



Staff Report

Department: Planning and Building Services
To: Mayor Strathearn and Council
Meeting Date: October 16, 2019
Report No.: PL-2019-84
Report Title: New Official Plan Transition Policy Changes

Recommendation:

That Report PL-2019-84, New Official Plan Transition Policy Changes, dated October 16, 2019 be received; and

That the draft new Official Plan be revised and updated in accordance with the recommendations as set out in Report PL-2019-84, New Official Plan Transition Policy Changes, dated October 16, 2019; and

That the new Official Plan, as revised, be presented to Council for adoption at the next available Council meeting.

Background:

Council received Report No. PL-2019-62 dated August 15, 2019 at its Special Council Meeting regarding the proposed adoption of the Town's new Official Plan. At the meeting Council received written correspondence on behalf of five property owners and received delegations from a number of consulting planners on behalf of development clients in the Town. Council passed the following motion with respect to the Official Plan Review project:

"That Report PL-2019-62, OPR Project – new Official Plan, dated August 15, 2019, be received; and

That Council hereby defers the adoption of the new Official Plan; and

That Council acknowledges the supplemental input of the following property owners listed below and hereby directs and instructs Administration to meet and work with them to identify appropriate transition policies to the new Official Plan and that the proposed changes to the Plan be presented for approval by Council within sixty (60) days:

- *Somerset Gables Inc. (Hanson Development Group) letter of July 31, 2019 from WSP Group;*
- *Pratt Development Inc. letter of May 17, 2019 from Mitchinson Planning & Development Consultants;*
- *North American (Midland) Corporation & 794730 Ontario Limited letter dated August 7, 2019 from Stikeman Elliot LLP;*
- *D. Templeton letter of August 1, 2019 from Skelton Brumwell & Associates Inc.*

and no more.”

The purpose of this report is to seek Council approval of proposed Transition Policy changes to the new Official Plan, direction to update and finalize the new Official Plan for Council adoption, and submission to the County of Simcoe for approval.

Analysis:

Following the August 15th Special Council Meeting, Staff undertook the following actions in order to complete the work as directed within the timeframe set by Council:

- Staff conducted a review of all the submitted comments to determine what requests were transition related and what were not. This scoped the review and the preparation of draft transition policy changes.
- Staff prepared “For Discussion Purposes Only” proposed transition revisions to the new Official Plan addressing a range of transition matters identified in the submissions.
- Staff arranged teleconference meetings with all four of the consulting planners to discuss their submissions and issues, to explore a range of approaches, and a review of the “For Discussion Purposes Only” transition revisions.
- Changes to the “For Discussion Purposes Only” transition revisions in response to the discussions with the consulting planners and same was circulated for review.

Attachment #1 to this report are the proposed Transition Policy Changes to the new Official Plan that was presented to Council at its August 15th Special Council Meeting. The proposed changes to the new Official Plan address a range of transition matters beyond those previously included. In addition to the changes to a number of schedules and sections to ease the transition to the new Official Plan’s design forward policy framework, the proposed changes would establish a whole new section dealing with transition matters including those previously contained in the Official Plan. A Staff review of a range of recently approved official plans in the County did not identify a practice of including transition policies in local Official Plans. Staff were able to find transition policies in a limited number of upper tier Official Plans (including the County of Simcoe) and in a limited number of lower tier plans. While not a traditional part of a lower tier official plan, Staff felt that there was sufficient practice that creating a separate transition policy section

was not breaking new ground for the Town. Staff have crafted the new section based on the limited jurisdiction scan conducted and planning practice as it relates to complete applications and approved development.

