



## Official Plan Implementation Discussion Paper

New Official Plan Project  
Municipality of Trent Hills  
November 1, 2023



Prepared for Municipality of Trent Hills

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November 2023

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# 1.0 Introduction

## 1.1 The New Official Plan

The Municipality of Trent Hills is preparing a new Official Plan (OP), the community's primary land use policy document. The current OP was approved in 2001, immediately following the creation of Trent Hills from the amalgamation of the Municipality of Campbellford/Seymour, the Township of Percy, and the Village of Hastings.

The purpose of an OP is to establish goals, objectives and policies to manage and direct development and the effects on the social, economic, built and natural environments. The OP policies create a framework for development and infrastructure activities by private landowners and developers, as well as the public sector.

The OP establishes direction for development in designated areas, such as urban and rural areas, each of which has a unique built form and servicing requirements. The OP policies also apply protections for important natural and cultural resources, such as sensitive environmental features or heritage resources, while also protecting people and property from development hazards such as floodplains.

The provincial Planning Act requires all municipalities to adopt an OP. The process to adopt a new OP is prescribed in the Act, including contents of the OP, consultation requirements, and approval timelines. The Planning Act also permits municipalities to use a range of powers to implement the policies of the OP, such as zoning and land division control.

While each Municipality is empowered to craft the policy direction to reflect community values, the OP is also required to be consistent with the policy direction provided by upper-tier and provincial policy frameworks. Specifically, the Plan must reflect the policy direction mandated in the Provincial Policy Statement (PPS), as well as the matters of provincial interest listed in the Planning Act. These requirements are intended to ensure that priorities for the province as a whole are reflected and appropriately considered in local land use decisions.

Similarly, as a lower-tier municipality within Northumberland County, the Municipality of Trent Hills OP is required to be consistent with the County OP. The Northumberland County OP was approved in 2016 and provides high-level policy direction for all lands and municipalities within the County. Currently, the County is undertaking an update to its OP, with the resulting policy direction required to be similarly reflected in the forthcoming Trent Hills OP. As required in the Planning Act, the Trent Hills OP must be approved by Northumberland County Council to take effect.

When the new OP is complete, Trent Hills Council will repeal the current OP and replace it with the new document, in accordance with Section 21 of the Planning Act. The Municipality will forward the adopted OP to Northumberland County, which may approve the Plan, approve it with modifications, or refuse it.

The Municipality has engaged Fotenn Planning + Design to assist with the preparation of the new OP, the Discussion Papers, and other activities throughout the planning process.

## 1.2 The Discussion Paper Series

To inform the preparation of the new OP, a series of Discussion Papers have been produced. The Discussion Papers fulfill several objectives, including:

- / Informing the public on the OP process;
- / Outlining policy areas to be addressed in the new OP;
- / Describing the policy direction from the province and Northumberland County that is required to be incorporated into the Trent Hills OP; and
- / Recommending policy approaches for major policy areas in the new OP.

This discussion paper on Implementation is one of four Discussion Papers in the series, which also includes:

- / Healthy Communities
- / Management of Resources
- / Protection of Health and Safety

The Discussion Papers review several legal documents, policy documents, and resources to assist in informing next steps, goals, and other requirements for the OP update, including:

- / The Planning Act
- / The Conservation Authorities Act
- / The Heritage Act
- / The Provincial Policy Statement, 2020 (PPS, 2020)
- / A Place to Grow: The Growth Plan for the Greater Golden Horseshoe (2020)
- / Oak Ridges Moraine Conservation Plan (2017)
- / County of Northumberland Official Plan
  - County of Northumberland Natural Heritage System Official Plan Amendment (Northumberland Next)
  - County of Northumberland Growth Management Official Plan Amendment (Northumberland Next)
  - County of Northumberland Agricultural Mapping Official Plan Amendment (Northumberland Next)
- / Northumberland County Land Needs Analysis
- / Northumberland County Affordable Housing Strategy
- / County of Northumberland Transportation Master Plan
- / Trent Hills Official Plan (existing)
- / Municipality of Trent Hills Strategic Planning Survey Report
- / Municipality of Trent Hills Recreation Master Plan
- / Trent Hills Municipal Cultural Plan
- / Trent Hills Source Protection Plan

The information in these documents provides a policy and regulatory framework, goals and objectives, and overarching themes that will guide the development of the new Trent Hills Official Plan.

## 2.0 Planning and Policy Framework

### 2.1 Planning Act

The Planning Act legislates land use and municipal planning proceedings in the Province of Ontario. The Act requires that a decision by the council of a municipality shall be consistent with the Provincial Policy Statement and conform to the applicable provincial plans that are in effect. Council decisions must also have regard for the matters of provincial interest listed in Section 2 of the Planning Act.

