



## Report

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**Subject:** Town-initiated Official Plan Amendments – OPA 132 and OPA 135

**Department:** Infrastructure Services

**Division:** Planning

**Report #:** INS-2024-055

**Meeting Date:** 2025-01-27

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### Recommendations

That report INS-2024-055, Town Initiated Official Plan Amendments – OPA 132 and OPA 135, be received;

And that Council pass a by-law to adopt Amendment No. 132 to the Official Plan for the Town of Orangeville, included as Attachment No. 1, related to Town-wide pre-consultation and complete application policies;

And that Council pass a by-law adopt Amendment No. 135 to the Official Plan for the Town of Orangeville, included as Attachment No. 2, related to Town-wide source water protection policies;

And that staff be directed to circulate the by-laws included as Attachment No. 1 and Attachment No. 2 to the County of Dufferin for approval as required by the Planning Act.

### Overview

The Town's Official Plan (OP) provides a land use planning framework to manage future growth and development in a way that implements local planning objectives while aligning with provincial policy direction.

Section 26 of the Planning Act requires that municipal official plans be reviewed and updated periodically, to remain aligned with changing local priorities and provincial planning interests. Most recently, the Town initiated a review of its OP in 2015, but this was suspended due to changing provincial plans undertaken shortly thereafter. Staff re-initiated this review process in 2020 and split the exercise into two phases due to a concurrent municipal comprehensive review (MCR) underway by the County of Dufferin for its OP, which the Town's OP would eventually need to conform-to. A first phase of the Town's OP review would address policies unrelated to the County's MCR and the

2<sup>nd</sup> phase would update growth management and land use policies implementing the County's completed MCR.

Since that time, the Town and County have navigated many changes to provincial planning legislation and policy interests that have affected progress with both the County MCR and the Town's phase one review areas. Town staff have split-out some of the phase one review into separate OP amendments to move forward with specific policy updates individually. Included with this report are the following Official Plan Amendments (OPA's):

- **OPA No. 132** adds new policies for conducting pre-application consultation and declaring applications as complete submissions. Previously, municipalities could require applicants to pre-consult before making an application submission, provided that the municipality has related official plan policies in place. Pre-consultation is an important first step in the planning process as it clarifies submission requirements and can identify issues with a development proposal early in the process. Early in the phase one review stages, staff drafted pre-consultation and complete application policies for inclusion in the OP. However, provincial amendments to the Planning Act through 2022 and 2024 changed the application review process and pre-consultation framework and proposed OP policies needed to be revised to reflect these legislative changes. Proposed OPA 132 now addresses current legislative direction and provides the necessary supporting policy framework for conducting pre-consultation and declaring applications as complete or incomplete submissions.
- **OPA No. 135** adds policies and land use map schedules to implement the Source Protection Plan applicable to the Town, as established under the Clean Water Act, 2006. Municipalities are required to amend their official plans to conform to the applicable Source Protection Plan. The policies proposed in OPA 135 identify the areas around municipal wells where drinking water resources may be impacted by certain activities that may constitute existing or future threats and provide a framework for mitigating or preventing such threats.

Staff recommend that the above OPA's included as Attachments 1 and 2 to this report respectively, be adopted as they will bring key areas of the Town's OP into conformity with current planning and sourcewater protection legislation.

Under Section 17 of the Planning Act, the County of Dufferin is the approval authority for local official plan amendments in all municipalities of the County, including Orangeville. However, County By-law No. 2015-16 delegates approval authority to the Town for most local OPA's, except for amendments that relate to matters like settlement area expansions, employment area conversions, etc., and municipal official plan reviews initiated under Section 26 of the Planning Act. Because OPA's 132 and 135 are proceeding under phase one of the Town's OP review initiated under Section 26 of the Act, this stage involves Council adoption of the amendments, with approval by the County thereafter. Should Council adopt the amendments proposed, staff will forward them to the County for final approval to bring them into full force and effect.

