

THE CORPORATION OF THE MUNICIPALITY OF MISSISSIPPI MILLS

STAFF REPORT

DATE: April 24, 2018

TO: Council

FROM: Niki Dwyer, Director of Planning

SUBJECT: Community Official Plan Summary of Public Comments Received

RECOMMENDATION:

That the Community Official Plan Summary of Public Comments Received, dated April 24, 2018, be received.

BACKGROUND:

The Municipality of Mississippi Mills adopted the current *Community Official Plan* (the COP) in December 2005 and received Ministry approval of the plan in August 2006. In accordance with Section 26(1) of the *Planning Act*, the Municipality shall undertake a conformity and consistency review of the COP every five (5) years. The 5 year review was initiated in 2009 to review and update existing land use policies and examine the consistency of development within the first four years of the plan with the projected growth targets.

The review of the COP has included an update of the land needs background assessment; targeted policy review as directed by Council; and consultation with ministries, agencies and other public bodies regarding statutory updates to the policy to conform to updated provincial policies.

A draft of the updated COP was released for public review and comment in the fall of 2017 (dated May 2017), following which Council conducted the statutory Open House on December 14th, 2017. Feedback gathered at the Open House resulted in a request for further supplemental consultation with the public prior to the statutory Public Meeting proposed in January 2018. Council directed JL Richards and Associates to undertake an enhanced consultation campaign which included:

- One-on-one information sessions with the planning consultants in January 2018;
- Issues Papers on Natural Heritage Systems¹ and Agricultural Policies² in January 2018;
- Four issue specific, open house drop-in sessions in March 2018;

¹ http://www.mississippimills.ca/en/townhall/resources/MEMO_EnvironmentOptionsrevJan22full.pdf

² http://www.mississippimills.ca/en/townhall/resources/Memo-JLR-Agricultural-Lands-Review_with-Appendix_Feb2018.pdf

- An additional Special Committee of the Whole meeting to discuss the findings of the public consultation sessions (April 24th);
- A rescheduled statutory Public Meeting for May 22nd

DISCUSSION:

In conformity with Section 26(5) of the *Planning Act*:

“Council shall have regard to any written submission about what revisions may be required and shall give any person who attends the special meeting an opportunity to be heard on that subject”.

The purpose of this report is to provide public regard for all comments received during both the statutory and supplemental consultation processes conducted to-date. Attachment 1 is a summary table of all comments received.

SUMMARY:

The analysis of public comments represents a vital step prior to the drafting of the new COP. Staff and the consultants have worked diligently in recent weeks to gather a fluid understanding of the community values before revising the draft of the COP. A thorough and comprehensive consultation process becomes imperative to receiving community buy-in to the plan and ensuring that the policies are reflective of the local community context.

In accordance with applicable law, the draft of the updated policy will be publically available at least 20 days prior to the public meeting (Section 17(19)). The full policy will be available on the municipality’s website, advertised on social media and available for inspection at the libraries and municipal office.

Members of the public with questions or concerns pertaining to the summary table of comments or the COP are invited to contact the Planning Department or schedule a drop-in session with the Director.

Respectfully submitted by,



 Niki Dwyer, MCIP, RPP
 Director of Planning



Reviewed by:



 Shawna Stone
 Acting CAO/Clerk

ATTACHMENT 1 – SUMMARY OF COMMENTS RECEIVED

MUNICIPALITY OF MISSISSIPPI MILLS 5 YEAR OFFICIAL PLAN REVIEW

Prepared by: JL Richards and Associates

No.	Source / Date	Comment Summary / Frequency - similar comment (X)	Comment Addressed?	How it was addressed
1	Comment Sheet/ December 14 2017	Resident disagrees with the Natural Heritage System mapping included in the May 2017 draft. (12)	Yes	Municipal Council has provided direction to proceed with Scenario 2 and describing the NHS to consist of natural heritage features and areas. The NHS will be described in text to include the natural heritage features (per PPS) and adjacent lands.
2	Comment Sheet/ December 14 2017	More public consultation should have been done. (8)	No	Prior to the release of the May draft of the COP, three Special Meetings of Council (November 16, 2010, June 23, 2016 and October 18, 2016) were held to discuss the Five-Year Review. In addition, two Information / Open House sessions were held to discuss the proposed options for agricultural land use designations (November 16, 2016) and Natural Heritage System (March 1, 2017). The sessions were well attended. An Open House was held December 14, 2017. In response to the feedback from the December 14 Open House, four additional Open House sessions were held March as well as several one-on-one drop-in sessions.
3	Comment Sheet/ December 14 2017	How will the Natural Heritage policies limit the development of my property? (3)	No	The Natural Heritage policies are considered when development is being proposed (e.g.: change of land use/re-zoning, lot creation, or requiring a Planning