The Planning Act mandates that municipalities adopt Official Plans, which must contain goals, objectives, and policies for physical development in the municipality. Section 26 of the Planning Act also requires that local councils update their Official Plans not less than 10 years from the date a new Official Plan comes into effect. If an Official Plan is not being replaced in its entirety, local councils must ensure they are updated at least every five years.

The legislation provides municipalities with tools and powers to improve and maintain appropriate land use planning, as guided by its Official Plan. Implementation tools include Community Improvement Plans (CIPs), zoning by-laws, land division mechanisms such as consents and plans of subdivision, and site plan control. As these tools must explicitly be enabled in an Official Plan, some existing processes and by-laws (such as zoning by-law, site plan control by-law, and parkland dedication by-law) may change following the approval of a new Official Plan.

More specifically, Section 22 of the Planning Act is intended to provide a framework for amendments to the Official Plan, including procedural requirements for complete applications, consultation, notification, and appeals.

Section 25 of the Act permits a municipality to acquire, hold, sell, lease or otherwise dispose of land for the purpose of implementing the policies of the Official Plan, provided that the Plan contains provisions enabling this power. Section 59 further allows a municipality to clear, grade or otherwise prepare the land for the purpose for which it has been acquired or is held.

Section 39.2, introduced in 2021, allows the council of a municipality to delegate authority to pass by-laws under section 34 that are of a minor nature to a committee of council, or an individual who is an officer, employee or agent of the municipality. The delegation of authority may only proceed if the Official Plan specifies the types of by-laws subject to the delegation.

### 2.2 Building Code Act

Section 15.1(3) of the *Building Code Act* allows a municipality to enact a Property Standards By-law, conditional upon the municipal Official Plan containing provisions relating to property conditions. Where this condition is met, a municipality may do the following:

- / Prescribe standards for the maintenance and occupancy of property within the municipality or within any defined area or areas and prohibit the occupancy or use of such property that does not conform with the standards; and/or
- / Require property that does not conform with the standards to be repaired and maintained to conform with the standards or the site to be cleared of all buildings, structures, debris or refuse and left in graded and levelled condition.

## 2.3 Provincial Policy Statement, 2020

The Provincial Policy Statement (PPS) establishes policy direction to protect matters of provincial interest in Ontario, as enabled by Section 3 of the Planning Act. The most recent version of the PPS came into effect on May 1, 2020. All municipal planning decisions, including the contents of Official Plans, must be consistent with the policy framework established by the PPS.

The intent of the PPS is to provide for appropriate development while protecting resources of provincial interest, public health and safety, and the quality of the natural and built environment. Specifically, the policies focus growth and development within urban and rural settlement areas, while supporting the viability of rural areas. The policies of the PPS may be complemented by provincial plans or by locally-generated policies, such as Official Plans.

The PPS contains four sections, which also serve as the organizing structure for the Discussion Paper series:

- / Section 1: Building Strong Healthy Communities;
- / Section 2: Wise Use and Management of Resources;
- / Section 3: Protecting Public Health and Safety; and
- / Section 4: Implementation and Interpretation.

Each section is explored in detail across the Discussion Paper series according to the theme of each Paper.

### 2.3.1 Implementation and Interpretation

The fourth section of the PPS provides guidance for the implementation and interpretation of its policies. Planning authorities and municipal councils are expected to interpret the PPS policies and implement them in accordance with the following considerations:

- / 4.1: This Provincial Policy Statement applies to all decisions in respect of the exercise of any authority that affects a planning matter made on or after May 1, 2020.
- / 4.2: This Provincial Policy Statement shall be read in its entirety and all relevant policies are to be applied to each situation.
- / 4.3: This Provincial Policy Statement shall be implemented in a manner that is consistent with the recognition and affirmation of existing Aboriginal and treaty rights in section 35 of the Constitution Act, 1982.
- / 4.4: This Provincial Policy Statement shall be implemented in a manner that is consistent with Ontario Human Rights Code and the Canadian Charter of Rights and Freedoms.
- / 4.5: In implementing the Provincial Policy Statement, the Minister of Municipal Affairs and Housing may take into account other considerations when making decisions to support strong communities, a clean and healthy environment and the economic vitality of the Province.
- / 4.6: The official plan is the most important vehicle for implementation of this Provincial Policy Statement. Comprehensive, integrated and long-term planning is best achieved through official plans. Official plans shall identify provincial interests and set out appropriate land use designations and policies. To determine the significance of some natural heritage features and other resources, evaluation may be required. In order to protect provincial interests, planning authorities shall keep their official plans up-to-date with this Provincial Policy Statement. The policies of this Provincial Policy Statement continue to apply after adoption and approval of an official plan.
- / 4.7: In addition to land use approvals under the Planning Act, infrastructure may also require approval under other legislation and regulations. An environmental assessment process may be required for new infrastructure

and modifications to existing infrastructure under applicable legislation. Wherever possible and practical, approvals under the Planning Act and other legislation or regulations should be integrated provided the intent and requirements of both processes are met.

