Town of Huntsville Staff Report

Meeting Date: July 13, 2022

To: Planning Committee

Report Number: DEV-2022-118

Confidential: No

Author(s): Richard Clark, Manager of Planning

Subject: OPA #1 - Community Planning Permit By-law Implementation Matters

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Report Highlights

Staff review and recommendation concerning Official Plan Amendment #1 (OPA #1), respecting Community Planning Permit By-law Implementation Matters.

Recommendation

That: Amendment #1 to the Town of Huntsville Official Plan be ADOPTED and forwarded to the District of Muskoka for approval.

Background

The purpose of this amendment is to facilitate the implementation of a Community Planning Permit System in Huntsville. The proposed amendment includes minor technical amendments to enable implementation of a Town-wide Community Planning Permit (CPP) by-law. OPA #1 is appended to this Report as Attachment #1.

Discussion

The Town of Huntsville Official Plan (HOP) was adopted by Town Council on March 18, 2019, and came into force and effect on October 21, 2019, following its approval by the District Municipality of Muskoka. The HOP contains enabling policies for the creation of a CPP By-law.

The Town of Huntsville has undertaken to develop a Town of Huntsville CPP By-law to implement the policies, goals and objectives of the Official Plan throughout the entire Town. The 1st Draft of the proposed CPP By-law was presented to Council at a Public Meeting on October 27, 2021 (DEV-2021-124) and the 2nd Draft of the proposed CPP By-law was presented to Council at a Public Meeting on April 26, 2022 (DEV-2022-75). This OPA will further enable the Town to pass a CPP By-law as part of the final phase of the project to implement the policies of the HOP in accordance with the relevant provisions of the Planning Act.

The amendments to the Official Plan proposed through OPA #1 can be characterized as being technical amendments, applying Town-wide, which address both implementation clarification matters and regulatory requirements.

Implementation Clarification:
Many of the proposed amendments will facilitate implementation of a Town wide CPP By-law by inserting language into existing OP policies that reference implementation via Site Plan Control or the Zoning By-law only. These amendments clarify that the Community Planning Permit By-law, and related permits, can also be relied upon to implement relevant HOP policies.

Regulatory Requirements:
The Province of Ontario prescribed conditions for local municipalities to adopt a CPP By-law in Ontario Regulation 173/16. The amendments address conditions respecting Official Plan content requirements to ensure conformity with Ontario Regulation 173/16 and permit the Town to pass a CPP By-law. All such amendments apply to Part F of the Official Plan.

Generally speaking, the proposed amendments for regulatory requirements address the following matters relating to the passage of a CPP By-law:

- the Geographic areas to which the By-law may apply;
- the OP goals, objectives, policies that may be implemented;
- the potential review and approval outcomes addressed in the By-law;
- any delegated approval authority to be contained in the By-law;
- the criteria for considering permit application approvals to be detailed within the By-law;
- the studies that may be required in support of a permit application;
- the conditions that may be imposed as a condition on a provisional permit or as a condition attached to an issued permit; and
- the criteria for considering an amendment to the By-law and/or variations to standards.

District of Muskoka:
The proposed amendment is in conformity with the District of Muskoka Official Plan, as confirmed in their comments included as Attachment #2.

Next Steps:
If adopted, the OPA will be forwarded to the District of Muskoka for approval. The adoption of the proposed OPA will permit the passage of the CPP By-law. The By-law may be passed concurrently with the adopted OPA, but would be unable to come into force and effect until the OPA has been approved by the District and any potential appeals have been addressed.

Options

Committee could recommend that OPA #1 not be adopted; however, that is not recommended as the proposed amendments are minor technical amendments to enable implementation of a CPP By-law in Huntsville to implement the policies of the HOP.

Council Strategic Direction / Relevant Policies / Legislation / Resolutions

Strategic Plan
Governance:
Municipal Services and Operations - Ensure municipal operation are streamlined, sustainable, inclusive, efficient and effective.
Gov.3.2 - Continuously review all by-laws and administrative requirements to ensure they are appropriate and necessary.
Communications:
Community Engagement - Increase opportunities for public engagement
Com.2.1 - Expand engagement activities to inform the public of action taken by Council and encourage public and staff input.

Natural Environment and Sustainability:
Sustainability - Integrate sustainability principles into planning & development policies and processes.
ENV.2.2 - Ensure planning policies, recommendations and approvals consider geographic features & character of community.

