
To: Mayor and Council

From: Patrick Casey & Steve Wever, Consulting Planners on behalf of the Township's Planning & Building Department

Meeting Date: May 27, 2024

Subject: Report # PB-016-2024 – New Clearview Official Plan Adoption

Recommendation

Be It Resolved that Council of the Township of Clearview hereby receive report PB-016-2024 (New Clearview Official Plan Adoption) dated May 27, 2024; and,

- 1) That Council direct that the Final Draft of the proposed Official Plan, being the Plan that was published on April 19, 2024, be revised according to the recommended revisions presented in Appendix A to this Report; and,
- 2) That through the passing of By-law Number 24-38, Council adopt the Final Draft, so revised, as the Official Plan of the Township of Clearview and submit that Plan for approval to the County of Simcoe; and,
- 3) That Council direct written notice of the adoption of the proposed Official Plan to be given as prescribed under the Planning Act and the regulations under that Act.

Background

The Township of Clearview initiated the process of reviewing and updating its Official Plan in July 2019, with the goal of replacing the Township's previous Official Plan, which was adopted in 2001 (the "2001 OP"). The 2001 OP was based on population, housing, and employment forecasts to a horizon year of 2021, and a new Official Plan is required to account for growth projected to 2031, in conformity with the County of Simcoe Official Plan.

An initial round of public engagement and consultation was undertaken in the fall of 2019, which included an online survey, a public meeting, and a series of stakeholder workshops that focused on various "themes" (residential growth, commercial and employment lands, agricultural and rural lands, and the environment and sustainability). This initial stage of the process culminated in the preparation of a Key Planning Issues Discussion Paper ("Key Issues Paper"), which was made available to the public in October 2020. The Key Issues Paper, which is still available on the ["Official Plan Review" page](#) of the Township's website, identifies the central planning issues and policy directions that have guided the preparation of the new Official Plan.

An early draft version of the new Official Plan was circulated among Township staff in the spring of 2022, and a revised version of that draft was similarly circulated internally in the second half of that year. A Preliminary Draft was circulated among different agencies (including Simcoe County and the NVCA) in the first half of 2023. Those early drafts of the new Official Plan took into due consideration the written submissions that had been received to that point. A Council Visioning Session was held on June 26, 2023, to update Mayor Measures and members of Council on the project and to discuss Council's priorities and expectations regarding the new Official Plan.

The Public Consultation Draft of the proposed Official Plan was made available on the Township's website on August 10, 2023, ahead of an Open House held on August 16 and a Public Meeting on August 30. This was followed by an additional, non-statutory Public Meeting held on January 16, 2024 (originally scheduled for December 13, 2023, but postponed due to weather), for the purpose of discussing and receiving Council's direction on various "hot topics" that had been identified in the comments received from members of the public to that point. This Recommendation Report discusses how the comments received over this period have informed the proposed Official Plan that is now being presented to Council for adoption.

The Final Draft of the Official Plan was published on the Township's website on April 19, 2024, following which further comments were received from members of the public and from public bodies. Those comments are also addressed in this Recommendation Report.

The proposed Official Plan is being presented to Council for adoption at a time when various uncertainties remain to be resolved within the broader context of land use planning policy in Ontario. Those uncertainties include a proposed "Provincial Planning Statement", published for public comment on the Environmental Registry of Ontario ("ERO") on April 12, 2024 (itself a revised version of the Provincial Planning Statement published on the ERO on April 6, 2023). The proposed Provincial Planning Statement would replace both the Provincial Policy Statement, 2020 and the Growth Plan for the Greater Golden Horseshoe, both of which nonetheless remain in effect at the time the proposed Official Plan is being presented for adoption.

The Province of Ontario has also yet to issue a decision regarding Amendment No. 7 to the County of Simcoe's Official Plan, which was adopted by the County on August 9, 2022. The delay in the Province's decision on Amendment No. 7 is related to amendments to the *Planning Act* (R.S.O. 1990, c. P.13) made by the *More Homes Built Faster Act, 2022* (S.O. 2022, c. 21), which include amendments that, once they have been proclaimed into law by the Lieutenant Governor, would see the County of Simcoe defined as an "upper-tier municipality without planning responsibilities," which in turn would affect the status of the County's Official Plan.

These uncertainties mean that there are important questions regarding matters such as growth forecasts and Settlement Area boundaries that cannot yet be resolved. At the same time, the Township requires an updated policy framework to replace the one provided by the 2001 OP. Therefore, the proposed Official Plan being presented to Council for adoption represents the culmination of the first phase of a two-phase process. The second phase of that process will specifically focus on the Township's Settlement Areas and the appropriate location for growth and development that is expected to occur between now and 2051.

