



City of
Peterborough

To: **Members of the General Committee**

From: **Jasbir Raina, Commissioner of Infrastructure and Planning Services**

Meeting Date: **June 5, 2023**

Subject: **New Official Plan Amendment Analysis, Report IPSPL23-016**

Purpose

A report to provide an overview of the Minister's modifications to the City of Peterborough's new Official Plan and the respective impacts to planning.

Recommendation

That Council approve the recommendation outlined in Report IPSPL23-016 dated June 5, 2023 of the Commissioner of Infrastructure and Planning Services as follows:

That Report IPSPL23-016 be received for information.

Budget and Financial Implications

There are no budget and financial implications related to the recommendations in this report.

Background

The Official Plan is a comprehensive policy document that guides the long-term growth and development of the city. The **Planning Act** requires municipalities to adopt Official Plans. Municipalities are also required to periodically update their Official Plans to ensure consistency with provincial policy statements and conformity with provincial plans.

In 2011, the City initiated a review of its Official Plan that concluded with the adoption of a new Official Plan in November 2021. During that time, substantial changes were made to the Provincial planning regime including a new Provincial Policy Statement (2020), Growth Plan for the Greater Golden Horseshoe (2016, 2019, and Amendment 1 in 2020), land needs assessment methodology (2018 and 2020) and Bill 108 (the **More Homes, More Choice Act**, 2019). Council adopted the City's new Official Plan through By-law Number 21-105 on November 29, 2021. Pursuant to the **Planning Act**, the Minister of Municipal Affairs and Housing is the final approval authority for the City's new Official Plan.

The Province initially posted the City's new Official Plan on the Environmental Registry of Ontario (ERO) for a 30-day public commenting period from January 25, 2022 to February 23, 2022. Typically, only one commenting period is made available for public feedback on the ERO with respect to the approval of a municipality's Official Plan. However, following the approval of Bill 109, **More Homes for Everyone Act, 2022** and Bill 23, **More Homes Built Faster Act, 2022**, the Province re-posted the City's new Official Plan for another 30-day commenting period from December 5, 2022 to January 4, 2023.

In total, 17 written submissions were received on the ERO with respect to the City's new Official Plan. All comments were reviewed and considered by the Province in forming the decision on the Official Plan. The public comments made available through the ERO are summarized as follows:

- Remove height restrictions in the Downtown Core;
- Include additional policies for major transit station areas and transition policies for existing applications;
- Concerns regarding implications of new employment districts on adjacent land uses, their overall viability and need for regional employment lands strategy;

- Concern that Provincially Significant Wetlands are not explicitly delineated and identified on Official Plan schedules;
- Ensure that the Official Plan supports streamlining development approvals and market-based projections for housing supply and types; and,
- Create site-specific policies to enable and expedite residential development.

The Minister issued a Notice of Decision on April 11, 2023 approving the new Official Plan for the City of Peterborough, with 61 modifications. The Minister's modifications relate to growth management, land use compatibility, housing supply, cultural heritage resources, and the protection of natural heritage features and drinking water and are attached as Appendix A. City Planning Staff's analysis and interpretation of the Minister's 61 modifications are outlined in Appendix B.

The Minister's modifications are consistent with the public comments received through the ERO and recent legislative changes to streamline development approvals and increase the supply of housing. The Provincial review and modifications are intended to ensure consistency with Provincial policy statements, conformity with Provincial plans and regard for matters of provincial interests as outlined in the **Planning Act**.

Pursuant to the **Planning Act**, the Minister's decision on the Plan is final and is not subject to appeal. As a result, the City's new Official Plan came into full force and effect on April 11, 2023. The new Official Plan replaces the previous Official Plan in place since 1981 as well as two former township Official Plans that have remained in effect in areas annexed between 1998 and 2013.

Official Plan Implementation

Implementation of the Official Plan involves a number of actions ranging from the immediate, medium and long-term. Following the Notice of Decision from the Minister, immediate actions were undertaken to announce the approval of the Official Plan via a media release on April 11, 2023 and website updates. The City of Peterborough webpages related to the Official Plan as well as the project webpage on ConnectPtbo have been updated to announce the approval of the Plan and make available a copy of the Notice of Decision, Minister's Decision, ERO notice and the in-force Official Plan policies and schedules.

Moving forward, new development applications received after April 11, 2023 will be subject to the policies of the new Official Plan. Any planning applications deemed complete prior to the approval of the new Official Plan may continue towards final approval under the policy framework in place at the time the Notice of Complete Application was issued. Leading up to the approval of the new Official Plan, applicants were advised of the policy direction in the new Council-adopted Official Plan.

Along with Council's adoption of the new Official Plan on November 29, 2021, Planning Staff were directed by Council to present an Official Plan Implementation Strategy to Council within one year of the City of Peterborough Official Plan, November 2021 coming into effect (i.e., April 11, 2024). The Official Plan Implementation Strategy will outline priorities and a work schedule for the various policy commitments contained in the Official Plan. It is intended that the commitments of the Official Plan will be reviewed as part of the annual budgetary process and will be supported with the Implementation Strategy. Several policy commitments have already proceeded through the Province's Streamline Development Approval Fund, including the development of urban design guidelines, exploration of the Community Planning Permit System and the review of parking regulations in the Zoning By-law.

The Zoning By-law is the primary regulatory tool to implement the vision, objectives and policies of the Official Plan. Pursuant to the **Planning Act**, the City is required to complete a comprehensive review of the Zoning By-law within three years of the Official Plan taking effect. In addition to the comprehensive Zoning By-law review, Planning Staff also intend to bring forward a series of amendments to the Official Plan to address recent legislative changes and other emerging planning issues since the adoption of the Plan.

Pending Provincial Changes

In April, the Province proposed a new Provincial Planning Statement that would combine and replace both the Provincial Policy Statement and A Place to Grow: Growth Plan for the Greater Golden Horseshoe. As part of the consultation on the ERO for the Provincial Planning Statement, the Province is proposing an approach to the implementation of the new document, including the timing for Official Plan updates. The proposed approach indicates the intention that Official Plans would be updated as necessary to implement the new policies of the Provincial Planning Statement, if approved, at the time of their ordinary review cycle.