- / 4.8 The Province, in consultation with municipalities, Indigenous communities, other public bodies and stakeholders shall identify performance indicators for measuring the effectiveness of some or all of the policies. The Province shall monitor their implementation, including reviewing performance indicators concurrent with any review of this Provincial Policy Statement.
- / 4.9 Municipalities are encouraged to monitor and report on the implementation of the policies in their official plans, in accordance with any reporting requirements, data standards and any other guidelines that may be issued by the Minister.

## 2.4 New Draft Provincial Planning Statement (2023)

The Ontario Government is currently preparing a draft Provincial Planning Statement in support of its Housing Supply Action Plan, which establishes a target of 1.5 million new homes to be constructed by 2031. Unique to this PPS review is the proposal to incorporate elements from the Growth Plan for the Greater Golden Horseshoe and revoke both the Growth Plan and the current PPS. The proposed policy direction for the new document, renamed the Provincial Planning Statement, is currently closed for comment, with final adoption anticipated for Fall 2023.

The proposed Provincial Planning Statement generally carries forward the policies of the current PPS, but introduces new Implementation policies, including:

- / Planning authorities shall keep their zoning and development permit by-laws up-to-date with their official plans and the Policy Statement by establishing permitted uses, minimum densities, heights and other development standards to accommodate growth and development.
- / Where a planning authority must decide on a planning matter before their official plan has been updated to be consistent with the Policy Statement, or before other applicable planning instruments have been updated accordingly, it must still make a decision that is consistent with the Policy Statement.
- / Strategic growth areas are not land use designations and their delineation does not confer any new land use designations, nor alter existing land use designations. Any development on lands within the boundary of these identified areas is still subject to the relevant provincial and municipal land use planning policies and approval processes.

The Implementation section of the PPS includes policies for Coordination, which were previously contained in Section 1. While several core policies are carried forward from the current PPS, some new or revised policies are included:

- / Planning authorities shall undertake early engagement with Indigenous communities and coordinate on land use planning matters to facilitate knowledge-sharing, support consideration of Indigenous interests in land use decision-making and support the identification of potential impacts of decisions on the exercise of Aboriginal or treaty rights.
- / Planning authorities are encouraged to engage the public and stakeholders early in local efforts to implement this Policy Statement, and to provide the necessary information to ensure the informed involvement of local citizens, including equity-deserving groups.
- / Planning authorities and school boards shall collaborate to facilitate early and integrated planning for schools and associated child care facilities to meet current and future needs.
- / Municipalities, the Province and other appropriate stakeholders are encouraged to undertake a coordinated approach to planning for large areas with high concentrations of employment uses that cross municipal boundaries.



## 2.5 Northumberland Official Plan

Northumberland County is composed of seven member municipalities, including the Municipality of Trent Hills, the Municipality of Port Hope, the Municipality of Brighton, the Township of Hamilton, the Township of Cramahe, the Township of Alnwick/Haldimand, and the Town of Cobourg. The Northumberland County Council is made up of each of the mayors of these member municipalities.

The Northumberland Official Plan is the primary land use planning document adopted under the Planning Act for the County. The Plan was approved by the Ontario Municipal Board on November 23, 2016. The Official Plans of all lower-tier municipalities within the County must conform with the policies of the County Official Plan.

The Implementation section of the County Official Plan contains the following sections:

- / Official Plan Administration
- / Local Official Plan Conformity with County Plan
- / Local Zoning By-laws
- / Site Plan Control
- / Community Improvement Plans
- / Phasing of Development
- / Public Participation and Consultation
- / Complete Applications
- / Monitoring
- / Development Charges
- / Interpretation

The Implementation policies largely pertain to the County Official Plan specifically, excepting those policies that require conformity of local planning activities with the County Plan.