				Act approval).
4	Comment Sheet/ December 14 2017	How will the scale of an EIS be determined? (2)	No	The scope of the EIS will be determined on a case-by-case scenario by Municipal staff. A simplified EIS may be considered if the proposed development is minor in nature and/or located in an area where previous studies were sufficient in providing the necessary technical information to assess the proposal.
5	Comment Sheet/ December 14 2017	What is the source of the data used to update the mapping? How old is the data? (5)	No	Mapping of matters of provincial interest (i.e. natural features) is provided via Land Information Ontario (LIO) Data Sharing Agreement. For example, the Ministry of Natural Resources and Forestry (MNR) has provided the data used for mapping significant wetlands - these are in large part the same as in the current 2006 Community Official Plan (COP). Municipal staff did not trespass on your property.
6	Comment Sheet/ December 14 2017	Why does the official plan need to be changed? (5)	No	Section 26 of the Planning Act requires Council to revise the plan every five years to ensure that the plan implements any changes to the Provincial Policy Statement or provincial plans. The five-year review is also an opportunity to ensure the official plan continues to address local priorities and changing community needs. The COP was last adopted by Council in 2006. The Municipality began the COP review nine (9) years ago. Over the past nine years, the Municipality has held a number of Council meetings, special meetings, public meetings, and information

				sessions. There has also been several changes such as a new Provincial Policy Statement (2014) and a Lanark County Sustainable Community Official Plan to name but a few.
7	Comment Sheet/ December 14 2017	Why is the government infringing on our property rights? Why is my land being redesignated? Can I be excluded from the COP updates? (6)	No	Currently, there is no statutory or common-law authority requiring a municipality to obtain the consent of landowners prior to including their lands in an Official Plan. Majority of the lands ARE NOT being re-designated.
8	Comment Sheet/ December 14 2017	Will landowners be compensated in tax breaks? Will a change in designation affect my property value? (1)	No	This type of comment cannot be reflected as part of the COP review process. The intent of the five-year review is to update the policy to be consistent with changes to the Provincial Policy Statement and Lanark County Sustainable Communities Official Plan.
9	Comment Sheet/ December 14 2017	How many bids were received for the Official Plan update? How was JL Richards selected, when was the contract awarded? (1)	No	Not part of the Plan review process.
10	Comment Sheet/ December 14 2017	What is a "Locally Significant Wetland" (2)	Yes	A wetland that is evaluated under the Ontario Wetland Evaluation System, but is not considered provincially significant. No change has been proposed to Locally Significant Wetlands.
11	Comment Sheet/ December 14 2017	How does the Lanark County Official Plan affect the COP? (1)	No	The Official Plan of an upper-tier municipality (Lanark County Sustainable Communities Official Plan) deals with broad planning issues that affect more than one municipality. All lower-tier official plans (Mississippi Mills COP) must conform to

				the upper-tier plan.
12	Comment Sheet/ January 30 2018	I support the May draft mapping of the NHS. (1)	No	Acknowledged. Council has provided direction on NHS approach.
13	Comment Sheet/ January 30 2018	There needs to be more clarity on the EIS process (1)	Yes	Section has been re-written to provide flexibility depending on the scope of development.
14	Comment Sheet/ January 30 2018	Why is the government infringing on our property rights? Why is my land being redesignated? Can I be excluded from the COP updates? (12)	No	Currently, there is no statutory or common-law authority requiring a municipality to obtain the consent of landowners prior to including their lands in an Official Plan.
15	Comment Sheet/ January 30 2018	Why does the official plan need to be changed? (4)	No	Section 26 of the Planning Act requires Council to revise the plan every five years to ensure that the plan implements any changes to the Provincial Policy Statement or provincial plans. The five-year review is also an opportunity to ensure the official plan continues to address local priorities and changing community needs. The COP was last adopted by Council in 2006. The Municipality began the COP review nine (9) years ago. Over the past nine years, the Municipality has held a number of Council meetings, special meetings, public meetings, and information sessions. There has also been several changes such as a new Provincial Policy Statement (2014) and a Lanark County Sustainable Community Official Plan to name but a few.

