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To: **Committee of the Whole**

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

Item Number: CCW - 2020-222

Meeting Date: July 14, 2020

Subject: Request for Approval - Town of Innisfil Official Plan  
I-OP-1801 – Public Service Facilities Policy Non-Decision

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### Recommendation

**That the Public Service Facilities policy section 23.1.16 of the Town of Innisfil Official Plan, as adopted by the Town of Innisfil By-law 007-18 on January 17, 2018, as modified by Schedule 3 to Item CCW 2020-222, dated July 14, 2020, be approved; and**

**That Notice of Decision regarding the Town of Innisfil Official Plan - Public Service Facilities policy section 23.1.16 be provided in accordance with the *Planning Act*.**

### Executive Summary

The Town of Innisfil's 'Our Place' 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 'Our Place' Official Plan was adopted by the Town of Innisfil Council on January 17, 2018 by By-law No. 007-18.

As per the legislative requirement under Section 26(1) of the *Planning Act*, a decision was made by County of Simcoe Council on October 9, 2018, to approve the Official Plan for the Town of Innisfil, as adopted by Town of Innisfil By-law No. 007-18 and modified as per Schedule 3 to Item CCW 2018-482, save and except for a Non-Decision placed on Public Service Facilities policy section 23.1.16 of the Innisfil Official Plan.

As a result of the above approval, the County issued a Notice of Decision, of which seven appeals to the Local Planning Appeal Tribunal (LPAT) were received. In addition, the County issued a Notice of Limiting Appeal, pursuant to subsection 17(41.1) of the *Planning Act*, to enact a timeframe for any additional appeals on the specific Non-Decision. Two appeals were received through this Limiting Appeal Notice related to the specific Public Service Facilities Non-Decision identified in the County's Notice of Limiting Appeal on the Town's Official Plan dated January 10, 2019.

Due to some confusion of the new legislative requirements, a processing error occurred with the Notice of Limiting Appeal as it relates to the Non-Decision. As a result, these two appeals were not forwarded to LPAT and the Appellants were not granted Party Status at the LPAT Case Management Conference held on August 12, 2019. Despite this processing error, a solution to the appellant's concerns was sought outside of the LPAT process and this Item reports on this matter.

One of the specific Non-Decision appeals received was from the Cortel Group of Companies / 1602850 Ontario Inc. (Cortel), owners of land generally located at the southeast corner of the GO Rail Line and 6<sup>th</sup> Line in the Town of Innisfil. The other appeal received was from 2367808 Ontario Inc., owners of lands at 5665 5<sup>th</sup> Sideroad, however, the appellant has since withdrawn their appeal by letter dated April 29, 2020.

County and Town staff have been working diligently with Cortel to address their concerns with the policy. The County Solicitor is now in a position to sign Minutes of Settlement with the Town of Innisfil and Cortel, which offers a solution in revised wording to the Public Service Facilities policy section 23.1.16. Through Council's approval of the recommendations contained with Committee of the Whole Item CCW 2019-057, the County Solicitor was previously authorized by Council to sign any Minutes of Settlement on behalf of the County of Simcoe, if required, where such Settlement maintains the intent of applicable Provincial, County and Town policies, by-laws and standards. These Minutes clearly identify the agreed upon modified wording for the policies included in the Public Service Facilities policy section 23.1.16 and outline the process for County Planning Staff to bring the modifications to County Council for approval.

If County Council approves this modified policy 23.1.16, the new Innisfil Official Plan as recommended by County Planning Staff will be in effect subject to no new appeals being filed, with the exception of some existing site specific appeals and two past Official Plan Amendments.

### **Background/Analysis/Options**

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.

It is the County of Simcoe's responsibility, as approval authority, to make a decision on a local municipality's updated Official Plan based on consistency and conformity with the County Official Plan and the various applicable provincial plans (e.g. Provincial Policy Statement, Growth Plan, Lake Simcoe Protection Plan and Greenbelt Plan).

County Council approved the 'Our Place' Official Plan I-OP-1801 as per the Notice of Decision dated October 24, 2018 and the resolution 2018-207 dated October 9, 2018, which stated "that save and except for the making of a Non-Decision on section 23.1.16 to Item CCW 2018-482, that the new Town of Innisfil Official Plan, as adopted by the Town of Innisfil By-law No. 007-18 on January 17, 2018, as modified by Schedule 3, as amended, be approved...".

Various parties appealed portions of the approval of the 2018 Town Official Plan, pursuant to Subsection 17(36) of the *Planning Act*.