The **Planning Act** currently requires Official Plans to be reviewed every ten years after a new Official Plan and every five years thereafter unless the plan is replaced by another new Official Plan. It is anticipated that the new Provincial Planning Statement, if approved, will come into force in Fall 2023.

The public commenting period is open on the ERO until June 5, 2023. City Staff are in the process of reviewing the proposed Provincial Planning Statement and will report back to Council to provide a summary and copy of the comments submitted to the ERO.

Summary

The Minister's modifications to the new Official Plan are consistent with recent Provincial objectives and legislative changes to increase housing supply and streamline the development approvals process. The Official Plan will continue to evolve and be updated alongside changes to the Provincial policy regime. With the approval of the City's new Official Plan, the City is positioned to address development pressures and growth as well as embark on other planning policy and initiatives, including a comprehensive review of the Zoning By-Law.

Submitted by,

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Attachments:

Appendix A – City of Peterborough Official Plan Decision
Appendix B – Analysis of Minister's Modifications to the Official Plan

DECISION

With respect to the New City of Peterborough Official Plan Subsection 17(34) of the *Planning Act*

I hereby approve the repeal of: the City of Peterborough Official Plan, adopted by By-law 1981-150, and subsequent amendments thereto; the Township of Smith Official Plan, adopted by By-law 1994-46 and all subsequent amendments thereto as it applied to the lands annexed to the City of Peterborough on January 1, 1998 and January 1, 2008; the Township of Otonabee Official Plan, adopted by By-law 12-85 and all subsequent amendments thereto as applied it to the lands annexed to the City of Peterborough on January 1, 1998; and the Township of Otonabee-South Monaghan Official Plan, adopted by By-law 2004-70 and all subsequent amendments thereto as it applied to the lands annexed to the City of Peterborough on January 1, 2008 and January 1, 2013, pursuant to City of Peterborough By-law 21-105. Furthermore, I hereby modify and approve, as modified, the new City of Peterborough Official Plan, as adopted by the City of Peterborough by By-law 21-105, subject to the following modifications, with additions in **bold underline** and deletions in ~~**bold strikethrough**~~:

1. Policy 3.3.1 b) is modified so that it reads:

Peterborough will continue to develop as a complete community by managing growth in a logical and well-defined urban structure, as depicted on Schedule

A: Urban Structure which, at the highest level, consists of:

- i. The Delineated Built-Up Area;
- ii. The Designated Greenfield Area; **and**
- iii. The Natural Areas; ~~and,~~
- iv. ~~The Rural Transitional Area.~~

2. Policy 3.3.2 h) is modified so that it reads:

The Rural Transitional Area will continue to contribute to the overall urban structure of the City, ~~but its role in accommodating growth is limited.~~ It is expected that the Rural Transitional Area will, at some point in the future, ~~be identified as Designated Greenfield Area, in order to~~ accommodate residential and/or employment growth ~~beyond the 2051 horizon of this Plan.~~

3. Policy 3.3.4 a) is modified so that it reads:

The Designated Greenfield Areas represent those lands within the City that are outside the Delineated Built Boundary ~~but excluding those lands within the Rural Transitional Area.~~ The Designated Greenfield Area lands are intended to accommodate a portion of the City's anticipated residential and employment growth in conjunction with intensification within the Delineated Built-Up Area, to the year 2051. The Designated Greenfield Area includes the following components:

- i. Neighbourhoods;
- ii. Strategic Growth Areas; ~~and,~~
- iii. Employment Districts; **and**
- iv. **Rural Transitional Areas**

4. Policy 3.3.4 b) ii is modified so that it reads:

The Rural Transitional Area is identified on Schedule A: Urban Structure. Rural Transitional Area lands, as they are located within the Settlement Area, are anticipated to accommodate urban land uses at some point in the future ~~beyond the 2051 planning horizon of this Plan~~. Typical rural/agricultural land uses are expected to continue until lands within the Rural Transitional Area are determined to be needed to accommodate urban growth. ~~Lands within the Rural Transitional Area are intended to represent excess lands, which are not expected to accommodate any significant portions of the City's projected growth to 2051.~~ Development decisions within Rural Transitional Area must consider, and must not preclude, the future orderly expansion of the City's urban development. and,

5. Policy 3.3.5 a) is modified so that it reads:

The Rural Transitional Area is identified on Schedule A: Urban Structure. Rural Transitional Area lands, as they are located within the Settlement Area, are anticipated to accommodate urban land uses at some point in the future ~~beyond the 2051 planning horizon of this Plan~~. Typical rural/agricultural land uses are expected to continue until lands within the Rural Transitional Area are determined to be needed to accommodate urban growth. ~~Lands within the Rural Transitional Area are intended to represent excess lands, which are not expected to accommodate any significant portions of the City's projected growth to 2051.~~ Development decisions within Rural Transitional Area must consider, and must not preclude, the future orderly expansion of the City's urban development.

6. Policy 3.3.6 b) is modified so that it reads:

The lands within the Coldsprings Special Study Area are anticipated to accommodate growth to 2051. ~~Unless determined otherwise by a city-wide land needs assessment, it is intended that approximately 80 hectares of developable land area will be designated as Prestige Employment and approximately 60 hectares of developable land area will be designated for other community uses.~~

7. Policy 3.3.6 c) is modified so that it reads:

The completion of a Secondary Plan for the Coldsprings Special Study Area is a priority of the City. The City will complete a Secondary Plan and an Official Plan Amendment to establish the appropriate urban structure, delineate land use boundaries, and provide urban design guidelines and development policies ~~that will support of the establishment of employment land and compatible development.~~

8. Policy 4.1.2 e) is modified so that it reads:

If natural heritage features are identified that appear to meet the criteria of a natural heritage system Level A, B or C feature, an Environmental Impact Study will be required in accordance with the policies of this Plan and approved by the City in consultation with the Conservation Authority and any other agency having jurisdiction, **including the Conservation Authority in accordance with any Conservation Authorities Act regulatory requirements.**

9. Policy 4.1.2 f) is modified so that it reads:

The development of major retail facilities, or major office or sensitive land uses will, in accordance with Provincial guidelines, avoid, or where avoidance is not possible, minimize and mitigate adverse impacts on industrial, manufacturing or other uses in Employment Districts that are particularly vulnerable to encroachment.