The Ontario Legislature has recently been considering further amendments to the *Planning Act* through the *Cutting Red Tape to Build More Homes Act, 2024* ("Bill 185"). Bill 185 passed second reading on April 17, 2024, and, at the time this Recommendation Report was being prepared, was before the Standing Committee on Finance and Economic Affairs for consideration. As it reads now, should Bill 185 pass third reading, receive Royal Assent, and come into effect, the proposed amendments would affect who has the right to appeal Council's decision regarding the proposed Official Plan under subs. 17 (24) of the *Planning Act*.

At the time this Report was being prepared, Paragraph 1 of subs. 17 (24) provides that any "person or public body who, before the plan was adopted, made oral submissions at a public meeting or written submissions to the council" may appeal Council's decision to adopt all or part of a proposed Official Plan. Bill 185 (as it currently reads) would repeal this paragraph and limit the right to appeal to public bodies and specified persons who made oral or written submissions prior to adoption. (As defined in subs. 1 (1) of the *Planning Act*, "specified person" means: (a) a corporation operating an electric utility in the municipality, (b) Ontario Power Generation Inc., (c) Hydro One Inc., (d) a company operating a natural gas utility in the municipality, (e) a company operating an oil or natural gas pipeline in the municipality, (f) a person required to prepare a risk and safety management plan in respect of an operation under O. Reg. 211/01 under the *Technical Standards and Safety Act, 2000*, (g) a company operating a railway line, or (h) a company operating as a telecommunication infrastructure provider in the area.)

This proposed amendment would apply retroactively, meaning that, should Bill 185 come into effect as it now reads, any appeal made by someone who is not a "specified person" would be "deemed to have been dismissed."

Comments and Analysis

The decision to adopt a new Official Plan is an important one that affects the entire Township, and the Township and its Council wanted to ensure that the community was consulted throughout the process, beyond what is statutorily required under the *Planning Act*. The extent of that consultation has been described in the "Background" section of this Recommendation Report.

Statutory Requirements Prior to Adoption

Subsection 16 (22) of the *Planning Act* (R.S.O. 1990, c. P.13) states:

When the requirements of subsections (15) to (21), as appropriate, have been met and the council is satisfied that the plan as finally prepared is suitable for adoption, the council may by by-law adopt all or part of the plan and, unless the plan is exempt from approval, submit it for approval.

The provisions in subss. 16 (15)–(21) referred to in subs. 16 (22) pertain to consultation with the approval authority, public bodies, and the general public regarding the proposed Official Plan, as well as to the holding of at least one public meeting, preceded by an open house, so that the public has an opportunity to review information and material and to make representations regarding the proposed Official Plan.

Table 1 below sets out the requirements under subss. 16 (15)–(21) of the *Planning Act* along with a brief response indicating how each requirement has been fulfilled (or indicating that the requirement is not applicable, as the case may be), with reference to the process described in the “Background” section of this Report.

Table 1 – Requirements under *Planning Act*, subss. 16 (15)–(21)

<i>Planning Act</i> Provision (s. 16)^(a)	Response
<p>(15) In the course of the preparation of a plan, the council shall ensure that,</p> <p>(a) the appropriate approval authority is consulted on the preparation of the plan and given an opportunity to review all supporting information and material and any other prescribed information and material, even if the plan is exempt from approval;</p> <p>(b) the prescribed public bodies are consulted on the preparation of the plan and given an opportunity to review all supporting information and material and any other prescribed information and material;</p> <p>(c) adequate information and material, including a copy of the current proposed plan, is made available to the public, in the prescribed manner, if any; and</p>	<p>The County of Simcoe, which is the approval authority for the proposed Official Plan, was consulted throughout the process of preparing the proposed Plan and was given an opportunity to review all supporting information and material.</p> <p>The public bodies prescribed under O. Reg. 543/06 under the <i>Planning Act</i> while consulted during the preparation of the proposed Official Plan and were given an opportunity to review all supporting information and material.</p> <p>Adequate information and material, including copies of the proposed Official Plan, was made available to the public, as described in the “Background” section of this Recommendation Report.</p>

