in order to permit a potential future gas station at this site. The current zoning of the subject lands is (C1) which permits a gas station. The proposed designation change aligns with the existing zoning. The property owner has been in discussion with the County and the Township regarding this desired change. The 'Community Core' and 'Community Commercial' land use designations are similar in terms of their permitted uses with the exception of gas stations as one example. Township staff support this change as this site is at the south end of Bridgenorth and does not need to be considered as part of the 'Community Core' area further to the north where mixed use and stand-alone higher density residential uses will be promoted.

A new section 2.16 Parking is being added. The section provides general policy direction to provide adequate parking including accessible parking as a condition of development or re-development. It also provides enabling policy for local Townships to accept payment-in-lieu of parking in accordance with Section 40 of the Planning Act. The Township of Selwyn has requested this enabling policy to allow for payment-in-lieu of parking for future development projects particularly in Lakefield where in order to

support and approve these future projects, off-site municipal parking may need to be developed.

A new policy subsection is being added as Section 10.2.3 8) to provide policy that County Council will not revisit the need for the Bridgenorth Bypass. This policy aligns with the current County Transportation Master Plan.

Official Plan Amendments

Schedule SEL-3 at 1291 Mann Road be modified to add a site-specific policy area in accordance with OPA #60 which was approved in 2022.

Township staff are available to assist County and Provincial staff in making any necessary changes to the County Official Plan in order to make it consistent with forthcoming Provincial planning policy. The Township of Selwyn is committed to implementing an efficient development review and approval process that promotes a prosperous and healthy local community and that aligns with Provincial direction.

Financial Impact

None as proposed in this report.

Strategic Plan Reference

Achieve excellence in governance and service delivery.

Environmental Impact

None as proposed in this report.

Attachments

- County of Peterborough Staff Report PPW 2023-17 including Appendix A for this report.



Prepared By: Per Lundberg, Planner

Robert Kelly

Reviewed By: Robert Kelly, Manager of Building & Planning

Janice Lavalley

Reviewed By: Janice Lavalley C.A.O.



Staff Report

Meeting Date: August 2, 2023

To: County Council

Report Number: PPW 2023-17

Title: Comments on County Official Plan - ERO posting 15-OP-227956

Author: Iain Mudd, Director of Planning

Approval: Sheridan Graham, CAO

Recommendation: That Report PPW 2023-17, Report on Comments on the County Official Plan – ERO posting 15-OP-227956, be received;

That staff be directed to forward Report PPW 2023-17 to the Minister of Municipal Affairs and Housing and local MPP's as the formal response from Peterborough County on the ERO posting related to approval of the County Official Plan;

That the Minister of Municipal Affairs and Housing be requested to defer approval of the new County Official Plan until after the new Provincial Planning Statement comes into effect and that the Minister then modify and approve the Official Plan to be consistent with the new Provincial Planning Statement, and;

That each local Township be requested to pass a motion in support of this request and to forward the motion to the ERO posting during the commenting period, and;

That the Provincial Government be requested to expedite the introduction of the new Provincial Planning Statement.

Overview

On June 21, 2023, the Province posted notice for approval of the County Official Plan (OP) on the Environmental Registry of Ontario (ERO) for a 60-day commenting period, ending on August 20, 2023.



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Providing comments on the ERO provides the County with the opportunity to request modifications to the plan which are a result of Official Plan Amendments or legislative changes that have occurred since adoption.

Background

The first County OP was adopted by Council and approved by the Minister of Municipal Affairs in 1994. Since that time, the OP has gone through some major updates and been subject to several privately initiated amendments.

Prior to initiation of the new OP project the remaining 4 Townships who maintained their own OPs requested to opt-in and utilize the County Official Plan as their local Official Plan, meaning all 8 Townships would utilize a singular County OP (1 of those 4 Townships eventually chose to opt out late in the process).

Development of a new OP was also a strategic approach to utilize changes to the Planning Act:

1. A new OP approved by the Minister of Municipal Affairs is not subject to appeals to the Ontario Land Tribunal. Such appeals can be very costly and time consuming, so adoption and approval of a new OP was pursued to utilize the Planning Act protections.
2. A new OP is not required to undergo a review for 10 years upon approval (although Council can initiate such a process at any time). Again, this was seen as a cost savings alleviating the need to undergo a 5 year review a few years after approval of the new OP (which has historically been the requirement).

Release of the 2019 Growth Plan for the Greater Golden Horseshoe required all upper and single tier OP's to be updated in compliance by July 1, 2022. This requirement put the project on a strict timeline for completion and the County complied with the legislation through adoption of the new OP on June 29, 2022.

The document was forwarded to the Ministry of Municipal Affairs and Housing for approval and since that time County staff have been meeting monthly with Provincial staff seeking updates to the approval process.

Analysis

Since the adoption of the new County OP several OP amendments at both the Township level and County level have been undertaken and approved. The County would like to have these amendments carried forward in the new OP. In addition, some of the local municipalities have requested minor modification to some of the land use designation mapping specific to their municipalities. Lastly, over the past year we have had the



Staff Report

opportunity to review the new OP against some development proposals and have evaluated some of the policies and determined that minor modification to some policy will provide clarity for users.

As a result of the above, Appendix A to this report outlines several modifications to the OP that are requested of the Minister.

The release of the draft new Provincial Planning Statement (PPS) earlier this Spring proposes to achieve a long-standing request of Peterborough County and its local municipalities – to be removed from the Growth Plan for the Greater Golden Horseshoe. The draft PPS will eliminate the Growth Plan and County Council commented to the Province in May its support for this approach. However, the potential timing of approval of the new County OP and approval/implementation timing for the draft PPS (proposed this Fall) does pose a major concern for the County. Should the County OP be approved prior to the new PPS coming into effect our new OP will immediately be out of step with the new PPS legislation. A major amendment to the new OP would be required to bring the newly minted document into conformity with the new PPS.

