

18-10-2013

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ISSUE DATE:

October 17, 2013



Ontario

Ontario Municipal Board  
Commission des affaires municipales de l'Ontario

PL120835

IN THE MATTER OF subsection 17(24) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Appellant:	Township of Amaranth
Subject:	Official Plan Amendment 4
Municipality:	Township of Amaranth
OMB Case No.:	PL120835
OMB File No.:	PL120835

**APPEARANCES:****Parties****Counsel**

Township of Amaranth

D. Germain

Ministry of Municipal Affairs and Housing

K. Hare

**MEMORANDUM OF ORAL DECISION DELIVERED BY M. C. DENHEZ ON  
OCTOBER 3, 2013, AND ORDER OF THE BOARD**

[1] This dispute over an Official Plan ("OP") has been settled.

[2] The Township of Amaranth ("the Township") had undertaken to review its OP in two phases:

- The first was intended to address conformity with the Province's Greenbelt Plan and the Growth Plan for the Greater Golden Horseshoe.
- The second phase was intended to address consistency with the Provincial Policy Statement, 2005 (PPS).

[3] On completion of the first phase, Township Council adopted Official Plan Amendment No. 4 ("OPA 4") on October 20, 2010.

[4] The Township submitted OPA 4 to its approval authority, namely the Minister of Municipal Affairs and Housing ("the Minister"). On June 13, 2012, the Minister approved OPA 4 – with a series of modifications ("Minister's Decision").

[5] The Township disagreed with some of those modifications. On July 9, 2012, it appealed all or specific parts of 17 modifications to the Ontario Municipal Board ("the Board"). These appeals pertained to Modifications numbered 2, 10, 11, 15, 17, 18, 21, 22, 23, 24, 28, 29, 31, 32, 37, 38 and 39.

[6] On discussion, the Township and the Ministry of Municipal Affairs and Housing ("the Ministry") reached consensus on a number of amendments to those modifications, and on related matters. They executed Minutes of Settlement accordingly. The Township agreed to withdraw its appeal pertaining to several of the modifications, and the parties agreed that other modifications should proceed subject to those amendments.

[7] Specifically, the Township agreed to withdraw its appeals of seven modifications in their entirety (Modifications 10, 11, 17, 24, 29, 37 and 38). The Township also agreed to withdraw the appeal of Modification 2 (with respect to new Schedule "C"); Part (b) of Modification 15; Modification 21, except with respect to the deletion of Policy 3.1.4 (d) v) 2); Modification 22 with respect to Policy 3.1.5 (f) and (h) and Modification 39 with respect to Policy 4.2.5 (b) (iii). Finally, the Township agreed to the proposed amendments to Modification 7, Modification 15 (a), Modification 18, Modification 28, part (c) of Modification 32, and Modification 39.

[8] For its part, the Ministry agreed to allow the Township's appeal of Modification 31. The parties agreed to delete the word "existing", before the phrase "accessory dwelling unit" in Section 3.5.3 j) of the OP (permitted uses on land designated *Employment Area*). It was said that allowing this appeal would give the Township flexibility to permit one new accessory dwelling unit in the *Employment Area*.

[9] Procedurally, the Ministry and the Township agreed to the adjournment of the Township's appeal of Modification 21 with respect to the deletion of Policy 3.1.4 (d) v) 2) regarding infilling. Policy 3.1.4 included severance policies for the *Agricultural* designation. The Township agreed to the proposed deletions and additions to Policy 3.1.4 with the exception of the deletion of Policy 3.1.4. (d) v) 2), which permits infilling

between two existing non-farm dwellings. It was said that the infilling policy would be addressed in the second phase of the Official Plan Review which will include further public consultation on *Agricultural* policies.

[10] The Ministry and the Township also agreed to the adjournment of the Township's appeal of Modification 22 with respect to Policy 3.1.5 (b). Policy 3.1.5 included development policies for lands designated *Agricultural*. The Township agreed to the proposed additions and deletions to Policy 3.1.5 with the exception of the deletions and additions to Policy 3.1.5 b), which permits one additional dwelling unit on a farm for farm help. It was said that the farm help policies would also be addressed in the second phase of the Official Plan Review which would include further public consultation on *Agricultural* policies.

[11] The Ministry and the Township agreed to the adjournment of the Township's appeal of Modification 23 in its entirety which modifies Policy 3.1.6 regarding the zoning of *Agricultural* lands. The zoning of *Agricultural* lands would also be addressed in the second phase of the Official Plan Review which would include further public consultation on *Agricultural* policies.