Planning Act Provision (s. 16)^(a)	Response
(d) at least one public meeting is held for the purpose of giving the public an opportunity to make representations in respect of the current proposed plan.	As described in the “Background” section of this report, multiple public meetings were held for the purpose of giving the public an opportunity to make representations regarding the proposed Official Plan.
(16) If the plan is being revised under section 26 or amended in relation to a development permit system, the council shall ensure that at least one open house is held for the purpose of giving the public an opportunity to review and ask questions about the information and material made available under clause (15) (c).	At least one open house was held for the purpose of giving the public an opportunity to review and ask questions about the information and material made available, as described in the “Background” section of this report.
(17) Notice of the public meeting required under clause (15) (d) and of the open house, if any, required under subsection (16) shall, (a) be given to the prescribed persons and public bodies, in the prescribed manner; and (b) be accompanied by the prescribed information.	Notice of the Public Meeting held on August 30, 2023, accompanied by the prescribed information, was given in the prescribed manner and to the prescribed persons and public bodies on August 10, 2023. The Final Draft of the proposed Official Plan was made public on April 19, 2024, ahead of the Regular Meeting of Council held on May 27, 2024.
(17.1) A copy of the current proposed plan or official plan amendment shall be submitted to the Minister at least 90 days before the municipality gives notice under subsection (17) if, (a) the Minister is the approval authority in respect of the plan or amendment; and (b) the plan or amendment is not exempt from approval.	Not applicable: the County of Simcoe, and not the Minister, is the approval authority in respect of the proposed Official Plan.
(18) If an open house is required under subsection (16), it shall be held no later than seven days before the public meeting required under clause (15) (d) is held.	The Open House was held on August 16, 2023, fourteen (14) days before the Public Meeting required under clause (15) (d).
(19) The public meeting required under clause (15) (d) shall be held no earlier than 20 days after the requirements for giving notice have been complied with.	The Public Meeting was held 20 days after the requirements for the giving of notice were complied with.
(19.1) The information and material referred to in clause (15) (c), including a copy of the current proposed plan, shall be made available to the public at least 20 days before the public meeting required under clause (15) (d) is held.	The information and material referred to in (15) (c) were made available to the public 20 days before the Public Meeting held on August 30, 2023.

Planning Act Provision (s. 16)^(a)	Response
(19.2) Every person who attends a public meeting required under clause (15) (d) shall be given an opportunity to make representations in respect of the current proposed plan.	Every person who attended the Public Meeting on August 30, 2023, was given an opportunity to make representations, as confirmed by the Minutes of that meeting. Members of the public were given further opportunities to make representations at the Special Council Meeting held on January 17, 2024, as confirmed by the Minutes of that meeting.
(19.3) If an official plan sets out alternative measures for informing and obtaining the views of the public in respect of amendments that may be proposed for the plan and if the measures are complied with, subsections (15) to (19.2) and clause 22 (6.4) (a) do not apply to the proposed amendments, but subsection (19.6) does apply.	Not applicable: the Official Plan does not set out alternative measures in this regard.
(19.4) In the course of preparing the official plan, before including alternative measures described in subsection (19.3), the council shall consider whether it would be desirable for the measures to allow for notice of the proposed amendments to the prescribed persons and public bodies mentioned in clause (17) (a).	Not applicable with regard to the proposed Official Plan.
(19.4.1) For greater certainty, subsection (19.4) does not apply with respect to alternative measures that are included in an official plan before the day subsection 18 (3) of the <i>Smart Growth for Our Communities Act, 2015</i> comes into force.	Not applicable.
(19.5) At a public meeting under clause (15) (d), the council shall ensure that information is made available to the public regarding who is entitled to appeal under subsections (24) and (36).	Information regarding who is entitled to appeal was made available to the public at the Public Meeting held on August 30, 2023.
(19.6) If subsection (19.3) applies, the information required under subsection (19.5) shall be made available to the public at a public meeting or in the manner set out in the official plan for informing and obtaining the views of the public in respect of the proposed amendments.	Not applicable: subs. (19.3) does not apply.
(20) Any person or public body may make written submissions to the council before a plan is adopted.	All persons and public bodies were given an opportunity to make written submissions regarding the proposed Official Plan.

Planning Act Provision (s. 16)^(a)	Response
(21) The council shall provide to any person or public body that the council considers may have an interest in the plan adequate information and material, including a copy of the plan and, before adopting the plan, shall give them an opportunity to submit comments on it up to the time specified by the council.	Council has provided adequate information and material, including a copy of the proposed Official Plan, available for the public to submit comments prior to its consideration for adoption.
^(a) As it read on May 15, 2024.	

Adequacy of the Process Undertaken

At the risk of editorializing, we must remark that it has been heartening to see the keen interest expressed by the public in the Township’s new Official Plan, and the comments received included many constructive suggestions and recommendations that have contributed towards refining the proposed Plan. As mentioned in Section 1.1.2 of the proposed Official Plan, the results of the public consultation process “have been crucial for establishing the priorities this Plan needs to address and for directing policy-makers’ attention to the issues that matter most to the community” (see p. 5 of the Final Draft).

