

Planning in Arran-Elderslie

Daniel Kingsbury, RPP - Sr. Planner
Megan Stansfield - Planner

January 9, 2023



Introductions

Daniel Kingsbury

Senior Planner

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- Joined Bruce County in 2018
- Leads County's Peninsula Hub Planning Team
- Studied Geography and Planning
- Grew up in Owen Sound, has strong family roots in Bruce County

Introductions

Megan Stansfield
Planner

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- Joined Bruce County in January of 2022
- Previously worked as a Planning Tech for Saugeen Valley Conservation Authority
- Studied environmental science and economics
- Grew up in Port Elgin, family is from Kincardine



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What is Planning?

- Broad purpose of land use planning is to regulate and control the development of land to provide for orderly and systematic growth within a specified geographic area or region



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Levels of Jurisdiction

- *Federal* Provincial jurisdiction over property does not extend to federally-regulated lands or activities (i.e., navigable waters, railways, aeronautics, telecommunications, etc.)
- *Provincial* Province derives its authority with respect to land use planning from its powers over “property and civil rights” and “matters of a local or private nature” under sections 92(13) & (16) of the *Constitution Act, 1867*
- *Municipal* Provincial governments have delegated much of the land use planning authority to municipalities (i.e., *Planning Act*)
- Provincial jurisdiction can override municipal jurisdiction (e.g., ministerial zoning orders)



