

# DRAFT DECISION

With respect to Official Plan Amendment 4  
for the County of Dufferin  
Subsection 17(34) and Section 26 of the *Planning Act*

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I hereby approve, as modified, Official Plan Amendment 4 to the County of Dufferin Official Plan adopted by By-law 2024-14, subject to the following modifications, with additions in **bold underline** and deletions in ~~bold strikethrough~~:

1. Section 1.1.3, paragraph number 2 is modified as follows:

Deleting ~~20362051~~ and replacing it with **2051.**

2. Section 3.5.1.2 is modified by deleting policy (d) which is a duplicate of policy (c) and reordering the lettering as follows:

Municipalities may adjust settlement area boundaries outside of a municipal comprehensive review, provided:

- a) There would be no net increase in land within the settlement area;
- b) The adjustment would support the municipality's ability to meet the intensification and density targets established pursuant to this Plan;
- c) The location of any lands added to a settlement area will satisfy the applicable requirements
- ~~d) The location of any lands added to a settlement area will satisfy the applicable requirements~~
- d) The affected settlement areas are not rural settlements or in the Greenbelt Area; and
- e) The settlement area to which lands would be added is serviced by municipal water and wastewater systems and there is sufficient reserve infrastructure capacity to service the lands.
- f) Privately-initiated Settlement Area adjustment requests must identify the lands proposed to be added, as well as the lands proposed to be removed from the settlement area.

3. Section 3.5.1.3 is modified by deleting policy d) which is a duplicate of policy c) and reordering the lettering as follows:

A settlement area boundary expansion may occur in advance of a municipal comprehensive review, provided:

- a) The lands that are added will be planned to achieve at least the minimum density target in policy 3.4.3, as appropriate;

- b) The location of any lands added to a settlement area will satisfy the applicable requirements of policy 3.5.1.1;
  - c) The affected settlement area is not a rural settlement or in the Greenbelt Area;
  - ~~d) The affected settlement area is not a rural settlement or in the Greenbelt Area;~~
  - d) The settlement area is serviced by municipal water and wastewater systems and there is sufficient reserve infrastructure capacity to service the lands; and
  - e) The settlement area is serviced by municipal water and wastewater systems and there is sufficient reserve infrastructure capacity to service the lands; and
  - f) The additional lands and associated forecasted growth will be fully accounted for in the land needs assessment associated with the next municipal comprehensive review.
4. Section 3.6.2 is modified through the addition of new policies as follows:

The County encourages the protection of *employment areas* and discourages the conversion of *employment areas* unless suitable justification is provided.

It is the policy of the County that:

- a) ~~Proposals to convert lands within an *employment area* designation to another type of land use will be reviewed through a municipal comprehensive review.~~ An Amendment to this Plan will be required to implement an *employment area* conversion for lands designated Employment in this plan. Lands that are designated for Employment in a local Official Plan, but not the County Official Plan, will not require a County Official Plan Amendment. The intent of this policy is to ensure that an adequate supply of employment land for a wide variety of employment uses is available at all times in the County.
- b) **A pre-application consultation meeting with the County is encouraged for changes to land designated as Employment Land Use to assess potential impacts on employment land inventory and allocations, and to determine the applicability of land conversion policies and the need for protective measures.**
- c) **Proposals to convert lands within an *employment area* designation to another type of land use will be reviewed through a municipal comprehensive review. Notwithstanding, until the next municipal comprehensive review, lands within existing *employment area* designation may be converted to a designation that permits non-employment uses.**

In considering a request to remove lands from an employment area designation, it will be demonstrated that:

- i. there is a need for the conversion;
- ii. the municipality will meet the employment forecasts allocated to the municipality in accordance with this Plan;
- iii. the conversion will not adversely affect the overall viability of the *employment area*, and achievement of the *intensification target*, *density target*, and other policies of this Plan;
- iv. there is existing or planned *infrastructure* available to accommodate the proposed conversion;
- v. the lands are not required over the long term for the employment purposes for which they are designated; and
- vi. cross-jurisdictional issues have been considered.

For the purposes of this policy, major retail uses are considered non-employment uses.

5. Section 4.4.2.1, paragraph f) is modified as follows:

f) A pre-application consultation meeting with the Province, County, local municipality, and applicable Conservation Authority **will be required is encouraged** to ensure that any specific requirements for each of the agencies are addressed to avoid overlap among the required studies, and such that the studies can satisfy all the requirements of the identified agencies. ~~Following the pre-application consultation meeting,~~ The County and/or local municipality to the extent of its jurisdiction, may appropriately scope, waive, or establish a peer review or other suitable evaluation process for any required study, at the expense of the applicant.