Nonetheless, despite the extensive consultation undertaken over the course of preparing the proposed Official Plan, some of the comments received (specifically, those identified as #53 and #54 in the summary table in Appendix B to this Report) have called into question the adequacy of the process. We consider it prudent to address those comments here.

Comment #53 in Appendix B refers to the “matters of provincial interest” listed in s. 2 of the *Planning Act*, specifically to Clause 2 (m), “the co-ordination of planning activities of public bodies,” and contends that the preparation of the Public Consultation Draft was “not ... co-ordinated with the planning activities of public bodies such as schools, hospitals and electrical power capacity.” As mentioned above, the process of preparing the proposed Official Plan involved consultation with numerous public bodies. It should also be noted that the “planning activities” referred to in Clause 2 (m) go well beyond the preparation of official plans, and include the various processes that the implementation of the proposed Official Plan will entail. We are confident that the preparation of the proposed Official Plan has, and its implementation will, have due regard for all matters of provincial interest listed in s. 2 of the *Planning Act*.

Comment #54 refers to subs. 17 (15) of the *Planning Act*, which requires Council to ensure that, during the preparation of an Official Plan, “adequate information and material, including a copy of the proposed plan, is made available to the public,” and contends that the information and material made available is “incomplete.” There is admittedly a great deal of subjective judgement involved in determining what is

considered “adequate,” and the regulations under the *Planning Act* do not specifically prescribe which items should be made available to the public under clause 17 (15) (c).¹

In addition to the Key Issues Paper discussed in the “Background” section of this Report, the information and material made available through the [“Official Plan Review” page](#) on the Township’s website include a “Planning Framework & Process” Information Booklet explaining the purpose and function of an Official Plan and summarizing the review process; an “Issues to Address” Information Booklet, providing more specific details on important matters to be considered in the preparation of a new Official Plan. (The Key Issues Paper served as a more technical Background Report regarding the issues and matters identified in the “Issues to Address” booklet.) In addition, two draft versions of the proposed Official Plan have been made publicly available, and multiple open houses and public meetings have been held regarding those draft versions and regarding topics that are of particular interest to the community.

Council should therefore rest assured that the process of preparing the proposed Official Plan has gone beyond what is statutorily required under the *Planning Act*, including those requirements that relate to the provision of public information and material. We are fully confident that the proposed Official Plan being presented for adoption is one that truly represents the vision and priorities of the Clearview community.

Recommended Revisions to Final Draft

Appendix A to this Recommendation Report presents a list of additional revisions that we recommend be made to the Final Draft of the proposed Official Plan prior to its adoption by Council. With one notable exception, discussed below, the recommended revisions fall into one of three categories:

- **Corrections and clarifications**, which include revisions to ensure consistent use of terminology, to clarify the intent or applicability of certain policies, or to correct typographical errors.
- **Changes suggested or requested by agencies or public bodies**, including additional climate change policies recommended by the County of Simcoe and policies regarding secondary uses of hydro corridor, requested by Infrastructure Ontario and Hydro One Networks Inc.
- **Refinements based on further comments received**, which tend to overlap with the revisions in the first category, in that these refinements are generally made to

¹ Section 2 of O. Reg. 543/06 under the *Planning Act* does prescribe information and material to be provided to “the appropriate approval authority and the prescribed public bodies” for the purposes of clauses 17 (15) (a) and (b), but most of the items listed are more pertinent to site-specific Official Plan Amendments than they are to the preparation of a new Official Plan.

clarify the intent of certain policies, to ensure consistency throughout the proposed Official Plan, or to rectify minor oversights.

None of the recommended revisions significantly alters the overall intent of the proposed Official Plan, and all of them have been recommended because they will help achieve the Plan's goals and objectives more effectively. Further explanation of certain recommended revisions are provided below, under the heading "Responses to Public Comments".

Minor By-laws

The one notable exception referred to above pertains to the process of passing minor by-laws, which is addressed in Section 11.2.4 of the proposed Official Plan. The Final Draft of the proposed Official Plan, as published on April 19, 2024, contains one policy regarding "alternative measures," namely No. 11.2.4.12:

Council may amend this Official Plan to provide for alternative measures for informing and obtaining the views of the public in respect of proposed minor by-laws pursuant to Subsection 34 (14.3) of the *Planning Act*.

"Minor by-laws" are referred to in Section 39.2 of the *Planning Act* as "by-laws under section 34 that are of a minor nature," and, as by-laws under that section, are considered to be zoning by-laws (their "minor nature" notwithstanding). This means that, while Council may delegate its authority to pass such by-laws, they are subject to the same requirements as apply to any proposed amendment to the Zoning By-law, which include the holding of at least one public meeting pursuant to Clause 34 (12) (a) of the *Planning Act*.