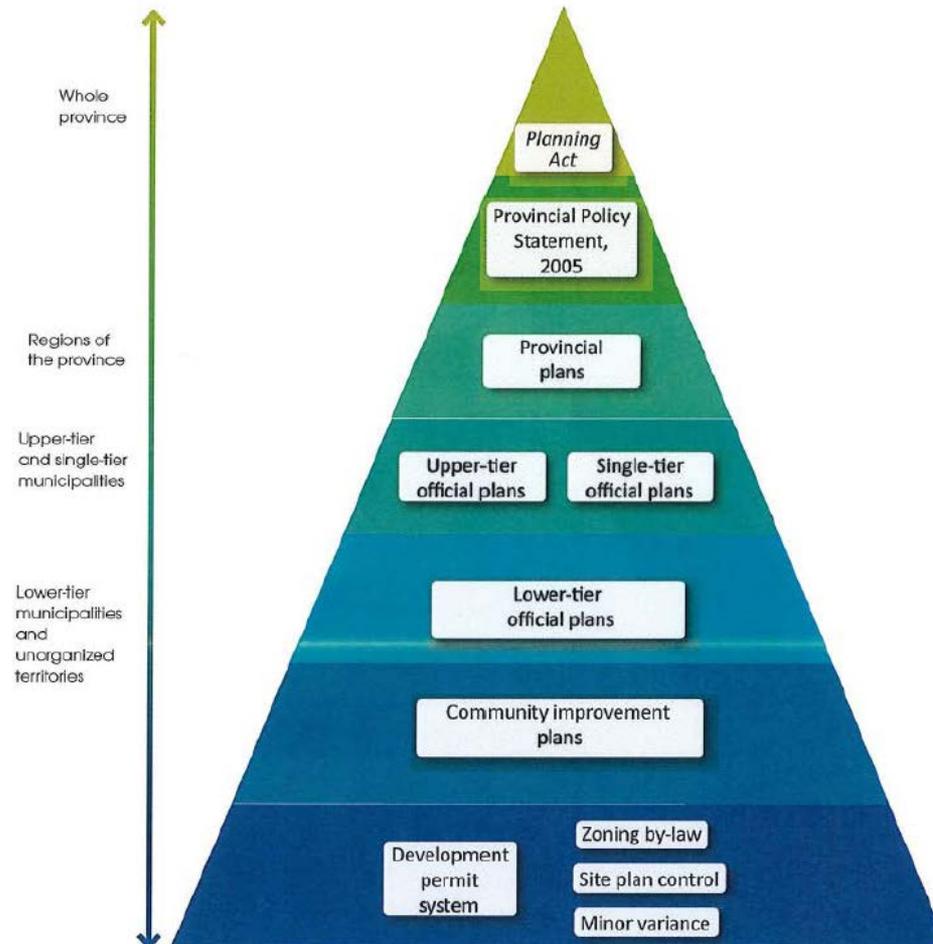
Key Participants

Participant	Role
Province of Ontario	<ul style="list-style-type: none">• Enacts legislation and regulations• Creates provincial policies and plans• Ministry of Municipal Affairs and Housing provides one-window provincial review of municipal planning documents and applications• Approves upper-tier and single-tier official plans; some other approvals• Defends provincial interests/policies/plans at OLT• Advise and educate
Municipalities (upper and lower tier)	<ul style="list-style-type: none">• Establish and update official plan and zoning by-laws• Decisions in accordance with provincial policy• Local policy decisions in a public forum• Respond to and decide on planning applications – approval authorities
Affected Agencies and Bodies	<ul style="list-style-type: none">• Other bodies may have regulatory powers or direct interests in specific matters, applications, or geographies (e.g., school boards, conservation authorities, transit authorities)
Landowners and Developers	<ul style="list-style-type: none">• Initiate development projects, make applications to municipalities• Input to municipalities on policy & financial initiatives and to Province on legislative & policy initiatives
Public and Stakeholders	<ul style="list-style-type: none">• Input on legislation, provincial policies and plans, municipal official plan and zoning by-law, and specific applications
Ontario Land Tribunal	<ul style="list-style-type: none">• Expert appeal body that adjudicates upon land use planning disputes



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Ontario's policy-led planning system



ontario.ca/PPS

Provincial Policy Statement, 2020

Under the *Planning Act*

Ontario 

Key Sections:

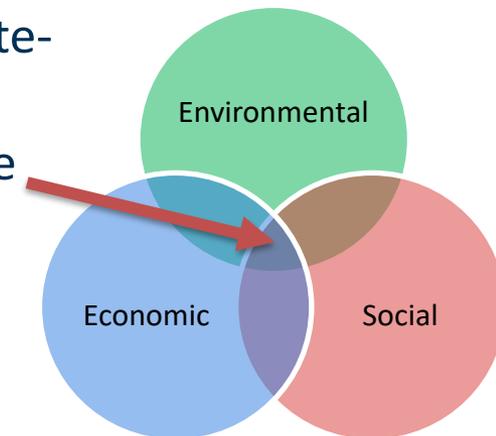
- Building Strong, Healthy Communities
- Wise Use and Management of Resources
- Protecting Public Health and Safety
- Implementation

The Vision: Official Plans

- Establish **community** vision, goals & objectives, policies to guide land use decisions.
- Not *'just a policy'*: Municipal decisions, by-laws and capital spending plans must align with the Official Plan.
- Upper Tier Official Plan (County)
- Lower-Tier Official Plan (local Municipality) – must conform; may be more, but not less restrictive

Bruce County OP

- Current Plan adopted in 1997, updated in 2010
- “The” Official Plan for areas outside of settlement areas unless there is a local Official Plan
- Provides high-level policies, forecasts, and density targets for settlement areas (further defined in local plans)
- Amended over 260 times since adoption, mostly site-specific changes
- A good plan, founded in the principle of sustainable development, but at the end of its plan horizon



