



To: **Committee of the Whole**

Agenda Section: Corporate Services
Division: Engineering, Planning and Environment
Department: Planning – Delegated Authority

Item Number: CCW - 2019-055

Meeting Date: June 11, 2019

Subject: **Request for Approval - Town of Penetanguishene Official Plan**

Recommendation

That the new Town of Penetanguishene Official Plan, as adopted by the Town of Penetanguishene By-law No. 2018-49 on June 27, 2018, and as modified per Schedule 3 to Item CCW-2019-055, dated June 11, 2019, be approved; and

That Notice of Decision of the Official Plan approval for the Town of Penetanguishene be provided in accordance with the *Planning Act*.

Executive Summary

The Town of Penetanguishene's Official Plan is a municipally-initiated comprehensive update to the current Town Official Plan. It includes policies to guide growth and development to the year 2031. The Official Plan was adopted by the Town of Penetanguishene Council on June 27, 2018 by By-law No. 2018-49.

It is a legislative requirement under Section 26(1) of the *Planning Act*, for the council of a municipality to revise their Official Plan as required every 10 years to ensure that it; conforms with provincial plans or does not conflict with them, has regard to the matters of provincial interest, and is consistent with provincial policy statements issued by the Minister. This constitutes the Provincial plan conformity exercise identified in Section 26(2.1) of the *Planning Act*.

The County of Simcoe is the approval authority for local municipal official plans as per Section 17 of the *Planning Act*, R.S.O. 1990, c.P.13, as amended. Therefore, it is the responsibility of County Council to make a decision on the Official Plan within the legislative timeframe. The Plan takes effect upon County Council approving the Plan, and if no appeals to the Local Planning Appeal Tribunal are received. County Planning Staff have reviewed the Town's Official Plan, and made necessary modifications in order to confirm that it is consistent with the Provincial Policy Statement,

2014; in conformity with A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019, and with the goals, objectives and policies of the County of Simcoe Official Plan, 2016.

If County Council approves this new Penetanguishene Official Plan as modified and recommended by County Planning Staff, the current in-effect Town of Penetanguishene Official Plan, dated November 7, 1974, and further consolidated in 1997 and 2002, will be repealed and replaced with the adopted Official Plan as modified by *Schedule 3 to Item CCW 2019-055 (Modified version of Official Plan)*.

Background/Analysis/Options

The following provides a summary of the Town's adopted Official Plan:

Proponent: Town of Penetanguishene

Location: All lands in the Town of Penetanguishene

Proposal: The purpose of the Town's Official Plan update is:

1. To bring the Penetanguishene Official Plan into conformity with A Place to Grow: Growth Plan for the Greater Golden Horseshoe (Growth Plan 2019) and the County of Simcoe Official Plan (SCOP 2016), and
2. To ensure the Official Plan is consistent with the Provincial Policy Statement (PPS 2014).

County File: PT-OP-1801

An Official Plan is a general policy document that includes a statement of goals, objectives and policies for managing growth and development within a specific jurisdiction. It sets out a comprehensive framework for land use and resource management decision-making. The purpose of an Official Plan is to ensure that future planning and development will meet the specific needs of a community while protecting and enhancing the natural and built environment.

As a requirement of Section 26 of the *Planning Act*, the Town of Penetanguishene embarked on the process to comprehensively update its official plan to guide growth and development to the year 2031. The Town's Official Plan was adopted by Town Council on June 27, 2018 by By-law No. 2018-49, and is included as *Schedule 1 to Item CCW 2019-055 (Town adopted Official Plan)*. This comprehensive process included the necessary public consultation and notice requirements. Comments received through this process have been addressed either through the adopted Official Plan or through the County's further modifications as recommended on *Schedule 3* to this report. The County worked closely with the Town of Penetanguishene throughout the Official Plan review process.