## Background

The Town of Orangeville Official Plan (OP) charts the course for future planning decision-making within the municipality regarding issues such as land use, built form, transportation and the environment. It was first adopted in 1985 and has since been amended several times, both through area/site-specific amendments and broader review updates. It is a policy document that describes how land should be used in the community.

The Town's OP must also implement broader planning policy direction prescribed by provincial (i.e., 2024 Provincial Planning Statement) and County (i.e., County of Dufferin Official Plan) planning documents within Ontario's policy-driven planning system. Our OP must align with this prevailing provincial policy direction but also reflect the specific interests and community context of the Town.

Section 26(1) of the Planning Act (the "Act") requires municipalities to periodically review their official plan to ensure that it conforms to (or does not conflict with) current provincial planning policy and legislation. The frequency in which a municipality is to review their official plan is prescribed by the Act. This conformity review requirement follows the policy-driven planning system of Ontario, whereby provincial policy direction is to be consistently implemented and refined through upper (or single)-tier and lower-tier municipal planning documents and decision-making.

The Town initiated a review of its OP under Section 26 of the Planning Act in 2015. Following the completion of supporting land needs assessment studies, the process was suspended due to changes in prevailing provincial planning framework (i.e. Growth Plan) that occurred through 2016-2017.

In 2020, staff brought an information report to Council (Report No. IN-PL-2020-001) that presented a work plan to begin a new OP review process. The County of Dufferin had initiated a Municipal Comprehensive Review (MCR) of its Official Plan to conform to newly updated provincial policies and the Town's OP would eventually need to conform to the updated County Plan. Therefore, at this juncture, Town's OP review exercise was to proceed in two phases. The first phase would focus on policies not directly related to growth management direction or land use allocation. The second phase would follow the conclusion of the County MCR and would implement the newly updated County Official Plan with growth management-related changes to the Town's OP, focusing on land use permissions and related policies. This report brings forward two Official Plan Amendments (No's OPA 132 and 135) that address many of the policy amendment initiatives pursued through the phase one part of the OP review process.

For municipally initiated official plan review updates, the Planning Act prescribes certain consultation requirements that are slightly more extensive than the consultation required for a typical official plan amendment application process. The following presents a summary of the key milestone completed in support of this review process:

- **Work plan report** – January 13, 2020
- **Background review** – Completed by late March 2020
- **Special meeting of Council** – July 6, 2020  
Section 26(3) of the Planning Act requires Council to hold a special meeting to discuss the revisions that may be required to the OP. This meeting is to be open to the public to share information with the community about the proposed OP review and to obtain feedback. A draft background report document was presented at this meeting for consideration, which highlighted areas of the plan where updates are needed.
- **Draft OP policy updates** – March to April 2020
- **Statutory public open house** – April 19, 2021  
Section 17(16) of the Planning Act requires at least one (1) public open house to be held to provide an opportunity for the public to review the background information and proposed amendments and ask questions about the OP review and update. *Note: this meeting was rescheduled from March 23, 2020, due to Covid 19.*
- **Formal circulation to departments and agencies** – April 2021  
Section 17(15) of the Planning Act requires consultation with approval authority and prescribed public agencies. The background report and draft proposed OP policy amendments were circulated to internal departments and external public agencies for review and comment.
- **Revisions to draft OP policy updates** – May to September 2021
- **Statutory public meeting** – October 4, 2021  
Section 17 (15) of the Planning Act requires at least one public meeting to be held to present the proposed OP update to the public and provide an opportunity for comment.

### **Analysis/Current Situation**

Since the work completed in 2021, there have been additional changes to the provincial planning framework that have slowed progress on the OP review process. This has also affected the County's progress with its MCR and conformity review process for its Official Plan. In order to expedite key topics, staff have parsed out the original phase one work into separate Official Plan Amendments. This report recommends adoption of the Pre-Consultation & Complete Application policies (OPA 132), and Source Water Protection policies (OPA 135) as described in the following sections.

