

| Type of Decision  |                            |                  |  |    |                 |                               |      |  |        |
|-------------------|----------------------------|------------------|--|----|-----------------|-------------------------------|------|--|--------|
| Meeting Date      | Friday, September 30, 2016 |                  |  |    | Report Date     | Wednesday, September 21, 2016 |      |  |        |
| Decision Required | X                          | Yes              |  | No | Priority        | X                             | High |  | Low    |
| Direction         | X                          | Information Only |  |    | Type of Meeting | X                             | Open |  | Closed |

## Official Plan and Planning Act - Report #30/09/16/1103

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**Subject:**

Review of the amendments to the Official Plan, comments on the Planning Act as it relates to private landowner rights in small rural communities.

**RECOMMENDATION:**

That Committee provides input to the following resolution to be presented to and passed by Council at the upcoming October meeting with comments sent to the County of Renfrew for the OP review asap.

**WHEREAS** the *Municipal Act, 2006* states in section 2 that “Municipalities are created by the Province of Ontario to be responsible and accountable governments with respect to matters within their jurisdiction and each municipality is given powers and duties under this Act and many other Acts for the purpose of providing good government with respect to those matters”;

**AND WHEREAS** The Provincial Policy Statement, 2014 (PPS) expresses in its preamble that it “...provides policy direction on matters of provincial interest related to land use planning and development. As a key part of Ontario’s policy-led planning system, the Provincial Policy Statement sets the policy foundation for regulating the development and use of land. It also supports the provincial goal to enhance the quality of life for the citizens of Ontario”;

**AND WHEREAS** it further states that “Provincial plans and municipal official plans provide a framework for comprehensive, integrated and long-term planning that supports and integrates the principles of strong communities, a clean and healthy environment and economic growth, for the long term”;

**AND WHEREAS** the Planning Act requires that local plans and policy “shall be consistent with” the PPS. And that “Where a provincial plan is in effect, planning decisions must conform or not conflict with the provincial plan”;

**AND WHEREAS** the Ministry of Municipal Affairs’ Land Use Planning web page begins with the statement that “Ontario’s land use planning system gives municipalities the major role in planning decisions” conflicting directly with the “shall be consistent with” requirement;

**AND WHEREAS** many rural Ontario residents have pro-actively purchased large tracts of land some years and even decades ago, planning to sever and sell these lands at a future date, in lieu of pensions to finance their retirements and leave a financial legacy for their children;

**AND WHEREAS** the restrictions now being placed by the province and County through the Official Plan on the use of private lands by property owners in rural Ontario in fact negatively affects their quality of life by stealing from them their retirements and significantly devaluing their land;

**AND WHEREAS** the most recent version of the County Official Plan's severance restrictions surrounding "at capacity" or "sensitive" lakes is being implemented arbitrarily and severely - an example in Head, Clara & Maria includes a lake with zero existing development with a restriction on severance of 150 acre tracts of land;

**AND WHEREAS** restrictions around severing lands that do not front on municipal roads or Provincial highways and surrounding sensitive lakes along with the refusal of the province to allow new entrances or private roads to enter TransCanada Highway 17 significantly restricts and stagnates economic growth in rural Ontario;

**AND WHEREAS** the provincial government through the *Planning Act*, its Provincial Policy Statement and insistence that Official Plans conform to this broad provincial legislation ties the hands of municipalities to act like the responsible governments that the province promises they can be resulting in significant negative financial implications for rural Ontarians and rural municipalities specifically contrary to statements made in the PPS preamble.

**THEREFORE BE IT RESOLVED** that since the land development reality in rural Ontario is significantly different from the reality in urban Ontario that the Council of the United Townships of Head, Clara & Maria does hereby request the Ministry of Municipal Affairs amend *the Planning Act* and Provincial Policy Statement to allow normal and usual use of private lands in rural Ontario, specifically including continued severance and development on private roads;

**AND FURTHER THAT** restrictions surrounding the development on "sensitive" or "at capacity" lakes be considered on a case by case and realistic manner and not simply addressed with wide brush strokes;

**AND FURTHER THAT** Council request that Mayor Gibson, in his position as County Council member, oppose the new Official Plan based on the controlling and oppressive approach to land use control imposed by that document;

**AND FURTHER THAT** this resolution be circulated throughout the county of Renfrew for support.

## **BACKGROUND/EXECUTIVE SUMMARY:**

Recently Council and staff have heard from a number of residents of Head, Clara & Maria concerned about the draft Official Plan, the provincial Planning Act and implications which directly affect their ability to use their own property. The province wants to encourage what they call "infilling" and prevent future development on private roads. This has been reflected in the Official Plan.