It is the County of Simcoe's responsibility, as approval authority, to make a decision on a local municipality's updated official plan. The Plan only takes effect upon County Council approving the Plan, and if no appeals to the Local Planning Appeal Tribunal are received. Therefore, County Planning Staff have reviewed the adopted Official Plan, and made necessary modifications to confirm that it is; consistent with the PPS 2014; in conformity with the Growth Plan 2019, and in conformity with the goals, objectives and policies of the SCOP 2016, and in conformity with other provincial plans. It is important to note that the Town of Penetanguishene is solely a Primary Settlement Area and the Settlement Area boundary and the municipal boundary are one and the

same. As a result of the County's review, a track changes version of the proposed modifications to the text of the adopted Official Plan is included in *Schedule 2 to Item CCW 2019-055 (Track Changes version of adopted Official Plan)*.

If approved, the current in-effect Town Official Plan dated November 7, 1974 and further consolidated in 1997 and 2002 will be repealed and replaced with the adopted Official Plan as modified by *Schedule 3 to Item CCW 2019-055 (Modified version of Official Plan)*.

Comments Received

The required public consultation process and Statutory Public Meeting pursuant to Section 17(15)(d) of the *Planning Act* have occurred. The Town of Penetanguishene held Public Open Houses for the Official Plan on February 7, 2018 and February 28, 2018. A Statutory Public Meeting was held on March 14, 2018 to seek additional input. Prescribed agencies, Indigenous communities and the public were notified of the public open houses and meetings as per the requirements of the *Planning Act*. Other public consultation and community engagement initiatives by the Town occurred in 2009, 2015 and 2017. The Town's process has encouraged community input and feedback over the years.

A summary of the written and oral comments received are identified in *Schedule 4 (Comment Matrix)* to this Report. These included 30 written comments from the general public and stakeholders, 5 Indigenous communities comments, 4 public agency comments, including the Ministry of Municipal Affairs and Housing, Simcoe County District School Board, Simcoe Muskoka District Health Unit and the County of Simcoe; and 2 oral comments from the general public. Please note that although not included in the Town's Comment Matrix, the County of Simcoe has provided comments to the Town's Official Plan review during the various stages of the process.

Summary of General Public/Stakeholder Comments

The Public Comments can be consolidated into the following common themes:

1. Natural Heritage Study:
 - a. Many of the comments related to site specific requests to remove properties from the Environmental Protection designation. The majority of these properties will remain as such due to the Natural Heritage Study analysis.
 - b. Request for enhanced heritage policies, which were considered in the OP on an individual basis.
2. Employment Lands Conversion:
 - a. Under section 2.2.5 of the Growth Plan 2019, municipalities are required to maintain sufficient employment lands to accommodate forecasted employment growth. Based on the conclusions of the Town's Natural Heritage Study, it has been determined that certain lands within the existing Employment Area designation are constrained by natural heritage features and therefore, the Town feels there is no longer sufficient Employment lands available for development.
3. Private Roads:
 - a. Request to permit lot creation on private roads where there are two existing dwellings located on the same lot. A Town Report recommended minor policy revisions to address this comment and the County was directed to make the necessary modifications to the adopted OP.
4. Unopened Roads:
 - a. Seeking clarification regarding the changes to the Local Roads network layer between the adopted version of Schedule C Transportation Network and the

amended version of Schedule C that went to Town Council for endorsement in November 2018.

5. Additional Site Specific Policies & Mapping:

- a. Various property boundary issues, requests for designation changes and/or concerns with mapping have been addressed on a site specific basis through policy and through mapping revisions.
- b. Rural Area designated lands have been provided with more flexibility in the new OP to promote rural severances.
- c. Commercially designated land comments were considered based on the information provided to the Town.

Summary of Agency Comments

Comments provided by the various agencies related to conformity issues and technical items to the Plan. The technical comments focused on density targets, strategic growth areas, rural lot creation, future expansion of greenfield areas, future study areas, terminology, healthy communities, the environment, injury and safety, physical activity, food access, social cohesion and community well-being. The conformity issues raised have been considered throughout the process and incorporated, where necessary, into the Plan through proposed modifications as outlined in *Schedule 2 to Item CCW 2019-055 (Track Changes version of adopted Official Plan)*.