However, subs. 34 (14.3) provides that an Official Plan may set out "alternative measures for informing and obtaining the views of the public in respect of proposed zoning by-laws," in which case the usual requirements do not apply. The purpose of a minor by-law is to provide a streamlined approval process for land uses that, in the vast majority of cases, should be permitted while retaining a small degree of oversight. The specific purposes for which a minor by-law may be passed are enumerated in Policy No. 11.2.4.2 of the proposed Official Plan. Council may, at its discretion, choose to delegate its authority to pass by-laws in respect of any or all of the purposes listed in that policy. The individual or committee to whom or to which that authority is delegated is referred to as the "minor by-law authority" in the proposed Official Plan.

Therefore, it is recommended that the passing of a minor by-law not require the holding of a public meeting, in the interest of making the process more efficient. Policy No. 11.2.4.12 in the Final Draft, as published on April 19, 2024, is intended as a placeholder, and the recommended revisions in Appendix A to this Report include replacing it with policies that set out "alternative measures" for informing the public and

receiving submissions regarding proposed minor by-laws. Those alternative measures involve the following:

- The minor by-law authority will give notice that a request for a minor by-law has been received, in the same manner and to the same persons and public bodies to whom or to which notice of a proposed Zoning By-law amendment would normally be given.
- The notice that a request for a minor by-law has been received must include information about how members of the public can make written submissions about the requested by-law, as well as information about who is entitled to appeal the decision.
- The minor by-law authority may decide, on a case-by-case basis, whether a public meeting about a requested minor by-law should be held. (In most cases, it is recommended that a public meeting not be held.)
- If the minor by-law authority decides to hold a public meeting, notice of that meeting must be given in the usual manner, and the public meeting must be held at least 14 days after the giving of that notice.

We further recommend that any notice given about a minor by-law include a copy of Section 11.2.4 of the proposed Official Plan, for reference purposes.

Before the alternative measures described above may be included in the Official Plan, subs. 34 (14.4) requires that Council “consider whether it would be desirable for the measures to allow for notice of the proposed by-laws to the prescribed persons and public bodies mentioned in clause (13) (a)”. In this case, the “prescribed persons and public bodies” are those who would normally be given notice of a proposed amendment to the Zoning By-law. Because the recommended “alternative measures” simply remove the requirement that a public meeting be held in respect of a requested minor by-law, and do not affect who would be given notice of that request, we recommend that Council consider it desirable for the proposed alternative measures to allow for the giving of notice to the prescribed persons and public bodies, thereby fulfilling the requirement under subs. 34 (14.4) of the *Planning Act* and allowing the proposed Official Plan to set out alternative measures.

Revisions to Public Consultation Draft

Extensive revisions were made to the Public Consultation Draft (released on August 10, 2023) based on the written submissions received and on the comments made at the Public Meetings held on August 30, 2023, and on January 16, 2024. A full list of the revisions made is provided in the document entitled “Revisions to the Public Consultation Draft of the Official Plan of the Township of Clearview”, which was made publicly available at the same time as the Final Draft and which can be found on the [Official Plan Review page](#) of the Township’s website.

It is not the purpose of this report to discuss all of the revisions made to the Public Consultation Draft in exhaustive detail. Nonetheless, a summary table presenting the written comments received and providing individual responses to each comment has been attached to this Recommendation Report as Appendix B. The written submissions themselves are found in Appendix C. Similarly, individual responses to the comments received from agencies and public bodies are provided in Appendix D, with the agency comments themselves are found in full in Appendix E.

In terms of individual topics, the greatest number of comments received pertained to the Settlement Area boundaries and land use designations shown on Schedule B. The boundaries shown on Schedule B to the Public Consultation Draft differed in significant respects from those identified in the 2001 OP. These changes to the Settlement Area boundaries were originally introduced as Appendix A to the Key Issues Paper released in late 2020 (and are still available as such on the “Official Plan Review” page of the Township’s website). The changes shown in that appendix were proposed after consultation with Township and County staff, as well as with stakeholders and other members of the public.

However, a significant amount of time passed between the release of the Key Issues Paper and the release of the Public Consultation Draft. Furthermore, the comments received from the County of Simcoe regarding the schedules to the Public Consultation Draft directed the Township to restore the Settlement Area boundaries to the extents shown on the schedules to the 2001 OP, in order to conform with the in-effect version of the County’s Official Plan. Finally, the uncertainties mentioned at the end of the “Background” section above make it advisable to refrain from pursuing any modifications to the boundaries of the Township’s Settlement Areas at this time. Potential changes will be explored through the next phase of the Official Plan Review process, in consultation with the public and with stakeholders. Many of the comments that relate to land use designations are connected with potential changes to the Settlement Area boundaries, and would therefore be more appropriately addressed as part of the next phase of the process.

