

Request for Decision United Townships of Head, Clara & Maria Council

Type of Decision									
Meeting Date	Friday, October 14, 2016				Report Date	Saturday, October 1, 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 #14/10/16/1103 - 03									

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 Council approve and adopt the following resolution.

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 continually being placed by the province through the Provincial Policy Statement and the County through the Official Plan on the use of private lands by property owners in rural Ontario in fact negatively affects rural Ontarians’ quality of life by stealing from them their retirements, their pensions 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 setbacks of 300 metres;

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 specifically in Head, Clara & Maria;

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 of lands on private roads;

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

AND FURTHER THAT the County of Renfrew through the Official Plan relaxes restrictions in these same areas;

AND FURTHER THAT even though a member of County Council is not bound to follow local municipal Council's direction that the Council of the United Townships of Head, Clara & Maria does hereby 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 and the province of Ontario for support.

BACKGROUND/EXECUTIVE SUMMARY:

Others Consulted:

Various private property owners. County of Renfrew staff. Committee of the Whole.

Approved and Recommended by the Clerk

Melinda Reith,

Municipal Clerk