10. Policy 4.1.2 g) is created, to be read as follows:

g) Where avoidance is not possible in accordance with policy 4.1.2 f), the city shall protect the long-term viability of existing or planned industrial, manufacturing or other uses that are vulnerable to encroachment by ensuring that the planning and development of proposed adjacent sensitive land uses are only permitted if the following are demonstrated in accordance with provincial guidelines, standards and procedures:

- i) there is an identified need for the proposed use;
- ii) alternative locations for the proposed use have been evaluated and there are no reasonable alternative locations;
- iii) adverse effects to the proposed sensitive land use are minimized and mitigated; and
- iv) potential impacts to industrial, manufacturing or other uses are minimized and mitigated.

11. Policy 4.2.2.1 is created, to be read as follows:

4.2.2.1 – Special Provisions for 420 Old Towerhill Road
Lands known municipally as 420 Old Towerhill Road may permit approximately 2600 new housing units consisting of affordable mid-rise and high-rise apartments, rental apartments, townhomes, semi-detached and single-detached dwellings and special needs units subject to relevant planning approvals.

12. Policy 4.3.1 r) is deleted in its entirety

~~r. Within the Central Area additional building height may be considered by the City on a site by site basis through an Official Plan Amendment where it can be demonstrated that the proposed development is considered compatible development.~~

13. Policy 4.3.2 e) is modified so that it reads:

Within the Downtown Core Area Designation the minimum building height shall be 2 storeys and the maximum building height shall be up to 8 storeys, subject to the policies of this Plan.

14. Policy 4.4.2 g) is modified so that it reads:

Within the Major Mixed-Use Corridor Designation, the minimum building height shall be 2 storeys and the maximum building height shall be 8 storeys. If a single storey building existed on the site as of the date of approval of this plan, the minimum number of storeys does not apply.

15. Policy 4.6.2 b. (i) is modified so that it reads:

Natural Areas are designated on Schedule B: Land Use Plan and Schedule F: Natural

Heritage System and Environmental Constraints and are further articulated in Appendix I. In recognition of the wide spectrum of natural heritage features that comprise the Natural Heritage System, a graduated protective approach is applied that reflects the function and significance of the various system components. ~~as follows:~~ **For some natural heritage features (e.g. unevaluated wetlands), evaluation may be required and policies for the appropriate Level applied accordingly.**

The following policies apply to Level A, B and C features:

- (i) Level A features are afforded the highest level of protection and the intent is to protect the form and function of these areas in situ. Development and site alteration will not be permitted in Level A Provincially Significant Wetlands, Significant Woodlands, Significant Life Science Areas of Natural or Scientific Interest or Significant Wildlife Habitat in natural features. In accordance with Provincial and Federal requirements, development and site alteration may be permitted in Level A Fish Habitat or Level A Habitat of Endangered or Threatened Species. **Development and site alteration may be permitted within or adjacent to Significant Wildlife Habitat, provided it has been demonstrated that there will be no negative impact on the features' form and function.**

16. Policy 4.6.2 c. (vii) is modified so that it reads:

Significant Wildlife Habitat ~~within natural features.~~

17. Policy 4.6.2 d. (i) is modified so that it reads:

~~Non-Provincially Significant Wetlands or Unevaluated Wetlands~~ greater than 0.5 hectares or 0.2 hectares to 0.5 hectares that meet one or more of the following:

- Located within a flood plain;
- Contiguous with a permanent or intermittent watercourse, a Significant Valleyland or Level A or Level B woodland;
- Identified as a fen or a bog; or,
- Identified as part of a Proximity Linkage or Regional Connection;

18. Policy 4.6.2 d. (vi) is modified so that it reads:

d (vi) ~~Significant Wildlife Habitat~~ within semi-natural features.

19. Policy 4.6.2 k. (i) is modified so that it reads:

For Level A features, notwithstanding the permitted uses identified above, an Environmental Impact Study shall consider the protection of features and functions associated with the Natural Heritage System as paramount. Development and site alteration will not be permitted in Level A Provincially Significant Wetlands, Significant Woodlands, or Significant Life Science Areas of Natural or Scientific Interest, ~~or Significant Wildlife Habitat in natural features.~~ In accordance with Provincial and Federal requirements, development and site alteration may be permitted in Level A Fish Habitat or Level A Habitat of Endangered or Threatened Species. **Development and site alteration may be permitted within or adjacent to Significant Wildlife Habitat, provided it has been demonstrated that there will be no negative impacts on the features' form and function.**

20. Policy 4.6.2 k. (ii) is modified so that it reads:

The establishment of any permitted use shall demonstrate, through the required Environmental Impact Study, conformity with the below criteria for the applicable Level:

For Level B features, additional uses may be considered where it can be demonstrated to the satisfaction of the City, in consultation with ~~the Conservation Authority and any other agency~~ having jurisdiction:

- That there is no negative impact to the function of the features within the overall Natural Heritage System;
- That a net gain of Natural Heritage System function will be achieved through compensation; and,
- That conformity with Provincial and Federal policies/regulations is achieved

21. Policy 4.6.2 o. is modified so that it reads:

No development or site alteration may be permitted within the Natural Areas Designation and the associated vegetation protection zones, except with the approval of the City, in consultation with ~~the Conservation Authority and any other agency~~ having jurisdiction, **including the Conservation Authority in accordance with any CA regulatory requirements.** Where development and/or site alteration is proposed within the Natural Areas Designation, the City shall require that an Environmental Impact Study be prepared that demonstrates conformity with the requirements of the Natural Heritage System Level that may be affected.

