

To: Warden and Members of County Council
From: Director, Community Planning

Special Meeting of Council to Initiate a Review of the County Official Plan under Section 26 of the Planning Act

RECOMMENDATIONS

1. That Oxford County Council hold a special public meeting pursuant to Section 26 (3) of the Planning Act;
2. And further, that staff be directed to proceed with the Official Plan Review process in accordance with the requirements under the Planning Act and as generally outlined in the Report No. CP 2021-336.

REPORT HIGHLIGHTS

Implementation Points

- The purpose of this report and associated 'special meeting of Council' is to formally initiate a review of the County Official Plan in accordance with Section 26 of the Planning Act, discuss the proposed process and focus for that review, and provide an initial opportunity for any input or feedback.
- This report also provides a high level overview of the legislative requirements and other considerations applicable to the Official Plan review and outlines the proposed framework for a phased approach to the OP review, including related consultation.

Financial Impact

There are no immediate implications beyond this years approved budget. Any additional funding that may be required for future phases will be considered as part of the annual budget process.

Communications

Community engagement will be an important part of the Official Plan (OP) review process and is proposed to be undertaken at various stages throughout that process (i.e. as part of each review phase).

This report and associated special meeting of Council is the first step in formally initiating the County's current OP review process in accordance with the requirements of the Planning Act. The Act requires that formal notice be provided for this special meeting of Council at least once a week in each of two separate weeks, and the last publication shall take place at least 30 days before the date of the meeting. Accordingly, notice of this meeting was published in area newspapers (i.e. Oxford Review, Woodstock Sentinel Review and Tillsonburg News) during two separate weeks 30 days prior to the special meeting, as well as being posted on the County website.

Planning staff are currently proposing that the OP review process be undertaken in a number of phases. The focus for communication and engagement for the OP review project will be centred around each of those phases, once they have been initiated. Each phase will have its own communications and engagement plan that is tailored to that phase.

Planning staff intend to meet the minimum statutory meeting requirements under the Planning Act (i.e. an open house and public meeting) for each phase, as well as providing for additional engagement opportunities, as deemed appropriate. Developing separate communication and engagement plans for each phase will allow the approach to be customized based on the specific policy areas, technical considerations and level of community interest.

The consultation and engagement program for each phase is generally expected to involve the use of traditional and social media, a mix of in-person (where possible) and on-line engagement opportunities, and consultation/engagement with:

- The Province and the various agencies prescribed under the Planning Act (e.g. conservation authorities, utility providers, railways, abutting municipalities etc.);
- County and Area Municipal Staff and Councils;
- Indigenous communities; and
- Other identified stakeholder groups, interested parties and the broader public.

Strategic Plan (2020-2022)

					
WORKS WELL TOGETHER	WELL CONNECTED	SHAPES THE FUTURE	INFORMS & ENGAGES	PERFORMS & DELIVERS	POSITIVE IMPACT
		3.ii. 3.iii.	4.i. 4.ii.		

DISCUSSION

Background

The Planning Act requires that municipalities adopt an Official Plan to serve as the primary legal document for implementing provincial land use planning direction at the municipal level.

In Oxford, the County Official Plan (OP) provides that direction for both the County and the eight area municipalities that comprise the County. The policies and land use schedules contained in the OP establish the overall vision and land use strategy for growth and development in the County. This is accomplished by setting out locational, development review and other requirements for a full range of land uses (e.g. residential, commercial, industrial, institutional, parks and recreation, agriculture, etc.) and providing direction with respect to matters such as the provision of infrastructure and public services, the protection of agricultural land, and natural and cultural heritage features, and avoiding, or mitigating the potential impacts from, natural and man-made hazards.

To ensure municipal Official Plans remain consistent with current Provincial direction on land use planning matters, the Planning Act (Section 26) requires that municipalities revise their Official Plans as required to ensure they:

- conform with provincial plans, or do not conflict with them;
- have regard to matters of provincial interest listed in the Planning Act; and
- are consistent with policy statements issued under the Planning Act (i.e. PPS, 2020).

It is noted that there are currently no provincial plans (e.g. Provincial Growth Plan for the Greater Golden Horseshoe) in effect for Oxford County. As such, the focus of such a review in Oxford will be on any changes to the Planning Act and matters of provincial interest and/or the Provincial Policy Statement (PPS) that have occurred since the last OP review.

To formally initiate such an Official Plan review process, the Planning Act (Section 26) requires that a 'special meeting of Council', open to the public, be held to discuss the revisions that may be required.

The primary purpose of this report and associated special meeting of Council is to satisfy this initial meeting requirement, so that the County can proceed with the first phase of the OP review under Section 26 of the Planning Act. The meeting and associated public notice (i.e. local newspapers, County website etc.) generally serve to inform the public and other stakeholders of the fact the County is initiating a review of the OP. From that point, they can then monitor the review process as it unfolds and, if interested, become involved in or provide further input on the various phases of the OP review at such time as they are initiated. Although any public that choose to attend the special meeting of Council will have an opportunity to provide their input at that meeting, interested parties do not need to have made submissions and/or provided comments at that meeting to be able participate in the OP review process. Specific opportunities for engagement and input will be provided as part of the consultation process for each phase of the review, once it has been initiated.