#### *Pre-Consultation & Complete Application Policies (OPA 132)*

The Planning Act enables municipalities to establish a policy framework in their official plans that enables pre-submission consultation and prescribes complete application submission requirements. The purpose of pre-consultation is to determine the information materials required to support an application submission. It provides clear expectations for submission requirements early in the approval process and assists the Town when evaluating application submissions for completeness.

Currently, the Town's Official Plan does not contain policies regarding pre-consultation or complete application requirements. There are limited policies throughout the plan that address requirements for submitting certain information to address a stated policy criteria. Therefore, new pre-consultation and complete application policies were proposed as part of the initial Phase 1 OP Review and circulated to prescribed bodies for review and comment in April 2021. As part of this circulation, no issues were identified with the proposed pre-consultation and complete application policies.

In response to Bill 108 (More Homes More Choices, 2019) and Bill 109 (More Homes for Everyone Act, 2022) which truncated municipal approval timelines and required refund of fees if approval timelines were not met, Planning staff established a more robust pre-consultation process by implementing a "pre-screening" stage of pre-submission consultation. This process has allowed for a more focused review and scrutiny of an application proposal before it is submitted, ensuring all necessary information will be included in a proposed submission. A similar approach has been taken by many municipalities.

Based on this process, staff revised the pre-consultation and complete application policies into a stand alone OPA 132. It was circulated to prescribed bodies for review and comment in February 2024. As part of this circulation, no major issues were identified with the proposed policies.

However, since the preparation of that draft, the Province issued Bill 185 (Cutting Red Tape to Build More Homes, 2024) to expedite development approvals for housing by removing perceived barriers, and rolled-back some of the changes introduced through earlier bills. This includes making pre-application consultation meetings and any "pre-screening" reviews "voluntary", and repealing sections of the Planning Act that allowed municipalities to pass a by-law to make pre-consultation "mandatory".

Considering these changes to the legislative framework, staff prepared a revised draft OPA 132, and circulated it for review and comment internally, to the Official Plan Steering Committee, to the County of Dufferin, and to external developers and consultants who have previously been or are currently engaged in the planning process within the Town of Orangeville. Staff received comments and concerns from the development community with the use of the word "require" regarding pre-consultation. Although no longer "mandatory" or "required", staff are of the opinion that the pre-consultation process continues to streamline approvals through the early identification of relevant reports, studies and other information, and setting out clear expectations for submission requirements. As such, staff have made changes to OPA 132 to "strongly encourage" pre-consultation, with policies describing its benefits and objectives for how pre-consultation is to occur in order to achieve those benefits. No significant concerns were raised by internal departments, the Official Plan Steering Committee or the County of Dufferin.

OPA 132, included as Attachment 1, applies to the entirety of land within the Town of Orangeville, and brings the Town of Orangeville Official Plan into conformity with provincial legislation and County policy.

Policy 8.7.1 of the County Official Plan supports pre-submission consultation for applications to the County and to local municipalities. The County OP states that potential applicants may be required to consult with the local municipality and the approval authority (where different from the municipality), in addition to the applicable conservation authority, where required, prior to submitting a formal application, in order to determine the information required to support the application. OPA 132 establishes the policy direction for administering pre-submission consultation in the Town and conforms to the related County Official Plan policy.

#### *Source Water Protection Policies (OPA 135)*

The Clean Water Act, 2006 enabled the establishment of Source Protection Regions and Areas throughout the Province to address significant threats to municipal groundwater supplies (drinking water wells) and municipal surface water supplies (drinking water intakes) that may be occurring, or that might occur in the future in vulnerable areas around municipal water supplies. Source Protection Committees were established for each Source Protection Region and tasked with developing Assessment Reports and Source Protection Plans containing policies to protect existing and future drinking water sources.

The Town of Orangeville is within the Credit Valley Source Protection Area that forms part of the CTC (Credit Valley-Toronto and Region-Central Lake Ontario) Source Protection Region. The CTC Source Protection Plan came into effect in 2015 and was subsequently amended in 2019 and 2022. The most recent amendment to the CTC Source Protection Plan was approved in February 2022 and came into effect in March 2022.

