



ALL COUNCIL JOINT WORKSHOP NOTES

**Thursday, January 9, 2014 7:00 p.m.
Horizons Event Centre,
633421 Hwy 10, Mono**

**Council Members Present:
Township of Amaranth**

Mayor Don MacIver
Deputy Mayor Walter Kolodziechuk
Councillor Jane Aultman
Councillor Brian Besley
Councillor Heather Foster

Township of East Garafraxa

Mayor Allen Taylor
Deputy Mayor Guy Gardhouse
Councillor Lenora Banfield
Councillor John Stirk
Councillor Frances Pinkney

Town of Grand Valley

Mayor John Oosterhof
Councillor Myrna Roberts
Councillor Elizabeth Taylor
Councillor Rick Taylor

Township of Melancthon

Mayor Bill Hill
Deputy Mayor Darren White
Councillor John Crowe
Councillor Janice Elliott
Councillor Nancy Malek

Town of Mono

Mayor Laura Ryan
Deputy Mayor Ken McGhee
Councillor Elaine Capes
Councillor Bob Mitchell
Councillor Fred Nix

Township of Mulmur

Mayor Paul Mills
Deputy Mayor Rhonda Campbell Moon
Councillor Earl Hawkins
Councillor Heather Hayes
Councillor Lynn Hilchey

Town of Orangeville

Mayor Rob Adams
Deputy Mayor Warren Maycock
Councillor Sylvia Bradley
Councillor Jeremy Williams
Councillor Scott Wilson

Town of Shelburne

Mayor Ed Crewson
Deputy Mayor Ken Bennington
Councillor Walter Benotto
Councillor A.J. Cavey
Councillor Randy Chambers

Staff Present:

Sonya Pritchard, Chief Administrative Officer, Dufferin County
Pam Hillock, Director of Corporate Services/Clerk, Dufferin County
Scott Burns, Director of Public Works, Dufferin County
Keith Palmer, Director of Community Services, Dufferin County
Wayne Townsend, Curator, Dufferin County
Michelle Dunne, Deputy Clerk, Dufferin County
Denise Holmes, Chief Administrative Officer, Melancthon
Sue Stone, Chief Administrative Officer, Amaranth/East Garafraxa
Terry Horner, Chief Administrative Officer, Mulmur
Mark Early, Director of Planning, Mono
Nancy Tuckett, Director of Planning, Orangeville
Ron Mills, Planner, Mulmur

Others:

Tracey Atkinson, Project Manager
Andrea Bourrie, MMM Group, Planning Consultants
Chris Tyrell, MMM Group, Planning Consultants
Randall Roth, MMM Group, Planning Consultants

Warden Hill welcomed everyone to the all Council Joint Workshop .

Presentation of Background, Issues and Options

MMM Group, Planning Consultants facilitated and presented the Background, Issues and Options for the County of Dufferin Official Plan Project. They provided an overview of the project status, which included the process and schedule, managing growth, countryside areas, planning administration and issues not addressed in the County Official Plan.

Attached are the questions submitted by each municipality, along with responses.

ADJOURNMENT

The meeting adjourned 8:50 p.m.



Questions of Clarification from Joint County Council Workshop

January 9, 2013

Questions of clarification were raised by members of the 8 municipal Councils at a joint Council workshop facilitated by MMM Group. This consolidated list of questions are numbered and identified in **bold text** below and reflects the teams understanding of the clarification requested. If additional clarification is required beyond these answers, please contact the County Official Plan Project Manager, Tracy Atkinson. (Contact information is provided below.)

A) Planning Administration:

1. Delegation Authority

- a. **What does “prescribed by the Province” mean?**
- b. **What does the County/local municipalities need to do in order to “justify” to the Minister that authority for local OP amendments should be delegated?**
- c. **How do we get a firm answer on delegation from the Province?**
- d. **When in this OP process does a request for delegation get made?**

Answers:

- a. The act of granting approval authority is referred to as “prescribed by Regulation”. Once the County Official Plan is approved and in effect, the County becomes the approval authority for lower-tier official plans and official plan amendments (S. 17(2) of the *Planning Act*). However, the Minister may by order pursuant to S. 17(10) of the *Planning Act*, authorize upper-tier municipalities to pass by-laws to exempt lower-tier official plan amendments from requiring upper-tier municipality approval. The County’s ability to exempt approval of lower-tier official plan amendments may only occur once the County has been given authority by Regulation under the *Planning Act*. *In other words, the lower tier municipalities can only gain the authority to approve their own Official Plan Amendments if the Minister of Municipal Affairs passes the enabling regulation.*

Prescribed authority is planning approval authority that the *Planning Act*, by Minister’s regulation, assigns directly to a municipality, named in the regulation. In order to be prescribed by the Province, the Province must amend Ontario Regulation 699/98 to permit the County of Dufferin to pass a by-law to exempt any or all proposed official plan amendments of the local municipality from County Council’s approval under Section 17 of the *Planning Act*.