16	Comment Sheet/ January 30 2018	How will the updated COP policies affect tree cutting in Mississippi Mills (4)	Yes	Tree cutting in Mississippi Mills remains under the jurisdiction of the Lanark County Forest Conservation By-law. Development in areas identified as Significant Woodlands shall demonstrate no negative impacts to the natural feature as a result of development.
17	Comment Sheet/ January 30 2018	Will landowners be compensated in tax breaks? Will a change in designation affect my property value? (2)	No	This type of comment cannot be reflected as part of the COP review process. The intent of the five-year review is to update the policy to be consistent with changes to the Provincial Policy Statement and Lanark County Sustainable Communities Official Plan.
18	Comment Sheet/ January 30 2018	Resident disagrees with May draft to the Natural Heritage System mapping (10)	Yes	Municipal Council has provided direction to proceed with Scenario 2 and describing the NHS to consist of natural heritage features and areas. The NHS will be described in text to include the natural heritage features (per PPS) and adjacent lands.
19	Email to Staff/ January 28 2018	I support the May draft mapping of the NHS. (2)	No	Acknowledged. Council has provided direction on NHS approach.
20	Comment Sheet/ January 30 2018	What is an SPP? Reference from OPA #18 (1)		Source Protection Plan (SPP) is a strategy and suite of policies designed to protect municipal sources of drinking water from contamination and overuse.
21	Comment Sheet/ January 30 2018	More public consultation should have been done (7)	No	Prior to the release of the May draft of the COP, two Open House sessions were held to discuss the proposed options for agricultural land use designations (November 16 2016) and Natural Heritage System (March 1 2017), respectively. The

				<p>sessions were well attended.</p> <p>In response to the feedback from the December 14 Open House, four additional Open House sessions were scheduled in late March.</p>
22	Comment Sheet/ January 30 2018	What characterizes a scenic/heritage road? What roads are scenic/heritage? (2)	Yes	Scenic/Heritage roads were determined by Municipal staff in consultation with the Heritage Committee.
23	Comment Sheet/ January 30 2018	What is the minimum standard for an Official Plan? (3)	No	Generally, an Official Plan must at the very least reflect the Provincial Policy Statement to ensure that future planning and development will meet the specific needs of your community.
24	Comment Sheet/ January 30 2018	How many bids were received for the Official Plan update? How was JL Richards selected, when was the contract awarded? (2)		No part of the Plan Review process.
25	Comment Sheet/ January 30 2018	Resident disagrees with May draft to the Agriculture mapping (1)	Yes	Municipal Council has provided direction to proceed with Scenario 2 and describing the NHS to consist of natural heritage features and areas. The NHS will be described in text to include the natural heritage features (per PPS) and adjacent lands.
26	Comment Sheet/ January 30 2018	How will the Natural Heritage policies limit the development of my property? (8)	No	The Natural Heritage policies are considered when an approval is required under the Planning Act (e.g.: re-zoning, lot creation, or plan of subdivision).
27	Comment Sheet/ January 30 2018	Why is there a trail on my private property? (1)		Has been removed – was a layer provided by Lanark County.

28	Comment Sheet/ January 30 2018	What is the source of the data used to update the mapping? How old is the data? (2)	No	Data is provided via Land Information Ontario through a Data Sharing Agreement. Staff or consultants did not trespass. Some data is old (wildlife habitat) late 80's whereas some layers are new (pits and quarries, flood plain, ANSIs, wetlands, etc.)
29	Comment Sheet/ January 30 2018	The Woodlot designation should be removed where it's overlaid on a developed area (1)	No	Significant woodlands were identified by MNRF and have been identified per PPS.
30	Comment Sheet/ January 30 2018	Change the name from "Community Official Plan" to "Official Plan" (1)		This is a 5-year review not a new Community Official Plan – a review and update.
31	Comment Sheet/ January 30 2018	What was Council's direction for JL Richards? (3)		Several meetings were held with Council. Following the comprehensive review, it was discussed that settlement area boundaries would not be expanded and land division policies would remain as is, agricultural policies and mapping would remain as is, natural heritage system would be based on the natural heritage features and adjacent lands per PPS.
32	Comment Sheet/ January 30 2018	The Notice for the January 30 th Drop-Ins did not mention an appointment was required (5)	No	This type of comment cannot be reflected as part of the COP review process. To accommodate those that weren't able to have a time slot, Council agreed to three full day drop-in sessions. In addition, the Director (new) of Planning has an open door policy.
33	Comment Sheet/	Are severance policies being changed? (1)	No	Land division was reviewed as part of the comprehensive review. It was discussed