Additionally, increased restrictions on development along "highly sensitive" or "at capacity" lakes have been proposed.

The challenge this poses to property owners is that they are restricted in enjoying their property and in using it for what was the intended purpose for some people, as retirement income.

A letter has been sent to Charles and Bruce at the county requesting input for this meeting as well as information on why exemptions have been implemented in the draft document for other municipalities but that same issue was never offered to HCM. (a copy included for your information)

The draft amended OP may be located at [http://www.countyofrenfrew.on.ca/\\_documents/development-property/draft-official-plan/DraftCountyOfficialPlan.pdf](http://www.countyofrenfrew.on.ca/_documents/development-property/draft-official-plan/DraftCountyOfficialPlan.pdf).

The report from the county planning staff is set to go before County Council in February/March of 2017.

## Options/Discussion:

### Policy Impact:

As per policy.

### Others Consulted:

Various private property owners.

#### Approved and Recommended by the Clerk

Melinda Reith,  
Municipal Clerk



## Of special note are the following sections:

s 5.3 (3) (e)

(e) the development must have direct access to a public road that is maintained year-round and is improved to acceptable municipal standards. Lots created through a vacant lot plan of condominium may be accessed by a common elements private road; (was in the previous version but can not find reference in the PPS)

S 5.3 Exemptions –

### (D) Horton Township

(1) Rural – Exception Four (Part of Lot 3, Concession X to Part of Lot 14, Concession VIII, Township of Horton)

Notwithstanding any policies of this Plan to the contrary, for those lands designated Rural – Exception Four on the Land Use Schedules and located between County Road No. 1 and the Ottawa River from part of Lot 3, Concession X to part of Lot 14, Concession VIII, Township of Horton, applications to sever new lots for year round residential development which lots do not have frontage or direct access to a public road may be considered without an amendment to this Plan. Also, applications for consent, lot additions and rights-of-way for existing year round residential uses may be considered without an amendment to this Plan.

And

### \*(F) Brudenell, Lyndoch & Raglan

(1) Rural-Exception Six (Part of Lot 6, Concession 13, Township of Lyndoch)

Notwithstanding any policies of this Plan to the contrary, for those lands designated Rural-Exception Six on the Land Use Schedules and located in Part of Lot 6, Concession 13,

Township of Brudenell, Lyndoch & Raglan (geographic Township of Lyndoch), a consent to sever a 0.4 hectare (1 acre) lot for a hunt camp accessed by an unopened road allowance is permitted.\*

s. 9.3 (2)

(2) Big Gibson, Burns, Charlotte, Kaminisneg (North Basin), Lake Clear, McSourley, Muskrat, Murphy (Island), Raglan White, Valiant, Wabun, Wadsworth, Waterloo, Big Limestone, Green-Brougham, Morrow, and Weindigo Lakes are at capacity highly sensitive lakes. For the purpose of protecting the lake water quality conditions of these highly sensitive at capacity lakes, the following provisions shall apply to all lands abutting (within 300 metres) the lakes:

(a) No development, including the creation of any new lot, shall be permitted within 300 metres of any at capacity lake unless:

(i) For lot creation only where it is required to separate existing habitable dwellings, each of which contains an existing sewage system and is on a lot that is capable of supporting a Class 4 sewage system, provided that the land use would not change and there would be no net increase in phosphorus loading to the lake; or

(ii) Where all new tile fields are setback at least 300 metres from the shoreline of lakes and it can be demonstrated that there will be no impacts on lake water quality and where the following conditions apply. Development must be supported by a report prepared by a qualified professional that demonstrates the lake and the related hydrologic functions will be protected, improved or restored. Mitigation measures and/or alternatives development approaches may be required. Site plan control may be utilized by the local municipality to implement any recommended mitigation measures.