On January 30, 2019, Cortel appealed the Non-Decision to the LPAT pursuant to Subsection 17(40) of the *Planning Act*, by filing an appeal with the County of Simcoe. This appeal has not been forwarded to LPAT and Cortel was not granted Party Status at the LPAT Case Management Conference held on August 12, 2019 regarding the Innisfil Official Plan. Schedule 1 to Item CCW

2020-222 identifies the Public Service Facilities policy 23.1.16 as it was adopted by the Town of Innisfil and which remains as a Non-Decision.

County and Town staff have been working with Cortel to address their concerns, which generally relate to ensuring that the policy would still enable the potential for a hospital location outside of settlement areas within the Town with appropriate justification. After reviewing both the Hospital policy section 14.1.7 of the Innisfil Official Plan and the Public Service Facilities policy, it was decided that it would be appropriate to modify the Public Service Facilities policy to specifically reference the location criteria and siting requirements for a hospital in the Town of Innisfil. As a result, County staff are in a position to sign Minutes of Settlement with the Town of Innisfil and Cortel, which offer a solution through revised wording to the Public Service Facilities policy section 23.1.16 and an additional sub-policy 23.2.16.1. For reference, Schedule 2 to Item CCW-2020-222 identifies the track changes for the proposed modifications to the Public Service Facilities policy 23.1.16.

As part of the settlement of Cortel's appeal, County Staff, the Town and Cortel agree that they will each support and recommend the modification to the 2018 Town of Innisfil Official Plan to update Policy 23.1.16 as identified in Schedule 3 to this Item CCW 2020-222. With this County Council approval, Cortel agrees to resolve its appeal of the Non-Decision.

## **Conclusions**

### **Provincial Policy Statement (2020)**

The Provincial Policy Statement (PPS 2020) 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 Innisfil Official Plan provides that approach.

Section 1.1 of the PPS 2020 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 vision, goals and policies of the 'Our Place' document are grounded in strengthening the sense of place by ensuring that the principles of place making are at the core of creating and maintaining complete communities.

### **Growth Plan for the Greater Golden Horseshoe (2019)**

The Growth Plan for the Greater Golden Horseshoe (Growth Plan 2019) manages growth and development that supports economic prosperity, protects the environment, and helps communities achieve a high quality of life.

Section 3.2.8 of the Growth Plan 2019 encourages new public service facilities, including hospitals and schools, to be located in settlement areas with preferences to sites that are easily accessible by active transportation and transit. Although this encouragement lies within the Growth Plan policies, it also allows for consideration of Public Service Facilities outside of settlement areas, acknowledging that in certain circumstances this may be desirable and/or necessary. This modified policy 23.1.16 and 23.1.16.1 within the Town of Innisfil Official Plan provides additional clarity in siting these facilities outside of settlement areas in certain situations.

The Town of Innisfil Official Plan Public Service Facilities policy incorporates the objectives of 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.

County Official Plan section 4.2.1, recognizes that Public Service Facilities may be located outside of settlement areas, based on locational criteria while protecting agriculturally designated lands.

The Town of Innisfil Official Plan Public Service Facilities policy conforms to the County of Simcoe Official Plan policies.

Should County Council approve the Public Service Facilities policy section 23.1.16 and 23.1.16.1 of the Town of Innisfil Official Plan as modified, the Plan will take effect following the legislated 20-day appeal period and if no appeals to the LPAT are received.

### **Financial and Resource Implications**

There are no financial implications associated with this Item, however, if the County's decision is appealed to the 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**

- Council Report CCW-2018-482 Town of Innisfil Official Plan Approval, September 25, 2018
- Council Report CCW-2019-057 Appeals of the Town of Innisfil Official Plan, March 12, 2019
- Council Resolution October 9, 2018

### **Attachments**

Schedule 1 – Official Plan, Public Service Facilities Policy 23.1.16 – as Adopted by the Town of Innisfil

Schedule 2 – Official Plan, Public Service Facilities Policy 23.1.16 – as Proposed to be modified (Track Changes Version)

Schedule 3 – Official Plan, Public Service Facilities Policy 23.1.16 – as Modified by the County of Simcoe (Clean Version)

**Prepared By** Kristin Pechkovsky, RPP, MCIP, Senior Policy Advisor

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**Approvals**

	<b>Date</b>
David Parks, Director of Planning, Economic Development and Transit	June 25, 2020
Debbie Korolnek, General Manager, Engineering, Planning and Environment	June 25, 2020
Trevor Wilcox, General Manager, Corporate Performance	July 6, 2020
Mark Aitken, Chief Administrative Officer	July 7, 2020