

**To: Warden and Members of County Council**

**From: Director of Community Planning**

## Official Plan Review – Update on Next Phases

### RECOMMENDATION

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1. That staff be directed to proceed with the subsequent phases of the Official Plan Review process in accordance with the requirements under the Planning Act, and as generally outlined in the Report No. CP 2022-48.

### REPORT HIGHLIGHTS

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#### Implementation Points

- The purpose of this report is to update County Council with respect to the proposed scope and extent of the next phases of the County's Official Plan review and updates.
- Consideration has been given to inquiries and responses received as a result of the initial special meeting of Council held on October 13, 2021, in accordance with Section 26 of the Planning Act.
- This report also provides a high-level overview of the legislative requirements and other considerations applicable to the Official Plan review building from report CP 2021-336, and outlines the proposed framework for the next phases of the Official Plan review, including related consultation.

#### Financial Impact

There are no immediate implications beyond this year's 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 has been and will continue to be an important part of the Official Plan (OP) review process and be undertaken at various stages as part of each review phase. The focus for communication and engagement on the OP review project moving forward will centre around each of the remaining phases, as further detailed in this report. Each phase will have its own communications and engagement plan tailored to that phase.

Planning staff will ensure the minimum statutory meeting requirements under the Planning Act (i.e. an open house and public meeting) are met for each phase, as well as providing for additional engagement opportunities, as deemed appropriate. Developing separate communication and engagement plans for each phase allows 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 remaining phase is generally expected to involve the use of traditional and social media, a mix of in-person 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)

					
<b>WORKS WELL TOGETHER</b>	<b>WELL CONNECTED</b>	<b>SHAPES THE FUTURE</b>	<b>INFORMS &amp; ENGAGES</b>	<b>PERFORMS &amp; DELIVERS</b>	<b>POSITIVE IMPACT</b>
		3.ii. 3.iii.	4.i. 4.ii.		

## **DISCUSSION**

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### **Background**

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

As described in report [CP 2021-336](#), the County 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.

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 OP 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 OP 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.

### **Commentary**

The first phase of the County's OP review was focused on updating the agricultural policies. Draft agricultural policies were released by County Council on October 27, 2021 for community review and input as part of report [CP 2021-337](#). This feedback resulted in the revised policies, as detailed in Report [CP 2022-98](#). A statutory public meeting was held March 23, 2022 to present the revised policies and provide a further opportunity for input and feedback. A recommended OPA for updating the agricultural policies was subsequently presented to County Council in report [CP 2022-162](#) at the May 11, 2022 meeting and is to be brought back for Council consideration/adoption on May 25, 2022. Following adoption by County Council, the amendment will be forwarded to the Province for their review and approval.

With the first phase of the Official Plan review nearing completion, Planning staff are now in a position to move forward with the next phases of the Official Plan review. A general overview of the proposed process and matters to be considered as part of these next phases is provided in the following sections of this report.

## Phase 2 – Environmental Policy Updates

The second phase of the OP review is proposed to focus primarily on updates to Section 3.2 - Environmental Resource Policies. This will include updates to the policies and associated terms and definitions in that section. Section 3.2 of the OP currently includes policies which provide direction on:

- Natural Heritage System, including implementation tools and environmental study requirements and environmental management policies;
- Open Space;
- Water Resources, including watershed and sub-watershed planning and source protection;
- Soil Resources;
- Energy Efficiency and Air Quality; and
- Natural Hazards.

### a) Scope of Policy Review

Similar to updates to the agricultural policies, updates to Section 3.2 will focus primarily on considering and/or addressing 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 since the last comprehensive update of Section 3.2. These include, but are not limited to:

- Updates to the Planning Act and associated regulations;
- Updated Provincial Policy Statement, 2020;
- New and/or updated Provincial guidelines related to PPS implementation, including:
  - [Natural Heritage Reference Manual](#), and [Significant Wildlife Habitat Technical Guide](#) and [Criteria Schedules for Ecoregion 6E and Ecoregion 7E](#);
  - [Wildland Fire Risk Assessment and Mitigation Reference Manual](#);
  - Draft [Watershed Planning Guidance](#) and draft [Subwatershed Planning Guidance](#); and
- Changes to other provincial or federal legislation including the Species at Risk Act, Endangered Species Act, and the Fisheries Act.