The Town of Penetanguishene has provided responses to the comments and consulted with the technical experts to address specific concerns. These responses are available in *Schedule 4* to this Report. County Planning Staff are satisfied that the oral and written submissions received from the public/stakeholders and agencies were considered and/or addressed to the greatest extent possible.

Proposed Modifications

Throughout the Official Plan review process, the County Planning Staff worked closely with the Town of Penetanguishene Planning Staff, their Consultants, and the Ministry of Municipal Affairs and Housing and its partner ministries to ensure that the Official Plan conforms with applicable plans, policies and legislation. After the adoption of the Town Official Plan, County Planning Staff identified proposed modifications in order to provide additional clarity, enhance the understanding of the policies and/or ensure conformity and consistency with County and provincial plans. The Town of Penetanguishene Council supported these proposed modifications as outlined in Town Staff Report PD-18-71, which was presented to Town Council on November 28, 2018. Further modifications, as required, have been incorporated into the proposed Town Official Plan by County Planning Staff since the November 28, 2018 Report. Requests for these further modifications came from various sources such as the Town, the Province, local owners / developers and the County. The requested modifications ranged from minor typographical errors, to site specific issues, to the Growth Plan 2019 conformity. These further modifications are supported by Town staff and are identified as part of *Schedule 2 to Item CCW 2019-055 (Track Changes version of the Official Plan)*.

The following is a summary of the general themes of the County Planning Staff's proposed modifications to the Town of Penetanguishene's Official Plan:

TEXTUAL MODIFICATIONS

1. All references to Growth Plan for the Greater Golden Horseshoe, 2017 (Growth Plan 2017) were changed to A Place to Grow: The Growth Plan for the Greater Golden

- Horseshoe, 2019 (Growth Plan 2019). Minor edits were made to the Official Plan to ensure conformity with the new Growth Plan.
2. Minor typographical revisions throughout the document:
 - a. Minor edits to correct policy wording;
 - b. Corrections to policy numbering and policy references;
 - c. Defined terms were bolded consistently;
 - d. Legislative terminology was updated where necessary;
 - e. Definitions were revised, added or removed.
 3. Indigenous Communities and Archeological Policies:
 - a. 'First Nations' references were changed to "Indigenous communities" throughout the document to recognize both First Nation and Métis communities;
 - b. Language was clarified to better align the Plan with the County's Archeological Management Plan, which is currently in progress.
 4. Growth Management:
 - a. Clarification was made to the Strategic Growth Area section to address impacts on high density development on adjacent residential uses;
 - b. Language was enhanced to better understand how the Town anticipates achieving their growth targets;
 - c. Language was enhanced to better describe how the Town's intensification strategy would be implemented to ensure the County of Simcoe's intensification and density targets are achieved;
 - d. Clarification was made to the phasing timing for the future growth in Designated Greenfield Areas.
 5. Community Facilities:
 - a. Clarification was made regarding the responsibility for redeveloping surplus school sites;
 - b. Clarification was made to the height and density bonusing policies for social infrastructure.
 6. Public Trees:
 - a. Language was added to ensure County forests are considered.
 7. Employment Areas:
 - a. Clarification was made to better describe the types of intensive employment uses;
 - b. Clarification was made to the Green Energy and Green Employment section to address the compatibility issues that should be considered when promoting renewable energy projects in residential areas;
 - c. An additional bonusing policy was included regarding Development Charge exemptions or relief for developments that incorporate green energy components.
 8. Future Study Areas:
 - a. Clarifying language was added to this section;
 - b. Additional criteria for Future Study Areas was included.
 9. Secondary Dwelling Units:
 - a. Additional criteria related to servicing and compatibility for siting secondary dwelling units was included.
 10. Natural Heritage Features and Areas:
 - a. Additional language was included to articulate where ecological off-setting measures are appropriate;
 - b. Clarification was made to better understand when an amendment to the Plan is required related to locally significant wetlands.

