



DUFFERIN COUNTY COUNCIL MINUTES – STATUTORY MEETING

Thursday, March 14, 2024 at 6:00 pm

W & M Edelbrock Centre, 30 Centre Street, Orangeville ON

Council Members Present:

Warden Darren White (Melancthon)
Councillor John Creelman (Mono)
Councillor Guy Gardhouse (East Garafraxa)
Councillor Chris Gerrits (Amaranth)
Councillor Shane Hall (Shelburne)
Councillor Earl Hawkins (Mulmur)
Councillor Janet Horner (Mulmur)
Councillor Gail Little (Amaranth)
Councillor James McLean (Melancthon)
Councillor Wade Mills (Shelburne)
Councillor Fred Nix (Mono)
Councillor Lisa Post (Orangeville)
Councillor Philip Rentsch (Grand Valley)
Councillor Steve Soloman (Grand Valley)
Councillor Todd Taylor (Orangeville)

Staff Present:

Scott Burns, Acting Chief Administrative Officer, Director of
Public Works/County Engineer
Michelle Dunne, Clerk
Rebecca Whelan, Deputy Clerk
Aimee Raves, Manager of Corporate Finance, Treasurer
Rohan Thompson, Director of People & Equity
Anna McGregor, Director of Community Services
Brenda Wagner, Administrator of Dufferin Oaks
Silva Yousif, Senior Planner

Warden White called the meeting to order at 6:02 pm.

Warden White announced that the meeting is being live streamed and publicly broadcast.

The recording of this meeting will also be available on our website in the future.

1. **LAND ACKNOWLEDGEMENT STATEMENT**

Warden White shared the Land Acknowledgement Statement.

2. **ROLL CALL**

The Clerk verbally took a roll call of the Councillors in attendance.

3. **APPROVAL OF THE AGENDA**

Moved by Councillor Post, seconded by Councillor Nix

THAT the Agenda distributed for the Statutory Public Meeting for the County of Dufferin Municipal Comprehensive Review for March 14, 2024, be approved.

-Carried-

4. **DECLARATION OF INTEREST BY MEMBERS**

Members of Council are required to state any pecuniary interest in accordance with the Municipal Conflict of Interest Act.

5. **NOTICE OF PUBLIC MEETING**

A copy of the Notice of Public meeting under Section 26 of the Planning Act, R.S.O. 1990, to receive input regarding the Municipal Comprehensive Review.

Public Notice was given by the following means:

- Dufferin County's website
- Join In Dufferin Community Engagement platform
- Ads were placed in the following newspapers on the following dates:
 - Creemore Echo on January 26, 2024
 - Dundalk Herald on January 24, 2024
 - Orangeville Citizen on January 24, 2024
 - Shelburne Free Press on January 24, 2024
 - Wellington Advertiser on January 25, 2024

PRESENTATION AND CONSIDERATIONS OF REPORTS

6. **WSP – Municipal Comprehensive Review (MCR)**

Matt Alexander, Practice Lead, WSP, advised the purpose of the public meeting is to review the draft Official Plan Amendment being considered as a result of the MCR undertaken under Section 26 of the Planning Act.

The purpose and effect of the Official Plan Amendment is to update the policies of the Official Plan to address general policy matters which have been received over the course of the Municipal Comprehensive Review, to respond to the changing needs of residents and businesses in the County, and to simplify and clarify the policies of the Official Plan. County staff and local municipalities provided feedback on policies where they encountered challenges with implementation or found unclear wording.

The County of Dufferin's Official Plan was adopted in 2015. The Planning Act requires Official Plans be reviewed and updated within ten years of adoption; however, the release of an updated Growth Plan in 2017 included a requirement for upper-tier municipalities to update their Official Plans for conformity by July 2, 2022. The County undertook a comprehensive review beginning in 2019. Through two previous Official Plan Amendments which have already been adopted, conformity was achieved. Those two amendments are awaiting a decision from the Province at this time. Over the course of preparing the previous amendments a number of general policy updates were recommended by County staff, local municipalities, members of the general public, landowners, and business owners. These include updates related to housing, climate change, implementation and interpretation of the Official Plan, among others.

There have been multiple public open houses and public meetings related to the Dufferin County Municipal Comprehensive Review since 2019. Residents and stakeholders have submitted dozens of comments, some of which have been addressed through the two previous amendments, and some of which are addressed in this proposed amendment. For the current Official Plan Amendment, a Section 26 Special Meeting of Council was held, as well as a Statutory Public Open House on February 14, 2024. Feedback from staff in various County departments which has resulted in amendments related to climate change, implementation policies, definitions, transportation and other subject matter.