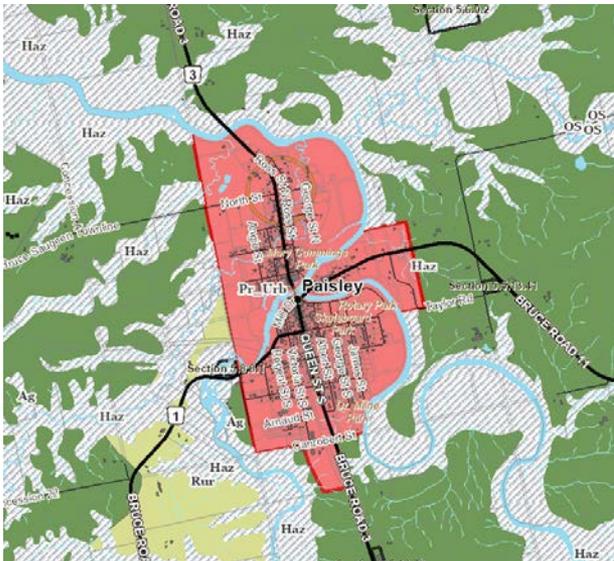


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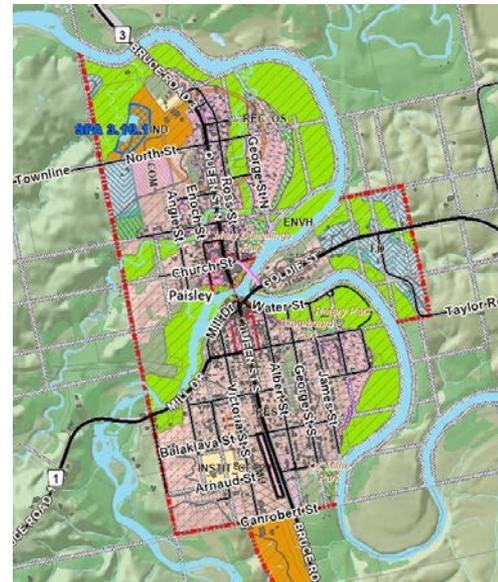
Arran-Elderslie Official Plan

- Provides detailed direction to the Chesley, Paisley and Tara
- Higher level of detail than the County Plan
- Plans and Amendments must be approved by the County