“Exempt from approval” is another phrase that causes confusion. If a municipality, “prescribed by Regulation” to be “exempt” from requiring upper tier municipal approval, they are given the authority to amend their own Official Plan. However, they still fall within the County Plan and County Official Plan amendments within the municipality would still be a County decision.

- b. In order to justify to the Minister that authority for local OP amendments should be delegated to the lower tier Councils, the Province has indicated that suitable justification would need to be provided to the Province in support of the exemption. Suitable justification should address such matters as: the local municipality's resources to administer the planning responsibilities, and the overall thrust for the implementation of the County Official Plan. In short, it must be demonstrated to the Minister that sufficient resources are in place so they feel comfortable that the County Official Plan is administered in such a way, that all key issues and technical matters are addressed when local municipalities review and approve local official plan amendments, without the need for County oversight and additional reviews. This includes whether the local municipality has the staff resources and processes in place to fully administer the *Planning Act* requirements.
- c. The County and the consulting team will be discussing matters related to delegation of planning approvals and seeking further answers and commitment from the Province to exempt lower-tier official plan amendments from requiring upper-tier municipality approval. The consulting team is attempting to obtain a clear understanding of what justification the province considers suitable and what conditions must be in place. A formal request should be made once County Council has the information about what constitutes suitable justification.
- d. The timing for a formal request of the Province to allow for the exemption of lower-tier official plan amendments from requiring upper-tier municipality approval is anticipated in Spring 2014. This will be discussed further at the Technical Committee meeting on January 27, 2014. It is recommended that a request to the Minister would be made well in advance of County Councils adoption of the County Official Plan, so that the County of Dufferin would be prescribed through regulation under the *Planning Act*, to provide for the exemption of local Official Plan Amendments concurrently with the Minister's approval of the County Official Plan, such that this exemption may occur immediately following the approval of the County Official Plan.

2. Source Water Protection Implementation

- a. **What is the intent of a framework for implementation of SPPs?**
- b. **What role is envisioned for the County?**
- c. **How will CA's report on this? To the County?**

Answers:

- a. Official Plans are required to address implementation of Source Water Protection Plans and therefore the County Official Plan has to include a policy framework for this subject. The intent is that the County Official Plan would provide very high-level policies to guide implementation of Sourcewater Protection Plans across the County once they are approved. Details and implementation of the Source Water Protection Plans would be the responsibility of the local municipalities and respective partners. These details would be included in the local official plans and implementing zoning by-laws.
- b. The County does not envision playing a substantive role in the implementation of Source Water Protection Plans.

- c. It is anticipated that the Conservation Authorities will continue to liaise with the respective local municipalities on Sourcewater protection planning within their respective jurisdictions. The County has no direct involvement on the reporting relationship.

3. What is the difference between “Council Structure” (which is outside the scope of the OP) and planning administration structure (which is within the scope of the OP)?

Answer:

Council structure relates to the composition of Council including the representation from local municipalities and the County Council decision making/voting system.

The planning administration structure relates to how the County will administer and implement the County Official Plan. Administration options of County planning are no different than options for administering the public works or finance functions of a municipality. An administrative structure needs to address both ‘technical’ work done by staff and the ‘process’ work needed to ensure appropriate decisions can be made by the group who has decision making authority. In some cases the decision maker might be County Council but in other cases a committee or designated staff person may be the appropriate decision maker. Either way, this administrative structure is separate from the political representation issues of County Council. Concurrent with the adoption of the Official Plan, the County needs to identify a framework for how it intends to administer the new County planning functions, which will also be contingent upon how the planning approvals are to be delegated.

4. Implementation of County Planning

- a. **When in the OP process will implementation options be developed?**
 - b. **When will County Planning be implemented?**
 - c. **How will planning decisions be made (weighted vote or other)?**
 - d. **How will differences of opinion on planning matters (between municipalities; between municipalities and the County) be resolved? At the OMB?**
- a. Implementation options will be developed and reviewed in Phase 2 (February-April 2014). Recommendations for implementation will be made prior to or concurrent with County Council adoption of the County Official Plan.
 - b. The County planning administration and function will need to be in place upon approval of the County Official Plan by the Minister of Municipal Affairs and Housing. The Official Plan will be brought to County Council in August 2014. Following adoption it would be forwarded to the Ministry. The Ministry has 180 days to make a decision on the adopted Official Plan.
 - c. There are a number of options that the County may pursue in making planning decisions. An overview of these options is provided on pages 121-122 of the draft background report. The decision on which option will be used hasn’t been made yet. Once the decision making method is selected, it will be reflected in policy and implementation tools. It is anticipated that this will be discussed at the upcoming Technical Committee meeting on January 27.