Mr. Alexander noted there has been some changes since the Open House and provided an overview of the key details of the amendment.

Updates to terminology include:

- references to the "Provincial Policy Statement, 2014" are updated to "Provincial Policy Statement, 2020" (PPS, 2020)
- "Secondary Dwelling Units" are updated to "Additional Residential Units" as the Planning Act has changed to discuss up to two additional residential units within a dwelling
- "Special needs housing" replaced with "supportive housing"

New goals and objectives have been added in relation to plan for the impacts, mitigation, and reducing the effects of climate change. A new policy was added stating the County and/or local municipalities may enact Green Development Standards, which will encourage developers to design sustainable buildings that are more efficient with less greenhouse gas emissions. The policy changes include:

- Section 1.1.4 Purpose of The Plan
 - 9) Integrate climate change considerations in planning and managing growth to effectively mitigate greenhouse gas emissions and strengthen the County's resilience in adapting to the evolving climate.
- Section 3.9.1 Community Design
 - f) The County or local municipalities may establish Green Development Standards, which establishes guidelines for development related to sustainability goals including, but not limited to, energy efficiency, renewable energy systems, water, wastewater and stormwater management, indoor air quality, environmentally preferable building materials, tree plantings, water efficient and drought resistant landscaping, green roofs, and waste diversion during construction.

Policies were updated in relation to expansions and adjustments of settlement areas to clarify process and requirements consistent with the PPS, 2020. PPS, 2020 includes policies that allow for expansions to settlement areas ahead of a Municipal Comprehensive Review. It also allows for adjustments where land would be added to a settlement area if other lands are removed. To clarify this process, the following amendments were made:

- Section 3.5.1.2 Settlement Area Adjustments
 - Municipalities may adjust settlement area boundaries outside of a municipal comprehensive review, provided:
 - a) There would be no net increase in land within the settlement area;
 - b) The adjustment would support the municipality's ability to meet the intensification and density targets established pursuant to this Plan;
 - c) The location of any lands added to a settlement area will satisfy the applicable requirements;
 - d) The location of any lands added to a settlement area will satisfy the applicable requirements;
 - e) The affected settlement areas are not rural settlements or in the Greenbelt Area; and

- f) The settlement area to which lands would be added is serviced by municipal water and wastewater systems and there is sufficient reserve infrastructure capacity to service the lands;
- g) Privately-initiated Settlement Area adjustment requests must identify the lands proposed to be added, as well as the lands proposed to be removed from the settlement area.

Updates were also made to the housing policies, including:

- Section 3.3.3 Community Settlement Areas & Section 3.4.2 Intensification
 - replacing references to “character” with references to the height, density or massing of development since the word “character” was changed as it can mean different things to different people
- Section 9.7.4 Additional Residential Units & Garden Suites
 - new polices were added to allow up to multiple units on a given property, subject to servicing requirements and other standards. This was added due to recent amendments to the Planning Act.
- Section 9.9.1 Community Design
 - updates added to strengthen “complete communities” policies to provide for a mix of compatible land uses within close proximity to each other

A number of changes were made following comments received at the September 28, 2023 Planning Committee meeting including:

- A policy to establish a telecommunications protocol and to streamline applications and review for new telecommunications infrastructure.
 - 7.6 (q) The County will establish a telecommunications tower protocol to help streamline the review of applications for new infrastructure.
- Providing additional direction for local municipalities to report on progress of intensification and density targets on an annual basis. The purpose of this is help local municipalities to keep track of type and amount of growth happening.
 - 8.3.2 Growth Plan Monitoring – Local municipalities will report on their progress towards intensification and density targets annually. The County, in co-operation with the local municipalities, will develop common measuring and reporting tools to monitor and report on progress towards achieving the targets established by this Plan and A Place to Grow: Growth plan for the Greater Golden Horseshoe

County staff and WSP have been waiting for comments from the Province before bringing this Official Plan Amendment before Council for adoption. Verbal comments have been received from the Ministry and their feedback has been addressed through mostly minor changes to the Amendments. The Ministry

requested stronger language related to clarify the Natural Heritage System policies, minor correction to Woodland evaluation criteria policy, update references to the role of the Conservation Authority due to recent legislative changes and greater emphasis on transit and active transportation options.

A Public Open House was held on February 14, 2024, to answer questions from members of the Public. Written comments received since the Public Open House were regarding Natural Heritage System mapping and policies. The mapping and policies were adopted during the previous Official Plan Amendment No. 3, which is currently under review by the Ministry. Further related comments or change requests to the Natural Heritage System mapping or policies need to be directed to the Ministry. Should Council like to make any changes to the policies or mapping, a submission could be made the Ministry as a requested modification when they make their decision or bring forward an amendment once it is in effect.