22. Policy 4.6.2 q. is modified so that it reads:

Existing legal non-conforming uses within the Natural Areas Designation are permitted and may be replaced if destroyed by natural causes. An application, except where prohibited by Provincial policy, for the expansion or enlargement of such structures and uses may be considered by the City, subject to the submission of an Environmental Impact Study, in consultation with ~~the Conservation Authority and any other agency~~ having jurisdiction, **including the Conservation Authority in accordance with any CA regulatory requirements.** The application shall demonstrate conformity with the requirements of the Natural Heritage System Level that may be affected.

23. Policy 4.6.2 s. is modified so that it reads:

The removal or destruction of a natural heritage feature or any associated ecological function by unauthorized development or site alteration is prohibited. Such removal or destruction will not provide the rationale for the removal of these lands from the Natural Areas Designation. Restoration, to the satisfaction of the City with reference to the site alteration by-law in consultation with ~~the Conservation Authority and any other agency~~ having jurisdiction, **including the Conservation Authority in accordance with any CA regulatory requirements.** will be required where the removal or destruction of a natural heritage feature or any associated ecological function by unauthorized development or site alteration has occurred.

24. Policy 4.6.2 u. is modified so that it reads:

Minor adjustments to the boundary of the Natural Areas Designation in accordance with

the Level classification may be facilitated through an Environmental Impact Study without the need to amend this Plan. Where a minor adjustment to the boundary of the Natural Areas Designation is approved by the City, in consultation with ~~the Conservation Authority and~~ any other agency having jurisdiction, the adjacent land use designation as identified on Schedule B: Land Use Plan shall apply, without the need to amend this Plan.

25. Policy 4.6.2 x. is modified so that it reads:

Where a negative impact is unavoidable within a Level B Natural Heritage System feature, then the City at its sole discretion, and in consultation with ~~the Conservation Authority and any other agency having jurisdiction,~~ **including the Conservation Authority in accordance with any CA regulatory requirements,** may accept a compensatory mitigation approach. Where compensatory mitigation is proposed, development and site alteration will only be considered if it can be demonstrated that a net gain of Natural Heritage System function will be achieved through compensation (e.g., replacement, restoration, and/or enhancement) as well as conformity with Provincial and Federal policies/regulations.

26. Policy 4.6.2 y. is modified so that it reads:

Where the proposed establishment of any permitted use within a Level C Natural Heritage System feature is anticipated to result in a negative impact, the City at its sole discretion, and in consultation with ~~the Conservation Authority and any other agency having jurisdiction,~~ **including the Conservation Authority in accordance with any CA regulatory requirements,** may accept an approach that replicates the functions to be removed elsewhere within the City, in conformity with Provincial and/or Federal requirements.

27. Row 5 in Table A: Natural Heritage Feature Minimum Vegetation Protection Zones (Page 115) is modified so that it reads:

Valleylands - 10 metres ~~in conjunction with Conservation Authority requirements~~

28. Policy 4.7.1 a. is modified so that it reads:

This Plan recognizes that the Rural Transitional Area Designation, identified on Schedule A: Urban Structure and Schedule B: Land Use Plan, constitutes an important component of the City's urban structure and contributes to the local economy. ~~The Rural Transitional Area Designation is intended to represent excess lands which, due to their location, physical features or current level and type of development, are not considered as areas for urban forms of development during the planning horizon of this Plan.~~

29. Section 4.7.1 b. is modified so that it reads:

It is the intent of this Plan that the Rural Transitional Area Designation will eventually accommodate urban development on full municipal services in the future and it is therefore the intention of the policies of this Plan to avoid development which might preclude or interfere with the proper and orderly urban development of these areas through appropriate study and amendments to this Plan. While it is expected that existing lawful uses may continue, ~~no~~ **future residential, employment and/or community** development will be permitted within these areas ~~when until the lands can be are~~

redesignated through a ~~Municipal Comprehensive Review unless specified otherwise within the policies of this Plan~~ appropriate study and amendments to this Plan.

30. Policy 4.7.1 c. is modified so that it reads:

The objectives of this Plan with respect to the Rural Transitional Area Designation are to:

- i. Protect the potential for future urban development on full municipal services within the Rural Transitional Area Designation, ~~beyond the time horizon of this Plan;~~
- ii. Sustain the City's Rural Transitional Area Designation lands as ~~longer term~~ future growth areas while maintaining a secure, financially viable rural resource area;
- iii. and, Permit development that promotes the ongoing contribution of the Rural Transitional Area Designation to the economy of the City.

31. Policy 4.7.2 is created, to be read as follows:

4.7.2 - Special Provisions for 1694 Driscoll Road

Despite policy 3.3.4 b) i) lands known municipally as 1694 Driscoll Road may permit approximately 700 new housing units including affordable townhomes and semi-detached dwelling units subject to relevant planning approvals.

32. Policy 5.1.1 d. is deleted in its entirety

- ~~d. Cultural heritage resources include but are not restricted to:-~~
- ~~i. Archaeological sites and marine archaeological sites, including cemeteries and burial grounds;-~~
 - ~~ii. Properties with design value or physical value;-~~
 - ~~iii. Properties with historical value or associative value;-~~
 - ~~iv. Properties with contextual value;~~
 - ~~v. Heritage conservation districts cultural heritage landscapes and other areas of cultural heritage value or interest and/or scenic interest; and,-~~
 - ~~vi. Historic waterways.~~

33. Policy 5.1.2 b. is modified so that it reads:

In consultation with the Peterborough Architectural Conservation Advisory Committee, property owners and residents, and pursuant to Part V of the Ontario Heritage Act and any associated regulations, the City may, by By-Law, designate any area within the City as a Heritage Conservation District. Properties located within a Heritage Conservation District may also be designated under Part IV of the Ontario Heritage Act.

34. Policy 5.1.3 b. is modified so that it reads:

The City may also list non-designated properties on the Heritage Register, ~~which Council believes to be of cultural heritage value or interest to the community,~~ in accordance with the provisions of the Ontario Heritage Act **and associated regulations**, ~~and criteria as established by the City.~~

35. Policy 5.2.4 b. is modified so that it reads:

The City's annual affordable housing target is ~~requires that at least 20 per cent. of all~~

~~new residential units across the City be affordable housing, on an annual basis. The target is to be measured city-wide.~~

36. Policy 5.2.4 c. is modified so that it reads:

The City ~~will~~ may encourage options for accessibility within all new residential developments.