- d. Differences of opinion on planning matters would ideally be negotiated through discussions with the parties involved. In an event where a resolution is not achieved, and once the approval authority has made a decision on a planning matters, the appeal provisions of the *Planning Act* would provide for the Ontario Municipal Board to adjudicate the planning matter. The OMB process remains the same for local planning decisions. Essentially, the appeal process at the County level would replace the current appeal process at that is available at the Provincial level.

5. Ministry Modifications to proposed County OP

- a. **When do the Provinces modifications to our proposed OP get dealt with?**
- b. **What recourse do we have if we don't like to Provinces modifications?**

- a. The Minister of Municipal Affairs and Housing is the approval authority for the new County Official Plan. Once the Official Plan is adopted by County Council and forwarded to the Minister for approval in accordance with the prescribed regulations, the Minister has the opportunity to modify and approve the Official Plan. So, the County will receive any modifications from the Province after County Council adoption. It should be noted that County staff and the consulting are working closely with provincial staff to ensure minimal modifications will be
- b. If the County, local municipalities or other individuals who have participated in the Official Plan preparation process are dissatisfied with the Province's modifications, the *Planning Act* affords appeal rights to the Ontario Municipal Board. That appeal process may include mediation and/or a hearing. At the end of the appeal process, you will receive a final decision on the Official Plan policies which will need to be implemented.

6. Who decided on the scope of the issues that are being dealt with in the County OP?

- a. **Why is the scope more than bare minimum?**
- b. **What format is the OP going to take when it is written?**

- a. From the outset of the project, it was determined that the County Official Plan should be high-level policy document. The Province, through various documents, identifies matters that must be addressed in an Official Plan, as well as matters and responsibilities for upper-tiers, such as Dufferin County. The scope of the project is consistent with the minimum provincial requirements.
- b. The format of the County Official plan will not differ substantially from the format of the local Official Plans (text and schedules), however it is recognized that the County Official Plan will focus on implementing matters of Provincial interest and County significance. The County Official Plan will provide higher-level policy guidance than that of the local municipal official plans while ensuring consistency and minimizing potential conflicts with the local municipal official plans, which will remain in place to guide local decision making.

7. What is it going to cost for County Planning?

- a. **To set up**
- b. **On-going implementation**

- a. The County has retained the consulting firm of MMM Group limited to prepare the new County Official Plan. The overall consulting budget for preparing the Official Plan is approximately

\$135,000, in addition to costs associated with the County Official Plan Project Manager, County staff resources, and local municipalities' participation and input into the Official Plan process.

- b. The on-going cost of implementing the County Official Plan has not been identified at this stage, and will largely be dependent upon the role of the County in administering the County Official Plan and the extent of delegated approval authority to the local municipalities. The on-going costs for implementation will be addressed further in Phase 2 (February-April, 2014).

B) Countryside Area:

- 8. How will agricultural land get re-designated once the County OP is in place?**
a. **Who will make these decisions?**

Answer:

The County Official Plan proposes to designate Prime Agricultural Areas and Rural Areas in accordance with the designations in the approved local municipal official plans, and to satisfy the requirements of the Provincial Policy Statement.

Once the County Official Plan is in place, an Official Plan Amendment to redesignate lands would need to occur at both the local municipal official plan level and the County Official Plan level. Such amendments would be considered and processed concurrently, presumably using the same information.

- a. With respect to the County Official Plan Amendment, the County or the Province would be the approval authority. Subsection 17(9) of the *Planning Act* provides the Minister the authority to exempt by order an official plan or proposed official plan amendment(s) from his or her approval.

With respect to the local municipal official plan amendment, either the local municipality or the County would be the approval authority (contingent on the delegation of approval authority still to be determined).

- 9. Explain what Earth Science (ANSI) and Life Science (ANSI) means and why they are important.**

Answer:

The Provincial Policy Statement defines an Area of Natural and Scientific Interest (ANSI) to mean: *“areas of land and water containing natural landscapes or features that have been identified as having life science or earth science values related to protection, scientific study or education.”*

In implementing policies 2.1.4(e) and 2.1.6 of the PPS, planning authorities have to protect these areas by:

- not permitting development and site alteration in a significant ANSI unless it has been demonstrated that there will be no negative impacts on the feature or its ecological function; and
- not permitting development and site alteration on adjacent lands unless the ecological function has been evaluated and it is demonstrated that there will be no negative impacts on the feature or its ecological function.