11. Land Use Framework:
 - a. Clarification was provided to better understand when MDS is applicable;
 - b. Retirement and long-term care facilities was added to special needs housing;
 - c. Language was added to the “land use and built form” policies to provide additional clarity;
 - d. Livestock permissions in the rural area were corrected since any new or expanding livestock operations should not be permitted;
 - e. Clarification was made to the Environmental Protection Overlay section to identify the types of features which are included and to recognize minor adjustments.
12. Infrastructure:
 - a. Stormwater services was added to the Water and Wastewater Services section to provide a better overall understanding;
 - b. Language was added to the Waste Management Section to refer to the D-4 Assessment Area or Waste Disposal Influence Area;
 - c. The reference to the Town managing solid waste was removed since this is the role of the County;
 - d. The policy reference to Arterial Roads was modified to Major Roads to correspond with Schedule C.
13. Implementation:
 - a. References to Development Permits changed to Community Planning Permits to be consistent with O. Reg. 173/16;
14. Site Specific Policies:
 - a. 344 Watson Road: Minor policy revisions were made to private road references within the Plan to satisfy the Town’s Staff Report PD-18-63, September 12, 2018. The modifications have limited impact on other lands beyond this specific property.

MAP SCHEDULE MODIFICATIONS

Modifications were made to the Schedules as follows and as reflected within *Schedule 3 to Item CCW 2019-055*:

1. Schedule A: Land Use Structure
 - a. A portion of land in the far south east area of 905 Fuller Avenue was subject to Official Plan Amendment 24. The Official Plan Amendment, which re-designated these lands from Restricted Rural to Employment Area, was approved by the County in 2011. These lands were inadvertently not included in the Town’s adopted Official Plan. The Town has since requested that the County include this area as part of the approval of the Town of Penetanguishene’s Official Plan.
 - b. 319 Champlain Road: A water lot was originally included in the Town’s adopted Official Plan. This parcel has been removed from Schedules A, B1, B2 and C to the Plan as it is not appropriate for water lots to be shown on the map schedules.
2. Schedule B1: Policy Overlays
 - a. Waste disposal sites and their waste disposal influence areas were added;
 - b. The policies related to the Site Specific Policy Areas were identified on the plan.
3. Schedule B2: Source Protection Policy Overlays
 - a. Minor boundary modifications were made to features to conform to the County Official Plan Schedule 5.2.4 (Wellhead Protection Areas and Surface Water Intake Protection Zones) and the South Georgian Bay Lake Simcoe Source Protection Plan.

4. Schedule C: Transportation Network

- a. Unopened road allowances and non-existing roads have been removed from the Local Roads layer. These unopened road allowances and non-existing roads were included as a component of the Local Roads network layer as shown on the Town's adopted Official Plan Schedule C, as well as Schedules A, B1 and B2 to the Plan. Following adoption, the Town determined that these unopened road allowances and non-existing roads should not have been identified on any of their Official Plan Schedules, and on this basis, the Town has provided the County with amended Official Plan Schedules that have removed these items. The Town has further requested that these amended Schedules be considered for approval.

It should be noted that there may be further minor technical updates to the Geographical Information System shapefiles that make up the land use schedules and mapping within the Official Plan. Any such updates will be incorporated to ensure consistency with County and Provincial data. However, these updates are not anticipated to impact the effect of the PDF format schedules included in the Plan as recommended for approval.

The Town of Penetanguishene Council supports the proposed modifications as outlined in Town Staff Report PD-18-71, which was presented to Town Council on November 28, 2018. Further modifications have been incorporated into the proposed Town Official Plan by County Planning Staff since the November 28, 2018 Report. These further modifications are supported by Town staff and are identified in *Schedule 2 to Item CCW 2019-055 (Track Changes version of the Official Plan)*.