37. Policy 5.2.4 d. is modified so that it reads:

Affordable and accessible housing ~~shall~~ may be supplied in a variety of housing types, provided for a range of household sizes and encouraged in all neighbourhoods within the City.

38. Policy 5.2.4 e.i. is modified so that it reads:

Promote infill development, which includes higher density housing forms where housing is more affordable due to reduced per unit land costs and more accessible due to the more stringent requirements of Ontario's Building Code for these types of buildings. Increased residential densities ~~shall be supported~~ are encouraged in appropriate locations, in accordance with the policies of this Plan;

39. Policy 5.3.8 a. is modified so that it reads:

In cases where parks or portions of parkland include or are designed to include stormwater management facilities, such facilities would be subject to the approval of the City and the Conservation Authority, in accordance with its regulatory roles. Where a stormwater facility precludes the use of a portion of the land for parkland purposes, the stormwater management facility shall not be accepted as a part of parkland dedication.

40. Policy 5.6 b. iii is modified so that it reads:

Supporting the continued use of ~~excess lands~~ the Rural Transitional Area for agriculture, until they are needed for urban development in accordance with this Plan, recognizing that Peterborough's ~~excess~~ Rural Transitional Area lands are not prime agricultural lands;

41. Policy 6.1.4 c. is modified so that it reads:

The City will lead the implementation of watershed planning initiatives, in partnership with the Conservation Authority, in accordance with its regulatory roles, neighbouring municipalities, Indigenous Communities and other agencies, that:

- i. Protect and enhance watercourse system functions, linkages and sensitivities;
- ii. Meet water quality and quantity objectives for the watershed;
- iii. Address the long-term cumulative impact of development on the watershed as necessary;
- iv. Protect and enhance existing geology, hydrology, hydrogeology, geomorphology, limnology, aquatic and terrestrial habitats and the quality, quantity and function of groundwater recharge areas;
- v. Provide guidelines for sustainable development, design and construction; and,
- vi. Where practical, facilitate modifications to existing neighbourhoods to ensure better hydrologic and water quality function.

42. Policy 6.1.4 c. is modified so that it reads:

Schedule H: Source Water Protection identifies the Vulnerable Area, or more specifically the Intake Protection Zones, Wellhead Protection Areas, Significant Groundwater Recharge Areas and Highly Vulnerable Aquifers for the Peterborough Municipal Drinking Water System as defined under the Clean Water Act, 2006 and in accordance with the approved Trent Source Protection Plan and Assessment Report. Specific land use activities are identified which are or would be a significant drinking water threat if undertaken in the Vulnerable Area. To protect the intake municipal drinking water sources, significant drinking water threat activities are subject to policies set out in the Trent Source Protection Plan which was developed under the Clean Water Act, 2006.

The city also contains a portion of Intake Protection Zone-3 (IPZ 3) for the Hastings Municipal Drinking Water System. A map showing the extent of the IPZ-3 can be found within the Trent Source Protection Plan.

43. Policy 6.1.5 c. is modified so that it reads:

Stormwater management facilities, including stormwater management ponds, shall be permitted on lands in any land use designation, with the exception of the Natural Areas Designation, the vegetation protection zone for a natural heritage feature, **areas or features regulated under the Conservation Authorities Act, unless authorized by the Conservation Authority** ~~unless authorized by the Conservation Authority.~~ Notwithstanding the above, limited engineering components, such as stormwater management pond outlets, may be considered in the Natural Areas Designation, the vegetation protection zone for a natural heritage feature, or a natural hazard, subject to the results of an Environmental Impact Study and subject to the approval of the City and Conservation Authority, **as applicable.**

44. Policy 6.1.5 f. is modified so that it reads:

The City encourages development proponents to propose innovative stormwater management works, including but not limited to, underground stormwater storage and source control techniques, to control stormwater quality and quantity, erosion, sedimentation and temperature, subject to approval by the City and the Conservation Authority **in accordance with its regulatory roles.**

45. Policy 7.3.2 a is modified so that it reads:

The City has undertaken a Land Needs Assessment in accordance with Provincially-prescribed methodology to quantify the amount of community area and employment area required to meet community's projected needs to 2051. The City shall review its Land Needs Assessment as part of a Municipal Comprehensive Review of this Plan no less frequently than 10 years after the Plan comes into effect, and every five years thereafter. The City will also review its Land Needs Assessment in response to amendments to Schedule 3 of A Place to Grow: Growth Plan for the Greater Golden Horseshoe. ~~Land Needs Assessment updates shall be submitted to the Province for review and shall be used to review the extent of excess lands identified as Rural Transitional Area on Schedule A: Urban Structure and Schedule B: Land Use Plan of this Plan.~~

46. Policy 7.7 a is modified so that it reads:

Site Plan Approval is a tool used to achieve high-quality site and ~~exterior~~ building design. It is used to achieve appropriate siting and massing of development and to ensure safety, accessibility, ~~attractiveness~~ and compatibility of a development within the site context and overall urban landscape. It is also used by the City to secure land for road widenings and to implement streetscape improvements in public boulevards adjoining development sites. Site Plan Approval is one of the key tools for implementing the City's policies on urban design in accordance with this Plan, and any current or future Urban Design Guidelines.

47. Policy 7.7 d i. is modified so that it reads:

Site Plan Approval will be used in accordance with Section 41 of Planning Act as a means of achieving well-designed, functional, accessible, safe and sustainable built form and public space. Proposed development or redevelopment within the Site Plan Approval Area may not be permitted until such time as the City has approved drawings showing plan, elevation and cross-section views for all buildings to be erected (~~including all buildings to be used for residential purposes regardless of the number of units~~) and for other site development works sufficient to display the following:

i. Exterior building design considerations include ~~including, without limitation:~~

- Appearance;
- ~~Character, including building materials and colour;~~
- Design features;
- Scale;
- Signage, where applicable; and,
- Sustainable design;

48. Policy 7.7 e. is modified so that it reads:

The ~~exterior~~ design of all buildings proposed through the Site Plan Approval process shall be consistent with any applicable urban design policies contained in this Plan, and any other design policies and reports approved by the City.