The following discussion provides further detail on potential updates to some of the specific policy areas within Section 3.2.

### Natural Heritage System Updates

The Oxford Natural Heritage Systems Study (ONHSS), which was last updated in 2016, provides the current technical basis for identifying the County's natural heritage system and informing the implementation of the natural heritage policies contained within the OP. The ONHSS takes a science-based approach with respect to terrestrial ecology to inform the identification and evaluation of certain natural heritage features and areas (i.e. woodlands, wetlands, valleylands etc.) which form part of the County's natural heritage system.

Other natural heritage features and areas are identified based on Provincial data (e.g. Areas of Natural and Scientific Interest - ANSIs), or informed by other legislative requirements (e.g. fish habitat, endangered and threatened species).

Updates to the natural heritage mapping contained in the 2016 ONHSS are currently underway based on the 2020 aerial imagery. These updates will provide the updated technical information necessary to inform the updates to the associated policies in the OP.

Staff will also be considering potential updates to the implementation tools and environmental impact study requirements and environmental management policies which support the implementation, management, restoration, and enhancement of the natural heritage system, and associated features and areas. This may include consideration of such matters as biodiversity conservation, climate change, education, outreach and stewardship, monitoring, as well as ecological restoration, to name a few possible topics. Supporting research will also look at approaches and tools from other municipalities, as well as other science-based approaches for mitigation measures and restoration approaches, as well as conservation programs, stewardship and partnership opportunities.

#### Open Space

With respect to the proposed scope for updates to the open space policies, staff are proposing to limit the review and update of these policies to focus on incorporating PPS/Planning Act related changes and any implementation related updates, as well as changes necessary to ensure the open space and natural heritage system policies continue to integrate and support implementation. A broader review and re-envisioning of planning for open space (i.e. to better align with and support related master plans) is something that will be considered as part of the development of a new OP for the County, as described previously in report [CP 2021-336](#).

#### Water Resources

There have been a number of changes to the water resource policies contained within the PPS, 2020, which will also need to be considered. This includes requiring that municipalities plan for the protection of water resources systems (i.e. not just water quality and quantity). This includes evaluating and preparing for the impacts of a changing climate on water resource systems at the watershed level and ensuring stormwater management practices minimize stormwater volumes and contaminant loads and maintain or increase the extent of vegetative and pervious surfaces. These PPS requirements, along with available guidance, will also be an area of focus for the OP updates.

Green infrastructure is a newer concept included in the PPS, 2020 which includes both natural and human-made elements that provide ecological and hydrological functions and processes. Green infrastructure can include components such as natural heritage features and systems, parklands, stormwater management systems, street trees, urban forests, natural channels, permeable surfaces, and green roofs. Planning for green infrastructure is often included within planning for natural assets. Elements and considerations for planning for natural assets and green infrastructure will also be considered in relation to natural heritage system and water resource OP policies through the update.

As stormwater management and a number of other infrastructure components are areas of Area Municipal responsibility, Planning staff will be consulting closely with the Area Municipalities in the review and development of these policies. Updates to the source water protection policies in the OP are also being proposed to ensure alignment with current Provincial requirements and the four approved source water protection plans that currently apply within Oxford County. However, staff are proposing to expedite those policy updates through a separate Official Plan amendment which is to be brought forward for County Council's consideration later in 2022.

### Soil Resources

Staff note that there have been updates to the regulatory tools under the Environmental Protection Act, as well as new supporting guidance available from the Province regarding the control and management of excess soils. Similarly, the PPS, 2020 also encourages planning authorities to support, on-site and local re-use of excess soil through planning and development approvals while protecting human health and the environment.

Supporting research will also look at approaches, tools and mitigation approaches from other municipalities as part of the review and update for this subsection.

### Energy Efficiency, Air Quality and Climate Change

Similar to the updates proposed relating to renewable energy in the draft agricultural policies, updates to the energy efficient and air quality section will be primarily focused on incorporating updates based on legislative changes resulting from the repeal of the Green Energy Act, as well as the Planning Act and PPS, 2020. Air quality considerations may also include any applicable updates or changes to related Provincial requirements including under the Environmental Protection Act and ensure alignment with other applicable Provincial requirements is maintained.

