

Report PDR-PCD-07-16

To: Chair McQueen and Members of the Planning and Community Development Committee
From: Scott Taylor, Senior Planner
Meeting Date: February 16, 2016
Subject: **Approval of the Town of Hanover Official Plan**
Status: Recommendation adopted by Committee as presented per Resolution PCD43-16; Endorsed by County Council March 1, 2016 per Resolution CC34-16;

Recommendation(s)

THAT the Planning and Community Development Committee hereby approves the “Town of Hanover Official Plan” as adopted by By-law No. 2858-14, subject to the following modifications attached to Report PDR-PCD-07-16 as Schedule 1 and dated February 16, 2016.

Background

The Town of Hanover adopted a new official plan for the Town on August 11, 2014. The new Town of Hanover Official Plan (HOP) replaces the previous Town Official Plan from 1993. Being a Primary Settlement Area, the Town has chosen to focus their policy efforts on detailed development standards that are specific to the Town, which complement the broad policy requirements of the County Official Plan.

As part of the Official Plan process, the Town hosted public consultation sessions, as well as circulating the HOP to the required agencies. Changes to the Plan were made by the Town based on input received. The approval of the HOP will also have the effect of repealing the former 1993 Official Plan.

In the time period which has elapsed following the adoption of the Town’s Plan in 2014, the Town has completed some further environmental work in the south-east portion of the Town. Some modifications have been proposed based on the findings of this environmental work.

Analysis of Planning Issues

Planning Authorities must have regard for matters of Provincial interest, as set out under the *Planning Act* and be consistent with the Provincial Policy Statement (PPS) 2014. Decisions must also conform to the County of Grey Official Plan and any Provincial Plans which are in force and effect.

Section 2 of the *Planning Act* sets out the matters of Provincial interest which all land use decisions shall have regard for. The matters under this section of the Act cover a broad spectrum of interests, which will not be explored in detail in this report. County Planning staff are satisfied that the HOP has regard for matters of Provincial Interest, and implements these interests through sound land use planning policies.

Section 1 of the PPS promotes development within settlement areas which can be serviced by municipal water and sewer systems. Section 1 further promotes the efficient use of land, resources and infrastructure, and promotes infill, intensification and the redevelopment of former brownfield sites. The HOP provides policy which requires that all new development be connected to full municipal services, at densities which provide for an efficient use of land and infrastructure.

Section 1.4 of the PPS requires municipalities to provide a range of housing types and densities to meet the projected current and future needs. The HOP includes policies which are aimed at providing for a range of housing types. The HOP also includes second unit provisions as per Bill 140.

Section 2.1 of the PPS provides for the protection of significant natural heritage features within the Province. The HOP contains similar policies to the County Plan in this regard, and also implements the new adjacent lands standards of the 2010 Ministry of Natural Resources and Forestry Natural Heritage Reference Manual. Following the adoption of the Plan, the Town requested that the County defer rendering a decision on the Plan based on the need for additional environmental study in the south-east quadrant of the Town. This work has now been completed and the recommendations have been incorporated into the modifications to the HOP.

Section 2.6 of the PPS provides for the protection of built and cultural heritage resources. The HOP includes a policy framework for the protection of said resources including referencing the role of First Nations and Métis peoples in the planning process.

The HOP must conform to the purposes and policies of the County Official Plan; however the HOP can also provide more detailed policies than would be provided for in an upper tier plan.

The HOP successfully implements a number of policies from the County Plan, as modified by OPA 80, including but not limited to the following:

1. Policy D2.4.5 sets a development density of no less than 25 units per net hectare for the residential portions of new developments.
2. Policy D2.4.4 sets an intensification target of 10 % for the Town.
3. Schedule A and associated 'Special Policy Areas' implement a number of the recommendations from the Town's Comprehensive Review which was prepared as part of the appeal to OPA 80.
4. The requirements for a Comprehensive Review have been added in cases where employment lands are being proposed to be redesignated to another land use.
5. Schedule B implements the County's Significant Woodlands, and Other Identified Wetlands mapping. Associated policies have been included in the HOP for each of these constraints.
6. Proposed modification numbers 16 and 23 to abandoned landfill sites within the Town. In 2015 the County completed a study of historic landfills across the County. The results of this study identified one site within the Town wherein further study, in the form of a Ministry of the Environment and Climate Change Guideline D-4 Study, would still be required. County staff are recommending modifications which are consistent with the County Study from 2015, rather than using the dated landfill points currently in the County Official Plan. This method has been accepted by the Ontario Municipal Board as part of minutes of settlement on the Municipality of Meaford Official Plan Five Year Review.
7. Hazard boundaries have also been changed slightly on Schedule A based on an Environmental Impact Study which was prepared for the Town, and this change has generally been accepted by the Saugeen Valley Conservation Authority (SVCA).