6. Section 4.4.4 is modified as follows:

Throughout Dufferin there is a potential for the exploration, discovery, and production of *petroleum resources*. The PPS (2020) protects petroleum resources for long-term use. and generally discourages development and activities on those lands or adjacent lands that would preclude or hinder the establishment of new operations or access to petroleum resources, excepting if the resource is not feasible, or the proposed land use or development serves a long-term public interest, and issues of public health, public safety and environmental impact are addressed.

~~The extraction of *petroleum resources* is contrary to the County's Climate Action Plan and community climate goals towards net zero emissions. The extraction of *petroleum resources* contributes to and increases the risks associated with climate~~

~~change, and is contrary to the long-term public interest, public health, public safety, and the environment.~~

**While no new *petroleum* resources have been identified by the Province at this time, the following policies would apply where future *petroleum* resources are identified.**

It is the policy of the County that: ~~if *petroleum* resources are identified, the development of new sites for the extraction of *petroleum* resources is not permitted:~~

a) **In areas of known petroleum resources and significant areas of petroleum resource potential, development and activities in these resource areas or on adjacent lands, which would preclude or hinder the establishment of new operations or access to the resources will only be permitted if:**

**i. resource use would not be feasible; or**

**ii. the proposed land use or development serves a greater long-term public interest; and**

**iii. issues of public health, public safety and environmental impact are addressed.**

b) **Petroleum resource operations, exploration and drilling under the Oil, Gas and Salt Resources Act will be permitted within the Prime agricultural area and rural lands provided the site is rehabilitated to the pre-activity land capacity and/or agricultural condition. Such use will minimize impacts by following Provincial Operating Standards, Provincial regulations and local planning requirements. Should the policies of Section 5.0 of this Plan, regarding development within natural heritage features or areas, affect potential petroleum activities, the Province will be consulted regarding mechanisms to evaluate the value of competing resources and ensure that if drilling occurs, potential impacts are minimized.**

c) **Petroleum exploration and production under the Oil, Gas and Salt Resources Act is subject to the policies of the local municipal official plan and may require an amendment to the local municipal official plan to permit the use.**

7. Section 5.3, the first paragraph is modified as follows:

The County encourages the protection, restoration, or where possible, enhancement of natural heritage features and associated functions. While the location and significance of these features has yet to be determined in some cases, all of these features need to be considered when applications for *development* and *site alteration* are being evaluated. It is recognized that additional natural heritage features **will may** be identified by the County, local municipalities, applicable Conservation Authority's and/or the Ministry of Natural Resources and Forestry.

8. Section 5.3.2 is modified by removing all references to the “~~Ministry of Natural Resources and Forestry~~” and replacing it with the Ministry of the Environment Conservation and Parks.

The *habitat of endangered species and threatened species* is not shown on Schedule E, since species and habitat information is limited or not published. *Habitat of endangered and threatened species* are listed or categorized on the ~~Ontario Ministry of Natural Resources and Forestry~~ Ministry of the Environment Conservation and Parks official Species at Risk list, as updated and amended from time to time. The ~~Ministry of Natural Resources and Forestry~~ Ministry of the Environment Conservation and Parks administers the *Endangered Species Act, 2007* (ESA) to protect and conserve species at risk and their habitats. Under the ESA, the ~~Ministry of Natural Resources and Forestry~~ Ministry of the Environment Conservation and Parks is responsible for identifying and approving general and regulated habitat, as well as giving technical advice on species at risk and their habitats. The technical advice provided under the ESA supports the implementation of natural heritage policies found within the Provincial Policy Statement. For the purposes of the Provincial Policy Statement, the ~~Ministry of Natural Resources and Forestry~~ Ministry of the Environment Conservation and Parks is responsible for approving the delineation of *habitat for endangered and threatened species*. *Development and site alteration* will not be permitted in or *adjacent to habitat of endangered species and threatened species*, except in accordance with Provincial and Federal requirements.

9. Section 6.3.1 c) is modified as follows:

c) Use of any closed waste disposal site will be in accordance with the Environmental Compliance Approval.

10. Section 7.0, the first paragraph is modified as follows:

Growth and *development* is serviced through a system of *infrastructure*, which include the roads and parking facilities, trail systems, *sewage and water services*, stormwater facilities and *waste management systems, utilities* and telecommunications *infrastructure*, electricity generation facilities and transmission and distribution systems. These systems play an important role in defining the communities and areas within the County and ensuring their *sustainability*, in terms of community health, economic competitiveness and environmental awareness. Infrastructure and public service facilities should be strategically located to support the effective and efficient delivery of emergency management services and to ensure the protection of public health and safety. The policies of this Plan, strive to ensure the efficient and cost-effective co-ordination between the growth management framework and the provision of systems of networks and *infrastructure* so they are financially viable over their life cycle and meet current and projected needs.