It is noted that, unlike other amendments to the OP that are approved by County Council, the Province (Ministry of Municipal Affairs and Housing) is the approval authority for any amendments to the County's OP that are undertaken as part of an Official Plan review process under Section 26 of the Planning Act. As such, following adoption by County Council, all amendments that form part of the County's Official Plan review process will need to be sent to the Province for approval. As part of their approval, the Province has the authority to impose any modifications to the County's adopted policies that it determines to be necessary to ensure they are consistent with Provincial legislation and policies.

A general overview of the proposed process and matters to be considered as part of the current OP review is provided in the following sections of this report.

Commentary

a) Overall scope for the OP update

The current County of Oxford OP was adopted by County Council in December 1995. Since that time, there have been a number of major amendments to the Plan, including those resulting from previous reviews of the OP in accordance with Section 26 of the Planning Act. Some of the more recent updates to the Plan have included significant revisions to the County's Strategic Principles and Aggregate Resource and Waste Management policies, as well as the incorporation of a number of secondary plans and settlement expansions.

That said, since the last full review of the OP, there has been a range of new and/or updated Provincial legislation, regulations, policies and guidelines related to land use planning that have been enacted and/or released. These include, but are not limited to:

- Updates to the Planning Act and associated regulations (e.g. additional residential units);
- Updated Provincial Policy Statement, 2020; and
- New and/or updated Provincial guidelines related to PPS implementation (e.g. Permitted Uses in Ontario's Prime Agricultural Areas, Land Use Compatibility Guidelines, Wildland Fire Risk Assessment and Mitigation Reference Manual, etc.)

As such, Planning staff are advising that the County initiate the current OP review process to provide an opportunity to address some of these changes and other policy priorities in the shorter term.

It is noted that the process to begin development of a new County OP is expected to be initiated sometime in the next few years (i.e. following the completion of servicing masterplans, updated growth forecasts etc.). The process for the development of a new OP will provide an opportunity to comprehensively review and revise all the policies in the OP to ensure they are consistent with all applicable provincial legislation, policies and guidelines and reflective of local goals and objectives. Therefore, the current OP review process is intended to be scoped to focus primarily on addressing Provincial legislative and policy changes that are relatively scoped in nature and certain policy areas for which substantial background work has already been completed (i.e. agricultural, natural heritage, downtowns/commercial etc.). This scoped approach is

intended to ensure the current OP review project and associated resources remain focused and avoid unnecessary duplication of costs and effort.

b) Planning Act and PPS Related Changes

One of the key focuses of the OP review will be on reviewing and addressing various changes to the Planning Act and Provincial Policy Statement (PPS) that have occurred since the last major review of the OP.

Some examples of changes to the Planning Act and associated regulations that may need to be reviewed and considered are as follows:

- Various changes to the requirements for processing of planning applications (e.g. processing timelines, notice provisions, and complete application requirements etc.);
- Removal of the height and density bonusing provisions and introduction of new provisions to provide municipalities with the option of implementing a community benefit charge approach to address certain planning matters (e.g. provision of parkland and certain other community amenities/improvements etc.);
- Modifications to the parkland dedication provisions;
- Revised provisions with respect to implementation of a community planning/development permit system;
- Updated direction with respect to the establishment of an additional residential unit in a single detached, semi-detached or townhouse dwelling and/or building ancillary to such a dwelling; and
- Changes to the types of matters, reasons and process for appeals to the Local Planning Appeal Tribunal (LPAT).

Some of these changes are intended to support or guide planning processes as well as the implementation of existing OP requirements (i.e. requirements related to streamlining and/or improving the development application process) and may require some minor revisions to the Official Plan policies to ensure consistency. Such changes are generally considered appropriate to address as part of the County's current OP review, likely through minor updates to the existing implementation measures policies. However, some of the other Planning Act changes (i.e. alternative parkland dedication, community benefit charges and community planning/development permit systems etc.) that would need to be implemented through, or informed by, the OP would generally require detailed background studies and/or master plans to be undertaken. Therefore, if such changes were to be considered, it would likely be more appropriate as part of the process to develop a new OP. It is noted that any OP policy changes that may be required to reflect the revised Provincial direction with respect to the establishment of additional residential units are currently expected to be implemented through separate OP amendments, rather than as part of the broader OP review process.