Subject to the minor modifications in Schedule 1, which have been discussed with Hanover staff, and SVCA staff, County staff consider the HOP to have regard for matters of Provincial Interest, be consistent with the Provincial Policy Statement and to conform to the County of Grey Official Plan.

Financial / Staffing / Legal / Information Technology

Considerations

At this time there are no expected financial, staffing, or legal considerations beyond those normally encountered in processing a new Official Plan. While there is always the possibility that the Plan could be appealed to the Ontario Municipal Board, County staff are of the opinion that the Town has done a good job of addressing any concerns that have been brought forward.

Link to Strategic Goals / Priorities

An Official Plan of this nature has the ability to influence a number of goals contained within the County of Grey Corporate Strategic Plan. Goals 1, 2, and 5 would be particularly relevant to the new HOP. In accordance with Goal 1, a number of policies in the Plan speak to the importance of maintaining a healthy downtown business core, while also maintaining employment lands within the Town.

Action item 2.10 with respect to enabling healthy and resilient communities, while managing and directing growth through the creation of sound land use planning principles is the very essence what the HOP is striving to accomplish.

In accordance with Goal 5 the HOP sets an appropriate policy framework, within which upper and lower tier policies will work together, without being duplicative of one another.

Attachments

Schedule 1: Proposed Modifications to the Town of Hanover Official Plan

Respectfully submitted by,

Scott Taylor, MCIP, RPP
Senior Planner

Director Sign Off: *Randy Scherzer*

Schedule 1: Proposed Modifications to the Town of Hanover Official Plan

Modification No.	Official Plan Section No.	Proposed Modification	Rationale
1	A4	In the third paragraph of this section the word 'ensuring' is deleted and replaced by the word 'ensuing'.	Editorial
2	C.4.2(f)	The reference to the 'Ministry of Tourism and Culture' is deleted and replaced by the 'Ministry of Tourism, Culture and Sport'.	Editorial – referencing the new name of the Ministry.
3	D2.2.3	The number '20' is deleted and replaced by the words 'minimum 10'.	This change is partially related to the Provincial Policy Statement (PPS) and partially semantics. Technically in order to always maintain a 20 year supply, one would need to designate new residential lands every time residential land was developed. The modification would instead reference that there needs to be a minimum of 10 years supply of residentially designated lands.
4	D2.4.7	The term 'assisted housing for low income households' is deleted from this section.	PPS Consistency – the PPS defines the term 'special needs' and notes that 'it is for people who have specific needs beyond economic needs'. In order to avoid confusion with the PPS the reference to low income households has been deleted such that the clause aligns with the special needs definition of the PPS.
5	D2.4.9	The word 'Town' is inserted following the words 'in lieu of' in this clause.	Clarification – although the County may receive similar requests for grants in lieu of, it will be up to the County to determine support or non-support for County level fees. As such, this section is clarified to note that the Town may consider grants in relation to 'Town fees'.
6	D2.4.16(c)(ii)	The word 'unit' is inserted after the words 'a second dwelling'.	Editorial / Clarification
7	D7.4.1 and other sections throughout the Plan	All references to the 'Ministry of the Environment' throughout the Plan are deleted and replaced with 'Ministry of the Environment and Climate Change'.	Editorial– referencing the new name of the Ministry.
8	D7.4.7	This subsection is deleted and replaced by the following; 'Residential uses shall not be permitted on Industrial lands	After discussion with Town staff it was clarified that the Town was not seeking to permit residential uses in the Industrial