Submissions Received Prior to Public Consultation Draft

A small number of written submissions were received during the early stages of the process of preparing the new Official Plan, before the release of the Public Consultation Draft in August 2023. The majority of those submissions were messages asking about land use designations on specific properties, inquiries about Settlement Area boundary expansions, or requests to be added to the notification list. The other submissions received included comments about residential development in rural areas, accessory residential units, housing (in general terms), short-term rental accommodations, and climate change policies. The substance of these comments informed the preparation of the Public Consultation Draft, as further refined through the preparation of the Final Draft and through the recommended revisions presented in Appendix A to this Report.

Revisions to Final Draft

As mentioned above, Appendix A to this Report presents a list of revisions that we recommend be made to the Final Draft prior to its adoption by Council. The paragraphs below provide a brief explanation of some of these recommended revisions, primarily those that are recommended based on submissions received from the public. The recommended revisions are addressed in the order in which they appear in Appendix A.

Lot Creation in Community Settlement Areas. Some of the comments made regarding the Public Consultation Draft asked about the creation of new lots for development in Community Settlement Areas (specifically Nottawa) by consent, where full municipal water and wastewater services are not available. The policies in Section 11.9.1 (Consents) allow for lot creation in circumstances where “available private services are capable of supporting the proposed use” (Policy No. 11.9.12(b)), subject to certain requirements. To clarify this matter further, we recommend that a policy be added to Section 2.2.2 (Community Settlement Areas) explaining that consents may be given, subject to the applicable policies elsewhere in the proposed Official Plan. We recommend adding a similar policy to Section 2.2.3 (Rural Settlement Areas). The recommended policy language can be found in Appendix A, Article I: (1) and Article I: (2).

Agricultural Research & Training Centres (ARTCs). The list of agricultural uses set out in Policy No. 3.3.1.3 of the proposed Official Plan includes “an agricultural research and training centre where the primary activity is the growing of crops or raising of animals, provided that the use does not provide on-site accommodation.” This is consistent with the “Guidelines on Permitted Uses in Ontario’s Prime Agricultural Areas” (Publication 851) published by the Ontario Ministry of Agriculture, Food and Rural Affairs (“OMAFRA”), and Table 2 on p. 27 of that document specifically identifies an ARTC as an agricultural use, with the proviso that “the growing of crops or raising of animals would need to be the primary activity.” The key phrase, both in the OMAFRA Guidelines and in Policy No. 3.3.1.3 of the proposed Official Plan, is “primary activity”: it is the growing of crops or raising of animals that makes the use an agricultural one. Based on comments received since the public release of the Final Draft, it seems prudent to add some additional clarification in this regard, and we therefore recommend a slight modification to the wording of Clause 3.3.1.3(h) to draw attention to the importance of the “primary activity” criterion for an ARTC to be considered an agricultural use — see Article II: (1) in Appendix A.

Under the policies in Section 3.3.2 of the proposed Official Plan, an ARTC could be permitted as an agriculture-related use through an amendment to the Zoning By-law, provided that the use meets the criteria to be considered an “agriculture-related use” as established in this section of the proposed Plan. This is also consistent with OMAFRA Guidelines. As an on-farm diversified use, an ARTC could be permitted through a Zoning By-law amendment, per Policy No. 3.3.3.5 of the proposed Official Plan,

although in this case the ARTC would be subject to the same requirements and limitations that apply to any on-farm diversified use, including the requirement that the primary use of the property be an agricultural use (Policy No. 3.3.3.9).

Climate Change. After Settlement Area boundaries and land use designations, the topic of climate change and sustainable development was the most frequently raised in the submissions received regarding the Public Consultation Draft. The importance of this topic to the community was underscored by the representations made at the Public Meetings held on August 30, 2023, and on January 16, 2024. As a result, a new section, Section 5.6, was added to the Final Draft, which sets out policies for proposed development and redevelopment to be considered using a “climate lens” approach, as well as policies about establishing green building and development standards.

After reviewing the revisions made to the Public Consultation Draft, the County of Simcoe further recommended that the Township consider additional policies regarding the mitigation of climate change and adaptation to its impacts. To assist in these efforts, the County provided a draft strategy prepared for Simcoe County by Hemson Consulting (“Hemson”) and Laura Taylor Designs (“LTD”), which includes recommended language to be incorporated into policies at the local municipal level. Considering the importance of this issue to the Township’s residents, the recommended revisions in Appendix A include a new Section 5.6.1, “Mitigation & Adaptation Policies”, with policies based on those recommended in the draft strategy prepared by Hemson and LTD. The recommended policies for the new Section 5.6.1 are found in Article IV: (1) of Appendix A.