[12] The Ministry and the Township agreed to the adjournment of the Township's appeal of Parts (a) and (b) of Modification 32. Modification 32 (a) and (b) proposed additions to Policy 3.6.4 f) pertaining to aggregate extraction on prime agricultural land designated *Extractive Industrial*. It was said that the proposed additions to the *Extractive Industrial* policies could be addressed in the second phase of the Official Plan Review which will include further public consultation on *Extractive Industrial* policies.

[13] The Board has carefully considered the affidavit evidence, as well as the submissions of counsel. On the basis of that information, the Board is satisfied that the revision agreed upon constitutes good planning. In particular, the Board considered the testimony of Glenn Wellings, the Township's planner. It was his expert opinion that, subject to the modifications (as amended herein), OPA 4 meets all statutory criteria. On review, the Board finds no grounds to disagree with that undisputed opinion. The same applies to the other related procedural arrangements, on which these parties have agreed.

**ORDER**

[14] 1. The Board notes that the Township has withdrawn its appeals of the following modifications, contained in the Minister's Decision. The Board further notes that such withdrawal will bring these parts of OPA 4 into effect, as modified, pursuant to s.17(39) of the *Planning Act*:

- a) Modification 2, with respect to Schedule "C";
- b) Modification 10 in its entirety;
- c) Modification 11 in its entirety;
- d) Modification 15 (b);
- e) Modification 17 in its entirety;
- f) Modification 21, except with respect to the deletion of Policy 3.1.4 (d) v) 2);
- g) Modification 22 with respect to Policy 3.1.5 (f) and (h);
- h) Modification 24 in its entirety;
- i) Modification 29 in its entirety;
- j) Modification 37 in its entirety;
- k) Modification 38 in its entirety; and
- l) Modification 39 with respect to policy 4.2.5 (b) (iii).

[15] 2. The Board amends the Minister's Modifications and/or the Policies of the Plan as follows:

- a) It amends Modification 7 by adding a new sub-section "c" regarding Policy 3.12.1(c) as follows:

- c) adding the words “but do not include lands within Farmington” at the end of the first sentence in the preamble paragraph;
- b) It amends Modification 15 (a) with respect to the second sentence of first paragraph of Policy 4.2.1, so that this sentence would read:

The Growth Management Study has addressed growth forecasts for the lower tier municipalities within the County of Dufferin, and the population forecast for the Township is 4,680 residents to the year 2031 and the employment forecast is 810 jobs to the year 2031.

- c) It amends Modification 18, with respect to Policy 3.0, by replacing the word “Waldemar” with the word “Farmington”;
- d) It amends Modification 28 with respect to Policy 3.4.4.1 (a), so that that Policy is deleted and replaced with the following:
- e) Single detached dwellings, including Secondary Suites in accordance with Policy 3.4.5(c) of this Plan;
  - b) Dwelling types other than single detached dwellings subject to an amendment to this Plan;
- f) Pertaining to Modification 31, the Board deletes the word "existing" in Policy 3.5.3(j).
- g) The Board amends part (c) of Modification 32 so that Policy 3.6.4 (k) (ii) references subsection “f” instead of subsection “k”;
- h) It amends Modification 39 so that the words in Policy 4.2.5 (d) are not deleted but rather the policy references “Section 5.4” instead of “Section 5.7”.
- i) Subject to the terms below, the Board adjourns the Township's appeals of the following modifications *sine die*:

- a. Modification 21 with respect to the deletion of Policy 3.1.4 (d) v) 2) regarding infilling;
  - b. Modification 22 with respect to Policy 3.1.5(b);
  - c. Modification 23 in its entirety;
  - d. Parts (a) and (b) of Modification 32;
- j) The Board finally notes that the parties have also agreed as follows:
- a. That the adjournment of the Township's appeals of these policies does not impact the applicability of the Provincial Policy Statement, 2005 or provincial plans, to land use planning decisions made by the Township;
  - b. That the Township may address the policies that remain under appeal through the second phase of its OP update;
  - c. That the Township will consult with the Ministry prior to the adoption of the second phase of its OP update; the Township will provide the proposed OP amendment to the Ministry for one-window consultation at least ninety days before adoption.
  - d. Should the second phase of the OP update not be adopted by Township Council by August 31, 2014, either party may seek to have the Township appeals identified in paragraph 3 addressed by the Board.

"M.C. Denhez"

M.C. DENHEZ  
MEMBER