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		except in the case of temporary accommodation units to be utilized by staff of the business wherein the unit is located. The temporary dwelling unit shall contain a maximum of 100 square metres of floor area.'	designation, rather it would be temporary accommodations for staff e.g. a sleeping quarters for somebody working an unusual shift.
9	D7.4.8	The words 'the comprehensive review provisions of' are inserted following the words 'subject to' in this clause.	Clarification
10	D9.3.1	The words 'golf courses,' are inserted following the words 'sports fields,' in this clause.	Recognition of an existing use.
11	D10.3.1	The word 'new' is inserted following the words 'but not including' in this clause.	Recognition of an existing use.
12	E1.1.4	Following the first sentence of this clause a new sentence is added as follows; 'Streams and rivers are however shown on Schedule B to the Plan'. This clause is further modified by adding a new clause (c) as follows, following clause (b); c) No development shall be permitted within 30 metres of the banks of a stream, river, or lake. Where an Environmental Impact Study prepared and concludes that setbacks may be reduced and/or where it has been determined by the Saugeen Valley Conservation Authority these setbacks may be reduced.	Clarification and conformity with section 2.8.6(5) of the County Official Plan.
13	E3.3.6	The word 'boarders' is deleted and replaced by the word 'borders' in this clause.	Editorial
14	E4.1.1(a)	The word 'except' is deleted from this clause.	Editorial
15	E5.4	The reference to section 'E7' is deleted and replaced by section 'E8' in this clause.	Clarification
16	E10	A new section E.10 is added to this plan as follows;	Conformity to section 5.4.2 of the County Official Plan.

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		<p>'E10. Known and Abandoned Landfill Sites</p> <p>E10.1 All known abandoned landfill sites have also been shown on Schedule B.</p> <p>E10.2 No development or site alteration shall be permitted within 500 metres of an existing or known abandoned landfill site, unless a D-4 Study has been prepared and submitted for review in accordance with the Ministry of the Environment and Climate Change Guideline D-4, indicating that the lands to be developed are secure from potential methane gas and/or leachate migration from the landfill site or what remedial measures or conditions are required prior to any development approval being granted. Notwithstanding the above referenced buffer, if an approved Landfill Closure Plan exists, the requirements of that plan shall prevail.</p> <p>E10.3 Where development is proposed for approval on a non-operating waste disposal site within 25 years of closure, the applicant must submit an application and obtain approval of the Ministry of the Environment and Climate Change pursuant to Section 46 of the Environmental Protection Act, R.S.O. 1990, as amended.</p> <p>E10.4 Where development is proposed for approval on a non-operating waste disposal site after 25 years of closure, a D-4 Study will be required as per subsection (2) above.</p> <p>E10.5 Appropriate setback provisions shall be established in the implementing Zoning By-law.'</p>	
17	F9.1	The words 'exterior design, accessibility,' are added to this clause following the words 'size and location,'.	<i>Planning Act</i> – by inserting these words into this clause it allows the Town more controls over site plan control, as per the

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			changes that were made to the <i>Planning Act</i> under Bill 51.
18	F9.3	The words ‘these settlement areas’ are deleted and replaced by the words ‘the Town’ in this clause.	Clarification
19	F13.1	The words ‘to the year 2034’ are deleted and replaced by the words ‘within the horizon of the County Official Plan’ in this clause.	Conformity with the County Plan.
20	F13.4	The words ‘, and the County Official Plan.’ are added to the end of this clause following the words ‘Provincial Policy Statement’.	Clarification
21	F14.5	The word ‘and’ is deleted from the end of this clause and a period ‘.’ is added.	Clarification – there appeared to be some words missing here.
22	Schedule A	Schedule A dated August 11, 2014 is deleted and replaced with a new Schedule A dated February 2016, which contains a minor Open Space modification, and some site specific provisions. Hanover Official Plan Proposed Revised Schedule A	Modifications made to reflect recent environmental work as well as to reflect the passing of Hanover Official Plan Amendment 20.
23	Schedule B	Schedule B dated August 11, 2014 is deleted and replaced with a new Schedule B dated February 2016, which contains a minor Significant Woodlands modification and adds an abandoned landfill site. Hanover Official Plan Proposed Revised Schedule B	Conformity to the County Official Plan regarding abandoned landfill sites, and at the request of the Saugeen Valley Conservation Authority regarding significant woodlands.
24	Schedule C and D	Schedules C and D dated August 11, 2014 is deleted and replaced with new Schedules C and D dated February 2016. Hanover Official Plan Proposed Revised Schedule C Hanover Official Plan Proposed Revised Schedule D	Consistency in dates between schedules A, B, C, and D.
25	E4.1.1(c)	The words ‘or owner’ are inserted between the words ‘developer’ and ‘whether’ in this subsection.	Clarification
26	D10.4.15 D10.4.16 And	Three new subsections are inserted following D10.4.14 as follows;	Implementation of the Town’s Environmental Impact Study dated October 2015, prepared by AWS Environmental Consulting Inc.