## 2.6 Trent Hills Official Plan

The Municipality of Trent Hills Official Plan (2001) provides a guiding policy framework for governing land use within the municipality. The Official Plan is meant to specify visions and goals over the course of a defined planning horizon, which are informed by public engagement and staff expertise, and ultimately are voted on by Council. As the Municipality of Trent Hills Official Plan is a lower-tier municipality official plan, it must conform with the goals, visions, and principles of the upper-tier municipality's official plan, and provincial policy.

Since its adoption in 2001, Trent Hills has undertaken several major amendments to the Official Plan, generally to align its policies with Provincial or County directives. Amendments include:

- / Official Plan Amendment (OPA) 2, which introduced policies to ensure conformity with the Oak Ridges Moraine Conservation Plan;
- / OPA 3, which introduced policies that allow for the creation of a Community Improvement Plan;
- / OPA 5, which introduced new policies and direction in response to the Northumberland County Growth Management Strategy in 2008;
- / OPA 6, which introduced site-specific policies for the Nappan Island plan of subdivision;

- / OPA 9, which introduced site-specific policies for the Whitehorse plan of subdivision; and
- / OPA 10, which introduced policies for cannabis production.

In 2022, the Municipality of Trent Hills initiated a process to prepare a new Official Plan. The current project is intended to realize that initiative.

## 3.0 Discussion

The purpose of this Discussion section is to provide high-level information and options for a range of key policy areas. In general, the topics in this section are drawn from the preceding summaries of land use policies and existing conditions, including Provincial and County direction.

The topics presented in this section are not exhaustive, nor will they necessarily contain all relevant details or analysis. The intent is to provide a high-level discussion on topics to be addressed in the new Trent Hills Official Plan for the benefit of Council members, Staff, stakeholders, neighbours, and residents.

The detailed policy direction for these topics and others will be determined through the planning process as the new Official Plan is prepared.

### 3.1 OP Administration

Section 7.5 of the current Official Plan contains policies for amending the Plan. The policies contain evaluation criteria to be considered for applications to introduce a land use not permitted by the Plan.

The drafting of the new Official Plan presents an opportunity to revise the policy wording in Section 7.5. Possible changes to this section may include:

- / Expansion of the instances in which an Official Plan Amendment may be warranted, including permitting a land use, modifying permitted densities, significant boundary changes for policy designations, or specific scenarios described in the policies of the Plan;
- / Removing or clarifying the “need” criterion, to ensure that applications are not assessed on market demand for a proposed land use;
- / Revising criterion (b) to underscore the importance of appropriate phasing of development;
- / Further refining the “financial position of the municipality” criterion to limit consideration to infrastructure capital and maintenance costs;
- / Removal of the “population level and social character” element of criterion (d), in favour of “the capacity of infrastructure and community facilities” (or similar); and
- / Adding “consistency with the goals and objectives of this Plan” as a criterion.

The Plan Review policy in Section 7.6 may also be updated to reflect the Planning Act provision that new Official Plans need not be reviewed for the first 10 years following adoption, and every five years thereafter. Additionally, the reference to the Ministry of Municipal Affairs and Housing must be modified to reference Northumberland County, following its assumption of upper-tier municipal planning duties.

New policies may also be added to address the preparation and administration of Secondary Plans in Trent Hills. While Secondary Plans may be rare, establishing a simple framework for their creation may be useful, where warranted.

## 3.2 Land Division

Part VI of the Planning Act regulates the subdivision of land through planning processes. There are multiple legal methods of dividing land in Ontario, including by:

- / Consent
- / Plan of Subdivision
- / Plan of Condominium
- / Lifting of Part Lot Control

The new Official Plan is recommended to include general policies for land division to complement Planning Act direction.

### 3.2.1 Consents

Consents are governed by Section 53 of the Act, and are permitted where a plan of subdivision is not required to achieve proper and orderly development. Consent applications are typically employed where a limited number of lots are proposed and/or where no new public infrastructure is required.

The current Official Plan permits consents in the Rural Policy Area designation. The policies state that consent may be given, provided:

- / The lands are not designated Prime Agricultural Lands, Primary Mineral Aggregate Resources, environmentally sensitive lands in the Greenlands System or on hazard lands such as steep slopes.
- / The size of the lot shall be of a size consistent with the intended use of the property to be created. Lot size shall be consistent with the topography, lot sizes in the general area and other appropriate site characteristics.
- / Shall comply with the Minimum Distance Separation formula.
- / New lots shall front on an existing maintained year-round public road and shall not compromise road design and function.
- / All new lots created by severance shall be serviced with individual private waste and well systems.