Unity Plan
Economic Considerations
Goal 11: Economic Development: Huntsville will promote a diverse and prosperous economy by attracting innovation, growing a knowledge-based economy, providing adequate training, developing green jobs, and offering sustainable year round employment to retain Huntsville's youth.

Social Considerations
Goal 6: Social well-being: The community will encourage and support social diversity and personal sense of well-being by improving accessibility, promoting volunteerism, striving to reduce poverty, and maintaining a healthy, safe, friendly community to live, work, and play for all ages, cultures and abilities.

Relevant Policies/Legislation/Resolutions
Provincial Policy Statement
Planning Act, R.S.O. 1990, cP.13
District of Muskoka Official Plan
Town of Huntsville Official Plan

Attachments

Attachment #1: Draft By-law
Attachment #2: District of Muskoka Comments
Attachment #3: Public Comments

Consultations

The OPA was circulated to agencies and advertised in the Huntsville Forester and on the Town's website. Notice of the Public Meeting and Open House was also emailed to all those who had submitted comments on the CPP By-law, as well as the Official Plan. Further, an Open House was held on July 5, 2022, with 5 members of the public attending.

No objections have been received from the District of Muskoka or any other commenting agencies.

One objection, noting that the CPP By-law should not be adopted, was received from a member of the public, and is included as Attachment #3.

Respectfully Submitted: Richard Clark, Manager of Planning

Manager Approval (if required): _____

Director Approval: Kirstin Maxwell, Director of Development Services

CAO Approval: _____

Attachment #1: Draft By-law

CORPORATION OF THE TOWN OF HUNTSVILLE

BY-LAW NUMBER 2022-xx

(Town of Huntsville)

Being a by-law of the Town of Huntsville to adopt Amendment No. 1 to the Huntsville Official Plan

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WHEREAS: the Council of the Corporation of the Town of Huntsville finds it expedient to amend the Town of Huntsville Official Plan, as amended:

AND WHEREAS: the Council of the Corporation of the Town of Huntsville has fulfilled the requirements of Sections 17 and 21 of the *Planning Act*, R.S.O.,1990, as amended (the "Planning Act").

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWN OF HUNTSVILLE ENACTS AS FOLLOWS:

1. That Amendment No. 1 to the Huntsville Official Plan, consisting of the attached explanatory text, is hereby adopted;

2. That the Mayor and Clerk are hereby authorized and directed to affix the seal of the Corporation to Amendment No. 1 and to make application to the District Municipality of Muskoka for approval of the said amendment; and

3. THAT this by-law shall come into force shall come into force and take effect in accordance with the provisions of the Planning Act.

READ a **first, second** and **third** time and **finally PASSED** this day of **,** 2022.

_____ _____

Mayor (Karin Terziano) **Clerk** (Tanya Calleja)

AMENDMENT NUMBER 1
TO THE OFFICIAL PLAN OF THE
TOWN OF HUNTSVILLE

(CPP By-law Implementation)

SECTION 1 TITLE AND COMPONENTS OF THE AMENDMENT

1.1 Section 5 herein shall constitute Amendment Number 1 to the Official Plan of the Town of Huntsville and shall be entitled “Community Planning Permit By-law Implementation”.

1.2 Sections 1, 2, 3, 4, 6 and 7 herein do not constitute part of the formal Amendment, but provide general information respecting the Amendment.

SECTION 2 LANDS SUBJECT TO THE AMENDMENT

2.1 All lands within the Town of Huntsville, District Municipality of Muskoka will be subject to this amendment.

SECTION 3 PURPOSE OF AMENDMENT

3.1 The purpose of this Amendment is to facilitate the implementation of a Community Planning Permit (CPP) System.

3.2 The proposed Amendment includes minor technical amendments to enable implementation of a CPP By-law.

SECTION 4 BACKGROUND AND BASIS

4.1 The Town of Huntsville Official Plan (HOP) was adopted by Town Council on March 18, 2019, and came into force and effect on October 21, 2019, following its approval by the District Municipality of Muskoka. The HOP contains enabling policies for the creation of a CPP By-law.

The Town of Huntsville has undertaken to develop a Town of Huntsville CPP By-law to implement the policies, goals and objectives of the Official Plan throughout the entire Town.

The Province of Ontario has prescribed conditions for local municipalities to adopt a CPP By-law in Ontario Regulation 173/16. This amendment addresses conditions respecting Official Plan content requirements to ensure conformity with Ontario Regulation 173/16 and permit the Town to pass a CPP By-law.