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	D10.4.17	<p>D10.4.15 In accordance with the Environmental Impact Study dated October 2015, prepared by AWS Environmental Consulting Inc., no development or site alteration shall occur on the subject lands within 50 metres of the identified Northern Bedstraw colony, shown on Figure 8 to the Environmental Impact Study, until such time as a qualified person has transplanted or relocated >50% of the plant colony to suitable habitat within the no development or site alteration area buffer zone. Said plant relocation efforts shall follow best management practices and be undertaken in the Spring season, between mid-May to late June depending on the growing period. The re-planting shall be completed to the satisfaction of the Town of Hanover and the Saugeen Valley Conservation Authority. The restrictions on this portion of the subject lands and the plant relocation shall be implemented via site plan control to enact these provisions.</p> <p>D10.4.16 In accordance with the Environmental Impact Study dated October 2015, prepared by AWS Environmental Consulting Inc., no development or site alteration shall occur on the subject lands within 25 metres of the two identified Candidate Bat Maternity Roosting Trees, or within 25 metres to the southern-most colonies of Shagbark Hickory; both of which are shown on Figure 8 to the Environmental Impact Study. Any development proposed within these areas will require consultation with the Ministry of Natural Resources and Forestry, the Town of Hanover, the Saugeen Valley Conservation Authority, and the County of Grey. These provisions shall be enacted via site plan control on the subject lands.</p> <p>D10.4.17 In accordance with the Environmental Impact Study dated October 2015, prepared by AWS Environmental Consulting</p>	

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		Inc., no development or site alteration shall occur on the subject lands delineated as 'Constraint Zone' in the Environmental Impact Study, pending further engineering drawings and a supporting storm water management report. It shall be demonstrated to the satisfaction of the Town of Hanover and the Saugeen Valley Conservation Authority that through the additional works that there are no adverse alterations to off-site water quality and water quantity to the wetland, in conjunction with water balance calculations and additional review by a qualified resource specialist in wetland ecology. These provisions shall be enacted via the use of a holding 'h' symbol on the subject lands.'	
27	B1.3	Subsection B1.3 is modified by adding a second sentence following the existing clause; 'Any minor adjustment to Hazard boundaries in the Official Plan shall require consultation with, and approval from the Saugeen Valley Conservation Authority.'	Clarification regarding comments from SVCA.
28	E1.1.2	Subsection E1.1.2 is modified by adding the following clause after the existing clause; 'The County is currently completing a Natural Heritage Systems Study (Green in Grey). The results of this study are expected to be implemented into the County Official Plan as part of a future official plan amendment. Following the County's official plan amendment, the Town of Hanover would implement Natural Heritage Systems Study at the time of the next five year review of the Town's Official Plan.'	Clarification regarding comments from SVCA and consistency with the PPS.
29	D7.4.12	A new subsection D7.4.12 is inserted to recognize Official Plan Amendment 20 to the Hanover Plan as follows;	Implementation of Hanover Official Plan Amendment 20 which was passed by the County August 28, 2015.

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		<p>'Notwithstanding any policies to the contrary, on those lands described as Lot 5, Judge's Plan 55, and Part Lot 4, Concession 2 NDR, Town of Hanover, and identified on Schedule A as 'See Paragraph D7.4.12', the requirement for a property to have frontage on an open public road shall not apply. The implementing zoning of the property shall prohibit the erection of any buildings or structures until such time as the property has frontage and direct access to/from an open public road.'</p>	