For this reason, we feel that it is prudent to request the Minister to defer approval of the new OP until after the new PPS comes into effect. It would further be our request that the Minister modify the new County OP so that it is consistent with the new PPS. In doing so we offer the following benefits:

- reduce confusion with the public and developers
- eliminate the need for a lengthy/cumbersome OPA to a document that just received approval
- create immediate conformity with the new legislation
- remove potential appeals since it's a Minister's approval

County Planning staff would avail themselves to assist Ministry staff in identifying the policies, sections, mapping schedules, etc. that would need to be modified to create consistency with the new PPS.

Having a new OP that is approved and compliant with the legislation will assist in removing red-tape and expediting development approvals which has been a long-standing desire of the Provincial, County and Township levels of government.



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Financial Impact

Not applicable.

Anticipated Impacts on Local and/or First Nations Communities

None

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

Housing – To engage in partnership and planning in support of meeting the housing needs of our community.

Industry & Business – To support the attraction, retention and growth of local business and industry.

In consultation with:

1. Keziah Holden, Senior Planner
2. Bryan Weir, Senior Director of Planning and Public Works

Communication Completed/required: Council's comments forwarded to MMAH via the ERO and circulation to MPP's and Townships

Attachments

Appendix A – Requested Modifications

Respectfully Submitted,

Original signed by:
Iain Mudd
Director of Planning

For more information, please contact:
Iain Mudd, Director of Planning
imudd@ptbocounty.ca
705-743-0380 x 2401

Appendix “A” – Requested Modifications

Proposed modifications to new County Official Plan, as adopted by the County of Peterborough by By-law 2022-47:

1. Section 3.5.5 is modified by adding a new subsection (t) which shall read as follows:

Consent applications in or adjacent to the Extractive Industrial designation, or within the Aggregate Resource Overlay, shall comply with the policies of Section 8.4.
2. Schedule DD-9 is modified by changing the land use designation of a property located in part Lot 14, Concession 8, Dummer Ward, roll no. 1522-020-002-07330, from ‘Rural’ to ‘Rural Settlement’ as shown on Schedule 1 attached hereto.
3. Schedule SEL-8 is modified by changing the land use designation on a portion of a property located in part Lot 8, Concession 9, Ennismore Ward, roll no. 1516-010-102-10300, from ‘Rural’ to ‘Trailer Park’ as shown on Schedule 2 attached hereto.
4. Section 10.2.3 (County Roads) is modified by adding a new subsection, 8, immediately following subsection 7 which shall read as follows:

8) Notwithstanding any other policy of this Plan to the contrary, County Council will not revisit the need to study the necessity of the Bridgenorth Bypass.
5. The boundary of the settlement area of Millbrook is expanded in accordance with the County’s Growth Analysis Report, the Township of Cavan Monaghan’s Master Servicing Study and the Township’s Growth Management Study, as shown on Schedule 3 attached hereto.
6. Section 5.2.3 is modified by deleting the section in its entirety.
7. The Agricultural System schedule for Cavan Monaghan is modified to adjust the settlement area boundary of Millbrook to reflect the expansion of Millbrook as shown on Schedule 3 attached hereto.
8. The Agricultural System schedule for Cavan Monaghan is modified to remove a portion of a property located in part of Lot 12, Concession 11, Cavan Ward, roll no. 1509-010-040-23000 from the Agricultural System and add it to the Rural Settlement Area boundary of Ida as shown on Schedule 4 attached hereto. This change implements the decision of the Ontario Land Tribunal, case no. OLT-21-001758.
9. Schedule SEL-3 is modified by changing the land use designation of a property identified as 758 Ward Street, Bridgenorth, roll no. 1516-020-201-28400, from

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‘Community Core’ to ‘Community Commercial’ as shown on Schedule 5 attached hereto.

10. Schedule SEL-3 is modified by adding a site specific special policy to a property identified as 1291 Mann Road, Bridgenorth, roll no. 1516-020-202-21700, to implement the changes made through OPA #60 to the existing County Official Plan (County file no. 15OP-21005) as shown on Schedule 6 attached hereto.

Further, that Section 11.6 is modified by adding a new subsection 11.6.30, which shall read as follows:

11.6.30 – Residential Special Policy Area – Bridgenorth

Notwithstanding the policies of Section 4.2.2.1, on those lands located at 1291 Mann Road, a motor vehicle repair shop shall be a permitted use.

11. Schedule TL-3 is modified by changing the land use designation of a property located in Part of Lot 21, Concession 8, Harvey Ward, together with parts of the Closed Road Allowance between Lots 20 and 21 from ‘Rural’ to ‘Extractive Industrial’ and from the ‘Rural’ to ‘Natural Core Area’ designation as shown on Schedule 7 attached hereto. These modifications implement the changes made through OPA #50 to the existing Trent Lakes Official Plan (County file no. 15OP-22009).

Schedule TL-3 is further modified by adding a site specific special policy to this property, and Section 11.7 is modified by adding a new subsection, 11.7.4, which shall read as follows:

11.7.4 – Extractive Industrial Special Policy Area - Lot 21, Concession 8 (Harvey)

On lands located in Part of Lot 21, Concession 8 (Harvey) and Part of Part 2, Plan 45R-16269, and identified on Schedule TL-3 as being subject to this policy, such lands are located within a Category 4, Class A, Aggregate Resources Act license however the extraction limit will be the outer western boundary of the boundary subject to this Special Policy. Lands subject to this policy shall be zoned to a Rural Exception 58 (RU-58) Zone, which will not permit mineral aggregate extraction.

12. Schedule OSM-3 is modified by adding a site specific special policy to a property located in Part of Lot 16, Concession 14, Otonabee Ward to implement the changes made through OPA #10 to the existing Otonabee-South Monaghan Official Plan (County file no. 15OP-22012) as shown on Schedule 8 attached hereto.

Further, that Section 11.5 is modified by adding a new subsection, 11.5.24, which shall read as follows:

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11.5.24 – Agricultural Special Policy Area – Lot 16, Con. 14, Otonabee Ward

Notwithstanding Section 4.1.2 and any other policies of this Plan to the contrary, on lands located in part of Lot 16, Concession 14, Otonabee Ward, and identified on Schedule ‘OSM-3’, a facility that accepts and processes leaf and yard waste and source separated organics shall be permitted, subject to the policies of this Plan and the provisions of the implementing Zoning By-law.