	January 30 2018			that these would remain as is.
34	Comment Sheet/ January 30 2018	When is an EIS required (2)	Yes	An EIS is required in support of any development within a natural heritage feature or adjacent lands (generally 120 m).
35	Comment Sheet/ January 30 2018	The loss of street parking is unacceptable (2)	No.	Not part of the Plan Review.
36	Comment Sheet/ January 30 2018	<p>Concerns in regards to the potential implications of having their property (within ecoregion 5E) identified within the Natural Heritage System - as shown in the May 2017 draft.</p> <p>Concerned that additional wetlands (unevaluated wetlands) were being shown on their property.</p> <p>Would the municipality consider offering the services of a mediator to resolve policy interpretation conflicts?</p> <p>Revise or revisit the Site Plan Control to clearly identify under what situation Site Plan Control would be required.</p> <p>Wetland boundaries change - who is responsible to identify these?</p> <p>Who is responsible in determining if</p>	Yes	<p>The Natural Heritage System (NHS) was revised (text and map) to recognize the ecoregions and the extent of existing natural heritage features and areas.</p> <p>The Ministry of Natural Resources and Forestry (MNR) has provided the mapping for Provincially Significant Wetlands (PSW) - in large part these are the same as in the current 2006 Community Official Plan (COP).</p> <p>Unevaluated wetlands were shown in the May 2017 draft however has since been removed. The Mississippi Valley Conservation Authority (MVCA) are responsible for development that could affect unevaluated wetlands - where development is proposed in an area with unevaluated wetlands consultation with the MVCA will be required.</p> <p>Site Plan Control is not part of this review -</p>

		<p>an Environmental Impact Study is required?</p> <p>Can development related fees be reduced for rural property owners affected by natural heritage policies?</p> <p>What is "site alteration"?</p>	<p>the Municipality may consider revising its Site Plan Control in the future.</p> <p>The approval authority is responsible to ensure no negative impacts to natural features (per PPS) - the use of an Environmental Impact Study is common practice to evaluate impacts associated with development. The draft OPA proposed different levels of EIS depending on the scale and intensity of the proposed development.</p> <p>Fees or expenses related to development applications are not part of this review.</p> <p>Site alteration is a defined term in the PPS which includes activities such as grading and placing of fill. PPS requires that development and site alteration not be permitted in significant wetlands or adjacent lands or in other natural heritage areas (and their adjacent lands) unless it has been demonstrated that there will be no negative impacts on the natural features or their ecological functions. Site alteration would be reviewed as part of a development application (development being defined as the creation of a new lot, a change in land use, or the construction of buildings and structures requiring approval under the Planning Act. Site alteration is generally regulated under a Site Alteration</p>
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				By-law (passed under the Municipal Act).
37	Email to Staff/ February 6 2018	Rationale why the entire municipality should be considered for the creation of a NHS. The May 2017 draft illustrated the Canadian Shield line – ecoregions 5E and 6E line should be used per PPS. Scenario 2 doesn't include linkages. PPS defines 'natural heritage system' to include linkages.	Yes	Municipal Council has provided direction to proceed with Scenario 2 and describing the NHS to consist of natural heritage features and areas. The NHS will be described in text to include the natural heritage features (per PPS) and adjacent lands. Linkages will be considered through additional public consultation in the future. Linkages exist at the regional and site level via the extensive network of existing natural features, open space areas, agricultural lands, waterbodies, etc.
38	Email to Staff/ March 28 2018	There is very poor telecommunication infrastructure in the West Ramsay and Clayton area (cell phone/broadband). Consider putting a hold on building permits in the area until sufficient infrastructure is put in place. (1)	No	This type of comment cannot be reflected as part of the COP review process. The intent of the five-year review is to update the policy to be consistent with changes to the Provincial Policy Statement and Lanark County Sustainable Communities Official Plan.

(128 comments)

ⁱ Updating official plan

26 (1) If an official plan is in effect in a municipality, the council of the municipality that adopted the official plan shall, in accordance with subsection (1.1), revise the official plan as required to ensure that it,

(a) conforms with provincial plans or does not conflict with them, as the case may be;

(b) has regard to the matters of provincial interest listed in section 2; and

(c) is consistent with policy statements issued under subsection 3 (1). 2015, c. 26, s. 24 (1).