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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 - 2020-252

Meeting Date: August 11, 2020

Subject: Request for Approval – Town of Midland Official Plan  
MD-OP-1901

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### Recommendation

**That the new Town of Midland Official Plan, as adopted by the Town of Midland By-law No. 2019-59 on November 20, 2019, and as modified per Schedule 3 to Item CCW-2020-252 dated August 11, 2020, be approved; and**

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

### Executive Summary

The Town of Midland'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 Midland Council on November 20, 2019 by By-law No. 2019-59.

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. The Official 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 adopted Official Plan, and made necessary modifications to confirm that it is: consistent with the PPS 2020, in conformity with the Growth Plan 2019, in conformity with the goals, objectives and policies of the SCOP 2016, and in conformity with the South Georgian Bay Lake Simcoe Source Protection Plan

If County Council approves this new Town of Midland Official Plan as modified and recommended by County Planning Staff, the current in-effect Town of Midland Official Plan, adopted December 16, 2002 and approved by the County on June 24, 2003, will be repealed and replaced with the adopted Official Plan as modified by *Schedule 3 to Item CCW-2020-252 (Modified version of Official Plan)*.

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

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

**Proponent:** Town of Midland

**Location:** All lands within the Town of Midland

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

1. To bring the Midland 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 2020).

**County File:** MD-OP-1901

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 Midland 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 November 20, 2019 by By-law No. 2019-59, and is included as *Schedule 1 to Item CCW-2020-252 (Town adopted Official Plan)*. This comprehensive process included the necessary public consultation and notice requirements. The majority of comments received through this process have been addressed either through the adopted Official Plan or through the County's further modifications as recommended and identified in *Schedule 2* to this report. The County worked closely with the Town of Midland 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 reviewed the adopted Official Plan, and made necessary modifications to confirm that it is: consistent with the PPS 2020, in conformity with the Growth Plan 2019, in conformity with the goals, objectives and policies of the SCOP 2016, and in conformity with the South Georgian Bay Lake Simcoe Source Protection Plan. 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-2020-252 (Track Changes version of adopted Official Plan)*.

If approved, the current in-effect Town Official Plan, approved by the County on June 24, 2003, will be repealed and replaced with the adopted Official Plan as modified by *Schedule 3 to Item CCW-2020-252 (Modified version of Official Plan)*.

### Comments Received

The Town of Midland held a very thorough public consultation and community engagement process throughout the entire Official Plan Review, starting in 2015. The required public consultation process and Statutory Public Meeting pursuant to Section 17(15) (d) of the *Planning Act* have occurred. Special Council meetings were held on April 25, 2017 and August 15, 2019. The Open House was held on April 9, 2019, while the Statutory Public Meeting was held on April 16, 2019 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*. The Town's process has encouraged community input and feedback over the past years.

A summary of the written and oral comments received are identified in *Schedule 4 (Comment Matrix)* to this Report. These comments include approximately 45 written comments from the general public and stakeholders, 3 public agency comments, including the Ministry of Municipal Affairs and Housing, Simcoe County District School Board and the County of Simcoe, comments from the Indigenous communities, namely Huron-Wendat Nation; and 12 oral comments from the general public. These oral comments were presented at the April 16, 2019 Special Meeting of Council. Please note that the County of Simcoe has provided comments to the Town's Official Plan review during the various stages of the process.

### Summary of Agency Comments

Comments provided by the various agencies related to conformity issues and technical items to the Plan. 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-2020-252 (Track Changes version of adopted Official Plan)*.

### Summary of General Public/Stakeholder Comments

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

1. Transportation
2. Design Guidelines
3. Employment Districts
4. Mixed Use District
5. Commercial Corridor
6. Neighbourhood Districts
7. Greenlands
8. Site Specific Policy requests
9. Request for definitions
10. Miscellaneous comments about clarifying policies or structural edits
11. Natural Heritage

The majority of the comments received were discussed and revisions were incorporated into the Adopted version of the Official Plan, where possible. Many of the comments received related to a general concern with the Natural Heritage Study that took place during the Official Plan review process where a Natural Heritage System was identified for the Town. Many of these comments related to site specific requests to remove properties from the Natural Heritage designation. The

majority of these properties will remain as such due to the Natural Heritage Study analysis. Some special policy areas have been included in the Official Plan with Transition policies specific to the property to address some concerns. County Staff have also ensured that policy permissions within the Official Plan will allow existing lots to be developed as originally intended.

For those comments not addressed prior to Adoption, the County has reviewed and proposed revisions where possible. Some comments related to site specific designations were not able to be resolved through this Official Plan review process.

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, County Planning Staff worked closely with the Town of Midland 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 that would provide additional clarity, enhance the understanding of the policies and/or ensure conformity with County and provincial plans and consistency with the Provincial Policy Statement. The Town of Midland Council supported these proposed modifications as outlined in Town Staff Report PL-2020-25, which was presented to Town Council on July 15, 2020.