Council may choose to adopt the Official Plan Amendment as presented, consider amendments before adoption or refer the amendment back to staff for further revisions. Following Council adoption, staff will prepare a submission package for submission to the Ministry of Municipal Affairs and Housing (MMAH) for review. MMAH will review the amendment for consistency with the Provincial Policy Statement and conformity with the Growth Plan. The Minister may approve, modify or refuse to approve the adopted amendment. The Minister's decision is final.

7. **COMMENTS/QUESTIONS**

Written comments that were received were circulated with the regular Council agenda. Comments from Gladki Planning Associates were circulated on desk.

Councillor Nix inquired if the County Official Plan or the local municipal Official Plan would take precedence when reviewing an application. When considering a planning application, the decision authority is required to make a decision that is in conformity with both Plans, which can be difficult. If the County Official Plan contradicts a local Official Plan, it is the role of the planner to make the interpretation. The County's Official Plan is intended to provide direction to local Plan, the local Plan then provides direction to the zoning by-law. If there is a planning application that conforms with the County Official Plan but not the local, it might be necessary to amend the local official plan to update the property's zoning by-law before approving the application. The County Official Plan takes precedence.

Councillor Nix noted some ambiguity in the wording of the Employment Lands for the Town of Mono. He asked if an application is received before provincial approval of the Official Plan Amendment if there is a grandfathering process. Mr. Alexander noted if an application has been submitted and deemed complete before the policies come into effect, the decision should be based on the policies that were in effect when the application was deemed complete. He also noted the current Official Plan does not designate Employment Lands, but it does include policies which provide criteria for when a local municipality is considering an amendment to their employment land designation. If a local municipality wants to change land from employment land to residential, it needs to meet the policies of the County Official Plan related to an employment land conversion. At the local level, there is a need to review the application in the context of the employment land conversion policies even before the amended Official Plan comes into effect. If an application is currently before a local municipality, the County would be a commenting agency.

Councillor Gerrits noted the local Official Plan can be more restrictive than the County Official Plan but cannot be less restrictive. Mr. Alexander confirmed that could be the case if the local Official Plan goes beyond the minimum standards of the County Plan. As with any application, if it doesn't conform with the local Official Plan, the applicant can apply for an amendment and provide a site spec exception or change a designation.

Councillor Nix inquired if the Province provided any feedback on the Prime Agricultural Land mapping. Silva Yousif, Senior Planner, confirmed the Province was mainly concerned regarding further explanation and support for areas in Mono, East Garafraxa, Grand Valley and Mulmur have asked for either expansions into prime agricultural land or changing prime agricultural lands into employment lands.

Warden White confirmed the Province did not respond within the allotted 120 days but they did advise early on in the process they would not be able to meet that deadline.

Councillor Gerrits asked for clarification between a green development standard and an urban design guideline. Mr. Alexander advised they are similar in nature but green development standards have a focus on sustainability, energy efficiency and greenhouse gas emissions and provide recommendations related to storm water retention or passive heating. Green development standards are sustainability focused. Urban design guidelines are focused on aesthetic, the look and feel, or the appearance of buildings. Both are implemented similarly through site plan agreements, subdivision reviews and other planning application review

processes. It is possible to have an urban design guideline that has a focus or a section on green development standards.

Councillor Gerrits also expressed concerns regarding Policy 3.5.1.2 Settlement Area Adjustments, point (f) regarding water and wastewater systems. He noted there are a number of settlements that are partially serviced by a municipality and it doesn't allow any flexibility for privately owned communal systems. He believes this point may be overly restrictive. Mr. Alexander advised the primary focus for growth in Dufferin County is intended to be in areas that have municipal water and wastewater, in the areas that have the services to accommodate growth. Councillor Gerrits would like it changed to municipal/communal systems to allow for more flexibility.

Councillor Gerrits asked whether the province has mandated a requirement for no net increase in settlement area. Matt Alexander advised the definition of an adjustment states there is no net increase, and it can happen outside of a Municipal Comprehensive Review. There is still an opportunity through the Provincial Policy Statement for an expansion, but only at the time of a Municipal Comprehensive Review.