49. Policy 7.8.1 c. is modified so that it reads:

The City, when considering applications for plans of subdivision, will have regard for the provisions of the Planning Act and related Provincial policies and plans, along with **applicable** the Conservation Authority policies and procedures. In addition, the City will approve only those plans of subdivision that meet the following criteria:

- i. The plan conforms to the policies of this Plan;
- ii. The plan will not impose an unacceptable financial burden on the City;
- iii. The plan of subdivision can be supplied with adequate services and public service facilities;
- iv. The plan will not adversely impact upon the transportation system and will support public transit, cycling and walkability;
- v. The plan will not adversely impact the Natural Heritage System;
- vi. The plan will be integrated with surrounding lands, subdivisions and streets; and,
- vii. The plan meets the urban design policies contained in this Plan and any current or future Urban Design Guidelines.

50. Policy 7.8.2 b. is modified so that it reads:

The City, when considering applications for plans of condominium, will have regard for the provisions of the Planning Act and related Provincial policies and plans, along with applicable ~~the~~ Conservation Authority policies and procedures. In addition, the City will approve only those plans of condominium that meet the following criteria:

- i. The plan conforms to the policies of this Plan;
- ii. The plan will not impose an unacceptable financial burden on the City;
- iii. The plan of condominium can be supplied with adequate services and public service facilities;
- iv. The plan will not adversely impact upon the transportation system and will support public transit, cycling and walking;
- v. The plan will not adversely impact the natural environment;
- vi. The plan will be integrated with surrounding lands, subdivisions and streets; and
- vii. The plan meets the urban design criteria contained in this Plan and any current or future Urban Design Guidelines.

51. Policy 7.21.2 g. is modified so that it reads:

Preliminary Natural Heritage Feature Screenings are to be undertaken by the proponent and prepared by a qualified professional in accordance with ~~City/Conservation Authority~~ and Conservation Authority regulatory requirements at the time of pre-consultation. The City may peer review all or part of a Preliminary Natural Heritage Feature Screening prepared by the proponent in support of a development application, at the sole expense of the proponent.

52. Policy 7.21.2 j. is modified so that it reads:

Environmental Impact Studies are to be undertaken by the proponent in accordance with ~~City/Conservation Authority~~ and Conservation Authority regulatory requirements and approved by the City in consultation with the Conservation Authority and any other agency having jurisdiction. As a condition of approval, the City may peer review all or part of an Environmental Impact Study prepared by the proponent in support of a development application, at the sole expense of the proponent.

53. Policy 7.21.2 k. is modified so that it reads:

The need for, scope and acceptability of an Environmental Impact Study will be determined in collaboration with the Province, Federal government and the Conservation Authority, as per applicable regulatory requirements, and any other agency having jurisdiction. If the natural heritage feature extends beyond the boundaries of the City, the adjacent municipality will be offered the opportunity to participate in this determination.

54. Policy 7.21.2 n. is modified so that it reads:

The City, in consultation with the Conservation Authority, as per applicable regulatory requirements, Indigenous Communities, appropriate stakeholders and any other agency having jurisdiction, will establish Environmental Impact Study Guidelines or a Terms of Reference, to fulfill the policy requirements of this Plan and assist owners/applicants in identifying the scope of any required Environmental Impact Study.

55. Policy 7.21.2. o. is modified so that it reads:

The City in consultation with the Conservation Authority, per any applicable regulatory requirements, or any other agency having jurisdiction, may waive the requirement to conduct an Environmental Impact Study, or appropriately scope the study requirements where an application for development and/or site alteration is:

- i. Of a minor nature or small scale and impacts to the Natural Heritage System are anticipated to be negligible;
- ii. Located in an area where recent previous studies have been approved by the City and provide sufficient detailed information; or,
- iii. Located in a disturbed area.

56. Policy 7.22 is created so that it reads:

7.22 Existing Applications

a. Applications deemed complete prior to the approval of this Plan by the Ministry of Municipal Affairs and Housing may continue towards final approval under the policy framework in place at the time the Notice of Complete Application was issued. This would include any subsequent implementing approvals.

57. Section 8.2 is modified to delete the definition of excess lands in its entirety:

~~Excess Lands Vacant, unbuilt but developable lands within settlement areas but outside of delineated built-up areas that have been designated in an official plan for development but are in excess of what is needed to accommodate forecasted growth to the horizon of this Plan.~~

58. Policy 9.1 pp. is modified so that it reads:

To foster high quality urban design and a distinct built character in accordance with Section 3.3.4, the City may implement or may require development proponents to submit, receive approval, and implement an Urban Design program to address some or all of the following:

- i. Site plan design, including sustainable design;
- ii. Built form (including building articulation), **and** massing ~~and architectural quality~~;
- iii. ~~Exterior design such as building facades, fenestration, colour, material, rhythm and proportion of architectural elements;~~

59. Policy 9.1 qq. is modified so that it reads:

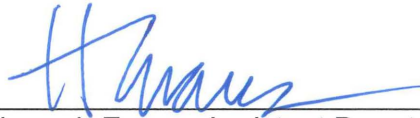
Where development within the Secondary Plan area is subject to site plan control in accordance with Section 7.7 of this Plan, Council shall require the submission of drawings mentioned in paragraph 2 of Subsection 41(4) of the Planning Act, as amended, including drawings that are sufficient to display matters relating to, without limitation, the character, scale, ~~appearance~~ and design features of buildings, and their sustainable design ~~insofar as they relate to exterior design.~~