County OP



Local OP



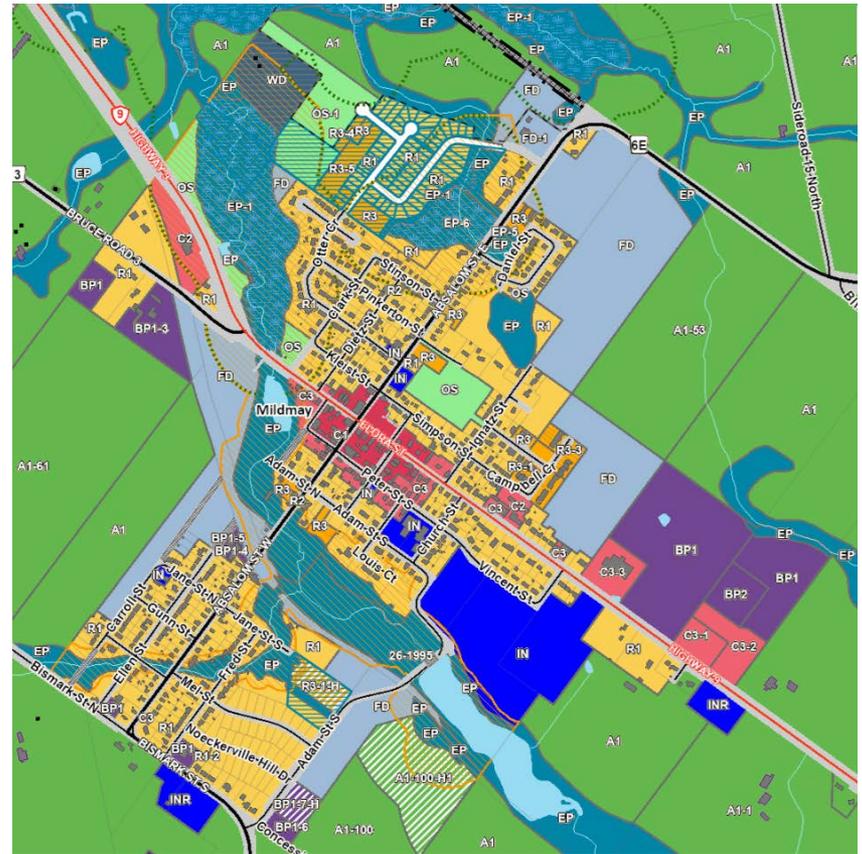
Official Plan Amendments

- Most often relate to another application (ex. zoning amendment) that would not otherwise conform to the Official Plan
- Amendments to local plans are heard and adopted by local Council, and forwarded to the County for approval
- Like land division, Staff can approve uncontested local plan amendments
- Amendments to County Plan are considered, adopted, and approved by County Planning and Development Committee (council)
- Sometimes amendments are initiated by Council.
- County Plan Amendments that update plans to match provincial direction must be approved by the Province.



Zoning By-laws

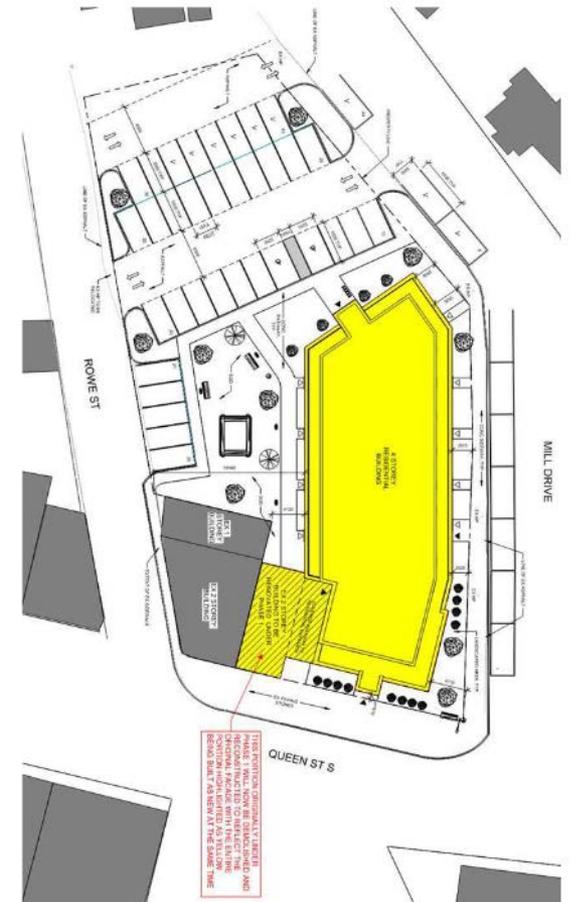
- Prohibit all uses, except those specifically permitted; “people” zoning is invalid
- Provide details with respect to the standards associated with permitted uses (e.g., parking; set backs; building coverage; etc.)
- Exceptions can be made to zoning by-laws by way of minor variances
- Administered by local municipal “Zoning Administrator” (typically the Chief Building Official)
- Planners assist local municipal staff with interpretation and by-law updates





Zoning By-law Amendments

- Typically used to add a use to a zone, change from one zone to another, or seek zoning relief that is not “minor”
- Must conform to the Official Plan and be consistent with Provincial Policy Statement.
- Consultation is strongly encouraged – and may be required – before submitting an application.
- Public Meeting at Council or an appointed “Planning Advisory Committee”
- Council decides; however “minor” by-law passage can be delegated to committee or staff



Committee of Adjustment

- Each local Council appoints a C of A.
- Can be council members, public members, or a mix of both
- Can vary or provide relief from range of by-laws (zoning, signage etc) that are referenced in an official plan
- Decisions can have timeframes and conditions, and agreements which can be registered on title
- Planning staff process applications related to land use:
 - Variances
 - Changes to legal non-conforming uses





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Land Division

- Subdivisions
- Condominiums
- Condominium Exemptions
- Consents (“severances”)
- Easements
- Long Term Leases

(and more)

→ All relate to creating interests or rights related to land.