In addition, climate change is a newer element within the 2020 PPS which will require more specific policy requirements and references to be incorporated into the OP. These include considerations for water resource systems and natural hazards, improving energy conservation and efficiency, improved air quality, reduced greenhouse gas emissions, and preparing for the impacts of a changing climate through changing land use and development patterns. The updates to these policy areas being proposed as part of this process are intended to focus primarily on addressing the minimum requirements under the Planning Act and the PPS, which can then provide the foundation for any further work or initiatives in this area to build upon.

### Natural Hazards

Under the 2020 PPS, natural hazards now include policies for hazardous forest types for wildland fire, in addition to flooding related natural hazards. Municipalities are also required to prepare for the impacts of a changing climate that may increase the risk associated with natural hazards. Updates for this subsection will focus on review of the existing flood policies for consistency with the PPS, and consideration of new policies for hazardous forest types. This will include a review of background information and analysis building from Provincial guidance regarding hazardous forest types and consideration of approaches and tools utilized in other municipalities.

Flood hazard related updates will incorporate appropriate updates and local information available from each of the four Conservation Authorities in Oxford County. Updates may also include consideration of the outstanding regulatory changes to the Conservation Authorities Act with respect to flood protection and corresponding PPS requirements, should such updates be released by the Province during the course of the review.

b) Conservation Authority Act Changes

The Province is currently proposing a number of changes to the function of Conservation Authorities (CAs) that may have implications on the delivery and implementation of programs and requirements related to the implementation of the environmental resource policies in the OP, including the review of Environmental Impact Studies (EISs). Proposed regulatory changes under the Conservation Authorities Act were discussed in CP 2021-234. The Province **approved amended regulations** in the fall of 2021 which made some minor changes to the categorization of programs and services and extended implementation timelines into 2024. The development of agreements for “non mandatory services”, which include Planning Act development review functions on behalf of municipalities (e.g. EISs and certain natural hazards matters), is now required to be addressed as part of the implementation of the new regulations.

It is anticipated that the review of these services and agreements may present potential opportunities to update, change and/or improve certain development review functions and services currently provided by the CAs with respect to environmental planning. Any potential local implications and opportunities that are identified in relation to the proposed CA regulatory changes will be communicated to Council through a future report.

c) Community Engagement

Staff are proposing to undertake preliminary engagement with the Area Municipalities and broader community in June to begin to develop a better understanding of some of the community’s values, opinions and concerns with respect to the topic areas addressed by the environmental resource policies. This engagement will help to inform potential updates to the vision, principles and objectives and identify areas where additional background research may be required. It will also provide an opportunity for early input and feedback into the policy development process. The specific form and details of this preliminary engagement is still in the process of being developed and/or confirmed by Planning staff.

Following consideration of this initial input, staff will focus on completing updates to the mapping of the ONHSS and supporting background work, developing draft policies and supporting materials in preparation for an initial release of a ‘consultation draft’ of the proposed policies in late 2022, or early 2023. Consultation on the draft policies will include an open house, statutory public meeting(s) with County Council, and other engagement opportunities and tools (e.g. Speak Up Oxford) and will include seeking input from the area municipalities and other stakeholders.

### Phase 3 – Updating Implementation Measures and Cultural Heritage

One of the key focuses of the OP review is 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. As such, this Phase of the OP update will focus on updates required to address Planning Act and PPS changes related to a number of OP policy areas, including implementation measures and cultural heritage. Further details are provided below.

#### a) Cultural Resource Policies

Section 3.3 of the OP contains the policies that provide direction with respect to conservation of cultural heritage resources within the County. This includes policies pertaining to built heritage and archeological resources.

There have been a number of updates to the PPS, as well as the Heritage Act, since the last review and update of Section 3.3. As such, it is proposed that these policies be reviewed and updated to ensure the policies, terms and definitions pertaining to cultural heritage are consistent with current provincial direction and terminology and continue to support the conservation of cultural heritage in Oxford County.

#### b) Implementation Measures

Chapter 10 of the OP contains the provisions and policies necessary to enable the objectives and policies of the OP as a whole to be implemented. Some examples of changes to the Planning Act and associated regulations that may need to be reviewed and considered in relation to implementation measures, are as follows:

- Various changes to the requirements for processing of various planning applications (e.g. processing timelines, notice provisions, 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; and,
- Changes to the types of matters, reasons, and process for appeals to the Ontario Land Tribunal (OLT), recently known as the Local Planning Appeal Tribunal (LPAT) and prior to that, as the Ontario Municipal Board (OMB).