60. Policy 9.2 n. is modified so that it reads:

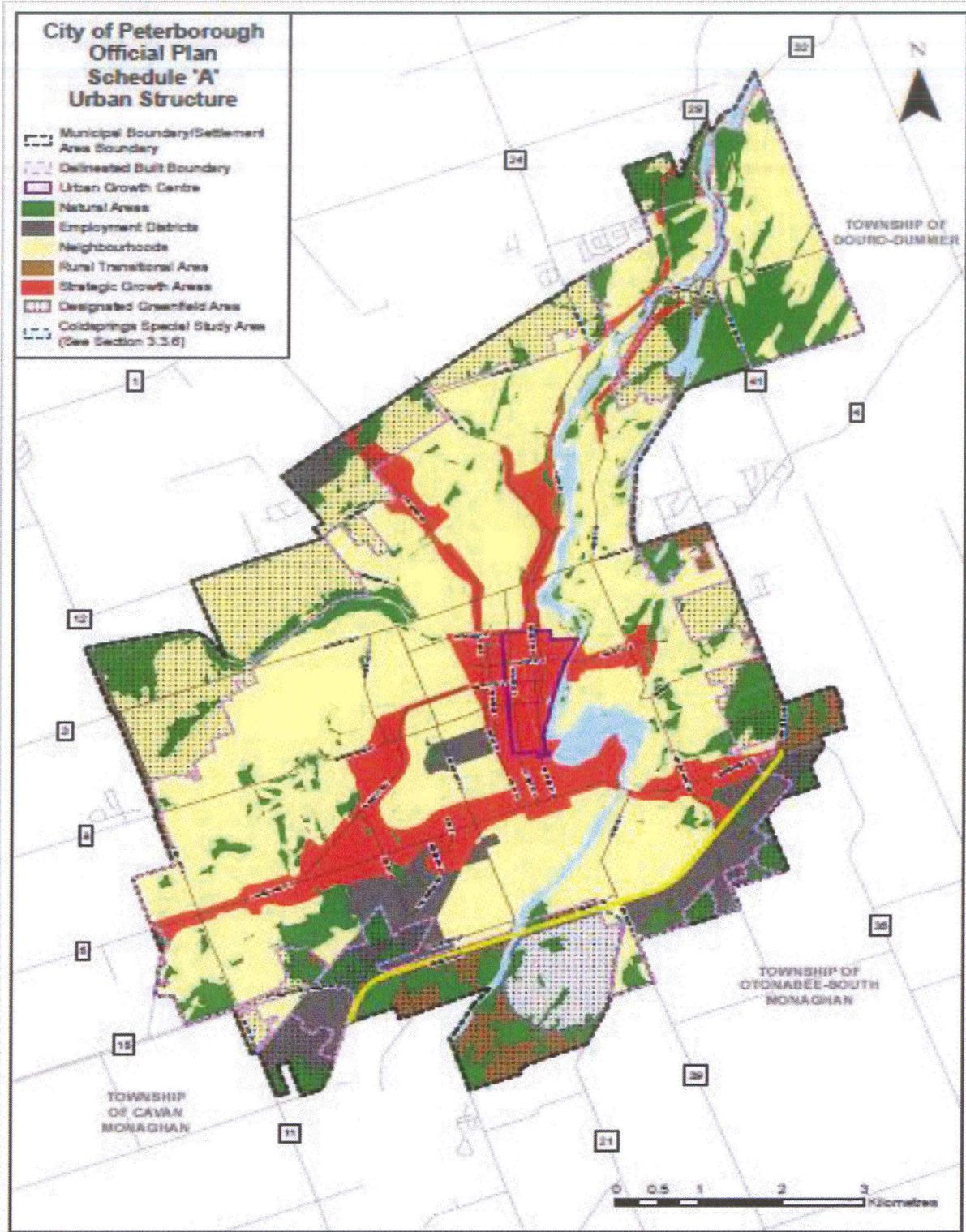
Where development within the Secondary Plan area is subject to site plan control in accordance with Section 7.7 of this Plan, Council may require the submission of drawings noted in paragraph 2 of Subsection 41(4) of the Planning Act, as amended, including drawings that are sufficient to display matters relating to, without limitation, the character, scale, ~~appearance~~ and design features of buildings, and their sustainable design ~~insofar as they relate to exterior design.~~

61. Schedule A – Urban Structure is deleted in its entirety and replaced with a new Schedule A – Urban Structure, attached hereto in Appendix 1.

Dated at Toronto this 11th day of April, 2023



Hannah Evans, Assistant Deputy Minister
Municipal Services Division
Ministry of Municipal Affairs and Housing



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IPSPL23-016 Appendix B – Report IPSPL23-016

Table 1: Analysis of Minister’s Modifications to the Official Plan

Modification #	Summary of Modifications	City Planning Staff Comments
1-5, 28-30, 40, 57, 61	Modifies the Urban Structure by removing the Rural Transitional Area lands from the highest level of the Urban Structure and adding the Rural Transitional Area lands to the Designated Greenfield Area lands. The modifications allow for the Rural Transitional Area lands to accommodate growth within the 2051 planning horizon. The modifications also eliminate the concept of excess lands.	The Rural Transitional Area was intended to represent excess lands and be protected from development which would preclude the future orderly expansion of the city to the planning horizon of 2051. The Rural Transitional Area was, in part, determined through the completion of the Provincially-established land needs assessment methodology. Resulting from the completion of the land needs assessment exercise, the City identified these as excess lands, which were not needed to accommodate population and employment growth to 2051. The modifications enables more flexibility for development of these lands subject to appropriate study and amendments to the Plan, whereas the previous policies would have required a new land needs assessment as part of a more robust Municipal Comprehensive Review.
6,7	Modifies policies for the Coldsprings Special Study Area to eliminate references to the results of the City’s Land Needs Assessment with respect to employment area and community area (residential) land need.	This modification removes reference to accommodating employment land in the Coldsprings Area thus providing opportunity for the development of exclusively non-employment uses in the area. As a consequence, the City will need to explore options for meeting its employment land needs as identified in the Land Needs Assessment.
8, 20, 22-27, 39, 41, 43, 44, 49, 50-55	Modifies policies to acknowledge changes to Conservation Authority regulatory requirements with respect to natural heritage, stormwater management and watershed planning.	This policy modification is in accordance with Bill 23, More Homes Built Faster Act, 2022 which limits the jurisdiction of the Conservation Authority to review or comment on matters beyond a mandatory program or service. Bill 23 focuses the scope of Conservation Authorities to natural hazards and flooding.