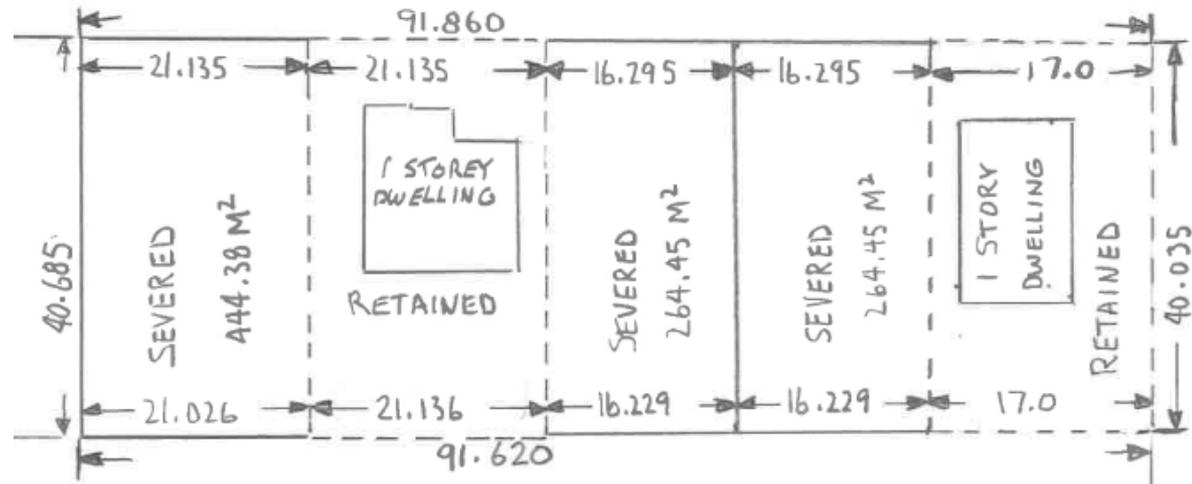




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Land Division

- Must meet Official Plan policies (ex. density, servicing)
- Must meet zoning provisions (ex. lot size, frontage)
- “Draft” approval (subdivision / condo) or “Conditional” approval (consent)
- Conditions must be met before final sign-off
- County is approval authority, Municipalities agree to conditions and address subdivision agreements.
- Staff approve uncontested applications and do final approvals, County Council decides the ‘contested’ applications



Site Plan Control

- Tool under Section 41 of the Planning Act
- Administered by local municipalities
- Deals with the details of development
 - Site Layout and access
 - Physical design
 - Offsite improvements required to support a project
 - Agreements can include securities and can be registered on title
- Used for multifamily development, commercial development, or development in areas with environmental constraints.

Working with Planning Staff

- Planning Staff are professionals - RPP - have membership in the Ontario Professional Planner Institute – subject to profession's code of conduct and guidelines
- Planners analyze and assess applications against all matters they are required to consider...and they formulate and present their planning opinions
- Council is free to accept or reject the planners' opinions and advice
- Planners can be summoned to the OLT to testify about their opinions and conclusions [even those not accepted by Council]

2022 A-E Planning Metrics

- 24 Inquiries and Pre-Consultation
- 22 Consents (Severances, Easements, Lot Additions)
- 1 Plan of Subdivision
- 3 Official Plan Amendments
- 10 Zoning Bylaw Amendments
- 10 Minor Variances

2022 Notable Files

- Paisley Inn ZBA (35 apartment and townhouse building with ground floor commercial)
- Riverview Estates Subdivision Tara (Major Revision to existing subdivision to permit 8 additional units, mix of housing types)
- Abraflex (Consent to facilitate fire suppression system)
- Dreamaker Campground
- Numerous infill consents applications in Chesley and Paisley



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Questions