



Development Hazards and Constraints Discussion Paper

New Official Plan Project
Municipality of Trent Hills
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Prepared for Municipality of Trent Hills

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1.0 Introduction

1.1 The New Official Plan

The Municipality of Trent Hills is preparing a new Official Plan (OP), the community's primary land use policy document. The current OP was approved in 2001, immediately following the creation of Trent Hills from the amalgamation of the Township of Campbellford/Seymour, the Township of Percy, and the Village of Hastings.

The purpose of an OP is to establish goals, objectives and policies to manage and direct development and the effects on the social, economic, built and natural environments. The OP policies create a framework for development and infrastructure activities by private landowners and developers, as well as the public sector.

The OP establishes direction for development in designated areas, such as urban and rural areas, each of which has a unique built form and servicing requirements. The OP policies also apply protections for important natural and cultural resources, such as sensitive environmental features or heritage resources, while also protecting people and property from development hazards such as floodplains.

The provincial *Planning Act* requires all municipalities to adopt an OP. The process to adopt a new OP is prescribed in the *Act*, including contents of the OP, consultation requirements, and approval timelines. The *Planning Act* also permits municipalities to use a range of powers to implement the policies of the OP, such as zoning and land division control.

While each Municipality is empowered to craft the policy direction to reflect community values, the OP is also required to be consistent with the policy direction provided by upper-tier and provincial policy frameworks. Specifically, the Plan must reflect the policy direction mandated in the Provincial Policy Statement (PPS), as well as the matters of provincial interest listed in the *Planning Act*. These requirements are intended to ensure that priorities for the province as a whole are reflected and appropriately considered in local land use decisions.

Similarly, as a lower-tier municipality within Northumberland County, the Municipality of Trent Hills OP is required to be consistent with the County OP. The Northumberland County OP was approved in 2016 and provides high-level policy direction for all lands and municipalities within the County. Currently, the County is undertaking an update to its OP, with the resulting policy direction required to be similarly reflected in the forthcoming Trent Hills OP. As required in the *Planning Act*, the Trent Hills OP must be approved by Northumberland County Council to take effect.

When the new OP is complete, Trent Hills Council will repeal the current OP and replace it with the new document, in accordance with Section 21 of the *Planning Act*. The Municipality will forward the adopted OP to Northumberland County, which may approve the Plan, approve it with modifications, or refuse it.

The Municipality has engaged Fotenn Planning + Design to assist with the preparation of the new OP, the Discussion Papers, and other activities throughout the planning process.

1.2 The Discussion Paper Series

To inform the preparation of the new OP, a series of Discussion Papers have been produced. The Discussion Papers fulfill several objectives, including:

- / Informing the public on the OP process;
- / Outlining policy areas to be addressed in the new OP;
- / Describing the policy direction from the province and Northumberland County that is required to be incorporated into the Trent Hills OP; and
- / Recommending policy approaches for major policy areas in the new OP.

This discussion paper on Protecting Public Health and Safety is one of four Discussion Papers in the series, which also includes:

- / Healthy Communities
- / Management of Resources
- / Implementation

The Discussion Papers reviews several legal documents, policy documents, and resources to assist in informing next steps, goals, and other requirements for the OP update, including:

- / *The Planning Act*
- / *The Conservation Authorities Act*
- / *The Heritage Act*
- / The Provincial Policy Statement, 2020 (PPS, 2020)
- / A Place to Grow: The Growth Plan for the Greater Golden Horseshoe (2020)
- / Oak Ridges Moraine Conservation Plan (2017)
- / County of Northumberland Official Plan
 - County of Northumberland Natural Heritage System Official Plan Amendment (Northumberland Next)
 - County of Northumberland Growth Management Official Plan Amendment (Northumberland Next)
 - County of Northumberland Agricultural Mapping Official Plan Amendment (Northumberland Next)
- / Northumberland County Land Needs Analysis
- / Northumberland County Affordable Housing Strategy
- / County of Northumberland Transportation Master Plan
- / Trent Hills Official Plan (existing)
- / Municipality of Trent Hills Strategic Planning Survey Report
- / Municipality of Trent Hills Recreation Master Plan
- / Trent Hills Municipal Cultural Plan
- / Trent Hills Source Protection Plan

The information in these documents provides a policy and regulatory framework, goals and objectives, and overarching themes that will guide the development of the new Trent Hills Official Plan.