Additionally, the policies permit consent applications for:

- / Easements and correction of lot boundaries;
- / Infilling between two (2) existing non-farm residential dwellings;
- / Conveyance of Agricultural Land to add to a contiguous existing farm operation;
- / Splitting of original farms;
- / A surplus farm dwelling;
- / A consent to permit an agriculture-related use;
- / The creation of up to two additional lots.

The following policy changes are recommended to streamline the Consent policies:

- / General consent policies should be relocated to the Implementation section from the Rural Policy Area designation policies, so as to apply to multiple policy designations;
- / General consent policies should reference the creation of easements, correction of lot boundaries, and lot line adjustments;

- / Policies remaining in the Rural Policy Area should pertain to the number of lots created, lot sizes, and permitted land uses;
- / Land division policies in the Prime Agricultural Area designation should be specific to that designation, and should include policies enabled by the PPS, including permissions for surplus farm dwellings;
- / With the recognition that consent applications may also occur in urban areas, the restriction of consent applications to a limited number of lots should be reserved only for rural severances.

### 3.2.2 Plan of Subdivision and Reference Deposit Plans

Excepting the requirement for a plan of subdivision application where three or more lots are proposed, the current Trent Hills Official Plan contains few policies for subdivision applications. Other policies are generally intended to achieve urban design outcomes, such as grid-patterned streets, and reasonably sized blocks.

However, the current Official Plan describes the history of land development within the Municipality via Reference Deposit Plans, specifically in the Rural Policy Area (Section 5.4.2.d). In the 1960s, prior to the creation of the plan of subdivision process, landowners were permitted to by-pass municipal planning processes and register Reference Deposit Plans directly with the Land Registry Office. The current policies encourage the consolidation of lots created in this manner, and generally not redivided. Section 5.4.2. d)iii) provides context for which of these Plans may be considered “developable,” and which are deemed “undevelopable.” The policies state that the Municipality has an interest in obtaining ownership of the undevelopable lands. These policies will be reviewed and may be carried forward into the new Official Plan.

As the Planning Act establishes plan of subdivision applications as the default form of land division, as well as evaluation criteria, the new Official Plan need not reiterate the criteria. Instead, the Implementation section may contain general policies for subdivisions, including the ability for the Municipality of Trent Hills to enter into Subdivision Agreements with landowners following subdivision approval by the County.

## 3.3 Pre-Application Consultation

The current Official Plan encourages pre-application consultation in select circumstances, but does not feature a section or policy devoted to the value of pre-application consultations. While these meetings would not be mandatory, a formal statement in the Official Plan would signify Council endorsement of development proponents meeting with planning staff prior to submitting an application.

In particular, a recent change to the Planning Act allows the Municipality to pass a by-law requiring applicants to attend pre-application consultation meetings prior to submission of a Site Plan Control application. If the Municipality wishes to utilize this permission, including a policy in the Implementation section of the Official Plan is recommended.

## 3.4 Complete Applications

While the current Official Plan policies establish various submission requirements, particularly studies, some standard or recommended submission materials may not be listed in a particular policy. Consequently, including a comprehensive (although not necessarily exhaustive) list of possible submission requirements would be beneficial. A list of possible requirements would provide information for applicants and transparency for the process.

In particular, recent changes to the Site Plan Control provisions of the Planning Act requires the Official Plan to enable the requirement. Specifically, section 3.4 of the Act states that a municipality may require that an applicant provide any other information or material that the municipality considers it may need, but only if the official plan contains provisions relating to the requirements.

### 3.5 Non-Conforming Uses

Section 7.2.1(a) of the current Official Plan contains policies recognizing non-conforming uses, providing direction to the preparation of the Zoning By-law. Under Section 34(9) of the Planning Act, a Zoning By-law may not prevent the continuation of any land use, building or structure that was legally established.

A new discrete section of the Official Plan is recommended to contain policies for addressing non-conforming uses to complement the traditional non-conforming provisions in the future Zoning By-law. In addition to providing comfort to owners of legally non-conforming uses and buildings, the new policies would also establish processes to be followed for proposed redevelopment of, or additions to, non-conforming uses. Specifically, case law stipulates that such development proposals be considered under the Permission provisions of Section 45(2) of the Planning Act, rather than a standard minor variance process.

### 3.6 Planning Act Tools

#### 3.6.1 Zoning By-laws

Zoning By-laws are the most common and consequential tools permitted under the Planning Act, with nearly every Ontario municipality enacting one. Section 34 of the Act permits a municipality to control land uses, built form, parking supply, and other elements of development.