The majority of the requested modifications are minor in nature, such as formatting, structural, grammatical errors and policy clarification. Site specific revisions were addressed where necessary. Growth Plan 2019, Provincial Policy Statement 2020 and other new legislative conformity has been incorporated into the Plan. Modifications to incorporate the Town of Midland's Multi-Modal Transportation Master Plan have also been incorporated into the County's proposed modifications. These proposed modifications are supported by Town and County staff and are identified as part of *Schedule 2 to Item CCW-2020-252 (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 Midland's Official Plan:

### TEXTUAL MODIFICATIONS

1. Growth Plan 2019 - Minor edits to ensure conformity with the latest Growth Plan 2019;
2. Provincial Policy Statement 2020 – Minor edits to ensure consistency with the latest PPS;
3. Minor typographical revisions throughout the document:
  - a. Minor edits to correct policy wording;
  - b. Corrections to formatting, policy numbering, and policy references;
  - c. Legislative terminology was updated where necessary;

4. Midland Multi-Modal Transportation Master Plan:
  - a. The Town of Midland completed their Multi-Modal Transportation Master Plan in early January 2020, after the adoption of the Official Plan. The Town subsequently identified the required revisions to the Official Plan, which were limited in scope, to incorporate the Multi-Modal Transportation Master Plan into the Town's new Official Plan. These proposed revisions were provided to the County and have been incorporated in our proposed modifications throughout the Official Plan.
5. Hazard Lands:
  - a. Hazard lands section 3.5 was added to the Table of Contents and minor revisions were made to the section to provide clarity in terminology for approvals;
6. Infrastructure Planning:
  - a. Provide clarity for planning for various forms of infrastructure beyond the planning horizon;
7. Employment Districts:
  - a. The permitted use under Employment Area designation described as 'Business and professional offices accessory to the other permitted uses' was replaced with 'Modestly scaled business and professional offices' to provide additional clarity and permissions for businesses;
8. Mixed Use Districts:
  - a. The Commercial Corridor Designation permitted uses were broadened related to offices, research and development facilities and garden centres. Additional criteria was added for the research and development facilities and garden centres permitted uses;
9. Greenlands:
  - a. Provide additional policy language to include School Boards in the consultation process regarding parkland and the Open Space Designation;
  - b. Provide additional clarifying language for the elements of the Natural Heritage Designation;
  - c. Provide additional clarity regarding adjacent lands policies;
10. Rural Areas:
  - a. Removed policy language related to the Aggregate Extraction Area Designation to permit new pits quarries;
11. Transportation:
  - a. Provide clarifying language to promote and integrate multi-modal goods movement, freight-supportive land uses and transportation system planning;
  - b. Various revisions throughout this section to align the Official Plan with the Midland Multi-modal Transportation Master Plan as noted in item #4 above;
12. Parkland Dedication:
  - a. Provide additional policy to clarify that designated school sites do not comprise part of the net developable area of a development with respect to parkland dedication or cash in lieu of parkland.

## MAP SCHEDULE MODIFICATIONS

Modifications were made to the Schedules as follows and as reflected within *Schedule 3 to Item CCW 2020-252*:

1. Schedule C: Land Use
  - a. Corrected the location of the Ministry of Natural Resources and Forestry mapped Licensed Pits and Quarries to be consistent with County Official Plan Schedule 5.2.1 (identified as Midland's Aggregate Extraction Areas);
2. Schedule D: Active Transportation
  - a. Updated all 'Missing Pedestrian Links' on the schedule;
  - b. Updated the schedule to include any underlying missing roads;
  - c. Added 'Pedestrian Crossing Improvements' to the Legend and the mapped schedule as per the Multi-modal Transportation Master Plan;
3. Schedule E: Roads
  - a. Added 'Flex Street' to the Legend and the mapped schedule as per the Multi-modal Transportation Master Plan;
  - b. Modified Angela Schmidt Foster Road West from a 'Local Road' to a 'Collector Road';
4. Schedule G: Source Protection
  - a. Modified language of the legend item Well Head Protection Areas – 'Quarterly' to 'Quantity';
  - b. Added a missing Well Head Protection Area to the mapped schedule.

*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 Midland Council supports the proposed modifications as outlined in Town Staff Report PL-2020-25, which was presented to Town Council on July 15, 2020. These modification are identified in *Schedule 2 to Item CCW-2020-252 (Track Changes version of the Official Plan)*.

### **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 Midland 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 Town of Midland Official Plan is consistent with the PPS 2020.

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

The amended Growth Plan 2019 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 Midland Official Plan incorporates the policy objectives of the Growth Plan 2019. Most notably, the Official Plan appropriately plans for the population and employment forecasts to the planning horizon of 2031 as identified in Schedule 7 to the Growth Plan

The Town of Midland 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. As a Primary Settlement Area, the Midland Official Plan contemplates this achievement of complete communities and adheres to maintaining the intensification and density targets set out in the County Official Plan.

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

In summary, it is County Planning Staff's opinion that the Town of Midland's adopted Official Plan as modified by *Schedule 3 to Item CCW 2020-252* is consistent with the Provincial Policy Statement, 2020; and conforms to the Growth Plan 2019 and the County of Simcoe Official Plan, 2016.

Therefore, County Planning Staff recommends that the new Town of Midland Official Plan, as adopted by the Town of Midland By-law No. 2019-59 on November 20, 2019, and as modified per *Schedule 3 to Item CCW-2020-252*, dated August 11, 2020, 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**

#### **Attachments**

- Schedule 1 – Official Plan – as Adopted by the Town of Midland
- Schedule 2 – Official Plan – Proposed Modifications by the County (Track Changes Version)
- Schedule 3 – Official Plan – as Modified by the County of Simcoe (Clean Version)
- Schedule 4 – Comment and Response Matrix – Midland Official Plan Process

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

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**Approvals**

	<b>Date</b>
David Parks, Director of Planning, Economic Development and Transit	July 21, 2020
Debbie Korolnek, General Manager, Engineering, Planning and Environment	July 23, 2020
Trevor Wilcox, General Manager, Corporate Performance	August 3, 2020
Mark Aitken, Chief Administrative Officer	August 5, 2020