2.0 Planning and Policy Framework

2.1 Planning Act

The *Planning Act* legislates land use and municipal planning proceedings in the Province of Ontario. The *Planning Act* requires that a decision by the council of a municipality shall be consistent with the Provincial Policy Statement and conform to the applicable provincial plans that are in effect. Council decisions must also have regard for the matters of provincial interest listed in Section 2 of the *Planning Act*.

2.1.1 Matters of Provincial Interest

Section 2 of the *Planning Act* contains a set of provincial interests, spanning a range of land use planning topics. In contrast with the Provincial Policy Statement (PPS), these interests are embedded directly in the *Planning Act*, and are expressed with broader and more concise wording. In carrying out its responsibilities under the legislation, the council of a municipality must have regard to these matters of provincial interest:

- / The protection of ecological systems, including natural areas, features and functions;
- / The protection of the agricultural resources of the Province;
- / The conservation and management of natural resources and the mineral resource base;
- / The conservation of features of significant architectural, cultural, historical, archaeological or scientific interest;
- / The supply, efficient use and conservation of energy and water;
- / The adequate provision and efficient use of communication, transportation, sewage and water services and waste management systems;
- / The minimization of waste;
- / The orderly development of safe and healthy communities;
- / The accessibility for persons with disabilities to all facilities, services and matters to which this Act applies;
- / The adequate provision and distribution of educational, health, social, cultural and recreational facilities;
- / The adequate provision of a full range of housing, including affordable housing;
- / The adequate provision of employment opportunities;
- / The protection of the financial and economic well-being of the Province and its municipalities;
- / The co-ordination of planning activities of public bodies;
- / The resolution of planning conflicts involving public and private interests;
- / The protection of public health and safety;
- / The appropriate location of growth and development;
- / The promotion of development that is designed to be sustainable, to support public transit and to be oriented to pedestrians;

- / The promotion of built form that,
 - is well-designed,
 - encourages a sense of place, and
 - provides for public spaces that are of high quality, safe, accessible, attractive and vibrant;
- / The mitigation of greenhouse gas emissions and adaptation to a changing climate.

2.1.2 Official Plans

The *Planning Act* mandates that municipalities adopt Official Plans, which must contain goals, objectives, and policies for physical development in the municipality. The *Planning Act* also requires that local councils update their Official Plans not less than 10 years from the date a new Official Plan comes into effect. If an Official Plan is not being replaced in its entirety, local councils must ensure they are updated at least every five years.

The legislation provides municipalities with tools and powers to improve and maintain appropriate land use planning, as guided by its Official Plan. Implementation tools include Community Improvement Plans (CIPs), zoning by-laws, land division mechanisms such as consents and plans of subdivision, and site plan control. As these tools must explicitly be enabled in an Official Plan, some existing processes and by-laws (such as zoning by-law, site plan control by-law, and parkland dedication by-law) may change following the approval of a new Official Plan.

2.2 Provincial Policy Statement, 2020

The Provincial Policy Statement (PPS) establishes policy direction to protect matters of provincial interest in Ontario, as enabled by Section 3 of the Planning Act. The most recent version of the PPS came into effect on May 1, 2020. All municipal planning decisions, including the contents of Official Plans, must be consistent with the policy framework established by the PPS.

The intent of the PPS is to provide for appropriate development while protecting resources of provincial interest, public health and safety, and the quality of the natural and built environment. Specifically, the policies focus growth and development within urban and rural settlement areas, while supporting the viability of rural areas. The policies of the PPS may be complemented by provincial plans or by locally-generated policies, such as Official Plans.

The PPS contains four sections, which also serve as the organizing structure for the Discussion Paper series:

- / Section 1: Building Strong Healthy Communities;
- / Section 2: Wise Use and Management of Resources;
- / Section 3: Protecting Public Health and Safety; and
- / Section 4: Implementation and Interpretation.

Each section is explored in detail across the Discussion Paper series according to the theme of each Paper.

2.2.1 Natural Hazards

Natural hazards include hazardous lands, which are often found in areas surrounding the Great Lakes and St Lawrence River system, other river and inland lake systems, and any areas which are subject to flooding and erosion. In the Trent Hills context, the Trent River system and its associated streams, creeks, and lakes represent the primary natural hazard lands.

Along river, stream and small inland lake systems, the PPS defines “hazard lands” as the land, including that covered by water, to the furthest landward limit of the flooding hazard or erosion hazard limits. Concurrently, the PPS defines “hazardous sites” as property or lands that could be unsafe for development and site alteration due to naturally-occurring hazards, including unstable soils (sensitive marine clays, organic soils) or unstable bedrock (karst topography).