11. Section 7.1 b) is modified as follows:

b) Support and encourage *active transportation* **and transit** to contribute to the development of healthy, safe and *complete communities* and minimize auto-dependence.

12. Section 7.2.1 is modified as follows:

The County provides for a range of systems and networks for the movement of goods and people, including roads, cycling and trails, and rail corridors. The County has excellent access to higher-order transportation systems including Provincial Highways. Every effort will be made to ensure an efficient and effective transportation system to encourage and support economic development **and mobility** in the County.

13. Section 7.3.1.2, paragraph b) is modified as follows:

Where municipal sewage services and municipal water services are not available, planned or feasible, private communal sewage services and private communal water services are the preferred form of servicing for multi-unit/lot development to support protection of the environment and minimize potential risks to human health and safety. **Approval from the Ministry of the Environment Conservation and Parks (MECP) is required for communal subsurface sewage systems under the Environmental Protection Act and Ontario Water Resources Act. Consultation with MECP is recommended when communal systems are proposed.**

14. Section 7.3.1.2 paragraph c) is modified as follows:

c) Where *municipal sewage services* and *municipal water services* or *private communal sewage services* and *private communal water services* are not **provided available, planned or feasible**, *individual onsite sewage services* and *individual on-site water services* may be used provided that site conditions are suitable for the long-term provision of such services with no *negative impacts*. In *settlement areas*, ~~these services~~ **individual on-site sewage services and individual on-site water services** may only be used for *infilling* and minor rounding out of existing development.

15. Section 7.3.2 c) is modified as follows:

The County will consult and work cooperatively with the local municipalities, neighbouring municipalities, and community partners, **and the Province** to ensure that the County-wide network is contiguous with local and **provincial** active transportation networks.

16. Section 8.4, paragraphs a) and c) are modified as follows:

a) The County will provide the opportunity for residents and property owners to become involved and participate in the planning process related to the implementation of this Plan in accordance with the policies of this Plan and the requirements of the *Planning Act*. The following policies will apply to public consultation and participation:

- i. the County will use a variety of techniques to encourage the participation of the public when changes to this Plan are being considered. Subject to the requirements of the *Planning Act*, the County may establish the public consultation program it feels will best deal with the matters before it.
  - ii. the County will provide notification of any amendment to this Plan in accordance with the requirements of the *Planning Act*, and may consider additional notice to ensure that the potentially affected residents in the County and **adjacent relevant** Indigenous communities are aware of the purpose and intent of the amendment. **Adjacent Relevant** Indigenous communities include the Mississaugas of the Credit First Nation, Six Nations of the Grand River, Chippewas of Rama First Nation, Chippewas of Beausoleil First Nation, and the Chippewas of Georgina Island, **among others**.
  - ~~iii. the County and local municipalities may pass a by-law requiring preapplication consultation on privately-initiated applications processed under the *Planning Act*.~~
  - iii. The County recognizes that the provisions of the *Planning Act* require it to take action on a *development application* within a prescribed period of time, subject to the application being complete and the provision of adequate information regarding the proposal being available to the public and County so that informed decisions can be made.
- c) Depending on the complexity of the application and potential impacts on adjacent uses, the County ~~may consider~~ **encourages** a pre-consultation meeting held in a public forum to review and hear preliminary input on the proposal. ~~All additional fees for meetings will be borne by the applicant.~~

17. Section 8.6.1, the third paragraph is modified as follows:

Local municipal official plan amendments may be exempt from County approval where permitted by Ontario Regulation 699/98 and by County by-law, and where they are of local significance and no County interest is adversely affected. Copies of the official plan amendment application and other information will be forwarded to the County in accordance with the *Planning Act*. Consultation with the County is **required encouraged** to identify whether a local municipal official plan amendment may be exempt from County approval. Local municipal official plan amendments impacting any one of the following areas are not eligible for exemption:

18. Section 8.7 the heading and third paragraph are modified as follows:

8.7 Pre-Application Consultation and **Requirements for** Complete Application  
**Requirements**

Local municipalities may establish ~~more specific requirements~~ suggested guidelines for pre-consultation and requirements for complete application requirements in their local municipal official plans, consistent with the policies of this Plan and the *Planning Act*.

19. Section 8.7.1 is modified as follows:

If a person or public body files an application to amend the County Official Plan, local municipal official plan or zoning by-law, or files an application for approval of a draft plan of subdivision/condominium, consent or minor variance, or files an application for a land located on a County road, a regional or provincial road within the County, the person or public body is ~~required~~ encouraged to consult with the local municipality and the approval authority, in addition to the applicable Conservation Authority and the Niagara Escarpment Commission, ~~where required~~, prior to submitting a formal application in order to determine the information required to support the application, as set out in this Section and in accordance with ~~Section 22(3.1) and 51(16.1)~~ of the *Planning Act*.