Land uses within the Special Policy Area shall be subject to Site Plan Control.

13. Norwood Land Use Schedule is modified by changing the land use designation of a property located at 38 Queen Street, Norwood, roll no. 1501-020-002-11500, from ‘Institutional’ to ‘Residential’, to implement the changes made through OPA #76 to the existing County Official Plan (County file no. 15OP-22013) as shown on Schedule 9 attached hereto.

14. Schedule TL-5 is modified by changing the land use designation in Lots 29 and 30, Concession 18, Harvey Ward in the Municipality of Trent Lakes from ‘Extractive Industrial’ to ‘Rural’, to implement the changes made through OPA #59 to the existing Trent Lakes Official Plan (County file no. 15OP-23001) as shown on Schedule 10 attached hereto.

15. Section 12 – Definitions, is modified by deleting the last sentence of the definition for ‘Backlot’ and replacing it with the following:

However, if the new lot fronts onto and has access from a publicly maintained road it shall not be considered backlotting.

16. Section 2 – Planning Administration Tools, is modified by adding a new subsection, 2.16, immediately following Section 2.15.1, which shall read as follows:

2.16 Parking

This Plan recognizes the importance of public and private parking facilities and encourages a balance between providing sufficient parking to address existing or future requirements, and not oversupplying parking to the detriment of public transit or active transportation.

Parking areas will be provided for as specified in local Municipal Zoning By-Laws. Special provisions to accommodate those with disabilities will be provided in all zones.

As a condition of development or redevelopment, adequate off-street parking and loading facilities be provided on-site and access points to the development will be

Appendix “A” – Requested Modifications

limited in number and designed to acceptable standards for traffic safety. If it is not possible to locate sufficient parking on site, parking may be provided offsite, at a distance stipulated in the local Municipal Zoning By-Law, through long-term agreements registered on title to both properties. The sharing of access points by similar adjoining land uses, where feasible, is encouraged.

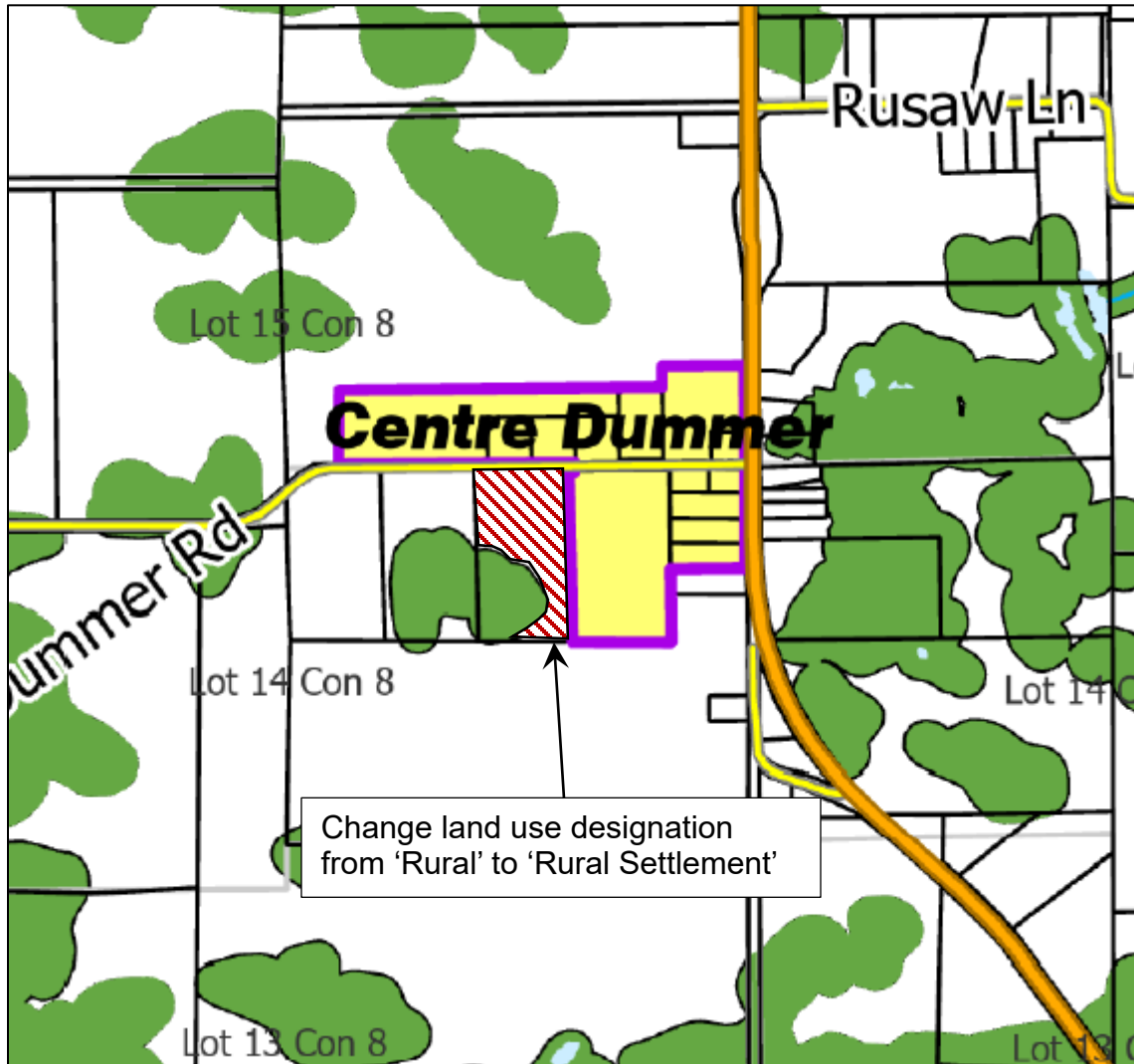
Local Municipalities may, at their discretion, enter into an agreement with the landowner or operator of a building to provide for payment of cash-in-lieu of all or part of the Zoning By-Law requirements pertaining to the provision of off-street parking in accordance with Section 40 the Planning Act. Such an agreement may be registered on title and the local Municipality will keep such revenue in a separate fund under the conditions required by the Municipal Act.