The policies in each Source Protection Plan ensure that for every vulnerable area identified in an Assessment Report where a certain activity is, or would be, a significant drinking water threat, the activity ceases to be, or never becomes a significant drinking water threat. Municipalities are required to amend their Official Plans to conform to the applicable Source Protection Plan. The Town's Official Plan must therefore be amended to conform to the Clean Water Act, 2006 and the policies of the CTC Source Protection Plan.

Draft source water protection policies were included as part of the initial Phase 1 OP Review and circulated to prescribed bodies for review and comment in April 2021. As part of this circulation, no issues were identified with the proposed source water protection policies. Since then, staff have revised the source water protection policies into a stand alone OPA 135. As such the draft OPA 135 was recirculated to the CTC Source Protection Committee, Credit Valley Conservation Authority, and the County of Dufferin in October 2024 for review and comment. The CTC Source Protection

Committee and the Credit Valley Conservation Authority provided comments that have been incorporated into the proposed amendment. The County of Dufferin had no comments.

OPA 135, included as Attachment 2, applies to the entirety of land within the Town of Orangeville, and brings the Town of Orangeville Official Plan into conformity with the Clean Water Act, 2006 and the policies of the CTC Source Protection Plan.

### **Next Steps**

Under Section 17 of the Planning Act, County Council is the approval authority for amendments to the Official Plans of local municipalities in Dufferin, including the Town of Orangeville. Per County By-law 2015-16, the Town of Orangeville is exempt from requiring County approval of its official plan amendments, except for certain types of Town OP amendments, such as an amendment impacting County infrastructure (such as a County road) or involving a settlement area expansion, employment area conversion,), changing a County-designated natural heritage system feature, or local municipal official plan reviews initiated under Section 26 of the Planning Act. For these types of Town official plan amendments, the Town must make a decision to adopt the amendment, which would then proceed to the County for final approval bringing it into full force and effect (subject to any rights of appeal).

As discussed in this report, OPA 132 and 135 are proceeding under the first phase of the Town's OP review initiated under Section 26 of the Planning Act, and as such are not exempt from County of Dufferin approval. Therefore, this report recommends that Council adopt OPA 132 and 135, and direct staff to circulate them to the County of Dufferin for approval.

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### **Corporate Implications**

This report will not generate direct implications. If future actions related to this report will have a corporate impact, a report will be presented to Council for approval, if required.

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### **Strategic Alignment**

#### **Strategic Plan**

Strategic Goal: Future-Readiness

Objective: Confirm applicable governance and policy regimes

#### **Sustainable Neighbourhood Action Plan**

Theme: Land Use and Planning

Strategy: Manage and direct land use that creates healthy, liveable and safe communities

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### Notice Provisions

- 1. Special meeting of Council** – scheduled for March 23, 2020, in accordance with Section 26(3) of the Planning Act. On March 19, 2020, a Notice of Cancellation was published in the newspaper and posted to the Town’s website due to Covid 19. The meeting was rescheduled and held on July 6, 2020, with notice published in the newspaper and posted to the Town’s website on June 11, 2020.
  - 2. Statutory public open house** – held on April 19, 2021, in accordance with Section 17(16) of the Planning Act. Notice was published in the newspaper and posted to the Town’s website on March 25, 2021.
  - 3. Statutory public meeting** – held on October 4, 2021, in accordance with Section 17(15) of the Planning Act. Notice was published in the newspaper and posted to the Town’s website on September 9, 2021.
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Respectfully submitted,

Tim Kocialek, P.Eng. PMP  
General Manager, Infrastructure Services

Reviewed by:

Brandon Ward, MCIP, RPP  
Manager, Planning, Infrastructure Services

Prepared by:

Larysa Russell, MCIP, RPP  
Senior Planner, Planning

**Attachment(s):** 1. Official Plan Amendment 132  
2. Official Plan Amendment 135