SECTION 5 THE AMENDMENT

5.1 Sections B4.1.9, C3.3.16(e), C3.7.16, C3.8.8, C5.3.4, C7.2.25(c)(j), C7.2.28, C7.6.6, C8.4.8, C8.9.1, D2.3.6, E3.3(e), F1.4.9, F1.4.19, and F1.8.7(f) shall be amended with

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the insertion of the phrase “or community planning permit by-law” after the words “zoning by-law”, wherever they appear in each Section.

5.2 Section C3.8.16 and C7.5.14(a) shall be amended with the insertion of the phrase community planning permit requirements or” after the words “subject to”, wherever they appear in each Section.

5.3 Section C7.5.14 shall be amended with the insertion of the phrase “or community planning permit” after the words “site plan approval”.

5.4 Section C7.6.8, C7.6.19, shall be amended with the insertion of the phrase “or community planning permit “ after the words “site plan agreement”.

5.5 Section C7.6.20 shall be amended by deleting the phrase “pursuant to Section 41 of the Planning Act” and replacing it with the phrase “or community planning permit by-law”.

5.6 Section C7.6.10 shall be amended with the insertion of the phrase “or community planning permit by-law” after the words “as amended”, wherever they appear in the Section.

5.7 Section D2.1.5 shall be amended with the insertion of the phrase “or community planning permit” after the word “amendment”, and with the insertion of the phrase “or condition of approval” after the words “holding by-law”.

5.8 Section F1 Implementation of the Town of Huntsville Official Plan is hereby amended with the insertion of the following new Sections immediately after Section F1.4.8 and renumbering the remaining Sections accordingly:

F1.4.9 Community Planning Permit By-law Implementation:
To permit passage of a community planning permit by-law for application to the entire Town, the following policies shall apply:

a) A community planning permit area may include the entire Town or any area or areas identified on Schedules attached to a community planning permit by-law; and
b) Where a community planning permit area includes the entire Town, the goals, objectives and policies of each designation in this Plan, the general policies for guiding growth and development in all designations and the vision and principles of the Plan shall be implemented within the community planning permit by-law to ensure any development and use of land will conform to the Official Plan and address the matters outlined in Section F1.6.1.

F1.4.10 Community Planning Permit Application Review and Approvals
Upon consideration of a complete community planning permit application, the Town of Huntsville may:

a) Approve the application and issue a permit with no conditions;
b) Approve the application subject to conditions being met before the issuance of a permit;
c) Approve the application and issue a permit with conditions attached;

d) Approve the application subject to conditions being met before the issuance of a permit and with conditions attached; or
e) Refuse the application.

F1.4.11 Council may delegate its decision making authority respecting community planning permit applications and its authority to execute, amend and release community planning permit agreements or pre-existing site plan agreements to a Committee appointed by Council or an employee of the Town in the identified area. Any limits on the criteria for such delegation will be established in the community planning permit by-law.

F1.4.12 To ensure that the goals, objectives and policies of the Town Official Plan, and the matters outlined in Section F1.6 will be addressed accordingly in determining whether a development or use of land may be permitted by a community planning permit, the by-law shall set out criteria to be considered in such circumstances, study requirements, and types of conditions that may be imposed on a permit. The types of criteria, study requirements, and conditions set out are intended to address goals, objective and policies of the Town Official Plan, and the matters outlined in Section F1.6.

F1.4.13 The criteria for determining whether a development, use of land, discretionary use or variation to by-law provision may be permitted shall be set out in the community planning permit by-law and shall include demonstration of the following to the satisfaction of the Town:
a) the proposal is appropriate for the lands;
b) the proposal takes into account the unique characteristics of the property;
c) the potential off-site and adverse impacts resulting from the proposal are identified and mitigated where appropriate;
d) the proposal is compatible with the surrounding land uses and community, waterfront, or rural character;
e) the proposal is consistent with any applicable urban design guidelines;
f) the proposal conforms to the District and Town Official Plans; and
g) the proposal is consistent with the Provincial Policy Statement.

F1.4.14 A list of studies that may be required to be submitted at the time of application of a community planning permit application, such that it may be deemed complete, shall be set out in the community planning permit by-law, or in an appendix thereto, and shall include the materials and technical reports that may be required at the time of application as outlined in Section F1.9.4.

F1.4.15 A list of conditions that may be imposed on a community planning permit shall be set out in the community planning permit by-law, or in an appendix thereto, and shall include, but not be limited to, conditions:
a) that may be imposed pursuant to sections 34, 40, 41 and 42 of the Planning Act, in order to implement the vision, goals and objectives of the Official Plan, and the matters outline in Section F1.6;

b) to require the implementation of actions or recommendations in technical reports that have been submitted in support of a CPP application;
c) to require the submission of supplemental technical reports where deemed required through application review; and
d) to require the owner of land to enter into an agreement with the Town respecting one or more conditions.