17. Any future amendments to local Township Official Plans or the existing County Official Plan, that are approved by the County of Peterborough between the date these comments are made and the date the Minister issues a decision, will be incorporated into the new County Official Plan.

Appendix "A" – Requested Modifications

Schedule 1

Proposed changes to County OP Schedule DD-9

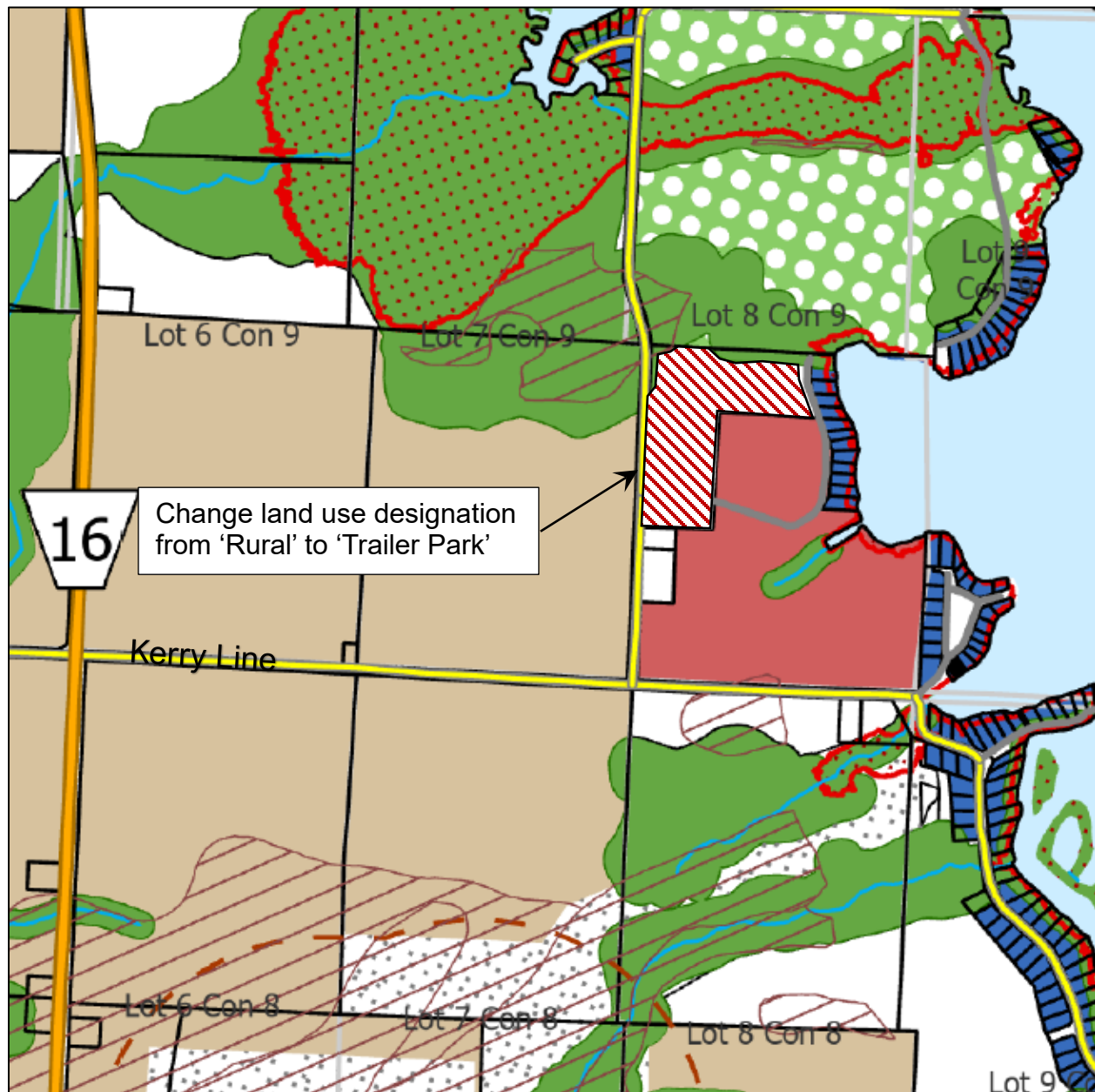


- ☐ Rural
- ☒ Rural Settlement

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Schedule 2

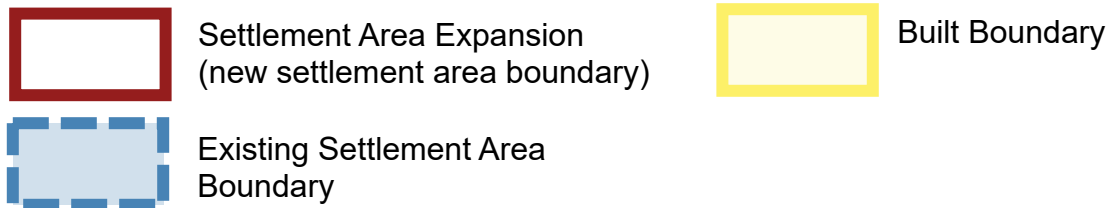
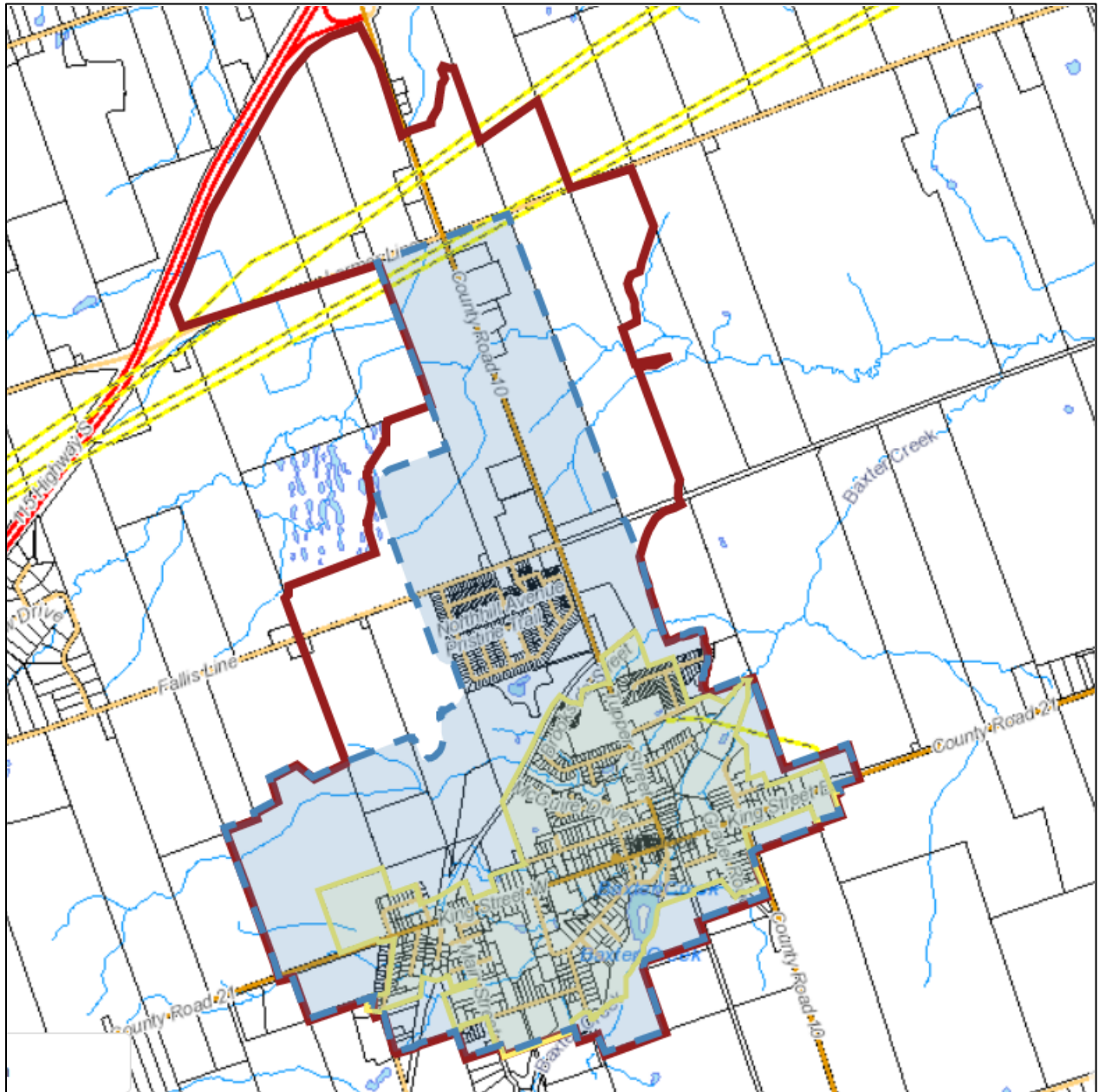
Proposed changes to County OP Schedule SEL-8



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Schedule 3

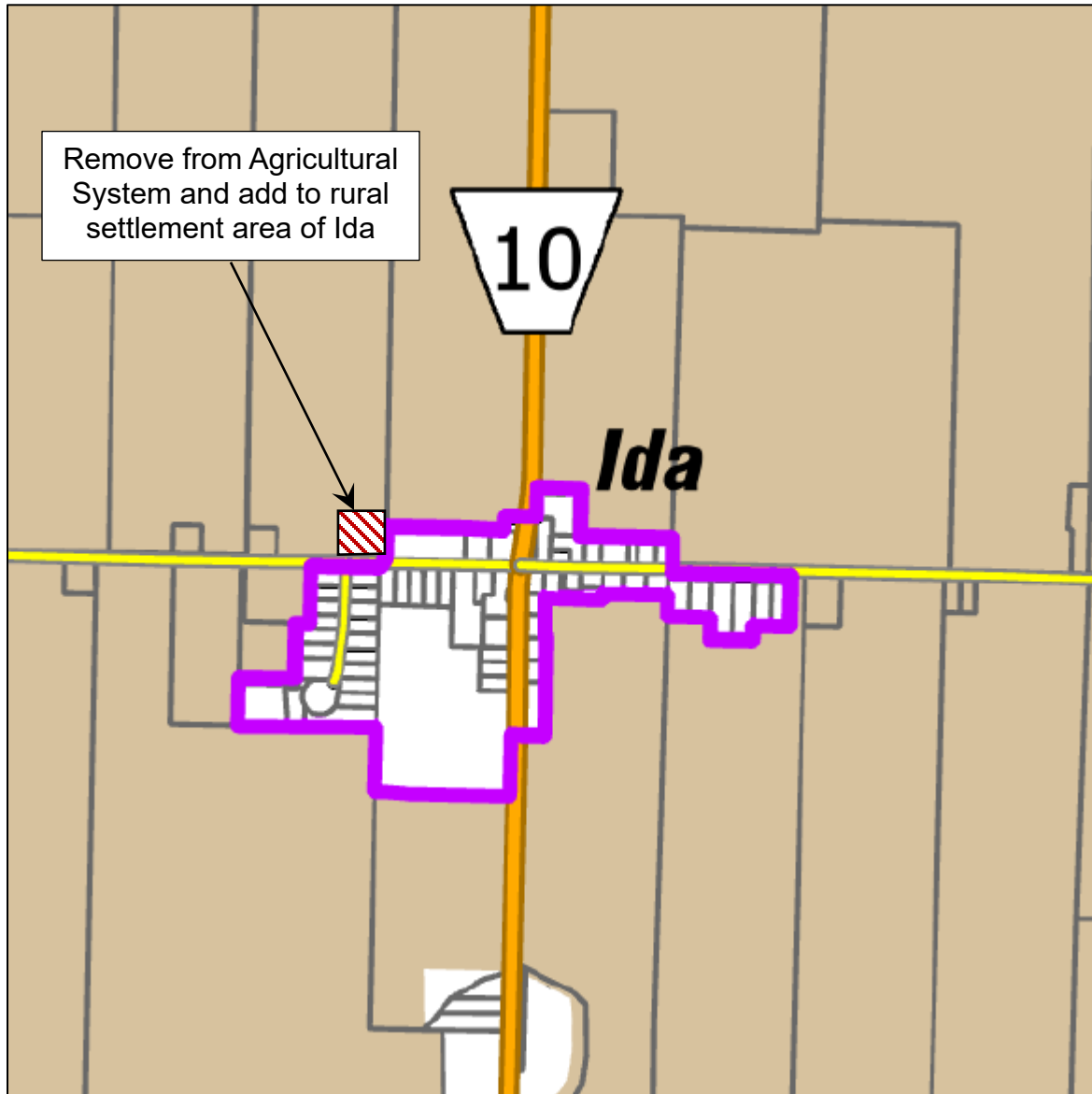
Expansion of Millbrook settlement area boundary