Councillor Gardhouse has concerns regarding mapping inconsistencies in regulated areas where properties have had the regulated amount of area increased drastically. In agricultural operations, this can present challenges to renovating existing buildings or building new buildings due to being environmentally regulated and the occupant would have to proceed through a zoning change application causing a time and financial burden. WSP noted the mapping was already adopted by Council through OPA No 3. The policies don't prevent farming from occurring on lands that are designated as a Natural Heritage Feature. When a new policy comes in, there's a requirement for the local zoning by-law to be updated within 3 years. The local zoning can recognize existing agricultural use properties rather than zoning them as environmental protection, they can be zoned as agricultural use, or they can be zoned in a hybrid manner that explicitly allows agricultural uses. Once zoned that way, if it's a permitted use, and what they would like to build is within permissions of the zoning by-law, they would not need to go through an Official Plan Amendment. The Natural Heritage mapping and the County Official Plan are intended to act as a trigger so that when or if a non-agricultural use is proposed, for example through a severance application or an agricultural related industry/business, to make sure the Natural Heritage Features aren't negatively affected. Concerned property owners can review with the County Official Planner and local planner. Residents planning on building something new, are encouraged to do a pre-

consultation with the local municipality so that any issues or protected features can be identified before an application is submitted.

Councillor Gerrits noted there is a new section regarding the need for a traffic impact study for any proposed development or site alteration if it is in proximity to a County Road. He noted the word proximity can be ambiguous. The Director of Public Works/County Engineer noted it needs to stay as proximity. He noted it won't be required in all instances; it will depend on the amount of impact.

Silva Yousif confirmed there will be a report forthcoming regarding written comments received from the Ministry of Transportation regarding transport truck traffic on Highway 10 and Highway 89.

Derek Williams, East Garafraxa resident, noted he submitted a letter on February 13, 2024, to Council regarding the Natural Heritage Systems mapping. After reviewing the Official Plans for Dufferin County and East Garafraxa, he has noticed his property is now partially environmentally protected and prime agricultural, while the zoning map shows all his land as environmentally protected. He is concerned that the natural heritage feature will make his agricultural fields environmentally protected. He is requesting the zoning designation be restored to what it was when he purchased his property in 2002. Matt Alexander noted that mapping was adopted in a previous amendment, which is currently under review by the province. Council cannot make changes what is already adopted and submitted but could do an informal process of requesting a modification through the Minister. The mapping presented in the previous amendment is identifying specific features and linkages to show areas of wildlife travel. The intent of the Natural Heritage System mapping is not to prevent agricultural uses from occurring in linkage areas, but to act as a trigger if a non-agricultural use was proposed. This is in place to prevent fragmentation of prime agricultural land and loss of natural features. WSP suggested Mr. Williams meet with the County Planner to review what is specifically permitted on his property. Mr. Williams noted he is concerned that where his dwelling is located is now environmentally protected and in a natural heritage linkage that he won't be able to put an addition on his house. Matt Alexander suggested consulting with the Senior Planner and the local municipal planner prior to finalizing plans. Mr. Williams agrees with the Natural Heritage linkages linking the woodlot areas of his property but is concerned that with his dwelling and fields are in this area he won't be able to expand his garage or house towards a Natural Heritage Feature. The Senior Planner noted any proposed expansions needs to go through a pre-consultation process. She noted the Municipal Comprehensive Review process did not change any zoning in the County. Mr. Williams noted he believes the zoning may have been changed by the Township in the time period between

when he purchased the property and today. He is concerned once the Natural Heritage System is approved, that the zoned environmentally protected land will diminish in value or not usable for agricultural purposes. Mr. Williams will consult with the local Council to clarify the zoning.

Charles Hooker, East Garafraxa resident, is concerned with Policy Section 5 noting restrictions on rural land usage and a section regarding woodlots. WSP noted the policy essentially states that any legal existing uses of the land are allowed to continue. Mr. Alexander noted the wording states all normal farm practices can continue. If a non-agricultural use is proposed, the owner would need to proceed through the planning application process. The woodland policy notes that development and site alteration are not permitted unless there is no negative impact, so this would specifically apply to planning application for instances like severance, or zoning amendment application. The purpose is to ensure healthy woodlands are not needlessly destroyed.

Pat Dunwoody, East Garafraxa, commented that she only recently discovered the Municipal Comprehensive Review is taking place. She is requesting better notification and communication from the Township of East Garafraxa and the County of Dufferin. Warden White thanked her for the comments and Council has committed to better community engagement and public outreach as part of the Strategic Plan.

8. **ADJOURNMENT**

Moved by Councillor Mills, seconded by Councillor McLean

THAT the meeting adjourn.

-Carried-

Warden White called a recess at 7:18 pm.

Darren White, Warden

Michelle Dunne, Clerk