Policy 3.1.1 of the PPS states that development shall generally be directed away from hazard lands subject to flooding and erosion hazards, as well as hazardous sites. Similarly, development is prohibited outright in, among others:

- a) Areas that would be rendered inaccessible to people and vehicles during times of flooding hazards or erosion hazards, unless it has been demonstrated that the site has safe access appropriate for the nature of the development and the natural hazard; and
- b) A floodway, regardless of whether the area of inundation contains high points of land not subject to flooding.

More specifically, development is not permitted on hazardous lands or on hazardous sites where the use is:

- a) An institutional use, including hospitals, long-term care homes, retirement homes, pre-schools, school nurseries, day cares and schools;
- b) An essential emergency service such as that provided by fire, police and ambulance stations and electrical substations; or
- c) Uses associated with the disposal, manufacture, treatment or storage of hazardous substances.

Some limited development and site alteration may be permitted on hazardous lands and hazardous sites where the effects and risk to public safety are minor, could be mitigated in accordance with provincial standards, and where all of the following are demonstrated and achieved:

- a) Development and site alteration is carried out in accordance with floodproofing standards, protection works standards, and access standards;
- b) Vehicles and people have a way of safely entering and exiting the area during times of flooding, erosion and other emergencies;
- c) New hazards are not created and existing hazards are not aggravated; and
- d) No adverse environmental impacts will result.

In some cases, planning policies may apply a two-zone concept for floodplains, which is comprised of a floodway and a flood fringe. Where a two-zone concept is applied, some land uses may be appropriate in the flood fringe, subject to appropriate floodproofing.

The PPS also contains policies for hazardous forest types for wildland fire. Development shall generally be directed to areas outside of lands that are unsafe for development due to the presence of hazardous forest types for wildland fire, unless the risk is mitigated in accordance with wildland fire assessment and mitigation standards.

2.2.2 Human-Made Hazards

Human-made hazards are generated by development activities, including but not limited to:

- / Mining and mineral aggregate resource operations;
- / Petroleum resources operations;
- / Oil, gas and salt hazards; and
- / Contaminated lands.

Development on, abutting or adjacent to human-made hazard lands may be permitted only if rehabilitation or other measures to address and mitigate known or suspected hazards are under way or have been completed.

Sites with contaminants in land or water shall be assessed and remediated as necessary prior to any activity on the site associated with the proposed use such that there will be no adverse effects.

Additionally, the PPS encourages municipalities to support, where feasible, on-site and local re-use of excess soil through planning and development approvals, while protecting human health and the environment.

2.3 New Draft Provincial Planning Statement (2023)

The Ontario Government is currently preparing a draft Provincial Planning Statement in support of its Housing Supply Action Plan, which establishes a target of 1.5 million new homes to be constructed by 2031. Unique to this PPS review is the proposal to incorporate elements from the Growth Plan for the Greater Golden Horseshoe and revoke both the Growth Plan and the current PPS. The proposed policy direction for the new document, renamed the Provincial Planning Statement, is currently closed for comment, with final adoption anticipated for Fall 2023.

The proposed Provincial Planning Statement generally continues the same direction for the Protecting Health and Safety policies, with minor wording changes. Specifically, a new policy 1 of Section 5.2 is introduced, stating that planning authorities shall identify hazardous lands and hazardous sites and manage development in these areas, in accordance with provincial guidance.

2.4 Conservation Authorities

2.4.1 Role of the Conservation Authority

The Conservation Authorities Act provides legal permissions for the organization of Conservation Authorities in the Province of Ontario. Conservation Authorities are responsible for the management of watershed areas and work towards the conservation, restoration, and management of water resources throughout the province.

Conservation Authorities play an important role in land use and development, as development activity and water-based resources each affect one another. In development review, Conservation Authorities are responsible for ensuring that land use developments do not negatively impact flooding or erosion circumstances, nor would watershed activities create hazards for users of a given land use or development. The Conservation Authorities are also responsible for ensuring that development activities do not negatively influence the safety of drinking water resources in their respective regulated areas.

2.4.2 Regulated Area

In the Municipality of Trent Hills, there are three (3) Conservation Authorities that each work within their own regulated areas:

- / The Lower Trent Conservation Authority (LTC) regulates most of the lands in the Municipality, where the Trent River system watershed spans and empties towards Lake Ontario;
- / The Crowe Valley Conservation Authority (CVCA) regulates part of the northeastern lands in the Municipality, in the area around the Crowe River; and
- / The Otonabee Conservation Authority regulates part of Hastings, north of the Trent River.