Appendix "A" – Requested Modifications

Schedule 4

Proposed change to Agricultural System schedule for Cavan Monaghan

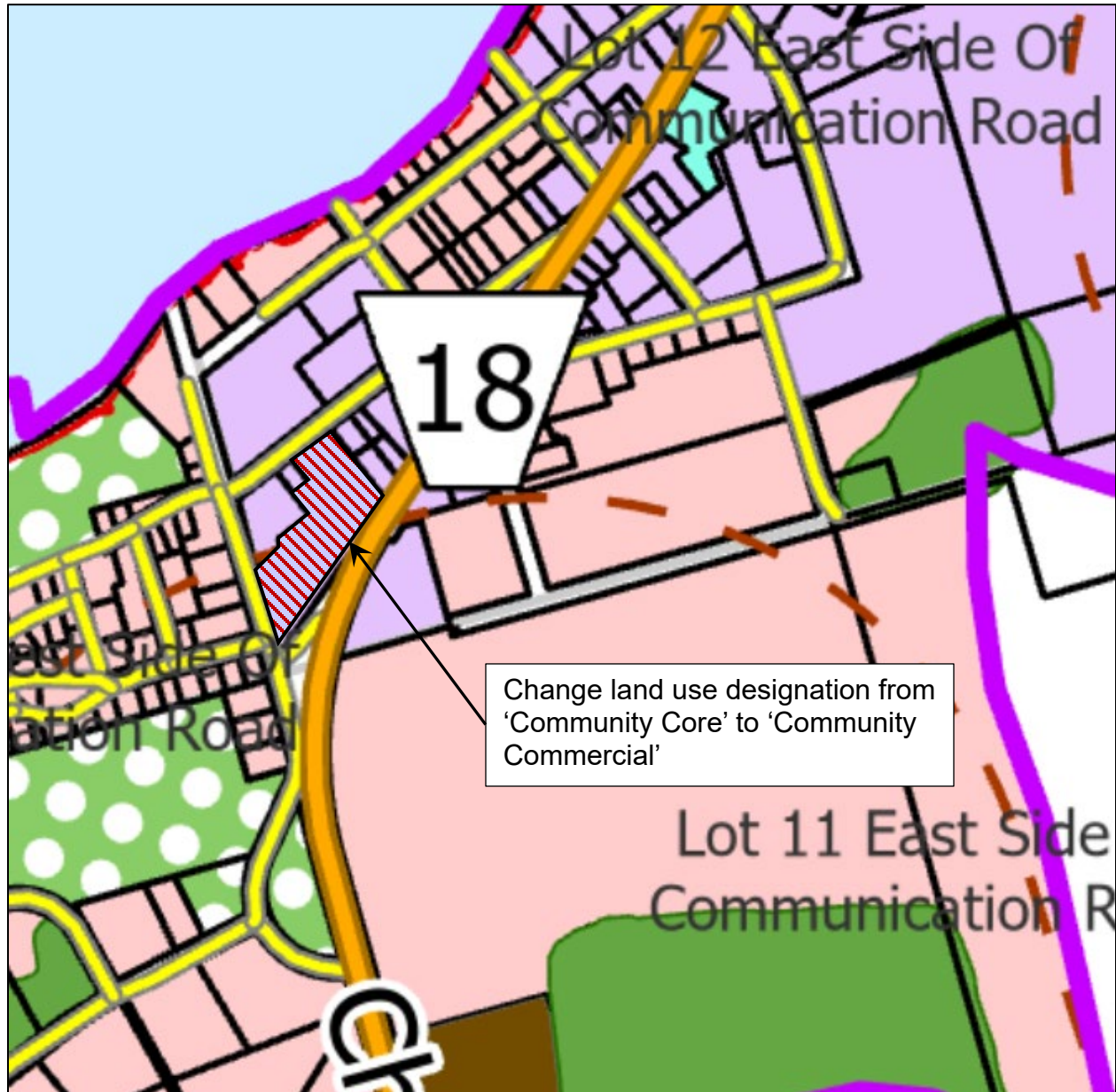


- Settlement Areas
- Parcel
- Waterbody
- Agriculture Systems

Appendix "A" – Requested Modifications

Schedule 5

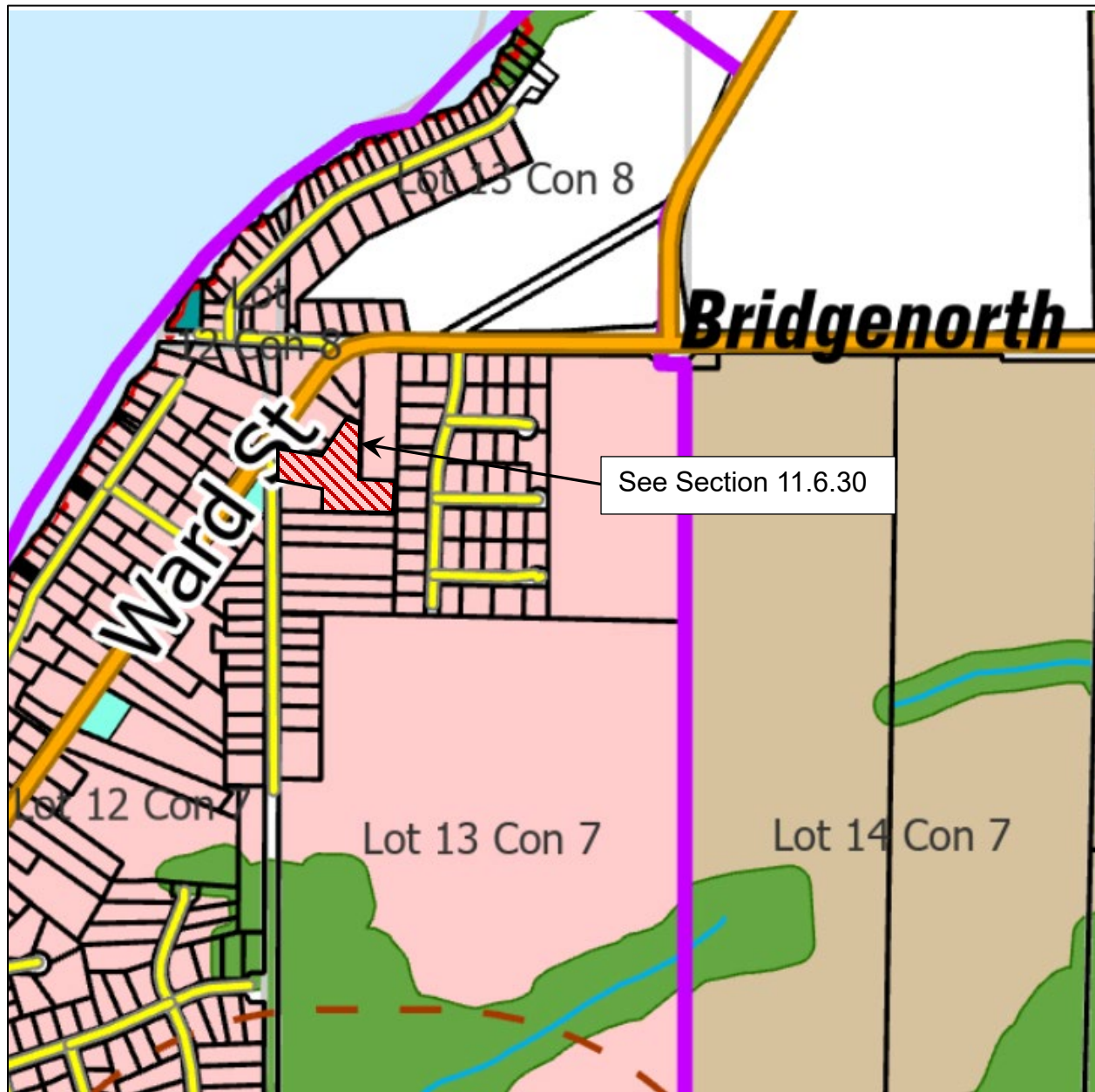
Proposed changes to County OP schedule SEL-3



