

Update to the 2014 Draft Official Plan

Council Report

September 22, 2020

Introduction and Summary

The update using the 2014 official plan was initiated in 2018 with community, Provincial and Agency consultation.

In addition to the extensive input from the above, the current Draft Official Plan 2020 includes input from the Ministry of Municipal Affairs and Housing (MMAH) One Window draft review, new legislation and Provincial Policy Statement (PPS) updates, and input from the Ad Hoc Planning Committee.

Further Council-approved changes can be made before the meeting to Adopt (and rescind and replace the 1996 in-effect Official Plan).

New legislation requires the approval authority (MMAH One Window) to make a decision within 120 days.

The Minister's decision cannot be appealed; and the Official Plan cannot be amended for two years unless driven by Council or Council passes a resolution to accept applications.

Notable Changes from the First Draft (in no particular order)

- A. New Planning legislation requires additional units to be permitted as-of-right in both main dwellings and an existing accessory building subject to rural servicing levels; however, MMAH agreed not to enforce this in the high-density areas.

- B. The concept of "Residential Facilities" has replaced the "group home" to conform to the Human Rights Code.
- C. A communications tower location policy is proposed which ultimately requires the proponent to undertake community consultation.
- D. Loon and Bass Lake future development is contingent upon results of a Shoreline Capacity Assessment; and the two are now together in a single (sub)designation R1a (Residential a) since the development policies are the same.
- E. The Recreational Vehicle policy was not necessary as the level of detail is more appropriate to the Comprehensive Zoning By-Law, and has been removed.

Noteworthy Policies or Policy Directions (in no particular order)

- F. Plans of subdivision (incl. condominium) are not generally permitted in order to retain rural character and individual, private, on-site servicing. This also demonstrates how the Municipality is limiting rural residential development in accordance with the PPS. However, multi-unit development may be permitted without an official plan amendment if it (is compatible and) can be serviced by rural-level servicing, and if it is connected to a resource-based recreational feature or area, such as a ski hill, trail network, shoreline, etc. (PPS concept)
- G. Carried forward from 2014, there are only two designations which promote development: Residential (R1) and Rural (R2). Protected Area (PA) and Waste Management (WM) are the other designations, but discourage development for obvious reasons. Having only two "development" designations increases flexibility in development options and supports the idea of Shuniah being "open for business". A wide variety of uses are permitted in both R1 and R2 based on compatibility. Compatibility definitions, criteria and expectations were added in 2020 to provide clarity for both proponents and the Municipality. Greater emphasis is on other planning tools which offer a more nimble and clear implementation/enforcement such as ZBLAs and Site Plan Control. Finally, the PA designation does not require an OPA for boundary changes based on site-specific evaluations.

- H. Any standards (thresholds, evaluation criteria and guidelines) are tied to Provincial or agency standards, so there is nothing that is "invented" by Shuniah that would have to defend in a Local Planning Appeal Tribunal hearing or to an applicant who may have different standards.
- I. In most cases, the Municipality can accept studies that are scaled to level of complexity and/or size of development to not overburden a proponent; but that still protect community and Municipal interests in the long term.
- J. Planning Justification Reports will take the onus off of staff and Council to "guess" what proponents want; and can also be scaled to level of complexity of proposed development. A sample will be provided to applicants with application forms for clarity.
- K. Helpful resources are referenced in the OP; and most relevant sections cross-referenced for logical implementation (but a user still has to read the entire document). The order of the policies has been changed from 2014 for easier interpretation and to minimize duplication.
- L. Peer review at the cost of proponent is an option for the Municipality (where there are no expertise on staff) in order to keep taxes down.
- M. Shuniah's Planning Act application forms will be updated to include a checklist which helps determine up front which, if any, studies are triggered. It is completed by the applicant; however, staff and Council (or a Planner) can still assist in interpreting the number/type and level of detail of studies to ensure it/they are appropriate to the potential impact of the proposed development.
- N. Pre-consultation is required to protect the applicant from costly applications and studies that may result in a "no"; and to reduce decision timelines for the formal application (e.g., by limiting the need to drastically change the development proposal part-way through consultation, which could cost the applicant and Municipality time and money along with confusion in the community).
- O. Additional policy support for converting Association type ownership to Condominium or a combination of Condominium/Freehold ownership, including ability for Committee of Adjustment to consider multiple consents.

- P. Please note that the City of Thunder Bay objects to Shuniah offering development options for wholesale and other commercial developments that serve the region and which require land area not available in the City of Thunder Bay. Therefore the Province could choose to modify this out. There is PPS support for it in the OP context, so it has been kept in the OP.
- Q. The balance between economic, social and environmental well-being has been emphasized based on community input, particularly the separation of Mineral Aggregate and sensitive (e.g., residential) uses. This concept is further supported by compatible development policies, the concept of adverse effects, and evaluation criteria.
- R. All other notable changes related to input from the community and agencies have been previously shared with Council and will be provided in the records to the approval authority in accordance with Planning Act requirements.
- S. All suggested changes from the One Window (MMAH) have been addressed with very few exceptions; and they are outlined below (with reasons).

The following was sent to the approval authority (MMAH One Window) in late Spring; but no response was received, so there *could* be modifications:

The One Window (OW) comments have been addressed to the degree possible. Some of the suggested changes were implemented while keeping the existing. The following have not been addressed (reasons provided):

- *Land tenure is not discussed in official plans nor the concept of surface and mineral rights (OW comments p. 5 and 26)*
- *Asphalt and Concrete plants...wording is directly from PPS and will remain in OP (OW comments p. 19)*
- *Keeping Appendix 1 at the back of OP to keep as user-friendly as possible as requested by Municipality. (OW comments p. 24)*
- *No affordable housing targets will be provided. It is onerous and not logical since there is no affordability issue in Shuniah; and it is considered "metro-Thunder Bay" in terms of delivering housing. TBDSSAB info supports this. However, more detail has been provided in the OP to illustrate the housing needs and affordability context. (OW comments p. 6)*

- *planning criteria for Mineral Aggregate and Mineral activities will remain in the OP to enable full Municipal input on proposals (such as requested traffic impact studies), particularly in an appeal situation. Duplicating some or all of which is found in the ARA or MA is not a Provincial issue as the Provincial Acts prevail over the OP. (OW comments p. 9 and 11)*
- *The Municipality does not wish to create create more designations to separate out Mineral Aggregate and Mineral uses. (OW comments p.17)*
- *The water monitoring program is being implemented outside of the OP as noted in the OP (OW Comments p. 16)*
- *The Municipality wishes to keep 0.8 ha rather than 1.0 for waterfront lots considering that water can be drawn from the lake and the TBDHU apparently no longer requires space for a back-up class IV septic system. (OW comments p. 14)*
- *the vision and mission of the Municipality is not a Provincial Interest; was developed under a separate process and should not be changed. (OW comments p. 16)*
- *can't map TransCanada Pipelines Compressor Station since they have not responded*