The following table generally describes the current and the proposed transition policies that would be incorporated into the new Official Plan, if approved by Council:

EXISTING	PROPOSED
<ul style="list-style-type: none"> Transition policies located in Natural Heritage designation section only 	<ul style="list-style-type: none"> Move transition policies to the Implementation section and broaden the scope to include complete applications and approvals
<ul style="list-style-type: none"> Policies address only transition issues regarding Natural Heritage matters No general transition policies were included in the new Official Plan 	<ul style="list-style-type: none"> Maintain site specific policies for existing development approvals and the Natural Heritage System and expand and clarify transition policies
	<ul style="list-style-type: none"> Revise a number of other policy sections to ease and better manage transition to a new Official Plan and its design forward policy framework
	<ul style="list-style-type: none"> Minor mapping changes proposed reflecting existing approvals

Conclusions:

As instructed and directed by Council, Staff have prepared a number of changes to the new Official Plan to address a range of transition issues enumerated by the identified development partners. Issues or requests from the development partners that were not specifically transition in nature have not been incorporated into the proposed revisions to the Plan. Staff are of the opinion that the proposed revisions go significantly further than the August 15th draft of the new Official Plan in addressing transition matters and are also of the opinion that the proposed transition policies go significantly further than are typically found in lower tier Official Plans.

While the above is true, Staff are comfortable that the proposed transition policy revisions to the new Official Plan are minor in nature, maintain the overall policy framework of the Plan, and are grounded in good practice and good planning.

Council's Strategic Priorities:

This recommendation is consistent with the following Council Strategic Priorities:

Pillar Two: Economic & Community Development

b) Accelerate and encourage the planned vision for Midland's waterfront

- Adopt the new Official Plan with the inclusion of the implementation recommendations of the Waterfront Plan

Financial Impact:

The Official Plan Review Project is included in the 2019 Operating Budget.

Prepared by: W. Crown - Director of Planning and Building Services

Reviewed by: J. Skorobohacz - Chief Administrative Officer

Attachment:

#1: Proposed Transition Policy Changes

Section 3.1.1 in ‘Section 3.1 A Successful Community’ is replaced with the following:

3.1.1 Introduction

- a) A successful community is greater than the sum of its component parts. Midland, a complete and mature Town, has evolved over a long period of time and is a successful community. As Midland moves into the next millennium, success may be measured through a whole host of new elements that will continue to define the community. This Section of this Plan identifies a policy framework that includes important components of that future evolution.
- b) Placemaking is the creation of place. It is the actions of building a community that have a unique and authentic identity. This section also applies the principles of placemaking to the design of the Town at various scales ranging from the urban structure as a whole down to specific sites and buildings, to the spaces between buildings, and acknowledges the people who use them. The Town acknowledges that it has many partners in placemaking including our private sector development partners. The policies of this section are organized under complete community, community design, healthy community, sustainability, resiliency, viability including; active transportation; areas and districts; street network and block patterns, parks and open space; green buildings; and natural features. Successful placemaking will require the use of several planning tools to help achieve the goals and objectives within this section and will require the participation of many of our community building partners. While prescriptive language may be used in this section, the Town understands that not all sites or locations will be able to achieve each and every of the objectives listed and as such an amendment to the policies of this Plan will not be required. Placemaking policies, like community building, must respond and be sensitive to the unique attributes and setting of each property, site, area and neighbourhood.
- c) This Section is intended to be read in conjunction with the policies related to the conservation of the natural heritage system, the achievement of an active transportation network as well as a more sustainable approach to green infrastructure emplacement and green building.

A new exception is added to ‘Section 4.4 Mixed Use Districts’ and Section 4.4.6 Exceptions as follows:

4.4.6.2 8797 County Road 93

For those lands described municipally as 8797 County Road 93 and located northeast of the intersection of Highway 12 and County Road 93, the following policies shall apply to the development of the lands until the date this Plan is amended pursuant to the County municipal comprehensive review:

- a) Within the **Commercial Corridor** designation, the minimum building height for new development or redevelopment should be 2 storeys, or 6 metres, whichever is less. The maximum building height shall be 4 storeys, or 16 metres, whichever is less.