The current Provincial Policy Statement (PPS) came into effect on May 1, 2020. The changes in the current PPS build on the policies of the previous 2014 PPS and support Ontario's Housing Supply Action Plan, and were part of a broader group of changes made to Ontario's land use planning system. Overall there are a number of changes to PPS policy areas that may warrant consideration as part of the OP review, including:

- Planning for a 25 year growth horizon and opportunities to increase the housing supply, mix of housing types and affordability;
- The integration of planning for growth and development with planning for infrastructure (e.g. transportation systems, water and wastewater services, storm water management etc.);
- Permitted uses in prime agricultural areas and protection of such areas for long term agriculture;
- Planning for employment areas/uses;
- Mitigating and adapting to the impacts of a changing climate;
- Identifying and protecting natural heritage and water resource systems;
- Managing the impacts of natural hazards (i.e. flooding and erosion hazards, hazardous forest types etc.), and
- Clarified direction with respect to engagement with Indigenous communities.

Similar to the discussion on the changes to the Planning Act above, ensuring full consistency with many of the updated PPS policies would require fairly broad and/or complex changes and restructuring of the current OP and the completion of detailed background studies, master plans and/or other supporting documentation. Given the above noted timing for consideration of a new OP for the County, it is the opinion of Planning staff that consideration of PPS policy areas requiring such scope and extent of review would generally be more appropriate to defer to that process. That said, there are a number of PPS policy areas that are sufficiently scoped in nature, or where substantial background work has already been completed (e.g. agricultural, natural heritage, downtowns/commercial etc.), that Planning staff feel would be appropriate to review and address as part of the current OP review process.

c) Other considerations

It is also noted that, although the primary purpose of the Official Plan review is to ensure the policies are consistent with current Provincial legislation, plans and policies, revisions may also be considered to improve the overall structure and readability of the plan, to simplify and/or clarify existing policy direction and intent, and to better reflect local goals and objectives and community input.

Background work to support certain components of the OP review has been in process for a number of years including considerable background research, completion of various studies and other supporting information, and pre-consultation with the Province, Area Municipal staff and other stakeholders (i.e. APAC) on a number of policy matters and considerations. Based on this background work, together with review of the above noted legislative changes and PPS policy changes, a number of policy areas have been identified as potentially being in need of update and within the scope of the current review including, but not necessarily limited to: agriculture, natural heritage and water resources, downtowns/commercial uses, and implementation measures.

Additional areas for review may also be identified through public and stakeholder input and further planning staff review as the OP review moves forward. The need for and specific nature of any proposed policy revisions will be determined as the County proceeds through the review process.

d) Proposed approach

Staff are proposing to take a phased approach to the review of the Official Plan. This means that updates to policies, related community engagement and supporting planning rationale will be prepared and presented through a number of separate OP review amendments. As previously noted, each amendment that forms part of the OP review will be required to fulfill all Planning Act requirements and subject to Provincial approval.

The first phase of the OP update is intended to focus on updates to the County's agricultural policies, with subsequent phases anticipated to focus on such policy areas as natural heritage and water resources, commercial uses, and implementation measures. Further, minor logistical or technical changes to the OP that may be required to respond to changes under the PPS and Planning Act and are deemed to be within the scope of the current review, may also be considered as part of the various phases.

The above noted phased approach is intended to allow Planning staff to manage the current review and update of the OP with existing resources, while also continuing to advance other policy projects, including updates for permitting additional residential uses (ARUs), secondary planning to support a number of settlement expansions being considered throughout the County, and undertaking the background work necessary to prepare for the development of a new Official Plan.

Next Steps

As previously noted, the first phase of the OP review will focus on proposed updates the County's agricultural policies. The proposed draft policies, project timelines, communication and engagement strategy and other details for this phase are currently expected to be presented to County Council at its meeting of October 27, 2021.

With respect to future phases of the OP review, the intent is that a subsequent staff report will be brought forward for County Council's consideration in early 2022 to provide further details on the proposed scope, content and related implementation considerations (e.g. process, timing, engagement strategy etc.) for those phases. This report would also include an overview of any initial submissions or public input that had been received and whether they would fit within the scope of the current OP review process.

Conclusions

The intent of this report and associated 'special meeting of Council' is to formally initiate a review of the County Official Plan in accordance with Section 26 of the Planning Act, discuss the process and focus for that review and provide an initial opportunity for any input or feedback.

The primary focus of the current OP review will be on addressing various requirements and changes under the Planning Act and PPS, 2020, but may also include minor changes to improve the overall structure and readability of the plan, to simplify and/or clarify existing policy direction and intent and incorporate community input.

The OP review is proposed to be comprised of multiple phases/amendments to the OP, with each such amendment being subject to Provincial approval to ensure consistency with the PPS, 2020, following adoption of the amendment by County Council. Additional and significant opportunities for public input will be provided as part of each respective phase of the OP review process. The first such phase is proposed to focus on updates to the County's agricultural policies, the details of which are expected to be presented to County Council at their October 27, 2021 meeting. It is currently anticipated that further details on the proposed content and scope of subsequent phases and related implementation considerations will be provided for Council's consideration in early 2022.

SIGNATURES

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