The Implementation section of the Official Plan must include a policy establishing the Council direction to enact a Zoning By-law. Additionally, the establishment of certain zones or zoning provisions may be included throughout the Plan as a general implementation mechanism, and the requirement for a Zoning By-law Amendment to achieve good planning outcomes may also be appropriate in certain circumstances.

#### 3.6.2 Temporary Use By-laws and Garden Suites

Section 39 allows Councils to temporarily permit a use on a site that is otherwise prohibited. Temporary use by-laws must define the area in which the permitted use applies, and the duration for the permission, not exceeding three years. Extensions to these by-laws can be granted by Council for periods of time up to three additional years. Once a temporary use by-law expires, the land use, building, or structure associated with the temporary use must be discontinued.

Section 39.1 of the Planning Act permits municipalities to approve the installation of “garden suites” on a temporary basis. A “garden suite” is defined in the Act as a one-unit detached residential structure containing bathroom and kitchen facilities that is ancillary to an existing residential structure and that is designed to be portable. Most garden suites are in the form of a mobile trailer. Similar to temporary use by-laws, a by-law permitting a garden suite must identify the land or area for the temporary permission, and specify the duration of the permission (up to 20 years). Extensions to this temporary permission can also be applied for and granted for periods of up to three (3) years.

The current Official Plan does not have any reference to temporary use by-laws nor garden suites. The inclusion of policies to enable these by-laws are recommended for the Implementation section.

#### 3.6.3 Holding Zones

Section 36 of the Planning Act permits municipalities to apply a holding provision to a zoning by-law. Holding provisions prohibit all, or certain forms of, development until conditions prescribed in the zoning by-law are met. For example, a common use of holding provisions is to prohibit land uses until water and/or sanitary servicing infrastructure is available for a parcel of land.

The Planning Act stipulates that holding provisions may not be applied unless the Official Plan enables them to be used. Consequently, inclusions of policies to permit holding provisions is recommended for the Implementation section, carrying forward policies in the current Official Plan under the Zoning By-law section.

#### **3.6.4 Interim Control By-laws**

Section 38 of the Planning Act enables a municipality to pass an interim control by-law, which regulates land use(s) for a defined time period to provide an opportunity to study a particular issue. An interim control by-law may be in effect for a maximum of one year, after which it may be extended for a period of up to two years.

Examples of planning issues that have been regulated via interim control by-laws include those for short-term rental accommodations, new campground operations, cannabis production facilities and/or residential conversions. Often, interim control by-laws are enacted when a controversial land use is repeatedly being proposed in a particular area in the absence of a formal or long-term strategy for handling these applications.

The current Official Plan currently permits Council to enact an interim control by-law. These policies should be carried forward into the Implementation section of the new Official Plan.

#### **3.6.5 Site Plan Control**

Section 41 of the Planning Act permits municipalities to establish Site Plan Control areas and enact Site Plan Control by-laws. Site Plan Control is a process that municipalities can require for certain classes of development to enable a detailed review of the functional elements of a development, such as site servicing, access, and landscaping. The current Official Plan contains policies enabling Site Plan Control, as well as Site Plan Agreements with development proponents.

Several of the Site Plan Control provisions in the Planning Act were amended through the More Homes Built Faster Act, including:

- / Limiting the residential development classes that may be subject to Site Plan Control;
- / Reducing the scope of development elements subject to Site Plan Control review, particularly exterior elements; and
- / Requiring delegated approval authority to a designated officer of the Municipality.

The current Trent Hills Official Plan contains policies including:

- / Section 5.2.1.3.g) states that all development within the Residential designation, except single-detached and semi-detached dwellings, may be subject to Site Plan Control.
- / Section 5.2.2.7 states that all new development/redevelopment within the Central Area designation will be subject to Site Plan Control.
- / Section 7.2.1 c) iv) specifies exclusions from the defined Site Plan Control Area, including agricultural and farm-related buildings or structures, and single-detached dwellings and residential buildings containing fewer than three dwelling units and accessory uses.

These policies must be updated to conform with the new Planning Act changes described. Additionally, the Trent Hills Site Plan Control By-law 2022-062 will need to be amended to implement the subsequent Official Plan direction.

#### **3.6.6 Parkland Dedication**

The Planning Act provides municipalities with permission to require that lands for the provision of parkland be dedicated to the municipality for public purposes. Alternatively, a municipality may require cash in-lieu of parkland, with funds to be pooled for the future development of parks.

The More Homes Built Faster Act proposed several changes to parkland dedication, including the establishment of new alternative parkland calculation rates and maximum dedications based on lot size. As the alternative calculation can only apply if policies are included in the Official Plan, the Implementation section should include policies enabling these rates. The parkland dedication policies should also include direction to prepare a parks plan based on parkland needs, as required in the Planning Act.