As a result of this addition, the section of the proposed Official Plan that contains policies regarding the “climate lens” approach now appear in Section 5.6.2 (re-numbered, previously Section 5.6.1).

Floodplain Management. The wording of Policy No. 6.2.1.16 in the Final Draft (“New development, including the creation of a new lot, shall be prohibited in the regulatory floodplain”) was inconsistent with policies elsewhere in the proposed Official Plan, including those in Section 13.1.1 and Section 13.2.1 that provide for the application of a “two-zone” floodplain management concept to certain areas. We recommend that this inconsistency be rectified by replacing Policy No. 6.2.1.16 with one that refers to the policies that apply in the “Greenlands – Hazard Land Areas” designation and by adding a new policy (No. 6.2.1.17) to clarify that, where the two-zone concept applies, the restriction in Policy No. 6.2.1.16 applies only to land in the “floodway” (with the “flood fringe” being subject to the applicable policies in either Section 13.1.1 or Section 13.2.1).

Road Access to Abutting Properties. Policy No. 7.5.3.19 in the version of the Final Draft released on April 19, 2024, states that access to an abutting property from any road classified higher than “Local Road” (i.e., a Collector Road, Township Arterial Road,

or higher) will not be permitted unless “alternate access from a road lower on that hierarchy is not possible.” Upon further consideration, it has been determined that the phrase “not possible” could be unduly restrictive and might unintentionally prevent development that otherwise conforms with the objectives and intent of the proposed Official Plan. The revised wording for this policy, presented in Article VI: (2) of Appendix A, has been developed in consultation with the Township’s Department of Public Works.

Secondary Uses in Hydro Corridors. Comments submitted on behalf of Infrastructure Ontario (“IO”) and Hydro One Networks Inc. (“HONI”) in a letter dated May 8, 2024, request that policies be added to Section 7.6 to encourage “secondary uses, such as active and passive recreation, agriculture, community gardens, other utilities, and uses such as parking lots and outdoor storage that are accessory to adjacent land uses” in hydro corridors, as long as the proponent of a “secondary use” remains aware that the primary use of the hydro corridor is for “electricity generation facilities and transmission and distribution systems” (the terminology preferred by HONI). Accordingly, Article VI: (6) recommends the addition of policies to that effect to Section 7.6.1 of the Final Draft. The revisions in Appendix A also recommend that Section 7.6.1 itself be renamed according to HONI’s preferred terminology, as “Electricity Generation Facilities & Transmission & Distribution Systems” (the awkwardness of having multiple ampersands in a section heading notwithstanding).

Lot Creation for Surplus Dwellings. The creation of a new lot for a dwelling rendered surplus as the result of a farm consolidation is another topic that has proven to be of particular interest to many Township residents. The policies regarding lot creation for surplus dwellings, set out in Section 11.9.8 of the proposed Official Plan, were raised as a “hot topic” during the Public Meeting on January 16, 2024. In general, these policies are intended to balance the objective of supporting existing agricultural operations in the Township with the objective of protecting and preserving farms of all sizes.

The criteria set out in Policy No. 11.9.8.12 of the Final Draft are meant to ensure that the dwelling in question is legitimately a surplus dwelling (and not, for example, a recent construction built for the purpose of circumventing the policies regarding lot creation for residential uses in the “Agricultural” designation) and to ensure that the agricultural portion of the property (the “remnant parcel”) remains in agricultural production. Whereas the 2001 OP required that the parcels being consolidated actually abut one another, the proposed Official Plan provides for these lands to be located “within a reasonable distance” of one another, in recognition of the practical realities affecting farm consolidations.

The revisions recommended in Appendix A to the policies in Section 11.9.8 include the following:

- Add a definition for the term “livestock facility” to Policy No. 11.9.8.11, based on the definitions used in the Minimum Distance Separation (“MDS”) document

published by the Ontario Ministry of Agriculture, Food and Rural Affairs (“OMAFRA”).

- Delete the former Clause 11.9.8.12(a), which required the owner of the subject lands to have owned or operated a farm on the property for at least five years.
- Revise the wording at the end of Clause 11.9.8.12(b), formerly Clause 11.9.8.12(c), to clarify that the lot containing the surplus dwelling must be “generally no greater than one hectare and size,” with additional wording to clarify that this “maximum” area is subject to Policy No. 11.9.8.13.
- Require that the remnant parcel be no less than 39 hectares, unless it abuts the parcel with which it is being consolidated, in which case a smaller area is permitted, so long as the merged parcels are at least 39 hectares in area.
- Clarify the wording in Clause 11.9.8.17(b), formerly No. 11.9.8.16(b), regarding “keyhole” lots.