Provincial Policy Statement (2014)

The Provincial Policy Statement (PPS 2014) provides policy direction on matters of provincial interest related to land use planning and development. It supports a comprehensive, integrated and long-term approach to planning. The Town of Penetanguishene Official Plan provides that approach.

Section 1.1 of the PPS 2014 generally encourages the development of healthy, liveable and safe communities through promoting efficient development and land use patterns and accommodating an appropriate mix of residential, employment and other uses to meet long-term needs.

The Town of Penetanguishene Official Plan is consistent with the PPS 2014.

A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019

On May 2, 2019, the Province announced that it had amended the Growth Plan for the Greater Golden Horseshoe, 2017 with the release of "A Place to Grow: Growth Plan for the Greater Golden Horseshoe" (Growth Plan 2019). The amended Growth Plan came into effect on May 16, 2019. Growth Plan 2019 manages growth and development that supports economic prosperity, protects the environment, and helps communities achieve a high quality of life. The policies of Growth Plan 2019 concentrate on designing complete communities with high quality compact built form, prioritize intensification to make efficient use of land and infrastructure, support a range and mix of housing options and provide a diverse mix of land uses including residential and employment uses.

The Town of Penetanguishene Official Plan incorporates the policy objectives of the Growth Plan 2019. Most notably, Schedule 7 references the appropriate population and employment forecasts to the planning horizon of 2031. Intensification is directed toward the delineated built-up areas through promoting a diverse mix of housing.

The Town of Penetanguishene Official Plan conforms to the Growth Plan 2019.

County of Simcoe Official Plan (2016)

The objectives contained within Section 3.5.1 to 3.5.4 of the County Official Plan encourage settlement areas to develop as complete communities with a diverse mix of land uses, a range and mix of employment and housing types, and a development form and pattern to promote efficient use of lands and municipal services.

The County Official Plan requires that the minimum intensification targets set out in Section 3.5.23 shall be achieved within the delineated built-up area and the density targets set out in Section 3.5.24 shall be achieved within the designated Greenfield areas. The Town of Penetanguishene has reflected these policies in their Plan.

The Town of Penetanguishene Official Plan conforms to the County of Simcoe Official Plan policies.

In summary, it is County Planning Staff's opinion that the Town of Penetanguishene's adopted Official Plan as modified by *Schedule 3 to Item CCW 2019-055* is consistent with the Provincial Policy Statement, 2014; and conforms to the Growth Plan 2019 and the County of Simcoe Official Plan, 2016. The modifications have been accepted by the Town.

Therefore, County Planning Staff recommends that the new Town of Penetanguishene Official Plan, as adopted by the Town of Penetanguishene By-law No. 2018-49 on June 27, 2018, and as modified per Schedule 3 to Item CCW 2019-055, dated June 11, 2019, be approved.

Financial and Resource Implications

There are no financial implications associated with this Item, however, if the County's decision is appealed to the Local Planning Appeal Tribunal (LPAT) there may be legal costs associated with that process. In the event of an appeal, staff will report back seeking authority to proceed with involvement in related LPAT proceedings.

Relationship to Corporate Strategic Plan

No specific relationship to corporate strategies.

Reference Documents

There are no reference documents associated with this item.

Attachments

Schedule 1 – Official Plan – as Adopted by the Town of Penetanguishene
Schedule 2 – Official Plan – as Modified by the County (Track Changes Version)
Schedule 3 – Official Plan – as Modified by the County of Simcoe (Clean Version)
Schedule 4 – Comment Matrix, updated May 2019

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Approvals

	Date
David Parks, Director of Planning, Economic Development and Transit	May 22, 2019
Debbie Korolnek, General Manager, Engineering, Planning and Environment	May 28, 2019
Trevor Wilcox, General Manager, Corporate Performance	June 2, 2019
Mark Aitken, Chief Administrative Officer	June 3, 2019