### **3.6.7 Community Planning Permit Systems**

Since the 1990s, the Planning Act has permitted municipalities to enact Community Planning Permit Systems, also known as Development Permit systems. Community Planning Permit systems are intended to effectively combine Zoning By-law, Site Plan Control, and Minor Variance processes for a more efficient process.

As with other Planning Act tools, the Official Plan must enable the ability for the Municipality to pass a Community Planning Permit By-law. If included in the Official Plan, the Municipality may choose to apply a Community Planning Permit by-law:

- / Across the entire Municipality;
- / In select locations in the Municipality; or
- / Not apply the by-law at all, but keep the enabling Official Plan policy as a potential tool to use in the future.

### **3.6.8 Community Improvement Plans**

Part IV of the Planning Act contains provisions for Community Improvement, defined as:

the planning or replanning, design or redesign, resubdivision, clearance, development or redevelopment, construction, reconstruction and rehabilitation, improvement of energy efficiency, or any of them, of a community improvement project area, and the provision of such residential, commercial, industrial, public, recreational, institutional, religious, charitable or other uses, buildings, structures, works, improvements or facilities, or spaces therefor, as may be appropriate or necessary.

Community Improvement tools permitted by the Planning Act are implemented through Community Improvement Plans (CIPs), which apply to a Community Improvement Project Area. The Act defines these areas as a municipality or an area within a municipality, the community improvement of which in the opinion of the council is desirable because of age, dilapidation, overcrowding, faulty arrangement, unsuitability of buildings or for any other environmental, social or community economic development reason.

Official Plan Amendment 3 introduced enabling policies for CIPs into the Official Plan. These policies should be carried forward into the Implementation section of the new Official Plan and refined as necessary.

### **3.6.9 Community Benefits Charge**

Until 2019, Section 37 of the Planning Act contained provisions that permitted density bonusing for new development, where enabled by an Official Plan. Under that system, development could exceed zoning restrictions on density in exchange for the provision of a community benefit, or a cash equivalent.

In 2019, the More Homes, More Choice Act introduced the Community Benefits Charge framework, replacing the density bonusing provisions of Section 37. In this new framework, a municipality may introduce a by-law to impose community benefits charges against land to pay for the capital costs of facilities, services and other matters that result from development or redevelopment.



The charge may only be applied to development that requires one or more of a defined set of applications under the Planning Act, and may only be triggered by development exceeding a minimum threshold size of five storeys and 10 dwelling units. Benefits provided under the framework may be provided as in-kind or cash contributions, representing up to 4 percent of land value.

Community Benefits Charge by-laws may only be passed following the completion of a Strategy to identify the facilities and services to be funded through the program. The scope of facilities and services must not conflict with those funded through any Development Charge program.

If the Municipality of Trent Hills wishes to avail itself of this new power at any point during the planning horizon of the new Official Plan, policies should be introduced to the Implementation section accordingly.

### **3.6.10 Alternative Measures for Public Engagement**

Beginning in 2015, the Planning Act now permits Official Plans to describe alternative measures for informing and obtaining the views of the public on planning matters. Whereas the standard measures in the Planning Act were established decades ago, the new permission for alternative measures affords municipalities the opportunity to engage their community members and stakeholders in a more flexible way.

Importantly, the Official Plan must describe any alternative measures and in what context they will be used. Additionally, in formulating any alternative measures, the Act requires Council to consider whether it would be desirable for the alternative measures to include circulation of application notices to the prescribed list of persons in the Regulations under the Act.

Given the prevalence of social media and online sources, the new permissions provide an opportunity for the Official Plan to establish new methods of sharing information on planning applications and initiatives. Nevertheless, the importance of traditional public meetings and/or open houses may continue to be valued by community members, creating the potential for a blended approach to public engagement.

### **3.6.11 Delegated Authority**

The Planning Act permits planning authorities to delegate approval authority for some application types. The intent of the delegation permissions is to improve efficiency in processing planning applications, and to allow for more minor, less consequential matters to by-pass the Council review process.

For lower-tier municipalities, Section 39.2 of the Act permits Councils to delegate approval authority for zoning applications of a minor nature to a committee of Council or municipal staff. The Act deliberately permits a broad interpretation of the term “minor,” but cites two specific examples that may be considered:

- / Lifting of holding symbols; and
- / Temporary use by-laws.