The requirement that the remnant parcel be at least 39 hectares is based on Policy No. 3.6.7.a) in the County of Simcoe’s Official Plan, which states that “new lots for agricultural uses should not be less than 40 hectares.” The requirement is 39 hectares to allow for the creation of a one-hectare lot for the surplus dwelling from an original 40-hectare parcel.

Schedules. The recommended revisions to Schedule B-4 and Schedule B-12 are intended to restore the “Community Hub” areas in downtown Creemore and downtown Stayner, respectively. The extent of the recommended Community Hub for Stayner has been lessened somewhat to recognize existing land uses and built form in the vicinity of the intersection of Highway 26 and County Road 42. The revision to Schedule SP-2 is recommended for the purpose of refining the boundaries of Special Policy Area 13.2.4.

Consistency & Conformity

Subsection 3 (5) of the *Planning Act* stipulates that any decision of Council made “in respect of the exercise of any authority that affects a planning matter” must be consistent with any Policy Statements issued under subs. 3 (1) of the Act and must conform with (or not conflict with, as the case may be) any Provincial Plans that are in effect at the time the decision is made. This means that, should Council decide to adopt the proposed Official Plan, thereby exercising its authority under subs. 17 (14) of the *Planning Act*, that decision:

- must be consistent with the Provincial Policy Statement, 2020 (“PPS, 2020”), which was issued under subs. 3 (1) of the *Planning Act*, came into effect on May 1, 2020, and remains in effect at the time the proposed Official Plan is being presented to Council for adoption; and
- must conform with the Growth Plan for the Greater Golden Horseshoe, 2020 (“Growth Plan”) and with the Niagara Escarpment Plan (“NEP”), both of which are in effect in the Township at the time the proposed Official Plan is being

presented to Council for adoption (or must not conflict with those Plans, as the case may be).

Furthermore, Section 27 of the Planning Act requires the Council of any lower-tier municipality to ensure that any Official Plan in effect in that lower-tier municipality conforms with the Official Plan of the upper-tier municipality. In the case of the Township of Clearview, this means that the proposed Official Plan must conform with the Official Plan of the County of Simcoe (“Simcoe County Official Plan” or “SCOP”).

The proposed Official Plan discusses the PPS, 2020, the Growth Plan, the NEP, and the SCOP in Section 1.2.1 (“Hierarchy of Planning Policy in Ontario”), and matters of consistency or conformity (as the case may be) are addressed throughout the proposed Official Plan. The question of consistency with the PPS, 2020 and of conformity with Provincial Plans and with the SCOP was a principal point of focus throughout the process of consulting with the County and with other agencies and public bodies. Over the course of preparing the proposed Official Plan, many revisions were made to ensure the proposed Plan’s consistency with Provincial Policy and conformity with Provincial Plans and with the upper-tier municipality’s Official Plan.

We are therefore confident in stating that, should Council decide to adopt the proposed Official Plan, that decision will be consistent with the PPS, 2020 and will conform with the Growth Plan, the NEP, and the SCOP, as required under the *Planning Act*.

Summary of Recommendations

Based on the comments and analysis provided above, we recommend that Council receive this Recommendation Report and:

- that Council direct that the Final Draft of the Official Plan, as it read on April 19, 2024, be revised according to the Recommended Revisions presented in Appendix A to this Report;
- that Council adopt the proposed Official Plan, so revised, as the Official Plan of the Township of Clearview through the passing of By-law Number 24-38 and submit the adopted Official Plan to the County of Simcoe for approval; and
- that Council direct that notice be given of its adoption of the proposed Official Plan as the Official Plan of the Township of Clearview pursuant to the requirements of the *Planning Act* and the regulations under that Act.

Financial Implications

None.

Clearview’s Strategic Plan

Legislated review process.

Report Appendices

- Appendix A: Recommended Revisions to the Final Draft of the Official Plan of the Township of Clearview Prior to Council Adoption
- Appendix B: Summary Table: Responses to Public Comments
- Appendix C: Written Submissions Received
- Appendix D: Summary Table: Responses to Agency Comments
- Appendix E: Comments Received from Agencies & Public Bodies

Approvals

- Submitted by:** Patrick Casey, Planner, GSP Group
Steve Wever, MCIP, RPP, President, GSP Group
Consulting Planners for the Township of Clearview
- Reviewed by:** Amy Cann, M. PL., MCIP, RPP, Director of Planning & Building
- Financial Implications Reviewed by:** Kelly McDonald, Treasurer
- Approved by:** John Ferguson, CAO