In ‘Section 5.2 Active Transportation’ Section 5.2.1 a) is replaced with the following new a):

5.2.1 Introduction

- a) The Town’s existing and proposed active transportation network is identified on Schedule D – Active Transportation. Proposed sidewalks, bike lanes, multi-use trails and other elements of an active transportation network are conceptual only and may be refined, revised or eliminated based on operational necessity and/or other approvals of the Town without the requirement for amendment to this Plan. At such time as the Town completes a Municipal Active Transportation Plan in accordance with Section 5.2.4 of this Plan, Schedule D to this Plan shall be updated by way of amendment. In addition, while proposed active transportation network improvements are identified on Schedule D, the timing and priority for the each will be subject to Council approval and the allocation of capital budget for the works.

In ‘Section 5.5 Transportation System Improvements’, Section 5.5.2 is amended by adding a new clause xii) as follows:

- xii) Major new road alignments are shown on **Schedule E- Roads** are conceptual and in accordance with existing approvals or approved Master Plans. The actual road alignment may change subject to the requirements of the *Planning Act* and/or the *Environmental Assessment Act* without the requirement to amend Schedule E to this Plan.

In ‘Section 7.2 Official Plan Review’, a new clause d) is added to Section 7.2.4 Secondary Plans as follows:

- d) The properties at 8797 County Road 93 (North American (Midland) Corporation and 794730 Ontario Limited) are included in the Designated Built-up Area and are located within the County Road 93 South Secondary Plan area. In the event that the Town’s master water and wastewater studies determine that these lands are best serviced from the Highway 12 servicing corridor, then the requirement of this Plan for a Secondary Plan study would not be applicable and the lands may be developed without the requirement for a Secondary Plan and shall be removed from the Secondary Plan area without the requirement for an amendment to this Plan. The lands may then be developed in accordance with the policies and

designations in this Plan and serviced in accordance with the Town's approved Master Plans without the requirement for a Secondary Plan study or amendment to this Plan.

'Section 4.5.4.1 Existing Development Approvals' is deleted and the following replacement policy is inserted as a new 'Section 7.21 Transition - Existing Development Approvals' in Section 7.0 IMPLEMENTATION AND ADMINISTRATION of the Plan.

7.21 Transition - Existing Development Approvals

- 7.21.1 All planning decisions shall conform to the Provincial Growth Plan and shall be consistent with the Provincial Policy Statement, subject to applicable Provincial transition provisions.
- 7.21.2 That legally existing land uses that conform with the Official Plan and Zoning By-Law at the time this Plan is approved, are permitted to continue to the extent provided for in this Official Plan and the Town Zoning By-Law.
- 7.21.3 That the Town's Zoning By-Law and amendments thereto shall be brought into conformity with this Plan, except as provided for in policies 7.21.4 and 7.21.5 of this Section.
- 7.21.4 That applications for draft plans of subdivision and condominium, consents, zoning, site plans or minor variances, which are complete as of the date of approval of this Plan and that conform with the existing Official Plan are required to conform only with the policies in-force at the time of the complete application, until the date this Plan is amended pursuant to the County municipal comprehensive review.
- 7.21.5 That the provisions of this Plan represent Council's opinion of best planning practices and policies, and accordingly, proponents with applications that meet the requirements of 7.21.4 above, are encouraged but not required to work with the Town to make those applications meet the objectives and policies of this Plan.
- 7.21.6 Properties with existing development approvals as of the date of the adoption of this Plan and subject to the Natural Heritage designation are outlined on Schedule C – Land Use, and are indicated with numbers corresponding with the policies below. Properties with existing development approvals are permitted to continue with their existing uses and further develop in accordance with those existing development approvals without the requirement for additional Environmental Impact Study (EIS) work.

However, should a new, extended or amended planning approval or approval conditions from the Town be required, the property owner may be required to undertake an Environmental Impact Study in accordance with the policies of this Plan. The Town, in consultation with the County and any agency having

jurisdiction or that the Town deems appropriate, may waive and/or scope the Environmental Impact Study, with consideration of the context of the new planning approvals.