Council is entitled to apply conditions to this delegation of authority, as desired. The Act requires the Official Plan to establish the initial direction for this delegation, which must specify the types of by-laws subject to the delegation of authority. The Municipality may wish to consider a broad framework within the Plan to permit in the future.

### **3.6.12 Criteria for Minor Variances**

Section 45(1.0.3) of the Planning Act permits Councils to enact by-laws establishing criteria against which Minor Variance applications will be evaluated. Any criteria established would be in addition to the standard four tests under the Act, which include:

- / Whether the Minor Variance meets the general intent of the Official Plan;
- / Whether the Minor Variance meets the general intent of the Zoning By-law;
- / Whether the Minor Variance is desirable; and
- / Whether the Minor Variance is minor.

One example of a criterion is to establish that certain classes of zoning provisions may not be varied through a Minor Variance process. For example, decisions regarding more sensitive zoning issues, such as building height or parking provisions, may be deemed to be better-suited for Council through a Zoning By-law Amendment. While there are benefits to this approach, the Municipality should consider that such exemptions would require a more extensive planning approvals process for development proponents.

### 3.6.13 Acquisitions, Holds, and Securities

The Planning Act permits municipalities to acquire, clear, hold, and dispose of lands in the achievement of planning goals established in an Official Plan. Policies in the Implementation section of the Plan should establish these municipal powers.

Specifically, the power to secure road widenings and corner sight triangles should be included in the Implementation policies. For example, road classifications can be assigned protected right-of-way widths, which may require dedication of a portion of lands proposed for development through Site Plan Control, Consent, or Plan of Subdivision applications. Additionally, the ability to acquire lands for planning purposes extends to:

- / Natural heritage lands, to ensure long-term protection of sensitive environmental features;
- / Infrastructure, including stormwater management ponds and linear infrastructure; and
- / Transportation infrastructure, such as pedestrian pathway blocks, multi-use pathways, and other active transportation corridors.

In all cases, the ability to obtain these lands is conditional upon policies being included in the Official Plan.

## 3.7 Other Legislative Tools

### 3.7.1 Site Alteration By-law

Section 142 of the Municipal Act permits a municipality to enact by-laws that:

- / Prohibit or regulate the placing or dumping of fill;
- / Prohibit or regulate the removal of topsoil;
- / Prohibit or regulate the alteration of the grade of the land;
- / Require that a permit be obtained for the placing or dumping of fill, the removal of topsoil or the alteration of the grade of the land; and/or
- / Impose conditions to a permit, including requiring the preparation of plans acceptable to the municipality relating to grading, filling or dumping, the removal of topsoil and the rehabilitation of the site.

Unlike other powers enabled under legislation, an Official Plan need not contain policies regarding a Site Alteration By-law as a pre-condition for enactment. However, brief mention of a Site Alteration By-law in the Implementation section of the Official Plan may be beneficial to establish an option or intent to pass such a by-law in a public-facing document. Additionally, policies in the Official Plan relating to stormwater management, excess soils, flood control, and

environmental protection are partially implemented by measures in a Site Alteration By-law, if deemed appropriate to enact.

### **3.7.2 Property Standards By-law**

The Municipality of Trent Hills currently has an active Property Standards By-law (#2003-78), as enabled by Section 7.2.1 (Planning Process) of its Official Plan. While this policy should be retained, there is an opportunity for the wording to be revised to clarify and/or expand the scope of any future by-law, if desired. The list may include:

- / Physical safety for individuals and the general public;
- / Quality of repairs by building trades, owners, and tenants;
- / Basic aesthetic considerations for building materials and landscaping;
- / Basic lighting standards; and
- / Storage and disposal of materials and refuse.

### **3.7.3 Ontario Heritage Act**

As detailed in the Natural Resources and Environment Discussion Paper, the Municipality can enable powers for the protection of built heritage resources and cultural heritage landscapes through the Ontario Heritage Act. In particular, powers afforded under Sections IV and V of the Act permit the Municipality to designate heritage buildings and establish Heritage Conservation Districts by following notification requirements and preparing necessary plans. The Implementation and Heritage sections of the Official Plan will include policies to guide these actions.

## Conclusion

This Discussion Paper serves to provide background information and a high-level analysis on topics to be incorporated into the new Trent Hills Official Plan. It seeks to explain how the policy and legislative framework must inform the Official Plan policy direction, and how each of these documents contributes to shaping a safe and healthy community.

The purpose of this paper is also to generate interest in the Official Plan update project and provides a starting point for stakeholder engagement through the planning process. The preparation and release of these Discussion Papers will be followed by engagement with residents, landowners, workers, and Indigenous communities who live, work, and play in Trent Hills.