Modification #	Summary of Modifications	City Planning Staff Comments
9, 10	Modifies policies to require sensitive land uses to avoid, or where avoidance is not possible, minimize and mitigate adverse impacts on industrial, manufacturing or other uses that are vulnerable to encroachment.	This policy modification provides for better consistency with the 2020 Provincial Policy Statement with respect to land use compatibility. Further limitations regarding non-traditional employment uses within industrial, manufacturing and other related uses are anticipated and consistent with the draft proposed new Provincial Planning Statement.
11, 31	Site-specific modifications to enable residential development at 1694 Driscoll Road and 420 Old Towerhill Road.	These policy modifications were made in response to comments and conceptual subdivision plans submitted through the Environmental Registry of Ontario. The modification also provides for an exemption for a property within the Designated Greenfield Area from the minimum density target of 60 residents and jobs per hectare. The site-specific modifications are intended to facilitate and streamline residential development.
12, 13	Removes the maximum height limit of 8 storeys for the Downtown Core Area designation in the Central Area and the related policies that require development proposals with building heights exceeding the height limits in the Official Plan to be considered through an Official Plan Amendment.	<p>The proposed modification removes the maximum height restriction from the Downtown Core Area Designation from the Official Plan; noting however, height limits may still be established in the Zoning By-law. It is also noted that the maximum heights established in the Official Plan remain in place for other land use designations in the Central Area (e.g., Business District, Industrial Conversion Area, Downtown Neighbourhood and Little Lake South) as well as the Mixed-Use Corridors (e.g., Major Mixed-Use Corridor and Minor Mixed-Use Corridor).</p> <p>This modification should streamline development approvals in the Downtown Core Area designation by eliminating the need for an Official Plan amendment in instances where an Official Plan amendment would be required for a development proposal exceeding 8 storeys. Any development proposal will still need to ensure compatible development and consider the newly-adopted Central Area Urban Design Guidelines.</p>

Modification #	Summary of Modifications	City Planning Staff Comments
14	Modifies policies of the Major Mixed-Use Corridor Designation to exempt a property from the minimum building height of two-storeys where a single storey building existed on the site as of the date of approval of this Plan.	This modification appears to be in response to comments expressing concerns regarding existing 1-storey commercial uses within the Major Mixed-Use Corridor designation and where new stand-alone commercial uses are proposed, or expansions to existing 1-storey commercial buildings are proposed, and may be appropriate. This modification supports the continuation of a low-density built form. In turn, this is not supportive of the Plan's objectives to plan Strategic Growth Areas at transit-supportive densities and to minimize land uses and built form that would adversely affect the achievement of transit-supportive densities.
15, 16, 18, 19	Adds policy language to permit development and site alteration within or adjacent to Significant Wildlife Habitat where it has been demonstrated that there will be no negative impact on the features' form and function and modifications to Level classification of wildlife habitat.	The modification is consistent with the 2020 Provincial Policy Statement where development and site alteration is not permitted on or adjacent to significant wildlife habitat unless it has been demonstrated that there will be no negative impacts on the natural features or their ecological functions. As for the Proposed Provincial Planning Statement, the natural heritage policies and related definitions remain under consideration by the Province and have not been released.
15, 17	Adds language to note that evaluation may be required for some natural heritage features (e.g. unevaluated wetlands) and removes unevaluated wetlands from the Level B classification system.	The modification provides additional clarity regarding the requirement to evaluate natural heritage features, particularly unevaluated wetlands, to ensure that natural heritage features are appropriately categorized under the Levels A, B and C described in the Official Plan.
32-34	Modifies cultural heritage policies to acknowledge associated regulations of the Ontario Heritage Act .	These modifications acknowledge and are consistent with changes to the Ontario Heritage Act through Bill 23. Regulatory amendments (e.g., O.Reg. 9/06: Criteria for Determining Cultural Heritage Value or Interest and O.Reg. 358/21: General) came into force on January 1, 2023. Some regulatory changes remain outstanding.
35-38	Modifies language regarding the City's affordable housing target.	The modification removes wording which offered additional clarity that the City's annual affordable housing target applies to new residential units across the city.

Modification #	Summary of Modifications	City Planning Staff Comments
36-38	Modifies language to encourage residential intensification and options for affordable and accessible housing.	The modifications softens the strength of the language contained in the Plan (e.g., from “shall/will” to “may/encourage”) with respect to encouraging options for accessible housing in all new residential developments, supplying affordable and accessible housing through a range of housing types and encouraging increased residential densities in appropriate locations.
42	Adds acknowledgement that the city also contains a portion of Intake Protection Zone-3 (IPZ-3) for the Hastings Municipal Drinking Water System	The modification supports the acknowledgement that the Intake Protection Zones of the City and Hastings are hydrologically connected. The Official Plan contains several policy requirements to consider the circumstances where an activity would be a significant drinking water threat and the requirement for a hydrogeological assessment or impact assessment where development or site alteration is proposed within an Intake Protection Zone to demonstrate that the quality and quantity of water will be protected, improved or restored.
45	Removes policy wording which requires for any Land Needs Assessment to be submitted to the Province for review and establish the extend of excess lands.	This modification appears to pre-emptively implement the proposed changes to the Growth Plan for the Greater Golden Horseshoe through the Proposed Provincial Planning Statement. The Proposed Provincial Planning Statement eliminates the Provincial Land Needs Assessment methodology and population and employment forecasts established by the Province. In turn, municipalities will need to prepare their own population and employment forecasts and ensure sufficient availability of land for development.
46-48, 58-60	Reduces the scope of site plan control by removing exterior design, including character scale, appearance and design from the list of matters to be addressed through site plan control.	These modifications are consistent with changes to the Planning Act through Bill 23 which reduce the scope of site plan control.

Modification #	Summary of Modifications	City Planning Staff Comments
56	Adds transition policy for applications deemed complete prior to the new Official Plan coming into effect and facilitates continuation towards final approval under the policy framework in place at the time the Notice of Complete Application was issued.	The modification provides greater certainty in the transition of current development applications and is consistent with the City's current approach for processing development applications.