20. Section 8.7.2 is modified as follows:

~~The County will not accept any application for which a person or public body has not consulted with County Staff. When the pre-application consultation process for a proposed development approval application identifies the Where there is a need for one or more supporting studies, the a development application will not be considered complete for processing purposes until the required supporting studies, information and materials are prepared and submitted to the approval authority. Notification of a *complete application* will be given to the applicant and all other parties by the approval authority in accordance with the *Planning Act*.~~

21. Section 8.7.3, policies b), c) and d) are modified as follows:

b) Applicants seeking *development* approval ~~will be advised~~ should be aware of the required supporting studies, information and materials prior to submitting an application, ~~as part of the pre-application consultation process~~ or if subsequently deemed necessary, prior to scheduling a prescribed public meeting.

c) During the ~~pre-application~~ consultation process for a County Official Plan amendment, local municipal official plan amendment, local municipal zoning by-law amendment, draft plan of subdivision/condominium, or consent application, the applicant may ~~be required to~~ submit any of the following information and supporting studies ~~at the time of the submission of an application~~, in accordance with the policies outlined in this Plan and the local municipal official plan and/or accepted professional standards and/or guidelines as-applicable:

d) Supporting studies may vary in scope, depending upon the size, nature and intent of the *development* approval application and the site's land use planning context. Applicants of *development* approval applications ~~will be advised by~~ should seek the advice of the approval authority of the required supporting study contents ~~during the pre-application consultation process~~.



22. Section 8.8.2 Definitions. The following definitions are modified as follows:

44. Endangered species: means a species that is ~~listed or categorized as an~~ **classified as** “Endangered Species” on the Ontario Ministry of Natural Resources’ official Species at Risk **in Ontario** List, as updated and amended from time to time. (Source: PPS 2020)

63. Habitat of endangered species and threatened species: means **habitat within the meaning of Section 2 of the *Endangered Species Act 2007***. (Source: PPS 2020)

~~a. with respect to a species listed on the Species at Risk in Ontario List as an endangered or threatened species for which a regulation made under clause 55(1)(a) of the Endangered Species Act, 2007 is in force, the area prescribed by that regulation as the habitat of the species; or~~

~~b. with respect to any other species listed on the Species at Risk in Ontario List as an endangered or threatened species, an area on which the species depends, directly or indirectly, to carry on its life processes, including life processes such as reproduction, rearing, hibernation, migration or feeding, as approved by the Ontario Ministry of Natural Resources and Forestry; and places in the areas described in clause (a) or (b), whichever is applicable, that are used by members of the species as dens, nests, hibernacula or other residences. (Source: PPS. 2020)~~

94. Natural heritage features and areas: means features and areas, including significant wetlands, ~~fish habitat, significant woodlands and~~ significant **coastal wetlands, other coastal wetlands valleylands** in Ecoregions **5E, 6E and 7E (excluding islands in Lake Huron and the St. Marys River)**, ~~fish~~ habitat, **significant woodlands and significant valleylands in Ecoregions 6E and 7E (excluding islands in Lake Huron and the St. Mary’s River) habitat** of endangered species and threatened species, significant wildlife habitat, and significant areas of natural and scientific interest, which are important for their environmental and social values as a legacy of the natural landscapes of an area. (Source: **Adapted from** PPS, 2020)

136. Significant: means

a. in regard to wetlands, **coastal wetlands** and areas of natural and scientific interest, an area identified as provincially significant by the Ontario Ministry of Natural Resources and Forestry using evaluation procedures established by the Province, as amended from time to time;

b. in regard to woodlands, an area which is ecologically important in terms of features such as species composition, age of trees and stand history; functionally important due to its contribution to the broader landscape because of its location, size or due to the amount of

forest cover in the planning area; or economically important due to site quality, species composition, or past management history. These are to be identified using criteria established by the Ontario Ministry of Natural Resources and Forestry;

c. in regard to other features and areas in policy 2.1, ecologically important in terms of features, functions, representation or amount, and contributing to the quality and diversity of an identifiable geographic area or natural heritage system;

d. in regard to mineral potential, an area identified as provincially significant through evaluation procedures developed by the Province, as amended from time to time, such as the Provincially Significant Mineral Potential Index; and

e. in regard to cultural heritage and archaeology, resources that have been determined to have cultural heritage value or interest. for the important contribution they make to our understanding of the history of a place, an event, or a people. **Processes and criteria for determining cultural heritage value or interest are established by the Province under the authority of the Ontario Heritage Act.**

Criteria for determining significance for the resources identified in sections (c) – (d) are recommended by the Province, but municipal approaches that achieve or exceed the same objective may also be used.

While some significant resources may already be identified and inventoried by official sources, the significance of others can only be determined after evaluation. (Source: Adapted from PPS, 2020)