All development in areas that are within a regulated area of a Conservation Authority are subject to review by the respective Conservation Authority.

2.5 Northumberland Official Plan

Northumberland County is composed of seven member municipalities, including the Municipality of Trent Hills, the Municipality of Port Hope, the Municipality of Brighton, the Township of Hamilton, the Township of Cramahe, the Township of Alnwick/Haldimand, and the Town of Cobourg. The Northumberland County Council is made up of each of the mayors of these member municipalities.

The Northumberland Official Plan is the primary land use planning document adopted under the *Planning Act* for the County. The Plan was approved by the Ontario Municipal Board on November 23, 2016. The Official Plans of all lower-tier municipalities within the County must conform with the policies of the County Official Plan.

2.5.1 Natural Hazards

Section D6 of the Official Plan contains policies for natural hazards. The policies generally reflect PPS direction for hazardous lands and areas of wildland fire potential, with policy D6.3 noting that development in a regulated area requires permission from the applicable Conservation Authority.

Section D6.4 contains policies for karst topography, which are indicated on Schedule B of the Official Plan. All karst topography in the County is located in the Municipality of Trent Hills, in the northeastern corner of the County. The preamble notes that karst topography generally forms on limestone and dolostone plains and is marked by sink or karst holes, interspersed with abrupt ridges and irregular protuberant bedrock that is commonly underlain by caverns and solution-enhanced joints and bedding planes that influence the flow of surface and ground waters. The policies clarify that development shall generally be directed to areas outside of karst topography, unless the effects and risk to public safety are minor so as to be managed or mitigated. In areas suspected to have karst topography, a site-specific analysis must be submitted as part of a Planning Act or Building Permit application.

2.5.2 Human-Made Hazards

The Official Plan reflects PPS direction for human-made hazards, including: mine hazards; oil, gas and salt hazards; and mineral aggregate or petroleum resource operations.

Policy D7.4 contains specific direction for contaminated lands. The policies require the assessment and/or remediation of contaminated lands, in accordance with Provincial legislation and regulations. Assessments will be required on sites known or suspected to have soils contaminated with residues of current or previous industrial or commercial land uses. A Record of Site Condition (RSC) may be required, particularly if an application proposes a change in use from industrial or commercial to residential or parkland.

2.6 Trent Hills Official Plan

The Municipality of Trent Hills Official Plan (2001) provides a guiding policy framework for governing land use within the municipality. The Official Plan is meant to specify visions and goals over the course of a defined planning horizon, which are informed by public engagement and staff expertise, and ultimately are voted on by Council. As the Municipality of Trent Hills Official Plan is a lower-tier municipality official plan, it must conform with the goals, visions, and principles of the upper-tier municipality's official plan, and provincial policy.

Policies that are commonly included in a municipality's official plan are those that guide compatible land use (e.g. residential, commercial, industrial, institutional, etc.), housing, the natural heritage system and natural hazards, economic development, cultural heritage resources, and process and implementation. The current Official Plan includes policies regarding each of these topics.

Since its adoption in 2001, Trent Hills has undertaken several major amendments to the Official Plan, generally to align its policies with Provincial or County directives. Amendments include:

- / Official Plan Amendment (OPA) 2, which introduced policies to ensure conformity with the Oak Ridges Moraine Conservation Plan;
- / OPA 3, which introduced policies that allow for the creation of a Community Improvement Plan;
- / OPA 5, which introduced new policies and direction in response to the Northumberland County Growth Management Strategy in 2008;
- / OPA 6, which introduced site-specific policies for the Nappan Island plan of subdivision;
- / OPA 9, which introduced site-specific policies for the Whitehorse plan of subdivision; and
- / OPA 10, which introduced policies for cannabis production.

In 2022, the Municipality of Trent Hills initiated a process to prepare a new Official Plan. The current project is intended to realize that initiative.

3.0 Existing Conditions

3.1 Natural Hazards

Currently, the Greenlands System designation in the Trent Hills Official Plan features natural hazards alongside the natural heritage system. Generally, the Official Plan does not differentiate between specific erosion or flooding hazards and natural heritage system lands, excepting the identification of the “Trout Creek 2-Zone Flood Plain Area” on Schedule No. 6 – Campbellford Urban Centre Land Use Structure.