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Schedule 6

Proposed changes to County OP schedule SEL-3

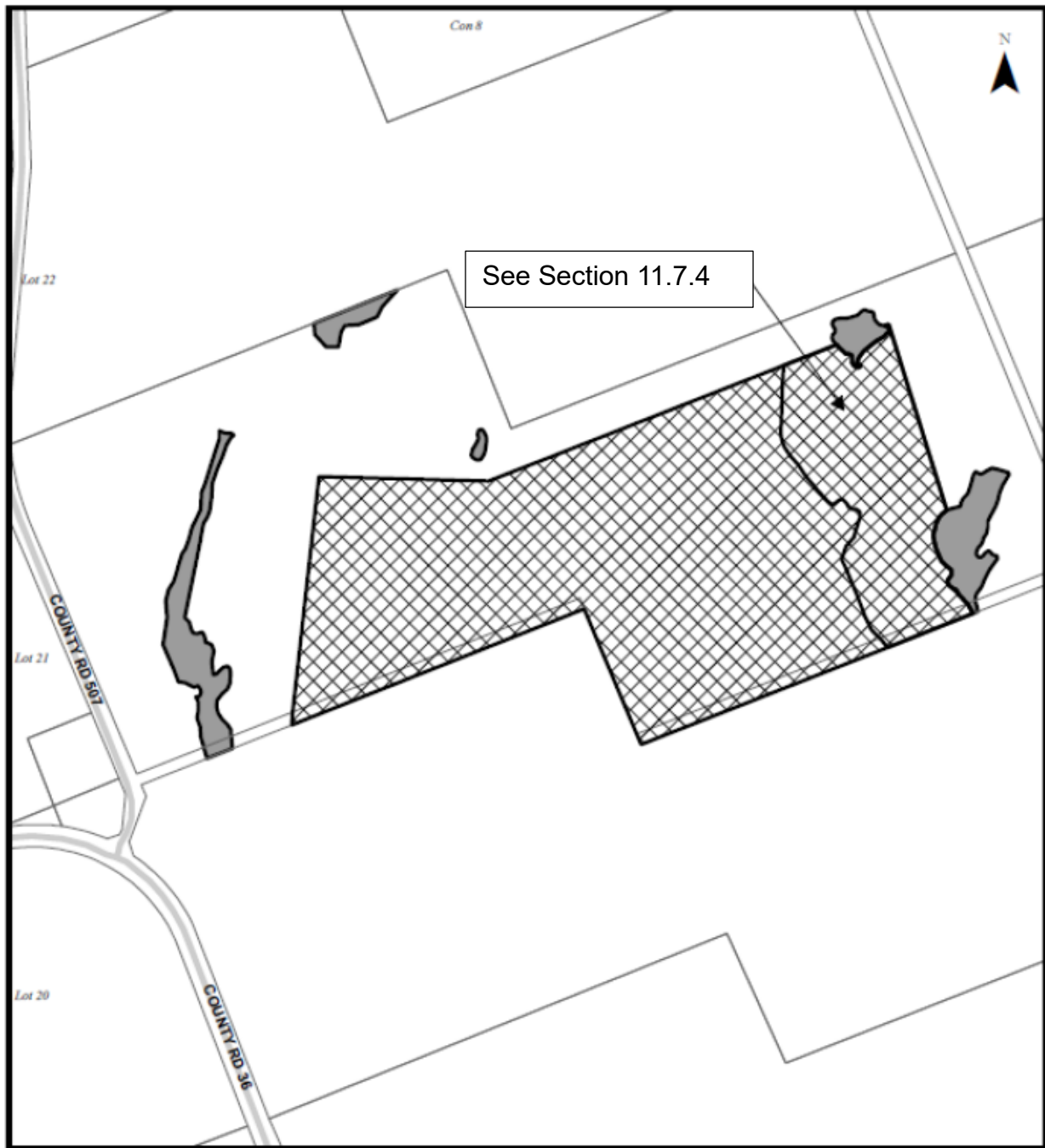


- | | |
|----------------------|-----------------------|
| Agriculture | Natural Core Area |
| Commercial | Parks & Conservation |
| Community Commercial | Recreation Commercial |
| Community Core | Residential |
| Employment | Rural |

Appendix "A" – Requested Modifications

Schedule 7

Proposed changes to County OP schedule TL-3



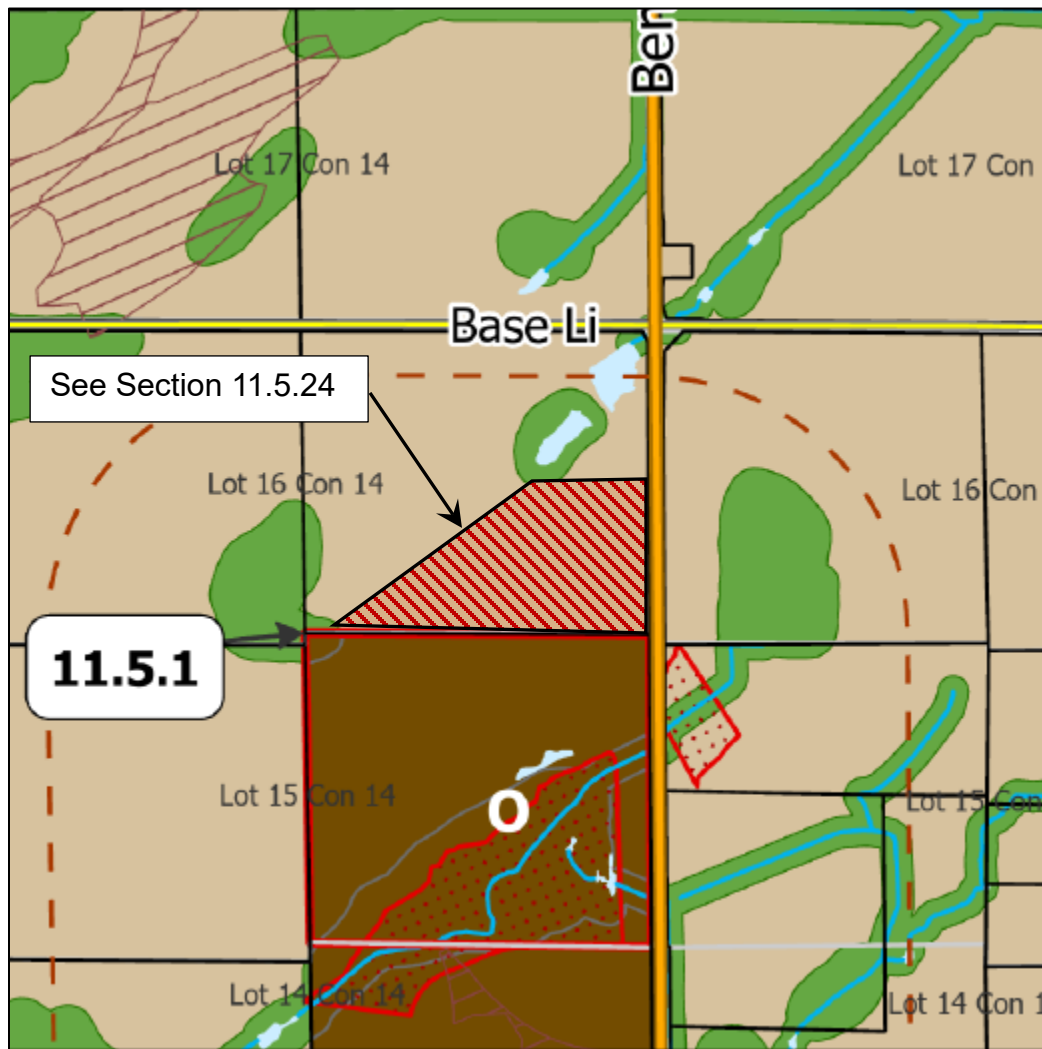
Lands to be designated from 'Rural' to 'Extractive Industrial'



Lands to be designated from 'Rural' to 'Natural Core Area'

Appendix “A” – Requested Modifications**Schedule 8**

Proposed changes to County OP schedule OSM-3



- Agriculture
- Employment
- Extractive Industrial
- Natural Core Area
- Rural

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Schedule 9

Proposed changes to County OP schedule Norwood



-  Institutional
-  Natural Core Area
-  Parks & Conservation
-  Residential
-  Rural
-  Urban Employment Area

Appendix "A" – Requested Modifications**Schedule 10**

Proposed changes to County OP schedule TL-5