Applications for extension of draft approval and/or revisions to draft plan approval that meet the following criteria shall not be considered as proposing new development within the context of adjacent lands of the **Natural Heritage** designation and shall not trigger the requirements for an EIS:

- i) redline revisions requested do not propose new development in areas not previously approved for development;
- ii) redline revisions requested do not propose significant increases in density, coverage or impervious surfaces;
- iii) redline revisions do not propose changes in land uses from one category to another (e.g. residential to commercial).

Regardless of the existing development approvals for the identified properties, the requirements of the *Endangered Species Act* shall apply. The following sets out the specific transition policies for each of the listed properties:

1. Midland Bay Estates Draft Plan of Subdivision – File No. MD-T-0001

The current draft plan approval for the Midland Bay Estates subdivision will continue and the lands may be developed in accordance with the draft plan approval without the requirement for a further Environmental Impact Study or amendment to this Plan. However, where there are changes proposed to the open space and conservation areas or draft plan approval lapses, the **Natural Heritage** designation policies shall apply.

2. Midland Golf and Country Club – 9536 County Road 93

This property currently contains a golf course and associated uses. The **Natural Heritage** designation policies shall apply should the golf club use expand and/or change to a different use is proposed.

3. Midland Sand and Gravel Inc. - 8946 County Road 93

A portion of this property is currently licensed for aggregate extraction (ARA Licence #3674). The **Natural Heritage** designation policies shall apply should the current use change and/or expand beyond the current licensed lands.

4. Somerset Gables (Hanson) Draft Plan of Subdivision – File No. 43T-95021

The current draft plan approval for the Somerset Gables (Hanson) subdivision will continue and the lands may be developed in accordance with the approval without the requirement for a further Environmental Impact Study or amendment to this Plan. Changes to the draft plan that do not significantly change the use, built form or density of the development shall

not trigger the requirements for an Environmental Impact Study in respect of being adjacent lands. However, where the draft plan approval lapses or development is proposed that would significantly change the use, built form or density of the proposed development, the **Natural Heritage** designation policies shall apply in respect of being adjacent lands.

5. Pratt Development Inc. Draft Plan of Subdivision – File No. MD-T-0108

The current draft plan approval for the Pratt-Galloway subdivision will continue and the lands may be developed in accordance with the approval without the requirement for a further Environmental Impact Study or amendment to this Plan. Changes to the draft plan that do not significantly change the use, built form or density of the development shall not trigger the requirements for an Environmental Impact Study in respect of being the site of or being in the context of adjacent lands to the **Natural Heritage** designation. However, where the draft plan approval lapses or development is proposed that would significantly change the use, built form or density of the proposed development, the **Natural Heritage** designation policies shall apply.

6. Brooklea Golf and Country Club – 8566 and 8567 Highway 93

These properties currently contain a golf course and associated uses. The **Natural Heritage** designation policies shall apply should the golf course use expand and/or change to a different use is proposed.

Notwithstanding the above, accommodation uses are recognized as an additional permitted use on the subject property and may be permitted without the need for an Official Plan Amendment and may be subject to an EIS in accordance with the policies of this Plan.

7. CRH Canada Group Inc. - 16892 Highway 12

This property is currently licensed for aggregate extraction (ARA Licence #3607). The **Natural Heritage** designation policies shall apply should the current use change and/or expand beyond the current licensed lands.

Mapping/Schedule Changes proposed:

Schedule 'C'

- All of the Hanson lands should be included in the “Existing Development Approvals” overlay (#4)

Schedule 'D'

- Change legend to “Dedicated Lane/Multi-Use Trail”
- Change the alignment for the east-west cycling route in Hanson to reflect draft approval
- Delete the north-south dedicated bike lane in Pratt subdivision

Schedule 'E'

- Change Future Road alignment for Hanson to reflect draft approval alignment

Draft - WOP