As described in Section 5.2.5.3 of the Official Plan, the Trout Creek floodplain is subject to two-zone floodway fringe regulations. The policy establishes a two-zone floodway fringe concept that allows for limited development to occur between the 100-year and regional floodlines, but prohibits development within the 100-year floodline. The two zones are also regulated through the Municipality’s Zoning By-law, based on mapping prepared by the Lower Trent Conservation Authority.

Trent Hills also features significant karst topography in the northeastern area of the municipality. As illustrated on Schedule B of the County of Northumberland Official Plan, areas of karst topography are overlain onto identified bedrock areas, particularly northwest and northeast of Campbellford.

Currently, no public-facing wildland fire hazard mapping is available for Trent Hills.

3.2 Human-Made Hazards

Schedule B of the County Official Plan indicates a limited number of mineral aggregate operations in Trent Hills. The locations are generally distributed throughout the municipality and are modest in size, representing only limited potential for development hazard.

4.0 Discussion

The purpose of this Discussion section is to provide high-level information and options for a range of key policy areas. In general, the topics in this section are drawn from the preceding summaries of land use policies and existing conditions, including Provincial and County direction.

The topics presented in this section are not exhaustive, nor will they necessarily contain all relevant details or analysis. The intent is to provide a high-level discussion on topics to be addressed in the new Trent Hills Official Plan for the benefit of Council members, Staff, stakeholders, neighbours, and residents.

The detailed policy direction for these topics and others will be determined through the planning process as the new Official Plan is prepared.

4.1 Mapping

The current Official Plan generally classifies natural hazard areas within the Greenlands System designation, reflecting the intrinsic interaction and overlap between natural features and their corresponding hazards. For example, sensitive shorelines or wetlands may pose an erosion or flooding hazard, or karst topography may coincide with sensitive woodlands.

However, in some cases there may be an opportunity to make changes to the Official Plan to assign natural resources and hazard lands to separate Schedules. Such separation would generate several benefits, including:

- / Improved legibility, to distinguish between overlapping features;
- / Better visual representation of distinct policy categories and direction; and
- / Better precision in the delineation of hazardous areas, resulting in more efficient and refined application review processes.

The new Official Plan should also incorporate new floodplain mapping generated through the recent Trent River mapping project with Conservation Authority partners.

4.2 Policy Framework

Along with the mapping, the Official Plan text policy framework should similarly separate hazard land policies from natural resource policies. For example, Section 2.2 of the Official Plan states that the Greenlands System designation includes “environmentally significant areas, wetlands and fish habitat, areas of natural hazards such as flood plain areas and organic soils, areas of natural and scientific interest, streams and valley lands, lakes and publicly owned lands.”

Similarly, natural hazard policies reside in multiple sections of the Plan, including some instances of repeated policies. All hazard policies should be consolidated in a separate section and repeated policies should either be removed or, at minimum, cross-referenced to avoid duplication, confusion, or contradictions.

Additionally, the hazard policies in Section 2.2 combine several policy directions into single sentences or policies. For clarity and ease of use, each independent direction should be assigned to its own policy.

As the Official Plan applies specific policies to the Trout Creek floodplain, those policies may be carried forward into the new Official Plan. The wording may be revised to apply more generally, including distinct policies for two-zone floodplains.

Currently, the Official Plan does not contain policies to govern development in proximity to certain hazards. The Plan should be revised to contain or strengthen policies regarding:

- / Karst topography, as referenced in the County Official Plan;
- / Contaminated lands, including the requirement for Environmental Site Assessments (ESAs) and/or Records of Site Condition (RSC);
- / Influence areas around hazard lands, particularly human-made hazards such as mineral aggregate operations;
- / Organic soils and steep/unstable slopes or bedrock;
- / Erosion and sediment control;
- / General policies for enhance personal safety and security through Crime Prevention Through Environmental Design (CPTED) principles; and
- / Policies for noise hazards.

5.0 Conclusion

This Discussion Paper serves to provide background information and a high-level analysis on topics to be incorporated into the new Trent Hills Official Plan. It seeks to explain how the policy and legislative framework must inform the Municipal Official Plan policy direction, and how each of these documents contributes to shaping a safe and healthy community.

The purpose of this paper is also to generate interest in the Official Plan update project and provides a starting point for stakeholder engagement through the planning process. The preparation and release of these Discussion Papers will be followed by engagement with residents, landowners, workers, and Indigenous communities who live, work, and play in Trent Hills.