Many of these changes are intended to support or guide planning processes, including the implementation of existing OP requirements, such as submission of background studies to demonstrate that a proposed development meets applicable development standards and criteria.

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 be implemented through, or informed by, the OP would require detailed background studies and/or master plans to be undertaken in order to be implemented. Therefore, if such changes were to be considered, it would generally be more appropriate for that to be undertaken as part of the development of a new OP.

#### Implications of Bill 109 – More Homes for Everyone Act

Bill 109 included a number of changes to the Planning Act, as described in Report [CP 2022-180](#). These changes to the Planning Act including the introduction of mandatory refund of application fees if specified review timelines are exceeded for certain applications (i.e. Zoning and Site Plan). Therefore, to ensure the County and Area Municipalities have the necessary policy framework in place to properly implement these proposed changes prior to their taking effect on January 1, 2023, Planning staff are proposing to expedite the review and update of the County's complete application and related policies in Chapter 10 of the OP through a separate amendment from the OP review. These updates would provide more detailed direction with respect to the process and requirements for determination as to whether such applications are deemed to be 'complete', as that is the point at which the statutory processing timelines start.

In addition, it is recognized that the Provincial government may continue to make further changes to the Planning Act and Provincial Policies based on the feedback from consultation on Bill 109 and related implementation measures, as discussed in Report [CP 2022-180](#). As such, staff will continue to monitor the nature and extent of these changes as they are released and may include these within the scope of the third phase of the OP review, or address them through separate amendments, as appropriate. County Council will be updated on the recommended approaches in response to any such changes through future reports.

#### *Timing and Community Engagement*

Phase 3 work is anticipated to begin in mid 2022, with a consultation draft of policies being presented to County Council early to mid 2023, depending on the ultimate scope of the policy revisions and nature and extent of community engagement.

##### a) Questions and Feedback following the Special Meeting of Council

Following the Special Public meeting of County Council to formally initiate the current OP review on October 13, 2021, several inquiries were received with respect to the scope of the review and opportunities for input. These inquiries largely related to when updates to the County's Growth Management policies are being considered and, in particular, implementation of the County's Phase 1 Comprehensive Review study and related opportunities to expand the County's urban settlement boundaries, and timing for updates to implement the recommendations of the ONHSS.

In this regard, it is noted that expansions to the County's settlement areas (i.e. where required to accommodate forecasted growth as identified through the [County's Phase 1 Comprehensive Review](#), which was adopted by Council in 2020) have been on-going and are generally initiated by the County and/or Area Municipalities through a separate Official Plan amendment, supported by comprehensive secondary planning and servicing strategies. This allows the timing of the settlement expansion process to be tailored to each Area Municipality's specific needs and context (i.e. to allow for the completion of municipal boundary adjustments, servicing capacity expansions etc.).

Further, the County is proposing to update the Phase 1 Comprehensive Review (i.e. growth forecasts and land need study) again in early 2023 (i.e. once all of the supporting data from the 2021 Census has been released), to ensure it reflects current data and trends. Given the recent high levels of growth in the County, it is anticipated that these updates may identify the need for additional growth land in a number of the Area Municipalities.

In terms of the timing for updates to implement the recommendations of the ONHSS, those are proposed to be included in the updates to the Environmental Resource policies which are to be undertaken as part of Phase 2 of the OP review, as described above.

### **Next Steps**

As previously noted, the first phase of the OP review focused on proposed updates to the County's agricultural policies and that process is nearing completion. The subsequent phases are generally proposed to proceed as outlined in this report, with each phase including opportunities for consultation with and input from the Area Municipalities, the community, and other stakeholders through a range of engagement tools and formats.

In addition to the OP update, staff are also undertaking and/or proposing to undertake a separate amendment, or amendments, to expedite updates for certain key and/or time sensitive policy matters (i.e. additional residential units, source water protection, and complete application requirements).

### **Conclusions**

The intent of this report is to provide County Council with an update on progress and next steps with respect to the review and update of the County's OP in accordance with Section 26 of the Planning Act and seek Council direction to proceed with the next phases of the review, which pertain to natural heritage and the environment, cultural heritage, and general implementation measures.

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

Each phase/amendment which forms part of the OP review is subject to Provincial approval to ensure consistency with the PPS, 2020 and other Provincial interests, 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.

## **SIGNATURES**

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