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To: **Committee of the Whole**

Agenda Section: **Corporate Services**  
Division: **Engineering, Planning and Environment**  
Department: **Planning**

Item Number: **CCW - 2019-058**

Meeting Date: **February 12, 2019**

Subject: **Notice of Appeal Regarding County of Simcoe Official Plan Amendment No. 2 (ERRC)**

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### **Recommendation**

**That Item CCW 2019-058, dated February 12, 2019, regarding Notice of Appeal for the County of Simcoe Official Plan Amendment No. 2 (ERRC), be received; and**

**That County staff and legal counsel attend all necessary meetings, complete all required filings and attend all proceedings related to the appeals of County File No. SC-OPA-1602 regarding Provincial approval of OPA No. 2 (ERRC); and**

**That the County Director of Planning and/or the County Solicitor sign any Minutes of Settlement on behalf of the County of Simcoe, if required, where such settlement maintains the intent of applicable provincial and County policies.**

### **Executive Summary**

On January 2, 2019, the Ministry of Municipal Affairs and Housing (MMAH) approved County of Simcoe Official Plan Amendment No. 2 for the Environmental Resource Recovery Centre (ERRC). On January 17 and 19, 2019, appeals were received by the Ministry from Nicholyn Farms Inc., Edward Krajcir, and Friends of Simcoe Forests Inc. The appeals state that the decision is not consistent with, or conforms to, the Provincial Policy Statement, Growth Plan for the Greater Golden Horseshoe and County of Simcoe Official Plan. The appeals will be submitted by the Ministry to the Local Planning Appeal Tribunal (LPAT) for processing.

The purpose of this report is to advise Committee of the Whole of these appeals. Permission is sought for County staff and legal counsel to attend all meetings and hearings relating to the appeals and to request authorization for the County Director of Planning and County Solicitor to sign Minutes of Settlement on behalf of the County of Simcoe, if required, where such settlement of the appeal maintains the intent of applicable Provincial and County policies.

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## Background/Analysis/Options

The following provides a summary of the proposal:

- Location:** 2976 Horseshoe Valley Road West (County Road 22), Township of Springwater (schedule 1)
- Applicant:** County of Simcoe
- Proposal:** To amend Schedule 5.6.1 of the County Official Plan by renaming the schedule from 'County Waste Disposal Sites' to 'County Waste Management System', adding 'Environmental Resource Recovery Centre' to the map legend and adding a symbol for 'Environmental Resource Recovery Centre' to the Schedule on a portion of the subject lands. The proposed amendment will also add a new site specific section of text after Section 4.9.17 of the County Official Plan detailing the permitted uses and associated development parameters.

The effect of the amendment is to facilitate the development of an Environmental Resource Recovery Centre that includes an Organics Processing Facility for the long-term processing of source-separated organics, a Materials Management Facility for the transfer of garbage, recyclables and source-separated organics, a potential future Materials Recovery Facility, and ancillary uses.

- County File:** SC-OPA-1602 (OPA No. 2)
- Ministry File:** 43-OP-169096
- Related Files:** Township of Springwater Official Plan Amendment (OP-2016-005) and Zoning By-law Amendment (ZB-2016-021)

The County of Simcoe adopted a Solid Waste Management Strategy in 2010 that provides the framework for the County's solid waste management system and diversion programs. Guided by the Strategy, and following further recommendations from Council, the County initiated a siting process in 2014 to identify a site for the development of an Organics Processing Facility (OPF) for the long-term processing of source-separated organics (SSO). The siting process was subsequently expanded to also identify a site for the development of a Materials Management Facility (MMF), a Materials Recovery Facility (MRF) and ancillary uses including a stormwater management facility, waste vehicle servicing facility, and administrative facility. Collectively, these facilities are referred to as the ERRC.

Following an extensive siting process, County Council selected the property located at 2976 Horseshoe Valley Road in the Township of Springwater within Lot 2, Concession 1, as the preferred site.

A County official plan amendment was required to permit the development of the ERRC along with amendments to the Township of Springwater Official Plan and Zoning By-law. The County initiated the official plan amendment in late 2016. The amendment proposed to modify Schedule 5.6.1 County Waste Disposal Sites and Section 4.9 of the County Official Plan by identifying the permitted uses and associated details of the development.

After reviewing the comprehensive supporting materials and extensive public and agency comments, County planning staff recommended adoption of Official Plan Amendment No. 2 to the County of Simcoe Official Plan as per Schedule 11 to CCW Item 2018-320 on June 12, 2018 as the proposal was consistent with the Provincial Policy Statement (2014), conforms with the Growth Plan for the Greater Golden Horseshoe (2017), and conforms with the goals, objectives and general intent

of the County of Simcoe Official Plan. County Council adopted OPA No. 2 on June 26, 2018 and the amendment was circulated to the MMAH for approval.

A decision on OPA No. 2 was made by the Ministry on January 2, 2019. The Ministry's decision was to approve the OPA with a minor modification to the terminology related to woodland compensation. The decision is attached to this Item as Schedule 2.

Appeals to the Ministry's decision were received on January 17 and 19, 2019 citing lack of conformity and consistency with Provincial and County plans and policies. Appeals were received from nearby landowners, Nicholyn Farms Inc. and Edward Krajcir along with Friends of Simcoe Forests Inc. The appeals are attached as Schedule 3 to this Item.

No decision has been made by the Township of Springwater on related applications for an official plan amendment and zoning by-law amendment.

Provincial staff will be responsible for preparing the submission of the required materials to the LPAT. As such, no case file number has been assigned and no hearing date has been scheduled.

### **Financial and Resource Implications**

There are legal costs pertaining to this file which have been allocated in the 2019 Operating Budget.

### **Relationship to Corporate Strategic Plan**

No relationship to corporate strategies.

### **Reference Documents**

CCW Item 2018-320 – Request for Adoption – County of Simcoe Official Plan Amendment No. 2

CCW Item 2019-052 – Environmental Resource Recovery Centre – Project Update

### **Attachments**

Schedule 1 – Property Location

Schedule 2 – Ministry of Municipal Affairs Notice of Decision on County Official Plan Amendment No. 2

Schedule 3 – Appeals Received for County Official Plan Amendment No. 2

**Prepared By:** Tiffany Thompson, MCIP RPP, Senior Policy Advisor

### **Approvals:**

	<b>Date</b>
David Parks, Director of Planning, Development and Tourism	January 25, 2019
Debbie Korolnek, General Manager, Environment, Planning and Environment	January 28, 2019
Trevor Wilcox, General Manager, Corporate Performance	February 5, 2019
Mark Aitken, Chief Administrative Officer	February 6, 2019