F1.4.16 Community Planning Permit By-law Amendments
Any amendments to a community planning permit by-law shall be in conformity with the objectives and policies of this Plan and shall be considered in the context of the planned vision for all lands within the area or areas subject to the by-law. Further, an application to amend the community planning permit by-law must be supported by a comprehensive planning rationale, a strategy for consulting within the public, and the studies and information as identified in Policy F1.9.

F1.4.17 A community planning permit may allow, as a discretionary use, any use not specifically listed as a permitted use in the community planning permit by-law, provided that the proposed use is similar to and compatible with listed permitted uses, would have no negative impact on adjoining properties, would meet applicable criteria within the by-law and maintain the intent, principles and policies of this Plan

F1.4.18 A community planning permit may allow certain variations to the standards specified within the CPP by-law. Such variations may be permitted only if they have satisfied the policies pertaining to applicable policies of this Plan.

5.9 Section F1.4.13 (to be renumbered accordingly) shall be amended with the insertion of the phrase “or community planning permit by-law” following the words “zoning by-law” in the Background Statement.

5.10 Section F1.6.4(a) shall be amended with the insertion of phrase “or a community planning permit” at the end of the sentence.

5.11 Section F1.6.4(b) shall be amended within the insertion of the phrase “or community planning permit by-law” after the words “site plan control by-law”.

5.12 Sections F1.9.1 and F1.9.3 shall be amended with the insertion of the phrase “community planning permit” after the word “condominium”.

5.13 Section F1.12.2 shall be amended with the insertion of the phrase “Community Planning Permit By-law” after the words “Plan”.

5.14 Section F1.14.1 shall be amended with the insertion of the phrase “or community planning permit by-law requirements” at the end of the sentence.

SECTION 6 IMPLEMENTATION

6.1 The changes to the Official Plan of the Town of Huntsville, as described in this Amendment, shall be implemented in accordance with the provisions of Section F of the Official Plan.

SECTION 7 INTERPRETATION

7.1 The provisions of Section F of the Official Plan of the Town of Huntsville, shall apply with respect to the interpretation of this Amendment.

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Attachment #2: District of Muskoka Comments

June 27th, 2022

Tanya Calleja, Clerk
Town of Huntsville
37 Main Street East,
Huntsville, Ontario
P1H 1A1

VIA EMAIL ONLY

Dear Ms. Calleja:

RE: Official Plan Amendment – OPA1

Recommendation

District staff would not object to the approval of the above noted application.

Notice of Council's decision respecting the above-noted application is requested.

Analysis

It is our understanding that the proposed Official Plan Amendment would include minor technical revisions to the wording of various sections of Huntsville's Official Plan to enable the implementation of a Community Planning Permit By-law. Further, we understand that amendments are general in nature and apply to all lands in the Town of Huntsville.

Yours truly,

Curtis Syvret

Curtis Syvret
Planner

COMMUNITY AND PLANNING SERVICES DEPARTMENT
70 Pine Street, Bracebridge, Ontario P1L 1N3
www.muskoka.on.ca

Planning, GIS and Environment
Phone: 705-645-2100
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Children's Services, Community Engagement, Housing, Ontario Works and Seniors Programs
Phone: 705-645-2412
Fax: 705-645-4272

Attachment #3: Public Comments

RECEIVED
JUL 04 2022
BY:

July 4, 2022

Town of Huntsville

37 Main Street E.,

Huntsville ON P1H 1A1

Re: Town of Huntsville Official Plan Amendment #1 (OPA 1 - CPP Bylaw Implementation)

Open House July 5, 2022 and Public Meeting July 13, 2022

To: The Town of Huntsville & the Clerk of the Town of Huntsville

We submit this letter as notice of our right to appeal pertaining to any of the above mentioned.

We are opposed to any changes to the Official Plan in regard to the proposed CPP Bylaw , as we are also opposed to the Community Planning Permit Bylaw .

We feel that this bylaw will have a negative effect on the lives and lands of rural residential property owners in the Town of Huntsville.

We would like to be notified if the OPA 1 and the CPP bylaw are passed.

Thank you,

Mary Jane Smith

[redacted]

Huntsville ON P1H 2J2

Brian K. Smith

[redacted]

Huntsville ON P1H 2J2