The Province's Natural Heritage Reference Manual (Section 10.0) provides further guidance for the identification and protection of these features and describes them as follows:

- *“Life science ANSIs are significant representative segments of Ontario’s biodiversity and natural landscapes, including specific types of forests, valleys, prairies, savannahs, alvars and wetlands, their native plants and animals, and their supporting environments. They contain relatively undisturbed vegetation and landforms, and their associated species and communities. Provincially significant life science ANSIs include the most significant and best examples of the natural heritage features in the province, and many will correspond to other significant features and areas such as wetlands, valleylands and woodlands.*
- *Earth science ANSIs are geological in nature, consist of some of the most significant representative examples of the bedrock, fossils and landforms in Ontario, and include examples of ongoing geological processes.”*

While ANSI’s have been identified in the Draft Background, Issues and Option Report, as part of the background review, this does not suggest that they need to be specifically identified and mapped in the County Official Plan, but rather may continue to be addressed in the local official plans. This matter will be discussed during Phase 2.

10. Where did the mapping (specifically aggregate resource mapping) come from and how will you ensure that it is accurate?

Answer:

The aggregate resource mapping as presented in the Draft Background, Issues and Options Report, has since been updated to reflect the most recent mapping of primary and secondary aggregate resource areas available from the Ministry of Northern Development and Mines (Aggregate Resources Inventory of Dufferin County, Ontario Geological Survey Aggregate Resources Inventory Paper 163—Revised, 2009). A revised aggregate resource map will be available on the County of Dufferin website.

11. What is the Aggregate Master Plan study and when/how will it be addressed in the County OP?

Answer:

An Aggregate Master Plan Study is typically a study of the quality and quantity of aggregate resources plus the factors which may influence the potential use of these resources in the foreseeable future. Factors potentially affecting the use of the resource include agriculture, environmental concerns, ground and surface water, social factors, transportation and economics are discussed.

The Province has indicated that they would like to see a commitment from the County to undertake such a study in the future. However, it is not part of the current Official Plan work program. As such, reference to the study may be made in the Official Plan, with the intention of undertaking such a study in the future.

C) Growth Management:

- 12. Explain what “conceptual” means with respect to secondary settlement areas**
- a. **What will conceptual look like on a map?**
 - b. **How will conceptual be dealt with in text?**

Answer:

It is recommended that the secondary settlement areas be shown conceptually in the County Official Plan, meaning that the secondary settlements will not have clearly delineated settlement boundaries in the County Official Plan. The local municipal official plans would continue to be responsible for delineating the detailed settlement area boundaries.

- a. A conceptual delineation may simply involve a circle on a schedule indicating the general location of the secondary settlement area.
- b. The policies of the County Official Plan would identify that the secondary settlement area boundaries are further delineated in the local municipal official plan.

- 13. How will growth in Rural Areas without servicing be accommodated?**

Answer:

Growth in the rural areas will continue to be accommodated on partial and private services provided that the Provincial Policy Statement (S. 1.6.4) and provincial criteria for accommodating development on partial and private services can be satisfied. All other growth will need to be accommodated in the three fully serviced primary settlement areas of Orangeville, Shelburne and Grand Valley (urban area) which have been identified as the primary locations for growth.

- 14. What happens to allocated growth if the assigned municipality does not get required assimilative capacity?**

Answer:

Where an assigned municipality does not demonstrate to the Province the assimilative capacity and feasibility of accommodating additional growth allocations, than the growth allocations in the new County Official Plan would revert to the growth forecast and allocations as identified by the Province in their letter dated August 13, 2010 (Exhibit 4.2.2 of the Draft Background, Issues and Options Report), and an ‘unallocated’ population would remain. For example, in the case of Shelburne, a growth forecast of 8,400 persons would be carried to 2031, rather than the 10,000 persons identified in the report, on the assumption that Shelburne will demonstrate assimilative capacity feasibility, and the 1600 persons would be ‘unallocated’.

- 15. How does Orangeville growth and/or the structure of Orangeville as a municipality (ie: if they seek and receive separated City status) impact a County OP?**

Answer:

The County Official Plan assumes that Orangeville remains a lower-tier municipality until such time as a status change is approved by the Province. At this time, we are not aware of any proposed municipal

restructuring. Changing its name from a Town to a City will not separate it from the County. As such, no impact on the growth projections is contemplated as this time

D) Other:

16. When will this joint Council group have a chance to get additional information and/or debate the issues related to a County OP?

Answer:

At this point no further Joint Council meetings have been identified. The Background, Issues and Options Report will be finalized at the end of January (including a Technical Committee meeting on January 27, 2014) and presented to County Council in early February. The draft Official Plan is anticipated to be available at the end of March for public review and comment, including individual presentations to each of the local municipalities (April 2014) and County Council (May 2014). Throughout each phase of the project information and reports will be made available.

Should you have any questions or concerns, please contact:

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